

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY14 February 2024Report by Director of Business Operations and PartnershipsREVIEW OF CASE - REVIEW/2023/10ERECTION OF PERIMETER WALL WITH CONTROLLED ACCESS GATES**PURPOSE OF REPORT**

1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 in respect of the application detailed below.

**DETAILS OF APPLICATION**

2. Application type: Further application (Ref No:- 2023/0257/TP).
- Applicant: Mrs Ayesha Ameen
- Proposal: Erection of perimeter wall with controlled access gates
- Location: 2 Blackhouse Gardens, Newton Mearns, G77 5HS
- Council Area/Ward: Newton Mearns South and Eaglesham (Ward 5).

**REASON FOR REQUESTING REVIEW**

3. The applicant has requested a review on the grounds that the Council's Appointed Officer refused the application.

**RECOMMENDATIONS**

4. The Local Review Body is asked to:-
- (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
    - (i) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied; and
    - (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed; or
  - (b) that in the event that further procedure is required to allow it to determine the review, consider:-

- (i) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;
- (ii) what procedure or combination of procedures are to be followed in determining the review.

## **BACKGROUND**

5. At the meeting of the Council on 29 April 2009, consideration was given to a report by the Director of Environment seeking the adoption of a new Scheme of Delegation in terms of the new Section 43A of the Town and Country Planning (Scotland) Act 1997, subject to approval of the scheme by Scottish Ministers.

6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the “local development” category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an “appointed officer”. In the Council’s case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (Operations).

7. The report highlighted that historically appeals against planning decisions were dealt with by Scottish Ministers. However, following the introduction of the new planning provisions which came into effect on 3 August 2009 all appeals against decisions made in respect of local developments under delegated powers would be heard by a Local Review Body. The Local Review Body would also deal with cases where the appointed officer had failed to determine an application within two months from the date it was lodged.

## **NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW**

8. The applicant in submitting the review has stated the reasons for requiring the review of the determination of the application. A copy of the applicant’s Notice of Review and Statement of Reasons including appeal statement is attached as Appendix 5.

9. The applicant is entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and has detailed in their opinion that this review can continue to conclusion based on the assessment of the review documents only, with no further procedure.

10. The Local Review Body is not bound to accede to the applicant’s request as to how it will determine the review and will itself decide what procedure will be used in this regard.

11. At the meeting of the Local Review Body on 10 August 2016, it was decided that the Local Review Body would carry out unaccompanied site inspections for every review case it received prior to the cases being given initial consideration at a meeting of the Local Review Body.

12. In accordance with the above decision, the Local Review Body will carry out an unaccompanied site inspection on Wednesday, 29 November 2023 before the meeting of the Local Review Body which begins at 2.30pm.

## INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

**13.** Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The Local Review Body is advised that the focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.

**14.** The information detailed below is appended to this report to assist the Local Review Body in carrying out the review of the decision taken by the Appointed Officer:-

- (a) Application for planning permission – Appendix 1 (Pages 7 - 14);
- (b) Objections and Consultation Responses – Appendix 2 (Pages 15 - 30);
- (c) Reports of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 31 – 42);
- (d) Decision notice and reasons for refusal - Appendix 4 (Pages 43 - 48); and
- (d) A copy of the applicant's Notice of Review and Statement of Reasons including appeal statement - Appendix 5 (Pages 49 - 60).

**15.** The applicant has also submitted the drawings listed below and these are attached as Appendix 6 (Pages 61 - 78).

- (a) Various Site Photographs
- (b) Site Map;
- (c) Detailed Site Plan;
- (d) Elevations; and
- (e) Proposed Wall Elevations.

**16.** All the documents referred to in this report can be viewed online on the Council's website at [www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk).

## RECOMMENDATIONS

**17.** The Local Review Body is asked to:-

- (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
  - (i) it proceeds to determine whether the decisions taken in respect of the application under review should be upheld, reversed or varied; and
  - (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed; or
- (b) In the event that further procedure is required to allow it to determine the review, consider:-
  - (i) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;

- (ii) what procedure or combination of procedures are to be followed in determining the review.

