



**Clackmannanshire
Council**

www.clacks.gov.uk

Comhairle Siorrachd
Chlach Mhanann

Kilncraigs, Greenside Street, Alloa, FK10 1EB (Tel.01259-450000)

Local Review Body

Monday 22 May 2023 at 1.30 pm

**The meeting will take place in the
Council Chamber, Kilncraigs, Alloa**

Scheme of Delegation: Duties and Responsibilities Delegated to Committees

Local Review Body

Considering and determining applications for review of decisions made by officers under delegated powers in respect of planning applications for local development, in accordance with the Town and Country Planning (Scotland) Act 1997, as amended.

12 May 2023

MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, KILNCRAIGS, ALLOA, on MONDAY 22 MAY 2023 at 1.30 PM.



LEE ROBERTSON
Senior Manager, Legal and Governance

B U S I N E S S

	Page No.
1. Apologies	--
2. Declarations of Interest Members should declare any financial or non-financial interests they have in any item on this agenda, identifying the nature of their interest in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer.	--
3. Notice of Review: Front and Rear Roof Dormer Extensions and Installation of External Access Ramp at 44 Hill Street, Tillicoultry, FK13 6HF.	
Applicant: Mr Adam Bellshaw	
Documents enclosed:	
a. Notice of Review Application and supporting documents	05
b. Letter of Acknowledgement from Clerk	41
c. Letters to Interested Parties	43
d. Original Planning Application and supporting documents	45
e. Report of Handling	53
f. Decision Notice	59

Members of the Local Review Body:

Councillor Denis Coyne (Convener)

Councillor Phil Fairlie

Councillor Kenneth Earle

Councillor Jane McTaggart

(Three members and one substitute from the list above)

Plans and papers relating to the applications and reviews can be viewed online at www.clacks.gov.uk



Kilncraigs Greenside Street Alloa FK10 1EB Tel: 01259 450 000 Email: planning@clacks.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100609672-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Adam"/>	Building Number:	<input type="text" value="44"/>
Last Name: *	<input type="text" value="Bellshaw"/>	Address 1 (Street): *	<input type="text" value="Hill Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Tillicoultry"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Clackmannanshire"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="FK13 6HF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

Clackmannanshire Council

Full postal address of the site (including postcode where available):

Address 1:

44 HILL STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

TILLICOULTRY

Post Code:

FK13 6HF

Please identify/describe the location of the site or sites

Northing

697124

Easting

291903

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Proposed rear and front dormer extensions, formation of external ramp [REDACTED] Redesign submission following refused application ref: 22/00081/FULL

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

██████████ the works are necessary for the following - 1. The loft space on this property is accessible from a very narrow, curved staircase, which is dangerous to ascend and descend. Health and safety risk ██████████ 2. To improve access, safety, health and comfort ██████████ ██████████ who is living in the house. 3. More details are attached.

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Letter to planning prior to application Local area dormers Areas of my home that are of concern Letter from Keith Brown MSP to Nikki Bridle regarding first refusal Letter from Scottish Ministers regarding NPF4 and the ability Clackmannanshire Council Planning team have to utilise their recommendations ██████████ All Plans and Decision Notice

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/00258/FULL

What date was the application submitted to the planning authority? *

14/09/2022

What date was the decision issued by the planning authority? *

28/10/2022

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A sit down discussion regarding the history of this application would be most important and what we are seeking

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

I believe a site inspection of the attic space would be most beneficial to understand the difficulties I am currently facing with the space, [REDACTED]

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Adam Bellshaw

Declaration Date: 06/12/2022

Proposal Details

Proposal Name	100609672
Proposal Description	Appeal of Local Authority decision for Front And Rear Roof Dormer Extensions And Installation Of External Access Ramp [REDACTED]
Address	44 HILL STREET, TILLCOUNTRY, FK13 6HF
Local Authority	Clackmannanshire Council
Application Online Reference	100609672-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Decision Notice	Attached	A4
Proposed Plans	Attached	A3
Location Plan 44 Hill Street	Attached	A3
Existing Plans	Attached	A3
44 Hill Street - Internal Photos	Attached	A4
Photos of surrounding dormers in the Conservation Area	Attached	A4
[REDACTED]		
Keith Brown MSP Letter	Attached	A4
Letter to Planning Team prior to original submission	Attached	A4
Scottish Ministers NPF4	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

CLACKMANNANSHIRE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

REFUSAL OF PLANNING PERMISSION

Applicant

Mr Adam Bellshaw
44 Hill Street
Tillicoultry
Clackmannanshire
FK13 6HF

Agent

Mark Tomkinson
Enspire Architects Ltd
Office 29, Alloa Business Ctr
Whins Rd
Alloa
Clackmannanshire

The Council hereby **REFUSE PLANNING PERMISSION** for the:-

Front And Rear Roof Dormer Extensions And Installation Of External Access Ramp

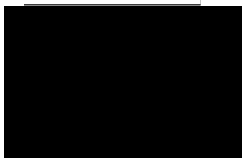
44 Hill Street, Tillicoultry, Clackmannanshire, FK13 6HF,

in accordance with your application and plans Ref. No:- 22/00258/FULL dated 16th September 2022

For the following reasons:-

1. The proposal is contrary to Policy SC 8 of the Clackmannanshire Local Development Plan in that the scale and massing of the proposed front dormer is not in keeping with the character of the house and would adversely affect that character.
2. The proposal is contrary to Policy EA 23 of the Clackmannanshire Local Development Plan in that it is atypical of other dormers within the conservation area in terms of materials, size and position and would have an unacceptable adverse impact on it's character.
3. The proposal would set a precedent for similar developments which would adversely impact on the character of the street and surrounding conservation area.
4. There are no other material considerations that outweigh the Development plan position.

Dated: 28 October 2022



.....
DEVELOPMENT SERVICES

Plan 1 1571 PL01 Existing Plans and Elevations, Plan 2 1571 PL01 Proposed Plans and Elevations,
Plan 3 Location Plan.

NOTES FOR GUIDANCE

1. Please examine your decision notice carefully. It describes the development to which the decision relates, includes any conditions that must be complied with and explains the reasons for the decision.
2. Please also read the following guidance. It contains important information regarding
 - * the duration of the permission
 - * rights of review
 - * requirements for further notification to the Council; and
 - * the publicising of the development.

3. Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission in Principle:-

(a) In the case of matters specified by conditions, further application(s) for approval must be made to the Council not later than the expiration of 3 years beginning with the date of this permission. Otherwise, the planning permission lapses on that date.

(b) The development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of matters specified, whichever is the later. Otherwise, the planning permission lapses on the latter date.

4. Section 58 of the Town and Country Planning (Scotland) Act as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission: Unless otherwise stated overleaf, the development to which this permission relates must be begun not later than the expiration of 3 years from the date of this permission. Otherwise, the planning permission lapses on that date.
5. There are 2 different rights of appeal if the applicant is aggrieved by the decision to refuse permission for the proposed development, or to grant permission subject to conditions.

- (i) If decision has been made by the Appointed Officer under the Council's Scheme of Delegation, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The Notice of Review form is available to download on the Council's website or can be obtained from the Council's Local Review Body at LRB@clacks.gov.uk. Once completed the form should be returned to the same mailbox or, alternatively, you can post your appeal form to:

Clerk to the Local Review Body
Resource & Governance – Legal Services
Clackmannanshire Council
Kilncraigs
Alloa FK10 1EB

- (ii) If the decision has been made by the Council's Planning Committee, then you or your agent may lodge an appeal, within three months from the date of this decision, with the Planning and Environmental Appeals Division (DPEA). The easiest way to do this is via the Planning Appeals Online Portal which can be found on our website, or you can request paper forms from:

Planning and Environmental Appeals Division
Scottish Government
Ground Floor, Hadrian House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR
Telephone 01324 696400

Notification of Initiation of Development

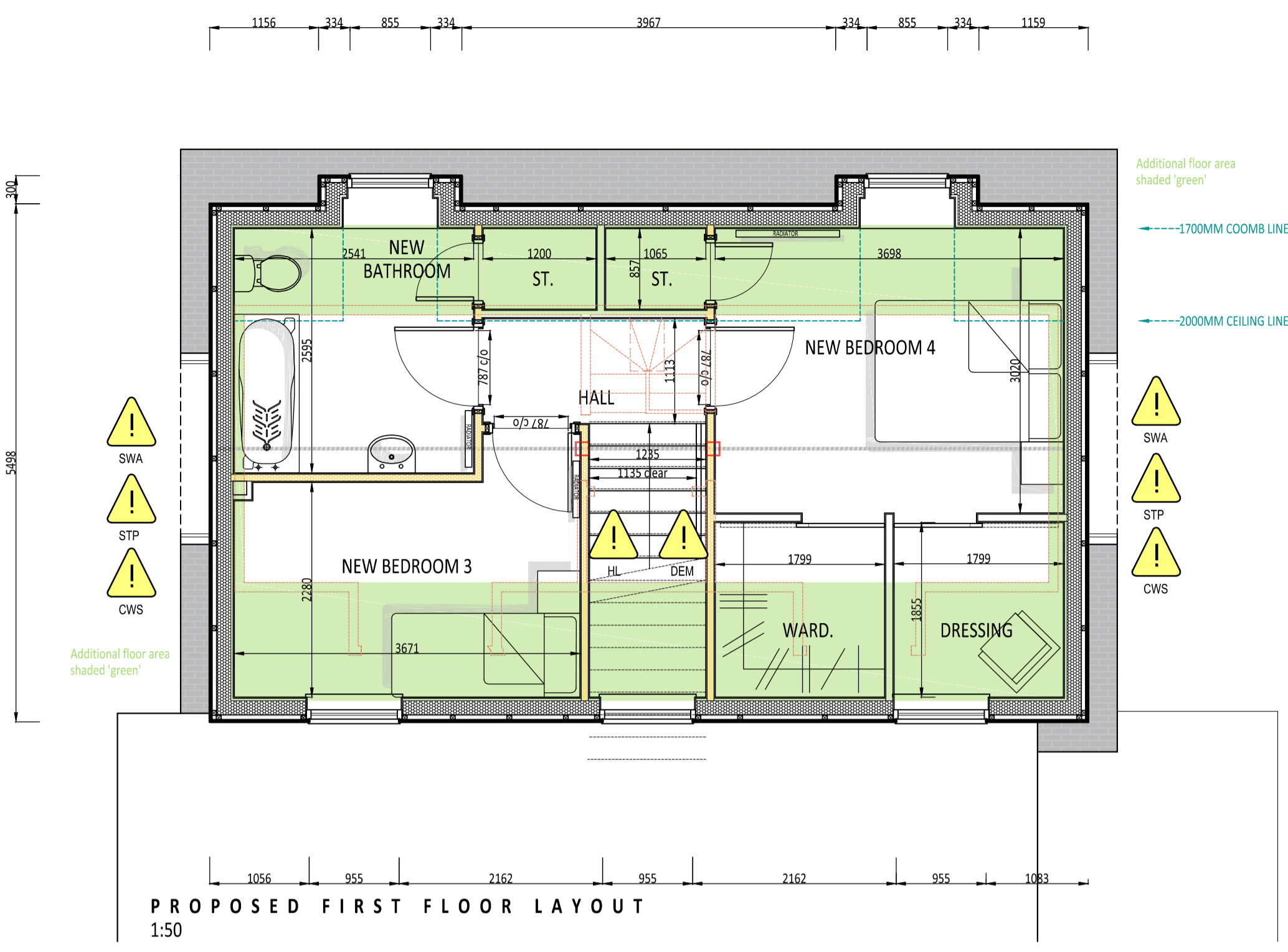
6. Once it has been decided on the date to start work on the development to which this permission relates, **the developer must inform the Council of that date as soon as is practicable and certainly before starting work. This is termed Notification of Initiation of Development (NID). Failure to give such notice to the Council constitutes a breach of planning control.** Please therefore ensure that the NID form attached to this decision notice is completed and returned to the Council before the start of development.

Notification of Completion of Development

7. Once the development to which this permission relates has been completed, the applicant or developer must, as soon as practicable, notify the Council accordingly. This is termed Notification of Completion of Development (NCD). If the development is carried out in phases, the notification must be issued to the Council as soon as practicable after each phase. Please therefore ensure that the NCD form attached to this decision notice is completed and returned to the Council as soon as practicable.

