

# NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County 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 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mrs	Ref No.	
Forename	Diane	Forename	Sandy
Surname	Jeromson	Surname	Ford
Company Name		Company Name	Ford Design Ltd
Building No./Name		Building No./Name	71
Address Line 1		Address Line 1	The Village
Address Line 2		Address Line 2	Archerfield
Town/City		Town/City	Dirleton
Postcode		Postcode	EH39 5HT
Telephone		Telephone	01620 850940
Mobile		Mobile	
Fax		Fax	
Email		Email	sandy@fordesign.co.uk
3. Application Details			
Planning authority	East Lothian Council		
Planning authority's application reference number	15/01030/P		
Site address	54 The Village Archerfield Dirleton EH39 5HT		
Description of proposed development	Variation of Condition 5 of planning permission 14/00586/P to allow changes to materials of the windows and doors from timber to UPVC (retrospective)		

Date of application

18 December 2015

Date of decision (if any)

20 May 2016

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

#### 4. Nature of Application

- Application for planning permission (including householder application)
- Application for planning permission in principle
- 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)
- Application for approval of matters specified in conditions

#### 5. Reasons for seeking review

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

#### 6. 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.

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

If you have marked either of the first 2 options, 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 necessary.

#### 7. Site inspection

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

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

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

NONE

**8. 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.

REFER TO SEPARATE DOCUMENTATION ATTACHED

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes  No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

**9. 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

- ELEVATIONS AND PLANS OF HOUSE AT 54 THE VILLAGE, ARCHERFIELD
- REVIEW STATEMENT ATTACHED

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.

**10. Checklist**

Please mark the appropriate boxes to confirm that 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 requesting 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:  Name:  Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

## **REVIEW STATEMENT**

Statement in support of application for a review of the decision to refuse the retrospective application dated 18 December 2015 to allow the UPVC doors and windows installed at 54 The Village, Archerfield to be retained.

Council planning reference 15/01030/P

## Summary

- 1.1 The residential development at Archerfield, Dirleton was granted planning consent in November 2002 for the erection of 200 houses. The main area of housing as constructed comprises 73 plots and this review statement refers to the house under construction at plot 54. The original consent specified that all doors and windows should be of timber construction finished with a limited choice of brown woodstain.
- 1.2 During construction of the houses a number of owners/developers have ignored this condition and installed white timber windows. No enforcement notice has been served on any of these owners/developers. There are now 23 houses in Archerfield with white or coloured windows.
- 1.3 Following occupation of the houses, several owners have, as allowed by permitted development rights, changed the colour of their windows. There are now green and grey options within Archerfield, in addition to the 21 houses with white windows.
- 1.4 Following occupation of the houses, at least one owner/occupier has removed the timber windows and, as allowed by permitted development rights, replaced them with UPVC doors and windows. It is common knowledge that other owners are going to make this change as is their right.
- 1.5 The owner/occupier of 54 The Village, mindful in particular of ongoing maintenance costs, decided that he wanted to install white UPVC windows during the construction stage to match the 21 other houses in Archerfield with white windows and at least 2 houses with UPVC windows. As no enforcement notice has been served on the owners of the houses which are in contravention of the planning condition relating to colour or material the owner did not anticipate a negative response to this decision. He is now the 23<sup>rd</sup> house to deviate from the planning condition relating to doors and windows.
- 1.6 Following installation of the windows, the local authority enforcement officer contacted the agent acting for the owner of the house and confirmed that the white UPVC windows were not acceptable. It was noted in the discussion that they would have been accepted if the owner was living in the house when they were installed, but could not be accepted as they were installed while the house was under construction.
- 1.7 A retrospective planning application was submitted to allow the doors and windows to be accepted as they matched doors and windows of 22 other houses within the Archerfield area. As they would also become acceptable under permitted development rights as soon as the owner moved into the property, a positive response was expected to the application.  
The application was refused on 20 May 2016.

## Conclusion

- 1.1 The owner has, in good faith, installed doors and windows which are acceptable under permitted development rights and are matched in colour or material by 23 other houses within the Archerfield development.
- 1.2 The implication of the retrospective consent is that any resident in Archerfield who wants white UPVC windows has to first install brown timber windows at a cost of around £25,000.00, wait until he moves in, remove and dispose of these windows, and then install, at a further cost of around £25,000.00, the replacement windows. It takes about 6 months to build a house in Archerfield. The windows are installed half way through the construction period. We therefore have a planning condition which means that all houses have a consistent appearance for a period of 3 months after which owners can make any change they like without any recourse to the planning authority. It seems ridiculous to have in place a condition that incurs a cost of £25,000.00 to the house owner to preserve the consistent 'look' the planning authority wants to achieve for a period of 3 months.
- 1.3 If the owner is forced to remove the windows he has installed, permitted development rights allow him to reinstate them as soon as he occupies the house. As the house is almost completed, it is likely that by the time this review process is concluded, he will have a completion certificate and have moved into the house. He will then have the same rights as all other Archerfield residents, including the right to retain these windows.
- 1.4 As there are 23 houses in Archerfield which appear to contravene the planning condition being enforced, and as far as we are aware, no enforcement notice has been served on any of the other occupants, it seems unreasonable that the owner of plot 54 has been served a notice in isolation.
- 1.5 On the basis of the above, we ask that this application for review be approved and the decision to refuse the planning application be overturned.