

The following is the objections raised by Mr E Thomson Mr McDonald 4 and 6 Rosefield Gardens against the proposed development at 2 Holm Ave Submitted to the councils planning department

- The proposed development is contrary to local planning policy, for the development of two storey dwelling house which is not in keeping with the stylistic or scale and streetscape of the surrounding properties. All existing properties are single storey bungalows.
- The development of two storey building facing onto Holm Avenue and close to the boundary line will have a negative impact on the amenity of other properties, particularly number 4 Rosefield Gardens due to, overlooking, overshadowing, loss of daylight, loss of privacy.
- **Other points of concern in relation to the development.** 2 Holm Avenue has a line of leylandii trees forming a continual high hedge approximately 80 ft in height on the boundary line parallel with the roadway approximately 10 feet from the boundary of 4 and 6 Rosefield Gardens, which is presently causing a loss of light to the aforementioned properties. After complaints were made which involved the council and numerous meetings, the previous owner agreed to either remove or cut down the leylandii trees to the height of the boundary fence. Unfortunately he has since sold the property without any work being carried out. We would ask the council to ensure the new owner is made aware of the problem and history, and has this work carried out as part of the development plans.

The developer review submission repeatedly makes reference to the row of trees at the boundary Holm Ave Rosefield Gardens as if it legitimises the situation and is a solution to resolve the problem of the build on Plot 1 which it clearly it is not and if constructed, would will be causing overlooking, overshadowing, loss of daylight, loss of privacy to 4 Rosefield Gardens.

**The review submission makes these spurious references throughout Plot 1 does not block light or over shadowing or privacy which it clearly does. The following pages highlight this and developers commentary from their submission:**

Page No	Developers Comments
Page 1	The plot has some mature planting and a brick retaining wall separating the boundary to the east and the property onto Holmwood Avenue. To the west there is again mature conifer trees of varying scale and a large 3 meter closed boarded fence preventing any sight lines onto Holm Avenue or indeed further on to Rosefield Gardens.
Page 3	Plot 1 to the west has also retained a number of the mature trees and closed boarded approx. 4 meter high fence and even at the 2 storey has no overlooking to any properties onto Holm Avenue or indeed further away Rosefield gardens.

Page 3	The set back from Holm Avenue on Plot 1 is 13.2m and the set back from Plot 2 to the higher road levels of Prospect Avenue is maintained per the existing at 6.9m. At its closet point plot 1 is 10.3m from no. 3 Holm Avenue; however this is block by a number of a number of
Page 3 con't	mature trees, fence and 1.8m hedge question and creates no overlooking <b>This statement is wrong the set back is around 6m not 13.2m to Holm Ave also no mention of the total height of the 2 storey build to top of roof.</b>
Page 4 a	Sunlight & daylight: It is felt given the large provision of rear gardens and generous offset between buildings not lighting issues are present in the proposals. In response to the wider context the properties are suitably positioned that they do not present any risk to the neighbouring properties. All of the boundaries are also well covered with mature trees and the building form would not in any way increase the impact should any issues exist.
Page 4b	both plot 1 and plot 2 have road frontage onto Holm Avenue and Prospect Avenue, both of which at present are complemented with existing mature planting and screening.
Page 4 c	our proposals have no impact with the retention of fences, hedges and tress on surrounding privacy to neighbouring properties <ul style="list-style-type: none"> <li>- our proposals will not overshadow adjacent properties</li> <li>- where possible all existing trees, hedges, fences and building in part have been retained to ensure the character of the area is maintained</li> </ul>

At this time I would like to advise of the recent history regarding these said leylandii trees located at 2 Holm Ave The trees mentioned in question are in fact Leylandii trees which are around 80ft height which forms a continual hedge and is in breach of the High Hedge (Scotland) Act 2013.

Complaints were previously made to the council and they confirmed that the trees did come under the regulation of High Hedge act Scotland. They advised that we should go through the first procedure and try come to agreement between neighbours before they would officially intervene. A number of meeting took place with the owner and he agreed to erect a 2m high fence on top of the brick boundary wall and cut the trees to the 2 m level to which we both jointly agreed. The fence was erected without the trees being cut as per our agreement. Shortly after that the owner sold up. A developer purchased the house which meant we could not proceed with this complaint any further as the property was now empty.

The situation at present is that these leylandii trees must be legally reduced in height as per the High Hedge Act Scotland therefore they should be not be taken into account in the developer ridiculous claim that they actually assist the submission. Whereby it is clear the very opposite.

In the review submission they conveniently don't mention Plot 1 the 2 storey 12-15m height and the build is less than 6 m from the boundary line of Holm Ave which means that when the trees when reduced to the legal height the property will effectively be causing, overlooking, overshadowing, loss of daylight, loss of privacy to 4 Rosefield Gardens as per our original objection.

If for some reason the council agreed in favour of the proposal and allowed authority to build the proposed 2 storey development plot 1, using the justification of the trees to assist the submission, it would be obvious that it would only be a matter of time before the new occupiers would in fact insist on cutting the trees down as it t would be affecting light into their new home, so however it comes about when the trees are

reduced to the 2 m height (legal height), then the property would fall into the category that it is overlooking, overshadowing, loss of daylight, loss of privacy to 4 Rosefield Gardens and all that would come into play as per our original objection.

E Thomson

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