Display of Notice while Development is carried out

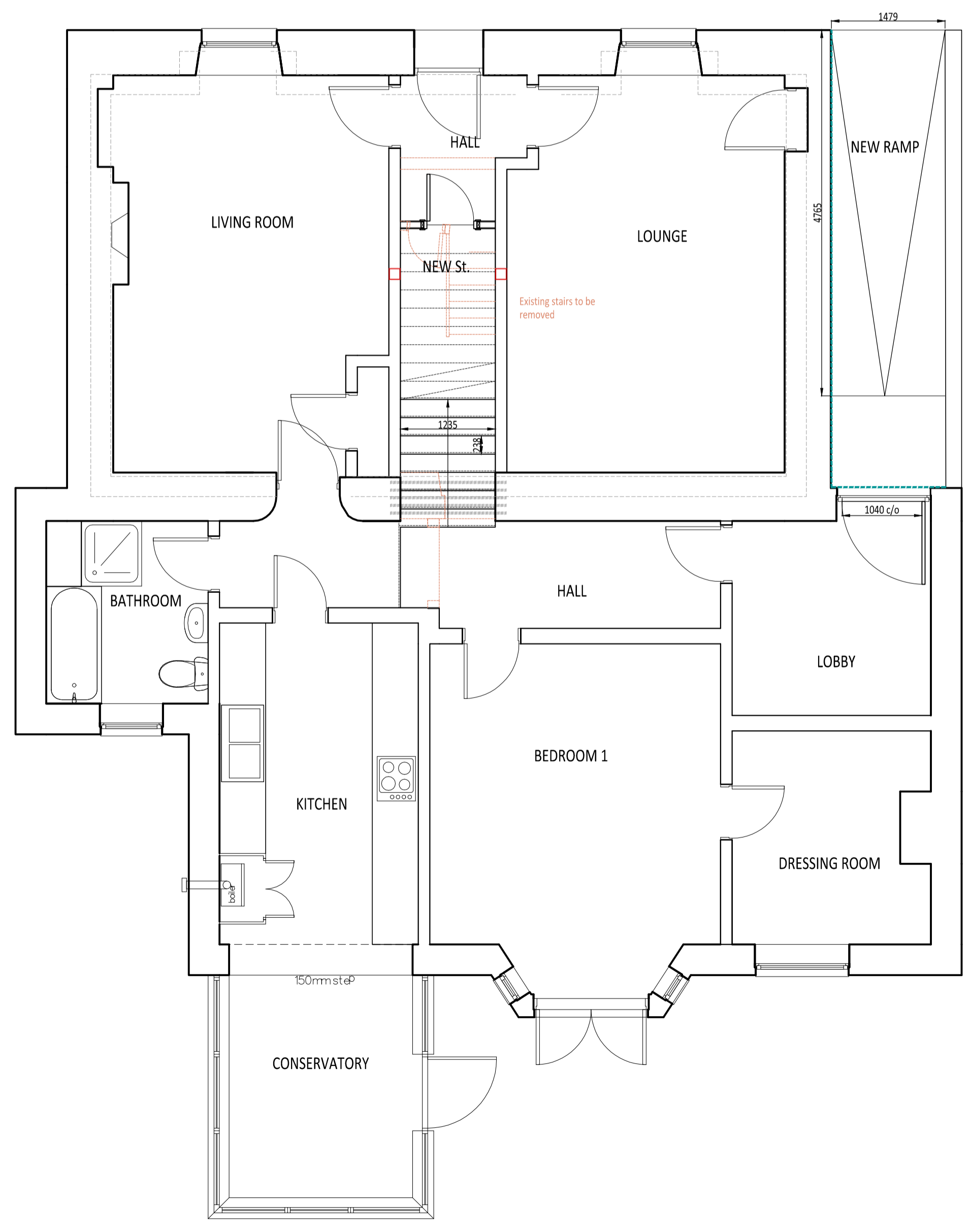
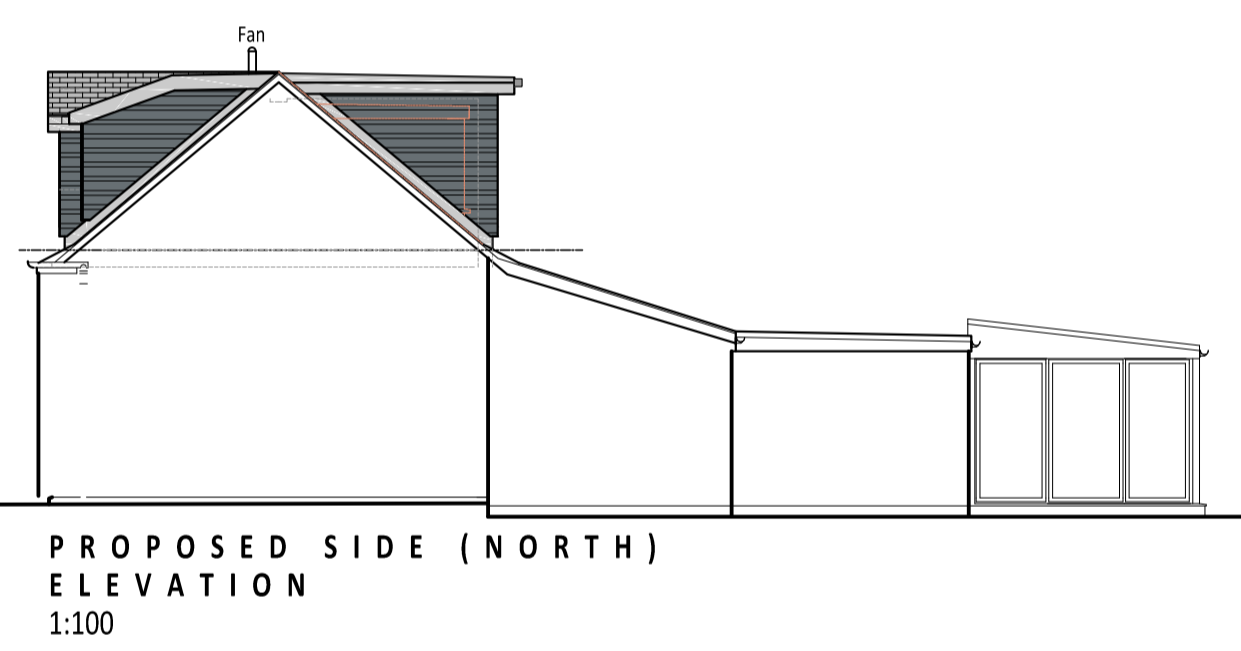
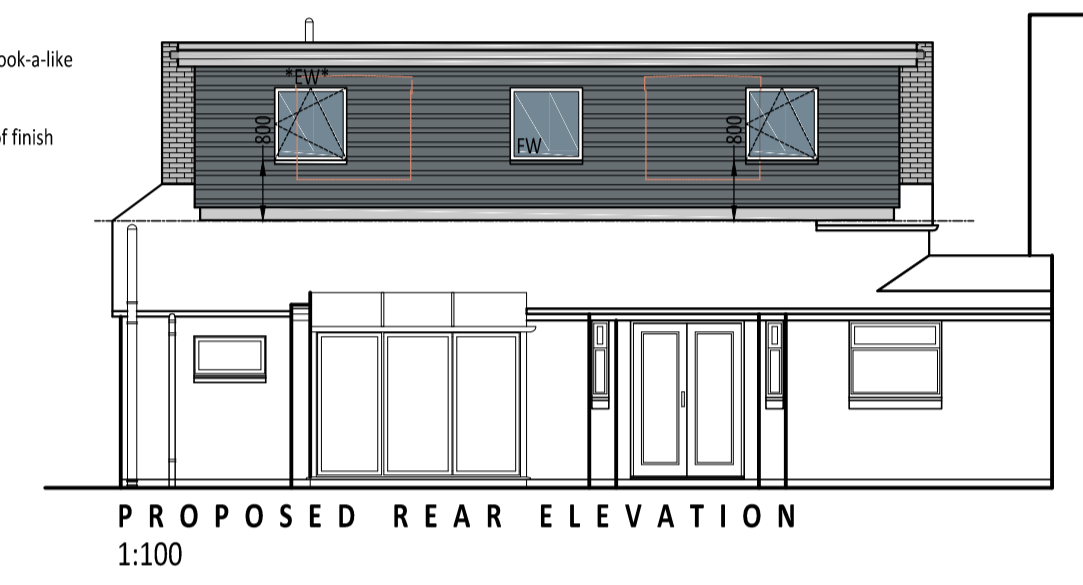
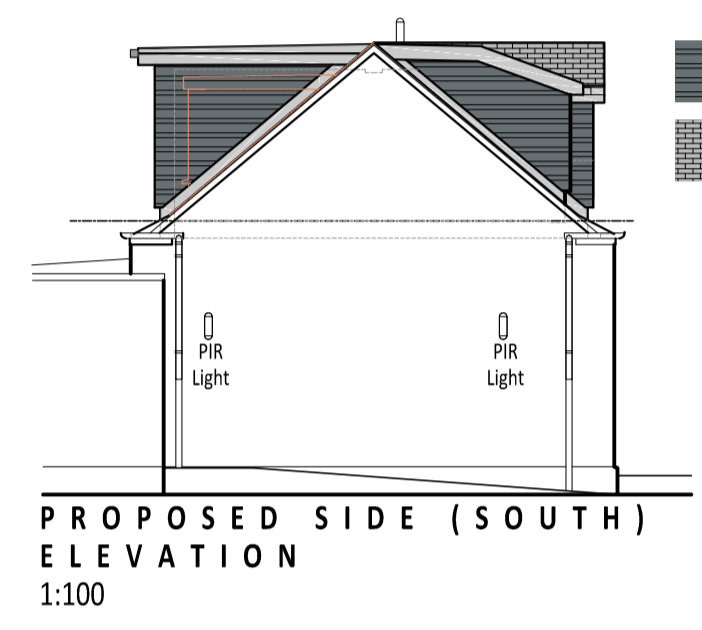
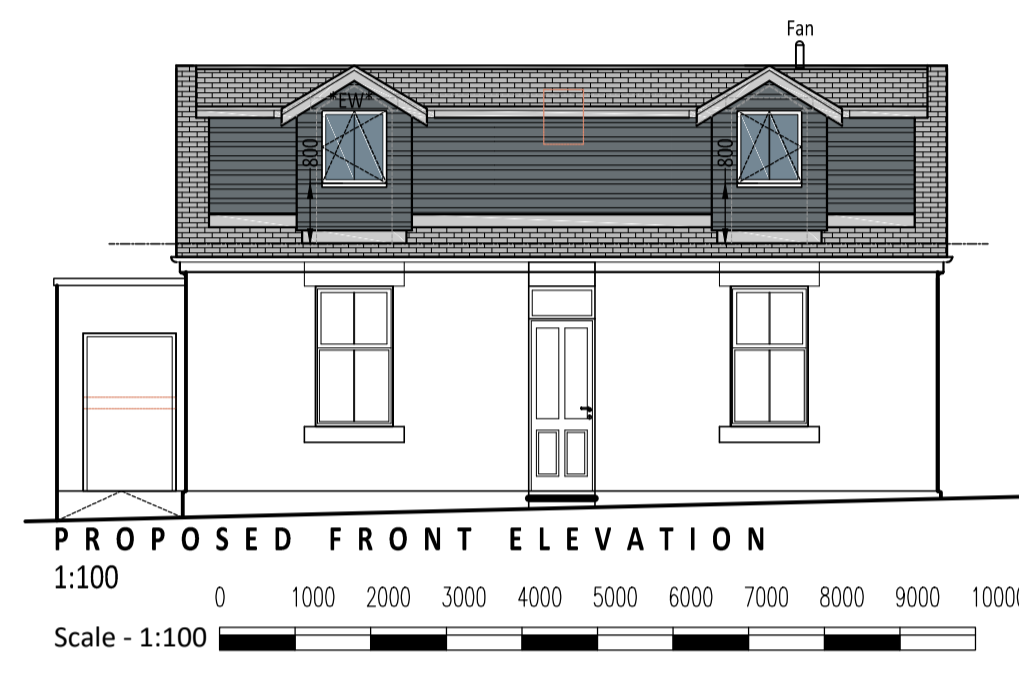
8. If this permission relates to a national, major or bad neighbour development (such as a public house or hot food takeaway), the applicant or developer must, for the duration of the development, display one or more signs. The sign(s) must be displayed in a prominent place at or in the vicinity of the site, and be readily visible to the public. **Failure to display the sign(s)/notice while carrying out the development constitutes a breach of planning control.** The information to be displayed must include:-
 - (i) The location of the development.
 - (ii) Any conditions attached to the planning permission.
 - (iii) The name and address of the developer.
 - (iv) The date on which planning permission was granted.
 - (v) The planning authority reference number.
 - (vi) A description of the development.
 - (vii) A note of the Council's contact details for enquiries relating to the development, which is development_services@clacks.gov.uk or Community & Regulatory Services, Clackmannanshire Council, Kilncraigs, Greenside Street, Alloa, FK10 2EB.
9. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.
10. **It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments. In particular, it does not constitute approval under the Building (Scotland) Acts, The Water Environment (Controlled Activities) (Scotland) Regulations or Roads (Scotland) Acts in respect of street works.**



THIS SYMBOL ON THE PLANS INDICATES A POSSIBLE HEALTH AND SAFETY RISK ONLY. ITEMS WHICH ARE SIGNIFICANT RISKS ARE HIGHLIGHTED BY THIS SYMBOL. THE PRESENCE OF THESE SYMBOLS DOES NOT RELIEVE THE CONTRACTOR OF THEIR DUTIES UNDER HEALTH AND SAFETY LEGISLATION AND SAFE WORKING METHODS - AT NO TIMES COMPROMISE SAFETY IF IN DOUBT STOP AND CONSULT.

Where drawings are at sketch / planning stage - further health and safety indicators may be added as technical and production drawings evolve.

FFH FALL FROM HEIGHT
HL HEAVY LIFTING
DE DEEP EXCAVATIONS
WAH WORKING AT HEIGHT
DOC DANGER OF COLLAPSE
CWS CONFINED WORKING SPACE
DEM DEMOLITION WORKS
SER SERVICES
FAO FALLING OBJECT FROM ABOVE
MH MANUAL HANDLING
SWA SAFE WORKING AREA
STP SAFE - THIRD PARTY PROTECTION



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Enspire Architecture Studio Ltd does not accept liability for accuracy or veracity of survey information provided by others and used in the preparation of this drawing.

All vertical and horizontal dimensions and levels must be checked and verified on site.

Note: Do not scale from drawing, refer to stated dimensions only.

