

Re: Notice for Review Request - 50 Charlotte Street, Helensburgh, G84 7SR (Ref: 24/0005/LRB)

Mon 13/05/2024 10:55

Good morning Lynsey and colleagues,

Yes, I would like to take up your offer to view the meeting scheduled for this Thursday and look forward to receiving joining instructions, thanks.

Please allow me a few comments on the April submission from the appellant's agent which I had not seen:

- 1) A simple wordsearch of the whole 442-page pack for 'dishonest' returns just 3 hits and all were made by the appellant's agent himself on page-441. His word, not mine.
- 2) The appellant's agent further claims there is no evidence to assess the applicant's approach and attitude to the Planning and Appeal processes. I think two Enforcement Notices alone says it all. I would suggest this is a case of not (admitting to) seeing the wood from the trees.
- 3) He himself makes statements and then contradicts himself with his own photographic hard evidence submissions. For example, he states that it is an "unlikely event of a car being parked on the driveway" then submits independent Google street-view photos showing the owners' cars so parked (if Google do a street-view once every 10 years, let's say, then the odds being defied by this claim are up to 3650-to-1 ie 3649 times out of 3650 days the Google photo should show the right-of-way/driveway being free of parked cars, but it does not). As another example, he submits hard evidence photographs of four other nearby rights-of-way/driveways (all free of parked cars) which again contradict his claims about other precedent matters as previously covered. I would suggest this may be in the hope that Planning then and now the LRB itself do not have the time to drill down into the detail and cross-match claims with hard evidence...even hard evidence supplied by the appellant's agent himself.
- 4) The appellant's agent asks that 23/01046/PP be treated in isolation. I suggest the said four planning applications be treated as a box-set in regard to what this agent now seems to me to be calling 'dishonesty'.
- 5) Even on its own 23/01046/PP is premised on the prior unauthorised and therefore unlawful removal and relocation of a public streetlight, from a known dangerous blind corner at the top of Charlotte Street, as a pre-requisite to widen the said driveway. 23/01046/PP is worded as if these unlawful events (incurring enforcement notices) had not already taken place and were all still at the application stage. I would have called that out as a pretence but as the applicant/appellant perpetuate this pretence through this appeal then maybe the appellant's agent's terminology of 'dishonesty' may have to be considered as more appropriate by the LRB.
- 6) Earlier applications by this applicant also requested the removal of this lamppost which was refused...hence my box-set request.
- 7) This agent's claim in section 3.2 on page 442 that I did not use any point of material consideration in my objection is incorrect. Just by way of example, I cited loss of amenity (ours and the safety of the public) and the unauthorised removal of said lamppost as a fundamental pre-requisite to widen the driveway (which was falsely represented in the application as noted above). I have also quoted Highway Code Rule 243 to which there has been no response. The Code is more relevant now that the agent has again shifted the goalposts of argument from driveway parking precedent to disability provision to now majoring on street parking considerations.
- 8) I am not clear why Carroll v Scottish Borders Council (2015) is now being quoted at all as it is to do with an objection to a specific LRB decision about a windfarm. My objection is to this appeal not to any decision of the LRB. Simply, we have not even got to that stage. I ask the LRB to

consider if this is just more 'legalese' (sic) grandstanding. I was equally unclear why the only other court case quoted in the appeal itself was that of an international shipyard.

9) So, please be very circumspect with this appeal for the sake of the integrity of the Planning and Appeal processes.

10) Please, if and as you find appropriate, send out a clear and unequivocal message by example that the Planning and Appeal processes must be respected.

I hope the process allows you to forward this email to the LRB members ahead of the review.

I look forward to hearing from you with joining instructions.

Kind regards,
Dr Robert Thomson

ps my understanding is that a house name change is governed by Planning Policy contrary to this agent's claim on page 442

Argyll and Bute – Realising our potential together



For information on how we manage your data under the General Data Protection Regulations please click on the following link:- <https://www.argyll-bute.gov.uk/data-protection>

Argyll and Bute Council's e-mail system (also used by LiveArgyll) classifies the sensitivity of emails according to the Government Security Classifications.

Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not disclose, copy or deliver this message to anyone and any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful.

In such case, you should destroy this message and kindly notify the sender by reply email. Opinions, conclusions and other information in this message that do not relate to the official business of Argyll and Bute Council or LiveArgyll shall be understood as neither given nor endorsed by them.

All communications sent to or from Argyll and Bute Council or LiveArgyll may be subject to recording and/or monitoring in accordance with relevant legislation.

This email has been scanned for viruses, vandals and malicious content.