Report Author: John Burke

Director – Louise Pringle, Director of Business Operations and Partnerships

John Burke, Committee Services Officer  
e-mail: [john.burke@eastrenfrewshire.gov.uk](mailto:john.burke@eastrenfrewshire.gov.uk)  
Tel: 0141 577 3026

Date:- 7 February 2024

**APPLICATION FOR PLANNING PERMISSION**

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2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: [planning@eastrenfrewshire.gov.uk](mailto:planning@eastrenfrewshire.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      100627037-001

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)

erection of perimeter wall with controlled access gates

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:	Bennett Developments and Consulting		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Don	Building Name:	<input type="text"/>
Last Name: *	Bennett	Building Number:	10
Telephone Number: *	07989417307	Address 1 (Street): *	Park Court
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	07989417307	Town/City: *	Glasgow
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	G46 7PB
Email Address: *	don@bennettgroup.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Ayesha	Building Number:	2
Last Name: *	Ameen	Address 1 (Street): *	Blackhouse Gardens
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Newton Mearns
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	G77 5HS
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		



### Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

### Pre-Application Discussion

Have you discussed your proposal with the planning authority? \* ≤ Yes  No

### 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.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? \*

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

## 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: Don Bennett

On behalf of: Ms Ayesha Ameen

Date: 01/05/2023

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? \* T 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? \* T 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? \* T 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. T Yes ≤ No
- e) Have you provided a certificate of ownership? \* T Yes ≤ No
- f) Have you provided the fee payable under the Fees Regulations? \* T Yes ≤ No
- g) Have you provided any other plans as necessary? \* T 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. \* T 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 David Jarvie

Declaration Date: 01/05/2023

## Payment Details

Online payment

Payment date: 0



Created: 02/05/2023 15:51

**OBJECTIONS/REPRESENTATIONS**

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## Comments for Planning Application 2023/0257/TP

### Application Summary

Application Number: 2023/0257/TP

Address: 2 Blackhouse Gardens Newton Mearns East Renfrewshire G77 5HS

Proposal: Erection of perimeter wall with controlled access gates.

Case Officer: Ms Margaret McGleish

### Customer Details

Name: Mr herbert oliphant

Address: 5 Broomfield Avenue, Newton Mearns, East Renfrewshire G77 5HR

### Comment Details

Commenter Type: Rec'd NeighbourNotification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application is similar to a previous one for this address which was rejected, I make the following comments;~

1. The frontal garden areas in this street are all open plan with no fences or walls, this proposal would distort the appearance of the entire surrounding area.
2. These streets and road junction are a busy route to school and to local shops, anything which changes the visual approach at this junction would create an increased hazard for both pedestrians and approaching vehicles.

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## Comments for Planning Application 2023/0257/TP

### Application Summary

Application Number: 2023/0257/TP

Address: 2 Blackhouse Gardens Newton Mearns East Renfrewshire G77 5HS

Proposal: Erection of perimeter wall with controlled access gates.

Case Officer: Ms Margaret McGleish

### Customer Details

Name: Mr iain grubb

Address: 6 Blackhouse Gardens, Newton Mearns, East Renfrewshire G77 5HS

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This proposed development is contrary to policy D1 of the adopted Local Development Plan 2 and policy 16(g) of the national planning framework as the proposed introduction of a perimeter wall and fencing with two sets of controlled access gates at this prominent corner location would create an incongruous addition to the street scape at odds with the character of the area to the detriment of visual amenity and also be to the detriment of the safety of both pedestrians and vehicular traffic in the locale due to the lack of cognisance in its design of the required pedestrian driver intervisibility.

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## Comments for Planning Application 2023/0257/TP

### Application Summary

Application Number: 2023/0257/TP

Address: 2 Blackhouse Gardens Newton Mearns East Renfrewshire G77 5HS

Proposal: Erection of perimeter wall with controlled access gates.