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PLANNING

REV-A -

REVISIONS

Enspire (Chartered) Architects
T: 01259 213133
M: 07732 847111
E: mark@enspire-architects.co.uk
W: www.enspire-architects.co.uk
Office 29, Alloa Business Ctr,
Whins Rd, Alloa FK10 3SA

PROJECT

Proposed Upper Floor Alterations
44 Hill Street
Tillicoultry FK13 6HF

DRAWING TITLE

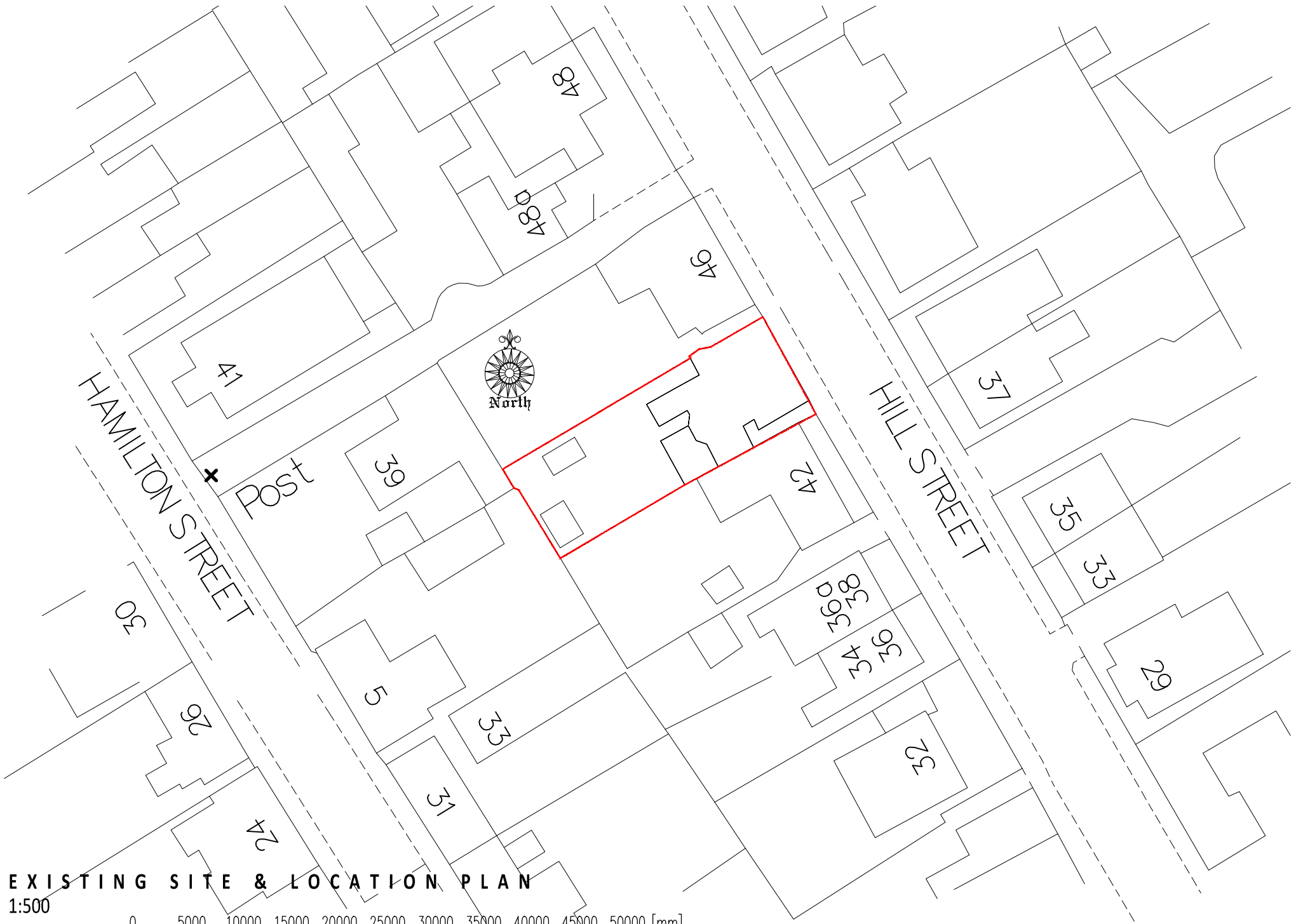
PROPOSED PLANS & ELEVATIONS

CLIENT

Mr A Bellshaw

SCALE **Noted** DATE **August 2022**

DRAWING NO. **1571 / PL / 02**

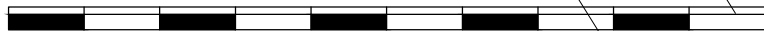


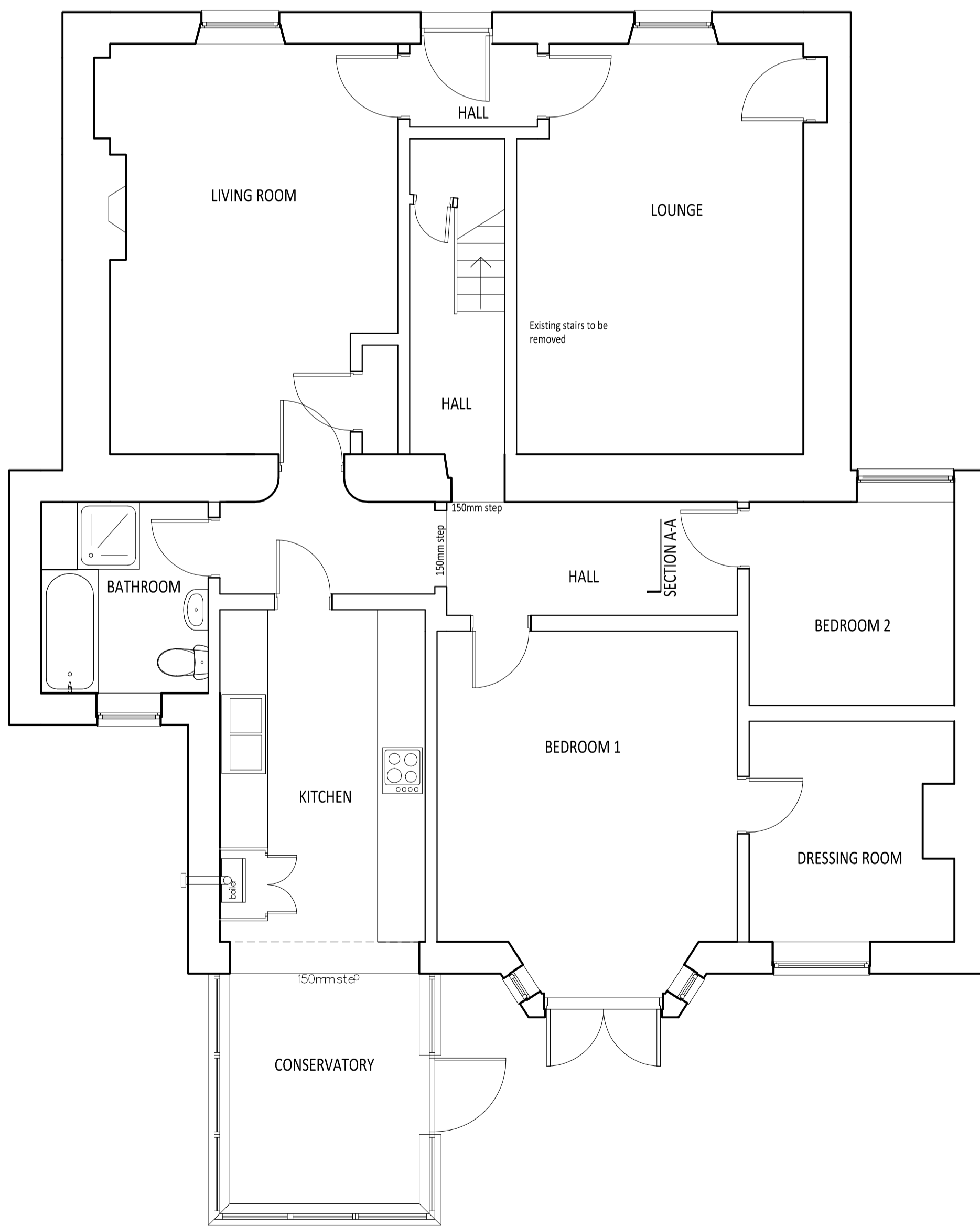
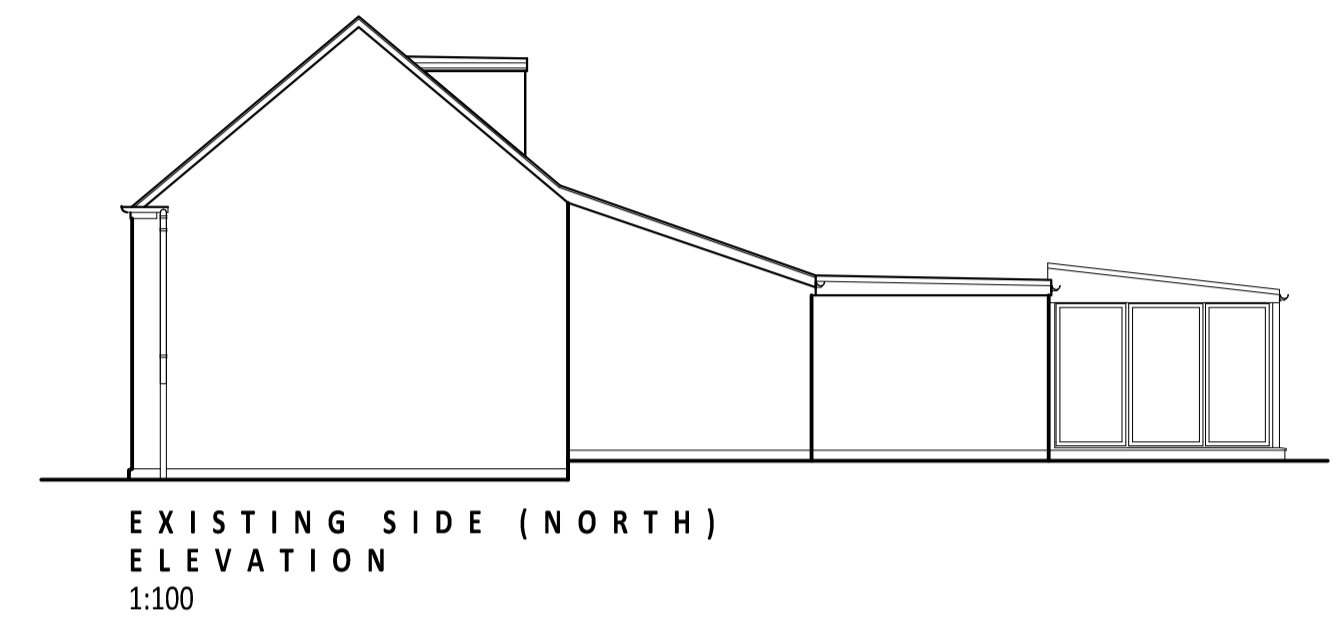
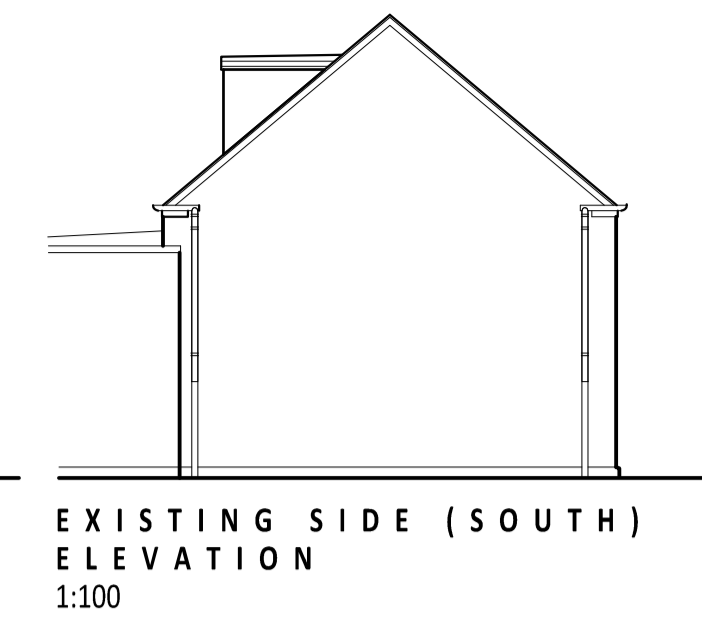
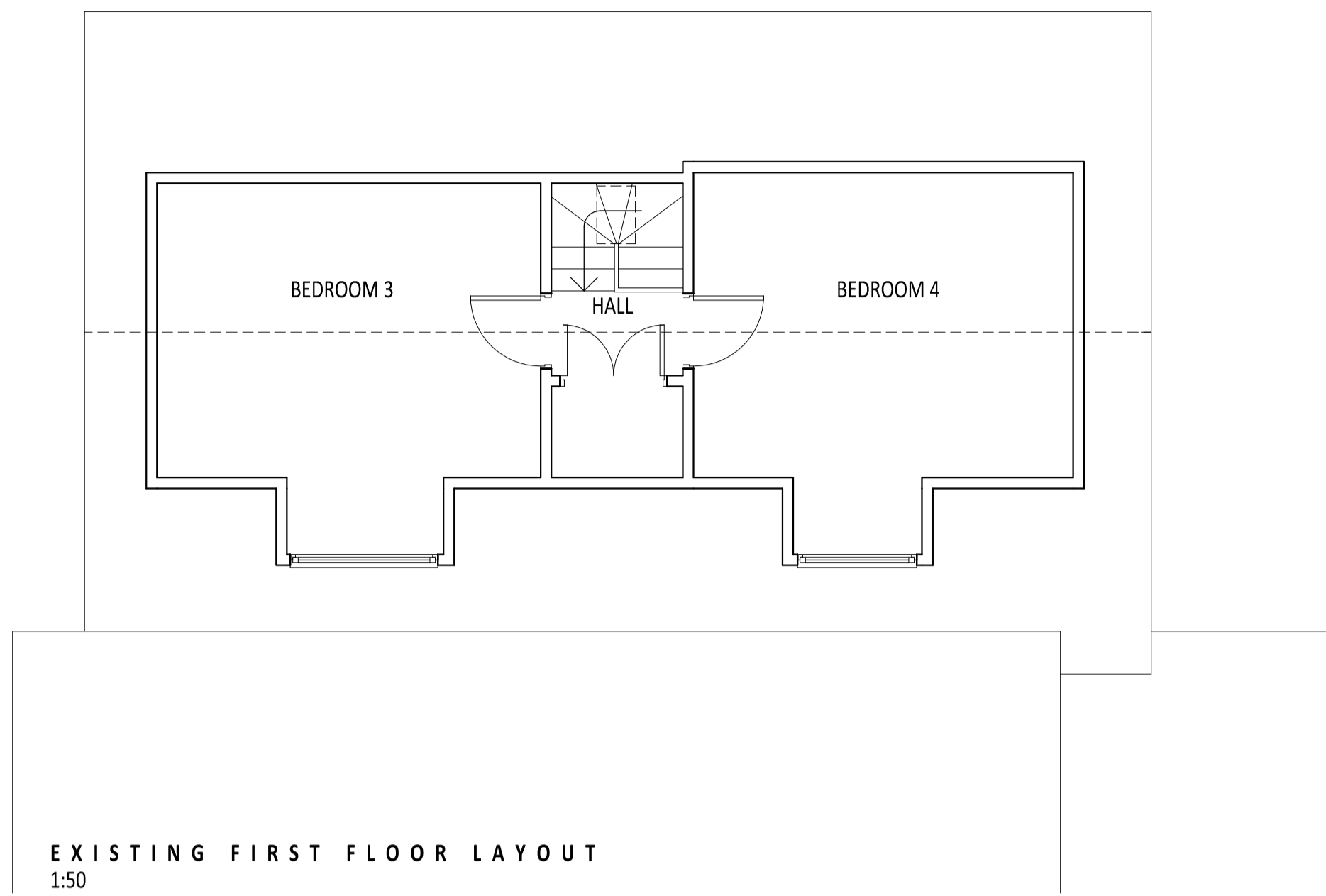
EXISTING SITE & LOCATION PLAN

