

Democratic Services

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Agent (if any)

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail*

E-mail*

Mark this box to confirm all contact should be through this representative:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

NONE

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

1) There was one objection to this request from the owner of the adjacent Braemar Cottage. The reason given: "One of the roof lights is directly opposite the first floor bedroom window in the gable wall of the adjacent Braemar Cottage, which is only approx 5m away. Could the position of this roof light be re-considered?"

It would therefore be a simple matter to have smaller ^{unfixed and unglazed} roof lights fitted which are not directly opposite the bedroom window of Braemar Cottage. This would address the issue of overlooking.

2) The above mentioned window of Braemar Cottage overlooks the sitting room and kitchen of Caroline Villa. I would like to ask why this is permissible in view of the conditions placed on my request for roof lights to be fitted.

Please refer to my attached letter dated 19/10/15.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

In view of the condition that roof lights must be ^{and obscure glazing} fixed, I have consulted the West Linton Fire Station and they have confirmed that fixed windows in this case would prevent adequate ventilation and also ^{obstruct} a clear escape route in case of fire.

This is a clear concern as ^{and are unglazed} two small children live in the property. Roof lights which may be opened would resolve this problem.

Please refer to my attached letter dated 19/10/15.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

I have enclosed my original letter requesting a review dated 19/10/15.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

M. Hewson

Date

23/10/15

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

Chief Executive

26 OCT 2015

Chief Executive
21 OCT 2015
Democratic Services

Corporate Administration
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

Francis Walling
(Dem. Services)

Democratic Services
Caroline Villa
11 Mill Street
West Linton
Peeblesshire
EH46 7EE

19th October 2015

Reference: **15/00662/FUL**

Dear Sirs,

I am writing in reference to the above granting of planning permission dated 28th August 2015 for two roof lights to be installed at my property in West Linton.

Permission was granted for this development subject to the condition that the roof lights are to be permanently fixed closed and to have obscure glazing. The reason stated is that this will protect the residential amenities of nearby properties from overlooking.

I request that this decision is reviewed by the planning authority under Section 43A of the Town and Country Planning (Scotland) Act 1997.

There was one objection given to this request from the owner of the adjacent Braemar Cottage. The reason given: "One of the rooflights is directly opposite the first floor bedroom window in the gable wall of the adjacent Braemar Cottage, which is only approx 5m away. Could the position of this rooflight be reconsidered?"

It would therefore be a simple matter to have smaller rooflights fitted which are not directly opposite the bedroom window of Braemar Cottage. Could you confirm that this would successfully address the issue of overlooking?

The above mentioned window of Braemar Cottage overlooks the sitting room and kitchen windows of Caroline Villa. I would like to ask why this is permissible in view of the conditions placed on my request for rooflights to be fitted? Although I understand that the residential amenities of nearby properties should be protected from overlooking, this is clearly not the case in respect of my own property and the window at Braemar Cottage which overlooks it.

I have consulted the local fire station and they have confirmed that fixed windows in this case would prevent both adequate ventilation and a clear escape route in case of fire. This is a grave concern as two small children live in the property. Rooflights which can be opened would resolve this problem.

Thank you in advance for taking the time to review the decision and I look forward to your response.

Yours faithfully,



Mark Hepworth