Case Officer: Ms Margaret McGleish

### Customer Details

Name: Mr iain grubb

Address: 6 Blackhouse Gardens, Newton Mearns, East Renfrewshire G77 5HS

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This proposed development is contrary to policy D1 of the adopted Local Development Plan 2 and policy 16(g) of the national planning framework as the proposed introduction of a perimeter wall and fencing with two sets of controlled access gates at this prominent corner location would create an incongruous addition to the street scape at odds with the character of the area to the detriment of visual amenity and also be to the detriment of the safety of both pedestrians and vehicular traffic in the locale due to the lack of cognisance in its design of the required pedestrian driver intervisibility.

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## Comments for Planning Application 2023/0257/TP

### Application Summary

Application Number: 2023/0257/TP

Address: 2 Blackhouse Gardens Newton Mearns East Renfrewshire G77 5HS

Proposal: Erection of perimeter wall with controlled access gates.

Case Officer: Ms Margaret McGleish

### Customer Details

Name: Mrs Barbara Smith

Address: 4 Blackhouse Gardens, Newton Mearns, East Renfrewshire G77 5HS

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed development is contrary to Policy D1 of the adopted Local Development Plan 2 and Policy 16(g) of the National Planning Framework 4.

The proposed development would create an incongruous addition to the street scape, at odds with the character of the area to the detriment of visual amenity.

It would be to the detriment of the safety of both pedestrians and vehicles.

It would restrict the view into Broomfield Avenue.

The proposed development is contrary to the development plans of Blackhouse Gardens with its open planned front gardens.

The proposed development would likely have an adverse effect on the value of my property.

The proposed development would be very unsightly and out of character for Blackhouse Gardens.

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## Comments for Planning Application 2023/0257/TP

### Application Summary

Application Number: 2023/0257/TP

Address: 2 Blackhouse Gardens Newton Mearns East Renfrewshire G77 5HS

Proposal: Erection of perimeter wall with controlled access gates.

Case Officer: Ms Margaret McGleish

### Customer Details

Name: Mr James Steel

Address: 19 Broomfield Avenue, Newton Mearns, East Renfrewshire G77 5HR

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: In its height and scale, the proposal to erect a perimeter wall and fencing with two sets of access gates aims to introduce a significant solid barrier along the boundary of our properties. This is contested on the grounds of overshadowing and safety. At the prominent corner location, it would be to the detriment of the safety of both pedestrian and vehicular traffic in the locale due to the lack of cognisance in its design of the required pedestrian driver intervisibility. It does not provide safe vehicular access for the proposed and neighbouring properties as required under point 4 Policy D1 (2: Residential Sub-division and Replacement) of the LDP2.

The proposed design would also create an incongruous addition to the street scape at odds with the character of the area to the detriment of visual amenity. I object to the replacement of the existing wooden fencing which runs along the boundary at the rear of my property and the applicants and continues in a uniform material along the boundaries of all other neighbouring properties. There are additional objections in relation to the disruption and required access to my property for both construction and ongoing maintenance. Furthermore, the proposed design would have a negative impact on the free movement of wildlife in the area.

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## Roads Service OBSERVATIONS ON PLANNING APPLICATION

**Our Ref:** 2023/0257/TP  
**D.C Ref:** Margaret McGleish  
**Contact:** Allan Telfer

**Planning Application No:** 2022/0257/TP    **Dated:** 24.05.2023    **Received:** 24.05.2023  
**Applicant:** Ms Ayesha Ameen  
**Proposed Development:** Erection of perimeter wall with controlled access gates  
**Location:** 2 Blackhouse Gardens, Newton Mearns  
**Type of Consent:** Full Planning Permission

### RECOMMENDATION: No Objections Subject to Conditions

Proposals Acceptable Y/N or N/A

Proposals Acceptable Y/N or N/A

Proposals Acceptable Y/N or N/A

#### 1. General

(a) General principle of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis Required	N

#### 2. Existing Roads

(a) Type of Connection (junction / footway crossing)	Y
(b) Location(s) of Connection(s)	Y
(c) Pedestrian Provision	N/A
(d) Sightlines	N