1:500

0 5000 10000 15000 20000 25000 30000 35000 40000 45000 50000 [mm]

Scale - 1:500





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<h1>PLANNING</h1>	
REV-A -	
REVISIONS	
	
Enspire (Chartered) Architects T: 01259 213133 M: 07732 847111 E: mark@enspire-architects.co.uk W: www.enspire-architects.co.uk Office 29, Alloa Business Ctr, Whins Rd, Alloa FK10 3SA	
PROJECT	
Proposed Upper Floor Alterations 44 Hill Street Tillicoultry FK13 6HF	
DRAWING TITLE	
EXISTING PLANS & ELEVATIONS	
CLIENT	
Mr A Bellshaw	
SCALE	DATE
Noted	August 2022
DRAWING NO. 1571 / PL / 01	

Suggestions:

- Larger dormer to the back of the house overlapping extension - covers hallway skylight
- Dormers to front of property like number 50 Hill Street, two pitched and one flat in centre to allow for stairwell
- Full catslide dormer, or max size of cat slide dormer allowed?
- Small, box dormer to centre of front to allow for stairwell

Issues to consider:

- Must have 2 bedrooms and one bathroom – bathroom location
- Stairwell head height
- No room for half landing according to architect
- Stairwell must meet building regs
- Stairwell must face front of the house due to wall in porch being pushed back [REDACTED]
[REDACTED]

External - Front



External - Back



Stairs – Too narrow, do not meet building regulations



Loft Bedroom 1



Loft bedroom 2

















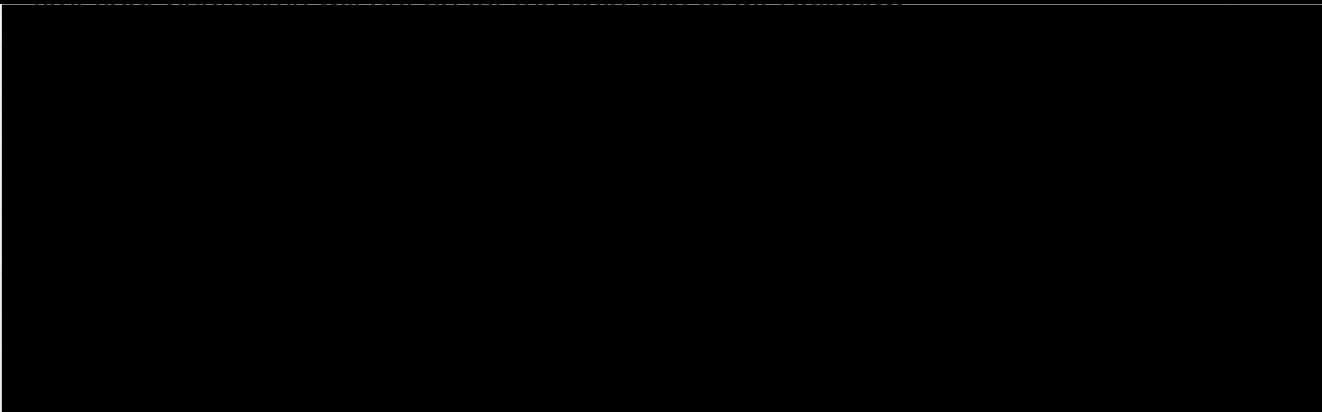
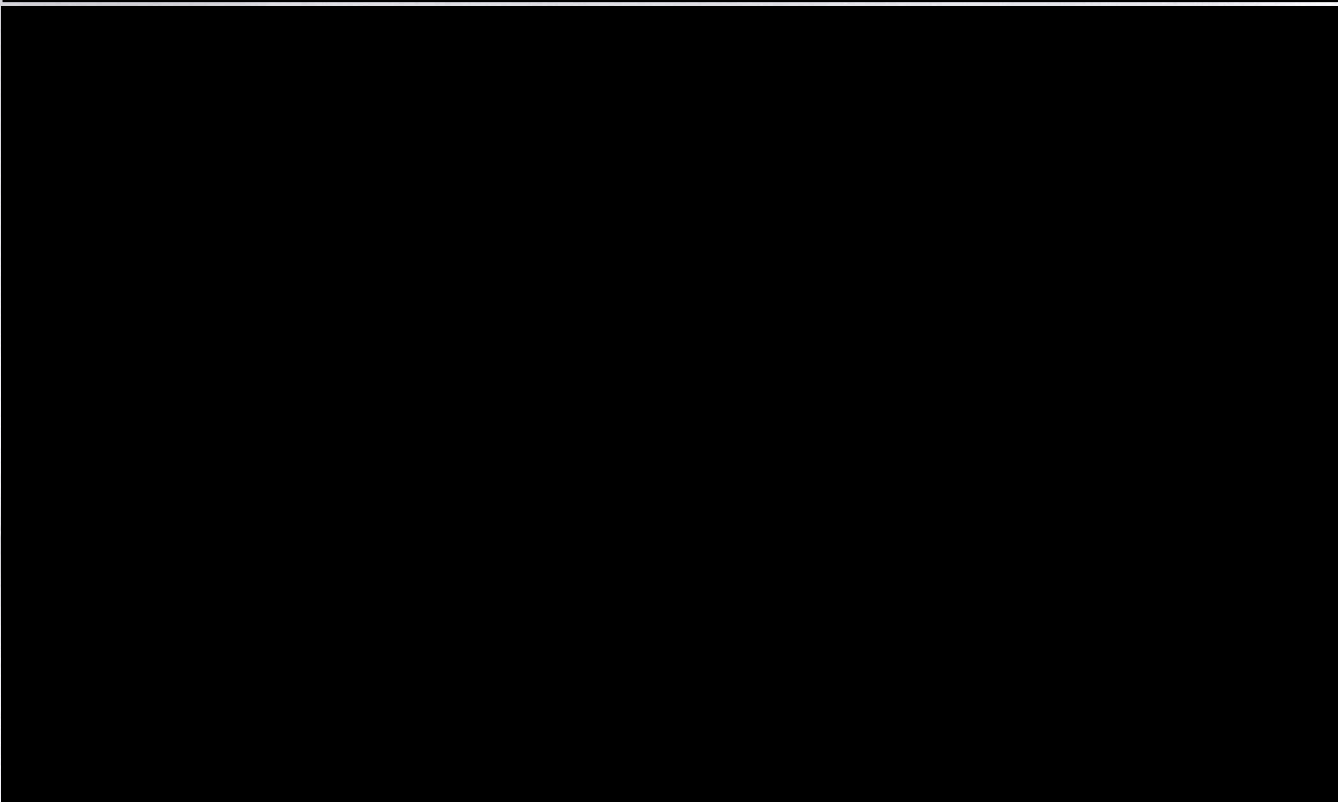
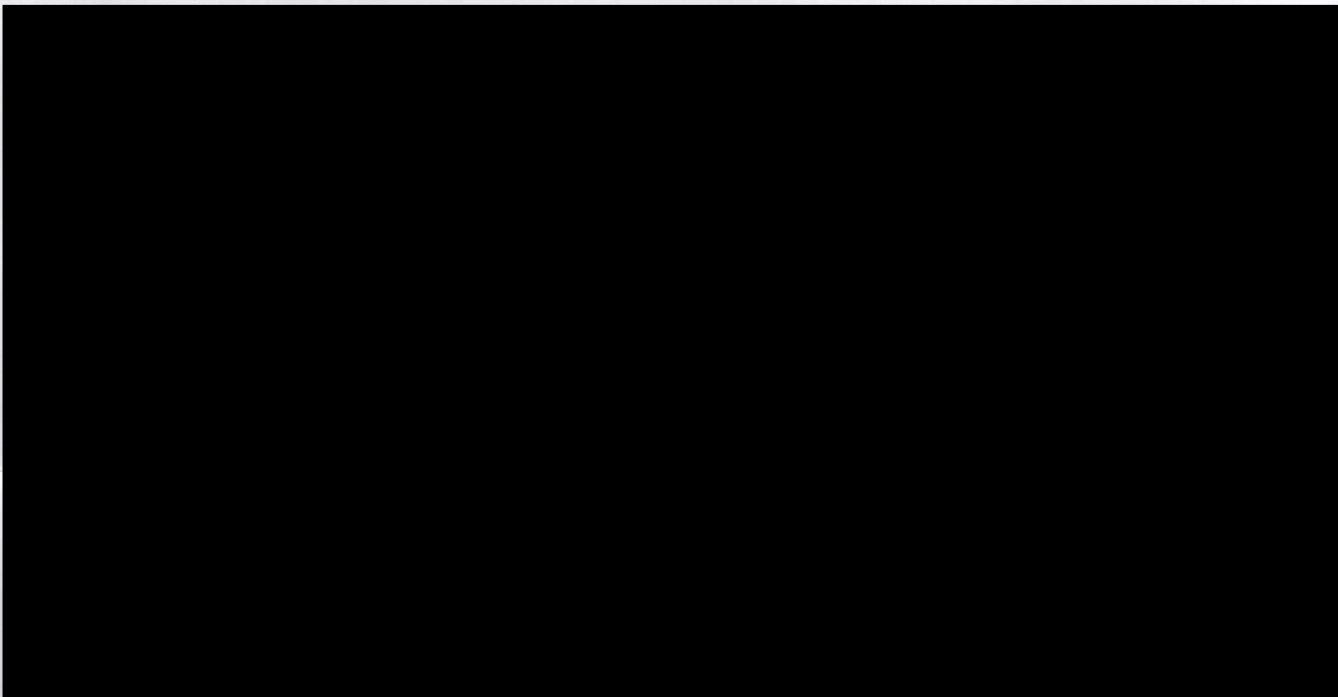














The Scottish Parliament
Pàrlamaid na h-Alba

Nikki Bridle
Clackmannanshire Council

Date : 24 June 2022
Our Ref: KB1687



Keith Brown MSP

Dear Nikki,

Re: Planning Application 22/00081/FULL: 44 Hill Street, Tillicoultry FK13 6HF.

As MSP for Clackmannanshire and Dunblane I am contacting you regarding the above planning application, following a request from my constituent, Adam Bellshaw.

Adam has submitted the above planning application to make adjustments to his home, in order to make it suitable for him and his family to get full use and enjoyment from it. [REDACTED]

Adam's home has an attic conversion which was first done before planning laws were implemented, meaning that the stairs and ceiling height are not compliant. The plans drawn up for the Bellshaw family seek to rectify this and make it possible [REDACTED] to have full access [REDACTED] for years to come, as well as for future inhabitants to enjoy. Unfortunately, initial plans were deemed unsuitable so new plans were submitted, using the suggested pitched roof dormer at the front to be more sympathetic to surrounding properties. These too have been rejected.

Adam says that Section 1, paragraph 2 of the Case Handling Report states: "*The initial site visit confirmed the proposal was unacceptable and contact was made with the applicant's agent and the applicant advising of the Council's position.*" with it then noting a second visit where planners spoke to Adam and his wife. Adam is unaware of a first visit and so wonders how the initial decision was made. He also notes that the Report m [REDACTED] he would appreciate seeing a copy of this [REDACTED]

[REDACTED] He therefore, again, would like to know how the assessment was made.



