

Appendix 7

Applicant's Comments on Further Representations Submitted by Interested Parties in the Course of the Notice of Review Consultation Process

Statement of Observations on Planning Observations 15.01.2018

Planning Application CR/17/0104

Erection of first floor balcony (retrospective)

18 Buchanan Drive, Cambuslang, G72 8BD

1 Planning Background

1.1 It should be noted that the statement, "protracted enforcement correspondence" was only so because the Planning Authority refused to meet with either the Applicant or Agent or both and correspondence was ignored with one typical excuse being due to holidays.

The Planning Service is by law required to accept a Planning Application whether they have already decided its outcome or not.

The applicant by listening to the poor advice of the Planning Officer would have accepted the advice and left himself without any recourse for appeal.

2 Assessment against the development plan and other relevant policies

2.1 Noted and Agreed

2.2 The Planning Officer now appears to be moving away from the impact on the streetscape and is trying to concentrate on the visual impact, overlooking and loss of privacy.

These points have been fully covered within the appeal statement but for clarification I am at a loss to see how a glazed screen could have any detrimental impact especially with its height being far lower than any extension proposed and with its clarity against a solid structure the impact is obviously far less. The overlooking issue is an existing situation and the balcony being screened would reduce this issue especially with regards to the house almost completely.

The screening would also reduce the impact on privacy claimed which if left as existing would not reduce this impact whatsoever.

2.3 The Development as it stands at this moment does not accord with the full meaning of Policies 4, 6 and DM2 but would do so with the introduction of screening. This is well documented within the Appeal Statement.

3 Observations on applicant's 'Notice of Review'

3.1 The details contained within the Appeal Statement set out the reasons why the planning Officers conclusions are biased. The reasons contained in the report state one side and the reasons in the Support Statement state the other. The same situation presides, at present all these claimed points in overlooking, privacy and impact are at present in place at present and will remain so even if the appeal is refused so why are these points being made such a big issue.

a) An example of "detrimental visual impact" is far better explained by the screening around the tennis courts. This is approximately 3m high, and 30m long and although a necessary evil with the use of the courts and due to the contours of the land is clearly visible from the applicants rear garden. No issue was raised when this screening was erected.

b) Not a particularly detailed assessment when these points were not noted or especially commented upon.

- c) The access to the balcony area through the existing bedrooms is a very important issue but was ignored by the Planning Officer.
Whether or not there is another application regarding this site is totally irrelevant to this appeal.
- d) There is a distinct change in view here. This is one of the original points quoted by the Planning Officer, the negative impact on the streetscape. It is argued in the Supporting Statement of the Appeal that the application meets all of the requirements of the Policies and supplementary guidance once a screen is erected to the balcony side.
It is accepted that all applications are assessed individually.
What is not accepted is the reasoning quoted by the Planning Officer in relation to the other examples quoted in the Supporting Statement. Screening in the form of trees shrubs and garden buildings. How can this be correct when the balconies at 38, 42 and 44 can be seen quite clearly from the applicants back garden and original balconies. How can the Planning Officer state that the width of any balcony dictates the position of furniture and prolonged use. This is supposition and cannot be substantiated.
If the depth of the balcony is so important why has compromise not been offered to the applicant in this regard. The insistence that the balcony be removed is constant but in other instances as stated by the Planning Officer it is acceptable at reduced depth.
The positioning of the properties was determined long before relevant Planning legislation but it would appear that the Planning Officer is on one hand being detrimental to the applicant and preferential to the neighbour over an issue which has long standing.
- e) It is noted that although mentioned the loss of daylight or sunlight was not a determining factor in the refusal then surely if this is the case then by the same principals regarding the size of the screening would not have a detrimental visual impact either. The loss of daylight or sunlight would have a greater impact to the visual experience than any other impact.
- f) Accepted although this detriment has been mentioned by the Planning Officer before and was seen as an issue then.
- g) How can the Planning Officer state, "and was not considered to have a significant impact on privacy and overlooking....".
It has already been stated that the overlooking issue from the existing balcony is some 85% of the full property. This is far greater than what is now to be perceived and additional approximately 5%. I ask how this small jump of 5% has caused such a ruckus when something which gives 85% was ignored.
- h) What the statutory requirements are relative to neighbour notification is not the question here. It is the number of objections received which is being questioned and both regarding the same property number 20 Buchanan Drive. Is the Planning Officer avoiding the reasoning contained in the Support statement regarding the relevance or non relevance of the number of complaints?
- i) The Planning Officer states that the existing balconies are not considered to have a detrimental impact on privacy or overlooking at the site but how can this be the case when as in h) above the figure is approximately 85% over looked from the existing balcony. This is a very significant figure in anyone's language with the exception of the Planning Officer for this application.

In summary I would accept that the development as it stand does not completely accord with policy but with the inclusion of a simple screen this is easily overcome.

The photographs enclosed by the person acting, I assume for the owner at number 20 Buchanan Drive, show the position in reverse form i.e. despite any new balcony he can over look the property with more in-depth views that the applicant can from his property.

I would ask that the Review Board accept the balcony with a screen erected to its South/West side to ensure that Privacy , Overlooking and any Visual Impact is acceptable and Planning permission granted.