Constituency Office: Unit 4, Townhead Institute, 39 Drysdale Street, Alloa, FK10 1JA

Telephone: 01259 219333

Email: keith.brown.msp@parliament.scot

Adam also feels that when the report suggests that there are no over-riding factors to overturn the council's decision, [REDACTED] quality of life is being put below what he believes to be the subjective view of planners. During the meeting on 22nd June, he was asked to justify various aspects of the plans, [REDACTED]

[REDACTED] It is his opinion that he has tried to compromise, he has submitted new plans and taken on board suggestions from the council, the plans have been significantly reduced and the height lowered to be more in keeping with the area. Adam believes they will make the internal layout of the house more compliant with modern standards [REDACTED]

[REDACTED] He feels like he has compromised when the council have not. He asks that the council please consider all of these factors and review their decision.

I would appreciate if you could please look into this case and give it consideration. I thank you for your time and look forward to your response.

Yours sincerely

[REDACTED]

Keith Brown MSP
Clackmannanshire and Dunblane

Dear Sir / Madam,

We are writing to you regarding the building work we hope to undertake at 44 Hill Street, Tillicoultry. We are looking to do some corrective works to our loft space, which was converted pre-building regulations and as such, does not meet current building standards. ***I have attached a document with photographs of the current staircase and bedrooms.*** The loft space to this property is accessible from a very narrow, curved staircase, which is dangerous to ascend and descend (especially for young children). [REDACTED]

[REDACTED] The existing bedrooms in the loft have a ceiling height that is too low to be compliant with regulation standards; this means that an adult can not fully stand up in either of the bedrooms or the small hallway. The windows and insulation are subpar making the rooms extremely cold in the winter months. As such, the current space is not fit for purpose, and we cannot allow our children to use these rooms as bedroom space in their current state. We have one bedroom downstairs and therefore need the upstairs conversion to meet the needs of our growing family.

We have worked with a builder and architect to design the submitted drawings to make these bedrooms a livable space. This involves the addition of two flat-roofed dormers, one to the front and one to the rear of the property. As an environmental manager, I have been active in the design to ensure the materials used are sustainable and efficient and that the building works have a minimal environmental impact. My recent work has observed how developing cities are combating population growth by building up so that social needs are met without removing green space. We hope to incorporate the same ideology within our home; by increasing floor space on the first floor, we do not have to take away space from the garden which is rewilded to meet the needs of local wildlife.

We have been active in ensuring our design is in keeping with the character of the streets. We have looked at other houses on Hill Street and the other three streets which run adjacent. Upon inspection, many of these cottages contain dormers similar to what we are hoping to install on both the front and the rear of the properties. We have observed dormers with cladding, flat roofs, and full box to the front of the cottages. ***I have attached a document with photographs of other properties on these streets.*** Please accept assurances that this project will not be conducted distastefully and that the cottage aesthetic of the property will be upheld throughout. We moved to Tillicoultry and selected this property based on the character and charm of the house and therefore would not compromise this with unsympathetic building work.

Since moving to Tillicoultry, we have become integral members of the community, fulfilling local, professional job roles, and raising our children in the area. Our desire to proceed with this building work comes from necessity as opposed to frivolity – we love our home and our community and must make our home suitable for our children’s needs [REDACTED]

If you have any questions at all, please do not hesitate to contact us.

Yours sincerely,

Samantha Sinclair and Adam Bellshaw



Adam Bellshaw
[REDACTED]

Our Reference: 202200307710

6 July 2022

Dear Adam Bellshaw,

Thank you for your e-mail of 23 June to the Cabinet Secretary for Social Justice, Housing and Local Government. I have been asked to reply.

The day to day responsibility for dealing with planning applications and local planning matters rests, in the first instance, with the planning authority. The authority must ensure that the provisions of the planning system are applied properly. Planning legislation requires that planning applications are determined in accordance with the development plan for the area unless material considerations indicate otherwise. In reaching a decision on the planning application the planning authority is expected to have regard to all material factors, including representations submitted to them.

The Scottish Government, as noted in the recent [fourth National Planning Framework](#) (NPF) draft recognises that planning should respect, protect and fulfil human rights, seek to eliminate discrimination and promote equality. National Planning Framework 3 and Scottish Planning Policy will remain in force until NPF4 is adopted. The draft NPF4 sets out our proposals for future consideration of planning matters and as such it may be taken into account by planning authorities on a case-by-case basis. It is for decision makers to consider what weight to give to existing and new and emerging policies in any individual planning decision.

Once approved and adopted, NPF4 will form part of the statutory development plan and will be a material consideration, requiring the policies and priorities set out in NPF4 to be taken into account in planning decisions

Scottish Ministers would contemplate intervening in very exceptional circumstances and only where the matter raised issues of genuine national importance. Scottish Ministers have no general power that would enable them to investigate an authority's handling of a planning application or to call on an

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



authority to account for the decisions it takes.

I note from the Council's decision notice that they have set out the options open to you in exercising your right of appeal against the Council's decision to refuse your application. In addition, it is open to anyone to make an approach to the Council's Chief Executive and raise their concerns about the actions of a Council. Additionally, if an individual feels aggrieved as a result of maladministration, a complaint can be made to the Scottish Public Services Ombudsman (SPSO) <http://www.spsso.org.uk>. The SPSO cannot consider complaints about discretionary decisions, but can look into the administrative processes involved in reaching that decision. The SPSO would expect the Council's complaints procedure to have been exhausted before considering whether to pursue a complaint. Responsibility for deciding whether or not to investigate a complaint rests with the SPSO who is entirely independent from the Scottish Government.

I trust this background information is of some help.

Lyndsey Murray

Yours sincerely

Lyndsey Murray

PAD : Performance, Development Management and Casework

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020




Legal and Governance

Kilncraigs, Greenside Street, Alloa, FK10 1EB
Telephone: 01259 450000

Lee Robertson

Direct Contact: Senior Manager – Legal and Governance

Telephone: 01259 452087

Email: LRB@clacks.gov.uk

Our Ref: 22/00258/FULL

Your Ref:

Date: 11 April 2023

Mr Adam Bellshaw and
Ms Samantha Sinclair
44 Hill Street
Tillicoultry
FK13 6HF

Sent By E-Mail to:



Dear Mr Bellshaw and Ms Sinclair

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Thank you for your correspondence received on 7 December 2022 enclosing a Notice of Review application form, in respect of Planning Application Reference Number 22/00258/FULL - application for front and rear roof dormer extensions and installation of external access ramp at 44 Hill Street, Tillicoultry, FK13 6HF. I also note that additional information was supplied via the e-planning portal, which was forwarded to me by the Planning team on 3 February 2023.

I have examined your notice of review including the additional information provided. As confirmed in my email of 4 April the additional information is new and not before the Planning Officer at the time the decision was made as such cannot be provided to the Local Review Body for review. The relevant legislation restricts the ability of parties to introduce new matters at the review stage unless they are material to the determination of the case.

While there has been additional information submitted, the Notice of Review is now in order and can proceed under deduction of the new information as set out below:

1. Covering application form setting out the reason for new documentation being provided after the original application was submitted.
2. Report of Handing for 16/00202/FULL – Installation of Replacement Windows and Door (Partially Retrospective) at 41 Ochil Street, Tillicoultry, FK13 6EJ.
3. E-mail from Pete Leonard, Strategic Director, Clackmannanshire Council to Ms Samantha Sinclair regarding building materials.
4. Document entitled “False Objection” – setting out Architectural Heritage Society of Scotland’s objection within the Report of Handing for this application.
5. Screenshot from e-planning website showing no objections for this application.

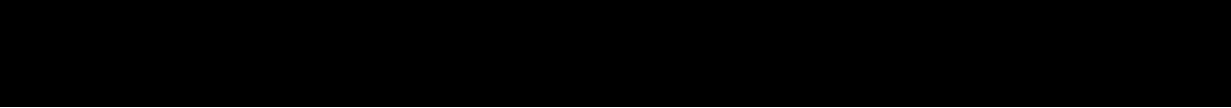


Legal and Governance

Kilncraigs, Greenside Street, Alloa, FK10 1EB

Telephone: 01259 450000

I have instructed Committee Services to proceed with arranging a meeting of the Local Review Body at the earliest opportunity to review your application and they will be in touch to check the date and time with you.



Yours sincerely



**Senior Manager – Legal and Governance
Clerk to the Local Review Body**


Legal and Governance

 Kilncraigs, Greenside Street, Alloa, FK10 1EB
 Telephone: 01259 450000

Lee Robertson

Senior Manager, Legal and Governance

Direct Contact: Clerk to the Local Review Body

Telephone: 01259 452087

Email: LRB@clacks.gov.uk

Our Ref: 22/00258/FULL

Your Ref:

Date: 11 April 2023

 The Architectural Heritage Society of
 Scotland
 AHSS National Office
 15 Rutland Square
 EDINBURGH
 EH1 2BE

Dear Sir/Madam

**The Town and Country Planning (Schemes of Delegation and Local Review Procedure)
(Scotland) Regulations 2013**

The undernoted applicant has asked the Local Review Body to review the decision made by the Appointed Person in respect of their Planning Application.

Name of Applicant:	Mr Adam Bellshaw
Site Address:	44 Hill Street, Tillicoultry, FK13 6HF
Description of the Application:	Application for front and rear roof dormer extensions and installation of external access ramp
Planning Application Ref No:	22/00258/FULL

As an interested party to the original planning application, it appears that you may have an interest in this Notice of Review.

A copy of the notice of review is attached and other documents related to the review may be inspected at www.clacks.gov.uk. These documents can also be accessed by searching on either the application reference number, postcode, or a single line of an address. **As an interested party, you have the opportunity to make further representation to the Local Review Body. Your representation should be sent to me at LRB@clacks.gov.uk no later than 14 days from the date of this letter.**

Copies of representations made regarding the application, other than those to be treated in confidence, will be sent to the applicant and will be considered by the Local Review Body when determining the review.

The Council will make a copy of the review documents, any notices and any procedure notes available for inspection on the Council's website www.clacks.gov.uk until such time as the Review is determined.

Yours sincerely


**Senior Manager – Legal and Governance
 Clerk to the Local Review Body
 Enc.**



Legal and Governance

Kilncraigs, Greenside Street, Alloa, FK10 1EB
Telephone: 01259 450000

Lee Robertson

Senior Manager, Legal and Governance

Direct Contact: Clerk to the Local Review Body

Telephone: 01259 452087

Email: LRB@clacks.gov.uk

Our Ref: 22/00258/FULL

Your Ref:

Date: 11 April 2023

Scottish WildlifeTrust
C/O Mrs Liz Albert



Dear Mrs Albert

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

The undernoted applicant has asked the Local Review Body to review the decision made by the Appointed Person in respect of their Planning Application.

Name of Applicant:	Mr Adam Bellshaw
Site Address:	44 Hill Street, Tillicoultry, FK13 6HF
Description of the Application:	Application for front and rear roof dormer extensions and installation of external access ramp
Planning Application Ref No:	22/00258/FULL

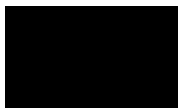
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The Council will make a copy of the review documents, any notices and any procedure notes available for inspection on the Council's website www.clacks.gov.uk until such time as the Review is determined.

Yours sincerely



**Senior Manager – Legal and Governance
Clerk to the Local Review Body
Enc.**



Kilncraigs Greenside Street Alloa FK10 1EB Tel: 01259 450 000 Email: planning@clacks.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100598597-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Proposed rear and front dormer extensions, formation of external ramp [REDACTED] Redesign submission following refused application ref: 22/00081/FULL

Has the work already been started and/ or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Enspire Architects Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	Office 29, Alloa Business Ctr
Last Name: *	Tomkinson	Building Number:	
Telephone Number: *		Address 1 (Street): *	Whins Rd
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Alloa
Fax Number:		Country: *	Clackmannanshire
		Postcode: *	FK10 3SA
Email Address: *			

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Adam	Building Number:	44
Last Name: *	Bellshaw	Address 1 (Street): *	Hill St
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Tillicoultry
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	FK13 6HF
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Clackmannanshire Council

Full postal address of the site (including postcode where available):

Address 1:

44 HILL STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

TILLICOULTRY

Post Code:

FK13 6HF

Please identify/describe the location of the site or sites

Northing

697124

Easting

291903

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Various emails and meeting to discuss

Title:

Mr

Other title:

First Name:

Mark

Last Name:

Stoddart

Correspondence Reference Number:

Date (dd/mm/yyyy):

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Mark Tomkinson

On behalf of: Mr Adam Bellshaw

Date: 13/09/2022

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

Existing and Proposed elevations.

Existing and proposed floor plans.

Cross sections.

Site layout plan/Block plans (including access).

Roof plan.

Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Mark Tomkinson

Declaration Date: 13/09/2022

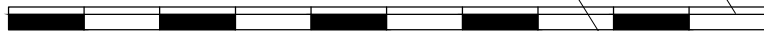


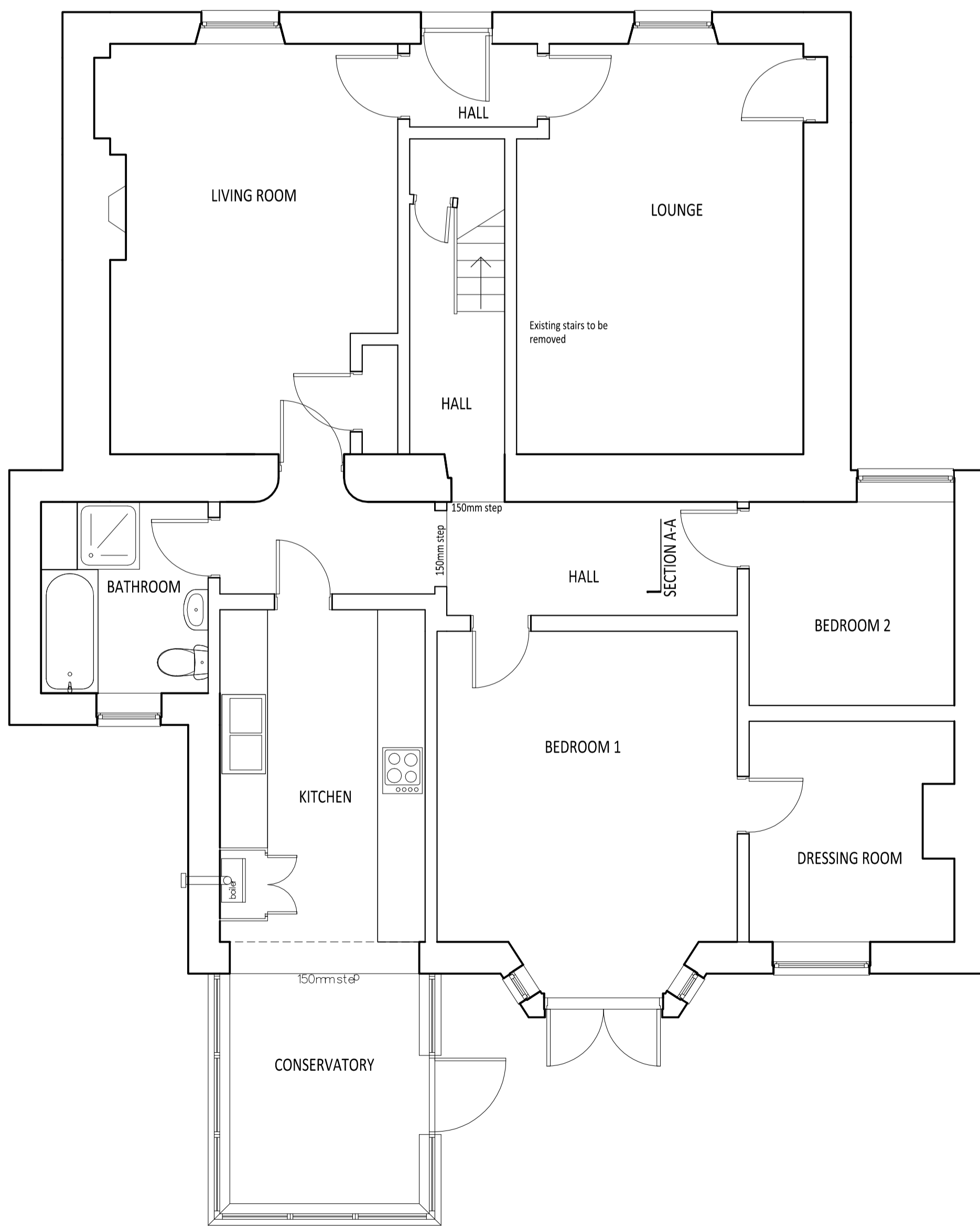
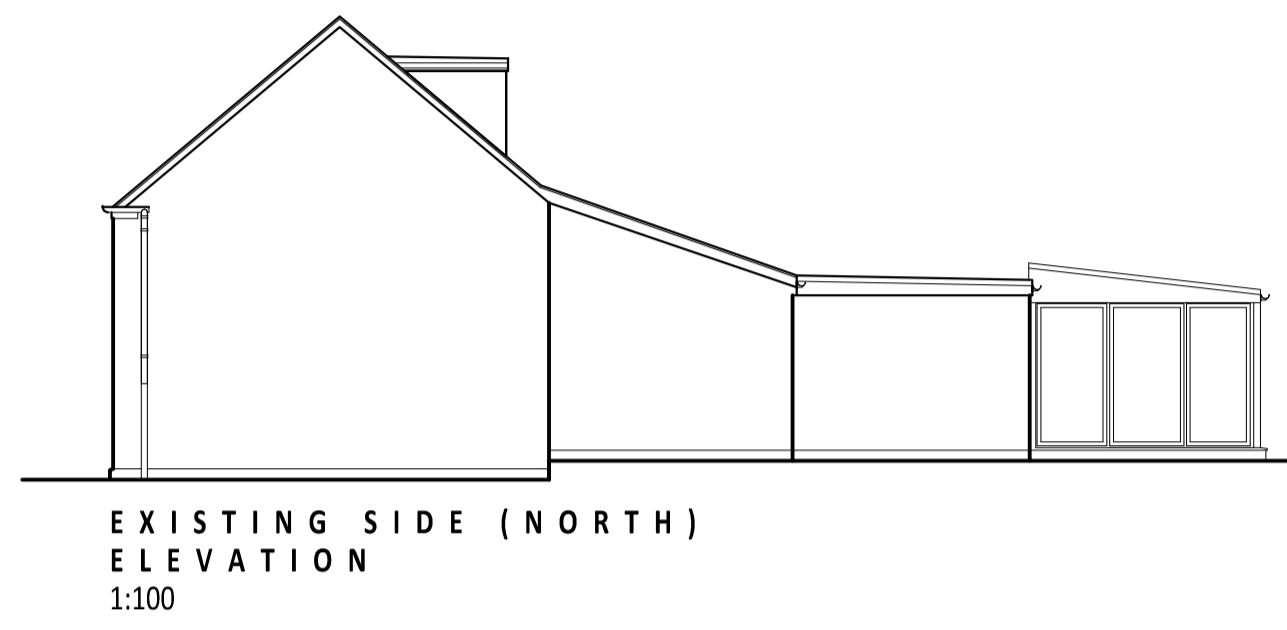
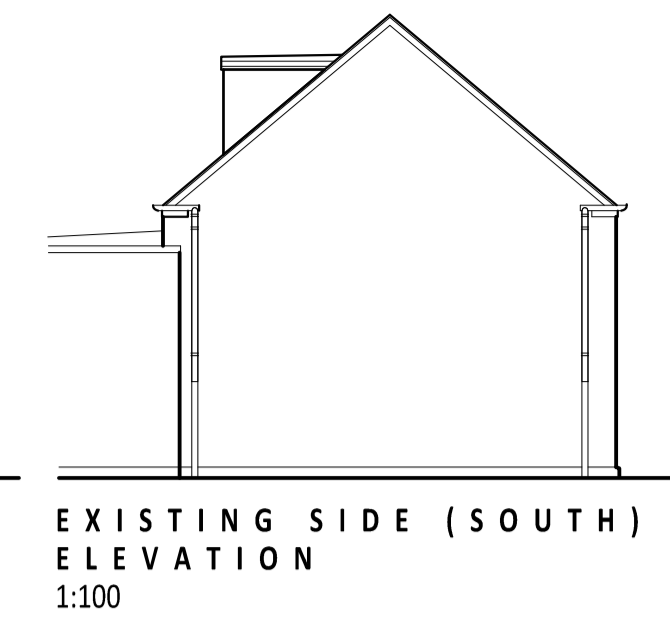
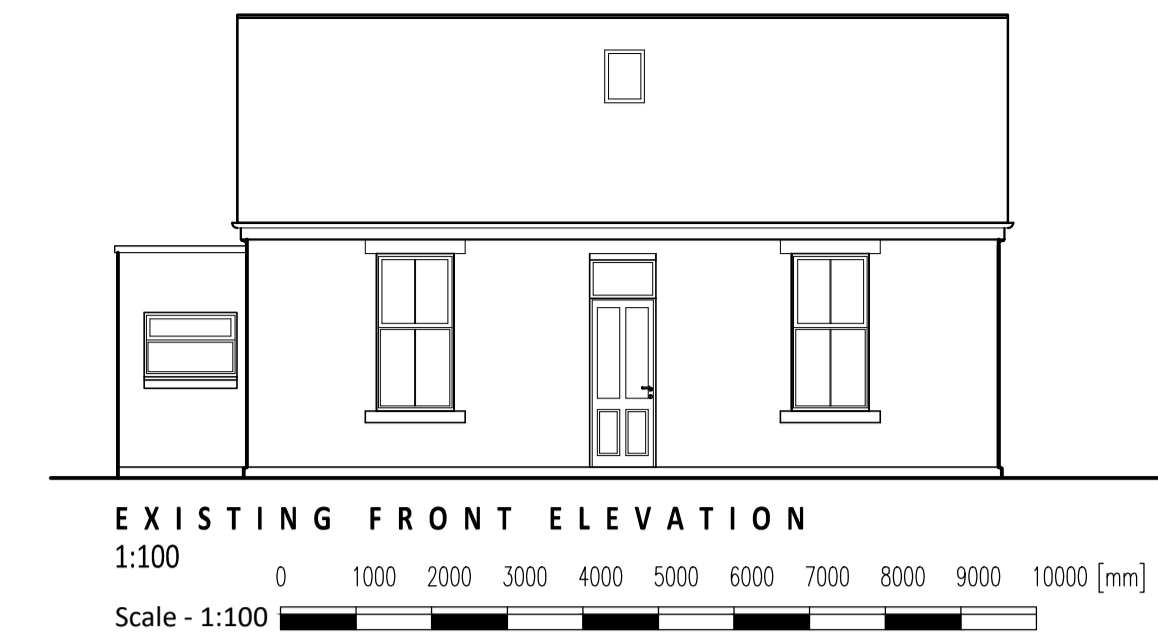
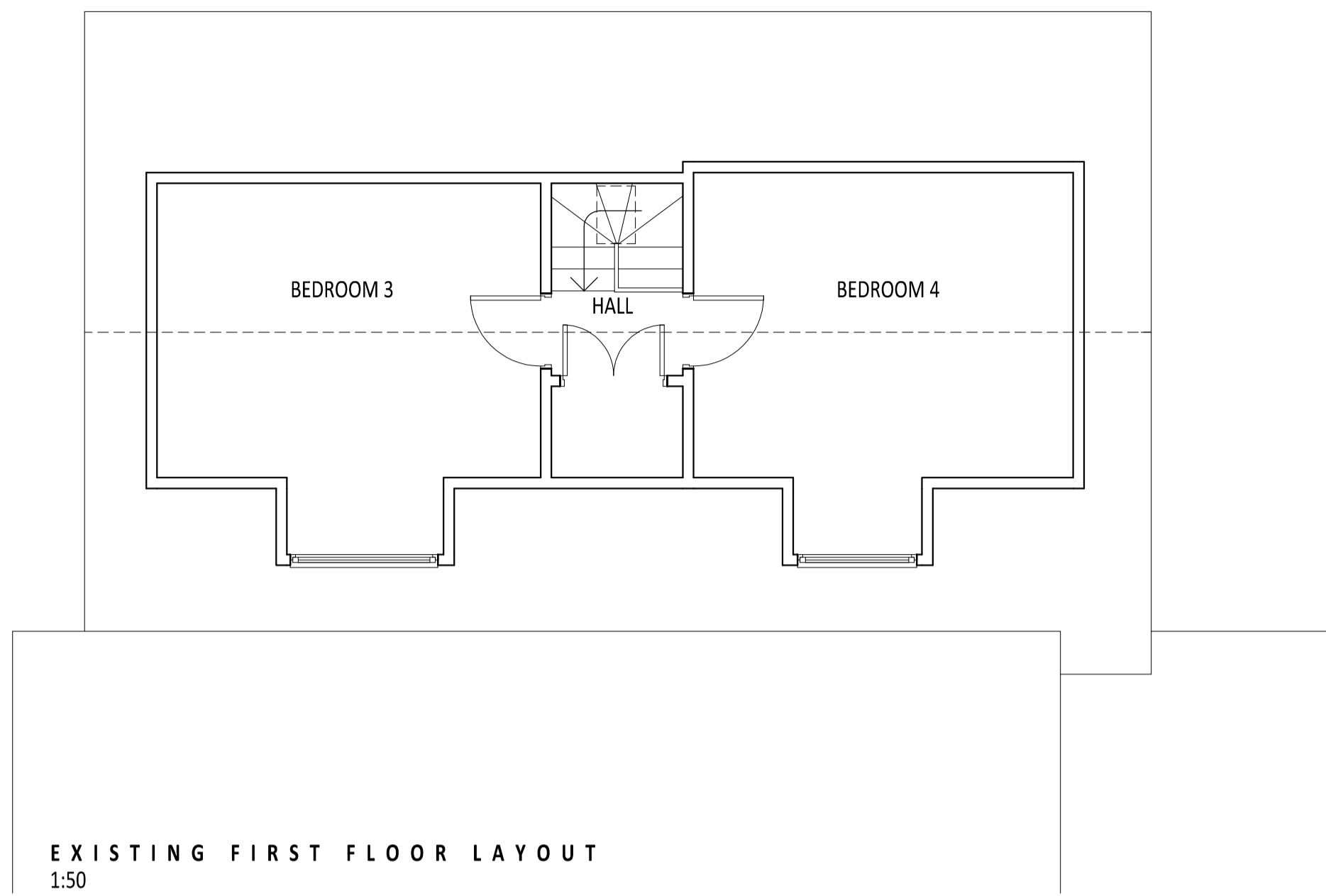
EXISTING SITE & LOCATION PLAN

1:500

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Scale - 1:500





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PLANNING

REV-A -

REVISIONS

Enspire (Chartered) Architects
T: 01259 213133
M: 07732 847111
E: mark@enspire-architects.co.uk
W: www.enspire-architects.co.uk
Office 29, Alloa Business Ctr,
Whins Rd, Alloa FK10 3SA

PROJECT

Proposed Upper Floor Alterations
44 Hill Street
Tillicoultry FK13 6HF

DRAWING TITLE

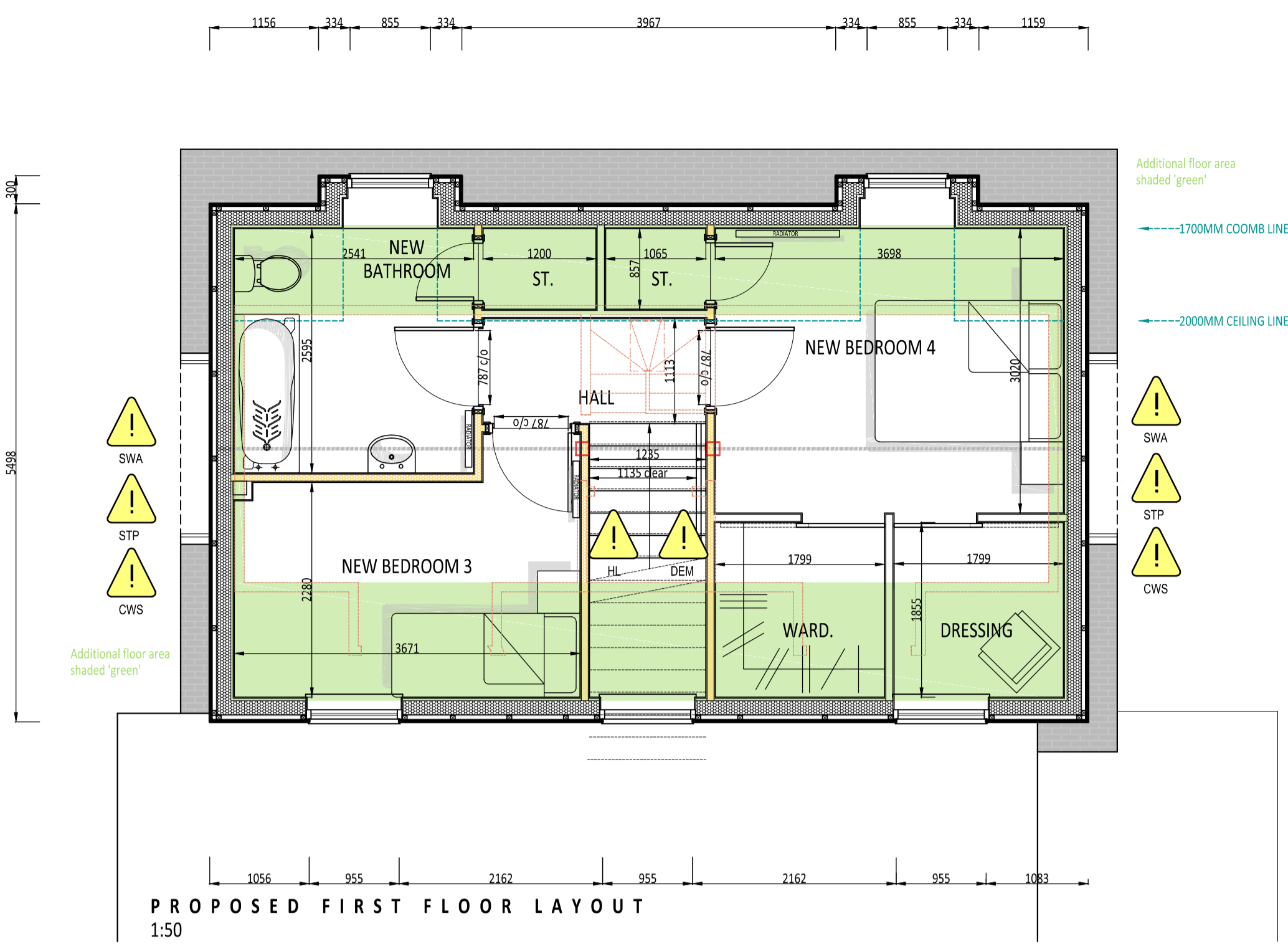
EXISTING PLANS & ELEVATIONS

CLIENT

Mr A Bellshaw

SCALE **Noted** DATE **August 2022**

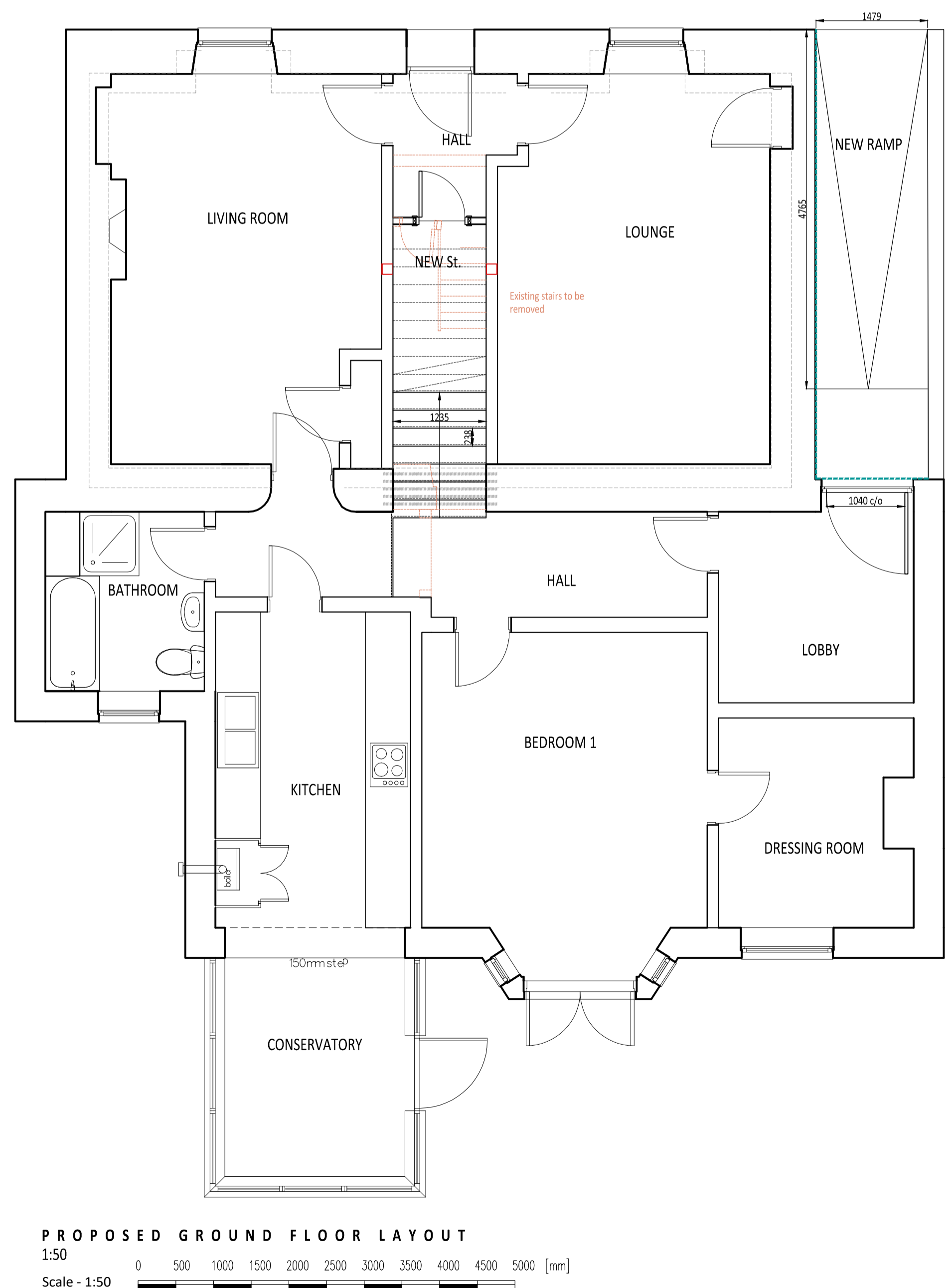
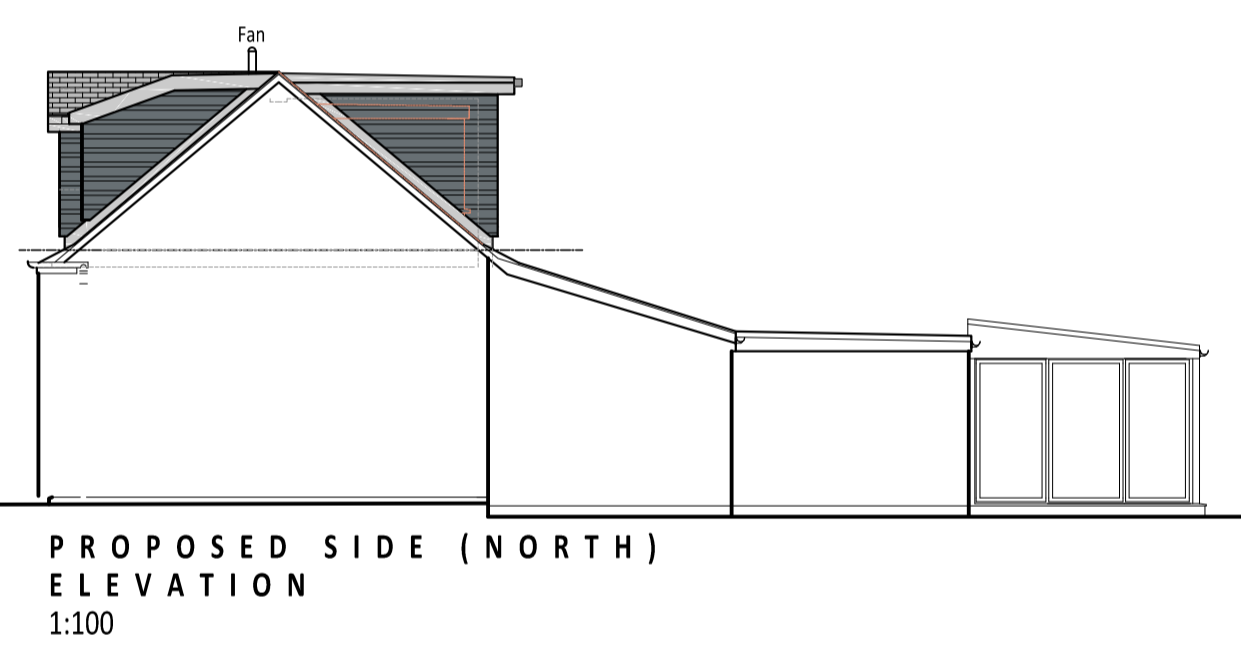
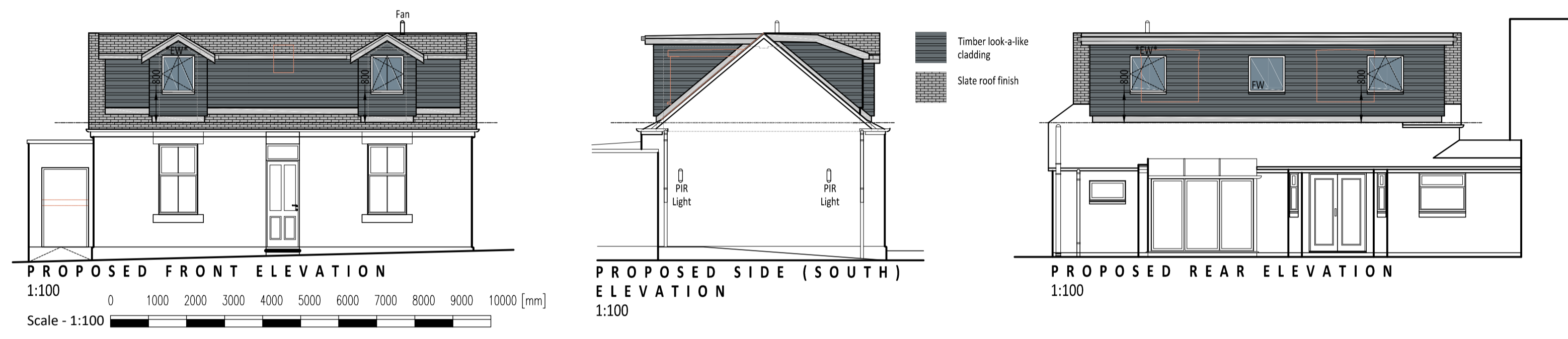
DRAWING NO. **1571 / PL / 01**



THIS SYMBOL ON THE PLANS INDICATES A POSSIBLE HEALTH AND SAFETY RISK ONLY. ITEMS WHICH ARE SIGNIFICANT RISKS ARE HIGHLIGHTED BY THIS SYMBOL. THE PRESENCE OF THESE SYMBOLS DOES NOT RELIEVE THE CONTRACTOR OF THEIR DUTIES UNDER HEALTH AND SAFETY LEGISLATION AND SAFE WORKING METHODS - AT NO TIMES COMPROMISE SAFETY IF IN DOUBT STOP AND CONSULT.

Where drawings are at sketch / planning stage - further health and safety indicators may be added as technical and production drawings evolve.

FFH FALL FROM HEIGHT
HL HEAVY LIFTING
DE DEEP EXCAVATIONS
WAH WORKING AT HEIGHT
DOC DANGER OF COLLAPSE
CWS CONFINED WORKING SPACE
DEM DEMOLITION WORKS
SER SERVICES
FAO FALLING OBJECT FROM ABOVE
MH MANUAL HANDLING
SWA SAFE WORKING AREA
STP SAFE - THIRD PARTY PROTECTION



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PLANNING

REV-A -

REVISIONS

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E: mark@enspire-architects.co.uk
W: www.enspire-architects.co.uk
Office 29, Alloa Business Ctr, Whins Rd, Alloa FK10 3SA

PROJECT
Proposed Upper Floor Alterations
44 Hill Street
Tillicoultry FK13 6HF

DRAWING TITLE
PROPOSED PLANS & ELEVATIONS

CLIENT
Mr A Bellshaw

SCALE Noted DATE August 2022

DRAWING NO. 1571 / PL / 02

**COMMUNITY & REGULATORY SERVICES
CLACKMANNANSHIRE COUNCIL**

REPORT OF HANDLING PLANNING APPLICATION DELEGATED REPORT

Application Ref. No. 22/00258/FULL Date of Site Visit: 7th October 2022.

Description of Proposal **Front and Rear Roof Dormer Extensions and
Installation of External Access Ramp.**

Location: **44 Hill Street, Tillicoultry, FK13 6HF.**

1. **The Proposed Development**

This application is to construct large, flat roofed dormers to the front and rear of a house within the Tillicoultry Conservation area. The dormers as proposed would occupy the majority of the existing roof. The dormers would have PVC windows and plastic composite cladding to the sides. The roof of the dormer to the rear would be finished with a flat roof membrane. The roof of the dormer to the front would slope downwards and two pitched roof features would be included. Part of the roof of this dormer would be clad in slate. PVC guttering and downpipes would be installed. A low access ramp would be installed to the side of the house with a new doorway formed replacing a window and a new internal staircase would be installed. Two larger bedrooms would be formed, upstairs. along with a dressing room, wardrobe, bathroom and storage in the loft.

This application was submitted following the refusal of a previous similar application and subsequent discussions between the Council and the applicant. The external differences between this application and the refused application include the ramp to the side of the house, a slight reduction in the depth of the front dormer, the inclusion of two pitched roof features to the front of the dormer, the use of slate for part of the dormer roofs, uPVC timber look alike cladding for the front and sides of the dormers and the inclusion of a small sloped roof element to the front of part of the dormer.

The house is single storey and within the Tillicoultry Conservation Area. The house has been significantly extended to the rear in the past which has more than doubled the ground floor footprint of the house. The loft has previously been converted and there are two small, flat roofed dormers to the rear.

2. **Summary of Consultation Responses**

Contaminated Land Officer – The case officer has checked the historic records and confirmed that the Council does not hold any historic record that the site was contaminated in the past.

3. Neighbour Notification and Publicity

Number of Neighbours Notified

21

Number of Objections

1

Number of Other Representations

1

4. Summary of Representation.

Previously the Architectural Heritage Society of Scotland objected to the earlier application but has not submitted any comments on this application. As this application is considered to be similar to the earlier application their previous comments are still relevant and have been taken cognisance of in the assessment of this application.

Mrs Liz Albert, 11 Pullar Avenue, Bridge of Allan, Stirling FK9 4TB on behalf of the Scottish Wildlife Trust.

There may be Bats or Bat roosts present within the building. As Bats are a protected species, care must be taken during the works to not disturb these creatures.

Comment. The applicant would normally be made aware of their responsibilities to these protected creatures. As this is a refusal no comment is included.

5. Summary of Supplementary Statements

In the previous application a rationale for the need for the proposed development being required [REDACTED] was submitted. No information on this material consideration has been submitted with this application however, information submitted previously has been taken cognisance of in the assessment of this application.

6. Summary of Section 75 Planning Obligations.

None.

7. Site History/Background

22/00081/FULL - Dormer Extensions to Front and Rear of House – Refused.

8. Planning Assessment

(a) Local Development Plan

i. Policies

The relevant Development Plan Policies area Policy SC8 (Domestic Developments) & EA 23 (Conservation Areas).

Clackmannanshire's Local Development Plan policy SC 8 states that the Council will normally approve alterations to houses provided that the development, by virtue of its siting, design, scale or massing does not detrimentally affect the character or appearance of the building, site or surrounding area.

Policy EA 23 states - development proposals should contribute to the preservation or enhancement of the character and visual amenity of the area.

From the information provided in the application, and comments, if any, received from third parties, we conclude that :-

- The proposed full width box dormer to the front, with timber look a like cladding on the sides and uPVC windows and guttering / downpipes, is atypical of approved dormers in the conservation area, which in the main have small pitched roofs clad in slate with slate to the sides. There are only two examples of larger box dormers to the front within the conservation area and these are both historical examples having been approved before the 1990's, prior to the designation of the conservation area. Both of these dormers are significantly less dominant on their respective roofs than those currently proposed in this application. Since that time no new dormers of the type proposed have been approved for the front elevation of a property in the conservation area.
- While the front dormer has been slightly pulled back from the front of the roof, the scale and massing of the dormer to the front would adversely affect the character of the house as it would be atypical of others in the street and conservation area, being dominant or architecturally incongruous. It would still occupy the majority of the roof.
- The general amenity and character of the surrounding area would be significantly adversely compromised, as the approval of the front dormer would set an unacceptable precedent for the conservation area which in this street is characterised by single storey cottages with sympathetic and architecturally appropriate small dormers. The house is specifically mentioned in the Tillicoultry Conservation Character Appraisal as No. 44 is confirmed as a positive pre-1863 building.
- The house has been extended to the rear which has more than doubled the original ground floor of the house.
- The applicant has stated that a proposed reduction in the width of the front dormer (removing the areas to either side of the pitched roof features) would mean that the proposed bathroom would not be usable in the configuration shown. However following detailed assessment it is considered that a reorganisation of the bathroom could be achieved, [REDACTED]
- The proposed ramp is a low feature and would not adversely impact on the character of the house. [REDACTED]
- The scale and location of the development would appear to not have any significant impact on the amount of daylight or sunlight enjoyed by

neighbouring property owners due to the path of the sun and the design of the dormers.

ii. Proposals

In the earlier assessment of the proposal, the Council's position was outlined in that it was considered that the creation of a large box dormer to the front was unacceptable in terms of Local Development Plan policies and the impact that the dormer would have on the character of the house and the surrounding conservation area. Whilst the modified proposal which is the subject of this application includes pitched roof features to the front of the box dormer and the size of the front dormer had been marginally decreased, it remains substantially the same proposal. The inclusion of the pitched roof features does not greatly enhance the appearance of what is essentially a large box dormer.

Our assessment of this proposal takes account of the applicant's house, future accommodation [REDACTED] the position of, and alterations to, neighbouring properties, and any consequential predicted change to standards of amenity.

iii. Supplementary Guidance

The proposal does not accord with the guidance on householder developments in Supplementary Guidance No.10 - Domestic Developments.

(b) Other Material Considerations

None.

9. Recommendation

Approve	<input type="checkbox"/>	Approve with Conditions (see below)	<input type="checkbox"/>
Refusal (see below)	<input checked="" type="checkbox"/>	Referral to Historic Scotland	<input type="checkbox"/>

Decision

That the application be REFUSED

Reasons for Refusal.

1. The proposal is contrary to Policy SC 8 of the Clackmannanshire Local Development Plan in that the scale and massing of the proposed front dormer is not in keeping with the character of the house and would adversely affect that character.
2. The proposal is contrary to Policy EA 23 of the Clackmannanshire Local Development Plan in that it is atypical of other dormers within the conservation area in terms of materials, size and position and would have an unacceptable adverse impact on it's character.
3. The proposal would set a precedent for similar developments which would adversely impact on the character of the street and surrounding conservation area.
4. There are no other material considerations that outweigh the Development plan position.

Plan Numbers Relating to the Decision

Plan 1 1571 PL01 Existing Plans and Elevations, Plan 2 1571 PL01 Proposed Plans and Elevations, Plan 3 Location Plan.

10. Checklist

The application does involve development of land in which the Council has an interest	<input type="checkbox"/>
The list of owners/occupiers of neighbouring land has been verified during the site visit and appears to be correct	<input checked="" type="checkbox"/>
The charge for advertising this application has been paid or is not required	<input checked="" type="checkbox"/>
Any publicity period has expired	<input checked="" type="checkbox"/>
The recommendation requires authorisation by the following Appointed Officers:	
Development Quality Team Leader	<input checked="" type="checkbox"/>
Development Services Manager	<input type="checkbox"/>
The recommendation/decision has secured added value which is recorded in Uniform	<input type="checkbox"/>
Two complete sets of plans to be approved are attached, or identified from the electronic file	<input type="checkbox"/>
The electronic file requires annotated plans which are attached	<input type="checkbox"/>

There are instructions to Business Support attached to this report/file


Site Notice & Note to Applicant required for National, Major or Bad Neighbour development

Coal Authority Householder Referral Area Note to go with Decision

Coal Authority Standing Advice Note to go out with Decision

Signed M.S. (Case Officer)

Date 21/10/2022

Signed  (Team Leader)

Date 28/10/2022

CLACKMANNANSHIRE COUNCIL**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS****REFUSAL OF PLANNING PERMISSION****Applicant**

Mr Adam Bellshaw
 44 Hill Street
 Tillicoultry
 Clackmannanshire
 FK13 6HF

Agent

Mark Tomkinson
 Enspire Architects Ltd
 Office 29, Alloa Business Ctr
 Whins Rd
 Alloa
 Clackmannanshire

The Council hereby **REFUSE PLANNING PERMISSION** for the:-

Front And Rear Roof Dormer Extensions And Installation Of External Access Ramp

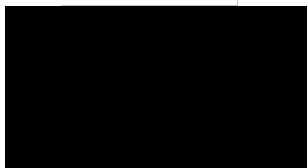
44 Hill Street, Tillicoultry, Clackmannanshire, FK13 6HF,

in accordance with your application and plans Ref. No:- 22/00258/FULL dated 16th September 2022

For the following reasons:-

1. The proposal is contrary to Policy SC 8 of the Clackmannanshire Local Development Plan in that the scale and massing of the proposed front dormer is not in keeping with the character of the house and would adversely affect that character.
2. The proposal is contrary to Policy EA 23 of the Clackmannanshire Local Development Plan in that it is atypical of other dormers within the conservation area in terms of materials, size and position and would have an unacceptable adverse impact on it's character.
3. The proposal would set a precedent for similar developments which would adversely impact on the character of the street and surrounding conservation area.
4. There are no other material considerations that outweigh the Development plan position.

Dated: 28 October 2022



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 DEVELOPMENT SERVICES

Plan 1 1571 PL01 Existing Plans and Elevations, Plan 2 1571 PL01 Proposed Plans and Elevations,
 Plan 3 Location Plan.

NOTES FOR GUIDANCE

1. Please examine your decision notice carefully. It describes the development to which the decision relates, includes any conditions that must be complied with and explains the reasons for the decision.
2. Please also read the following guidance. It contains important information regarding
 - * the duration of the permission
 - * rights of review
 - * requirements for further notification to the Council; and
 - * the publicising of the development.

3. Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission in Principle:-

(a) In the case of matters specified by conditions, further application(s) for approval must be made to the Council not later than the expiration of 3 years beginning with the date of this permission. Otherwise, the planning permission lapses on that date.

(b) The development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or within the expiration of 2 years from the final approval of matters specified, whichever is the later. Otherwise, the planning permission lapses on the latter date.

4. Section 58 of the Town and Country Planning (Scotland) Act as amended by the Planning etc. (Scotland) Act 2006 - Planning Permission: Unless otherwise stated overleaf, the development to which this permission relates must be begun not later than the expiration of 3 years from the date of this permission. Otherwise, the planning permission lapses on that date.
5. There are 2 different rights of appeal if the applicant is aggrieved by the decision to refuse permission for the proposed development, or to grant permission subject to conditions.

- (i) If decision has been made by the Appointed Officer under the Council's Scheme of Delegation, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The Notice of Review form is available to download on the Council's website or can be obtained from the Council's Local Review Body at LRB@clacks.gov.uk. Once completed the form should returned to the same mailbox or, alternatively, you can post your appeal form to:

Clerk to the Local Review Body
Resource & Governance – Legal Services
Clackmannanshire Council
Kilncraigs
Alloa FK10 1EB

- (ii) If the decision has been made by the Council's Planning Committee, then you or your agent may lodge an appeal, within three months from the date of this decision, with the Planning and Environmental Appeals Division (DPEA). The easiest way to do this is via the Planning Appeals Online Portal which can be found on our website, or you can request paper forms from:

Planning and Environmental Appeals Division
Scottish Government
Ground Floor, Hadrian House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR
Telephone 01324 696400

Notification of Initiation of Development

6. Once it has been decided on the date to start work on the development to which this permission relates, **the developer must inform the Council of that date as soon as is practicable and certainly before starting work. This is termed Notification of Initiation of Development (NID). Failure to give such notice to the Council constitutes a breach of planning control.** Please therefore ensure that the NID form attached to this decision notice is completed and returned to the Council before the start of development.

Notification of Completion of Development

7. Once the development to which this permission relates has been completed, the applicant or developer must, as soon as practicable, notify the Council accordingly. This is termed Notification of Completion of Development (NCD). If the development is carried out in phases, the notification must be issued to the Council as soon as practicable after each phase. Please therefore ensure that the NCD form attached to this decision notice is completed and returned to the Council as soon as practicable.

Display of Notice while Development is carried out

8. If this permission relates to a national, major or bad neighbour development (such as a public house or hot food takeaway), the applicant or developer must, for the duration of the development, display one or more signs. The sign(s) must be displayed in a prominent place at or in the vicinity of the site, and be readily visible to the public. **Failure to display the sign(s)/notice while carrying out the development constitutes a breach of planning control.** The information to be displayed must include:-
 - (i) The location of the development.
 - (ii) Any conditions attached to the planning permission.
 - (iii) The name and address of the developer.
 - (iv) The date on which planning permission was granted.
 - (v) The planning authority reference number.
 - (vi) A description of the development.
 - (vii) A note of the Council's contact details for enquiries relating to the development, which is development_services@clacks.gov.uk or Community & Regulatory Services, Clackmannanshire Council, Kilncraigs, Greenside Street, Alloa, FK10 2EB.
9. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.
10. **It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments. In particular, it does not constitute approval under the Building (Scotland) Acts, The Water Environment (Controlled Activities) (Scotland) Regulations or Roads (Scotland) Acts in respect of street works.**