#### 3. New Roads

(a) Widths	N/A
(b) Pedestrian Provision	N/A
(c) Layout (horizontal/vertical alignment)	N/A
(d) Turning Facilities (Circles / hammerhead)	N/A
(e) Junction Details (locations / radii / sightlines)	N/A
(f) Provision for P.U. services	N/A

#### 4. Servicing & Car Parking

(a) Drainage	N/A
(b) Car Parking Provision	N/A
(c) Layout of parking bays / Garages	N/A
(d) Servicing Arrangements/Driveways	N/A

#### 5. Signing

(a) Location	N/A
(b) Illumination	N/A

### COMMENTS

2(a)	<p>In order to form the proposed footway crossover at the proposed vehicular access, an application must be made to ERC Roads Service.</p> <p>All costs associated with the works will be at the expense of the Applicant and to ERC Roads Service specifications.</p>
2(d)	<p>The visibility splay at the junction of Broomfield Avenue/Blackhouse Gardens has been checked. Although the proposed wall would interfere with the splay in this, the secondary direction, a splay of 2.5 x 50 metres is still achievable. This is in excess of the 2.5 x 43 metre splay normally required for a road of this standard.</p> <p>Notwithstanding the above, to ensure an adequate and safe intervisibility between vehicles exiting a driveway and pedestrians on an adjacent footway, visibility splays of 2m x 5m back from the edge of the driveways should be provided with no interference within the splay above a height of 1.05m.</p> <p>It should be noted that, although there may be instances where vegetation/walls prevent this splay being achieved at driveways close to the application site, in any new development, ERC Roads does not permit driver/pedestrian splays to be compromised.</p> <p>The proposed metal panels between the wall pillars would prevent these splays being achieved at both driveways associated with this application site.</p> <p>To enable these splays, the first panel to the left and right of each driveway will require to be removed.</p>



	Also, the proposed sliding gates will require to be either reduced in height to 1 metre or replaced with manually operated gates which open inwards. This is to prevent the gates blocking the view of the adjacent footway as a driver exits the application site.
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	<b>CONDITIONS</b>
	The proposed boundary wall panels adjacent to each driveway will require to be removed and the proposed sliding gates to be either reduced in height to 1 metre or else altered to manually operated gates to open inwards only to enable the required pedestrian driver intervisibility.

**Notes for Intimation to Applicant:**

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road Opening Permit (S56)*	Required

\* Relevant Section of the Roads (Scotland) Act 1984

Comments Authorised By: John Marley      Date: 20/06/2023  
Principal Traffic Officer



## Roads Service OBSERVATIONS ON PLANNING APPLICATION

**Our Ref:** 2023/0257/TP(2)  
**D.C Ref:** Margaret McGleish  
**Contact:** David Little

**Planning Application No:** 2023/0257/TP(2)    **Dated:** 24.05.2023    **Received:** 24.05.2023  
**Applicant:** Ms Ayesha Ameen  
**Proposed Development:** Erection of perimeter wall with controlled access gates  
**Location:** 2 Blackhouse Gardens, Newton Mearns  
**Type of Consent:** Full Planning Permission

### RECOMMENDATION:

### REFUSAL

Proposals Acceptable Y/N or N/A

Proposals Acceptable Y/N or N/A

Proposals Acceptable Y/N or N/A

#### 1. General

(a) General principle of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis Required	N

#### 2. Existing Roads

(a) Type of Connection (junction / footway crossing)	Y
(b) Location(s) of Connection(s)	Y
(c) Pedestrian Provision	N/A
(d) Sightlines	N

#### 3. New Roads

(a) Widths	N/A
(b) Pedestrian Provision	N/A
(c) Layout (horizontal/vertical alignment)	N/A
(d) Turning Facilities (Circles / hammerhead)	N/A
(e) Junction Details (locations / radii / sightlines)	N/A
(f) Provision for P.U. services	N/A

#### 4. Servicing & Car Parking

(a) Drainage	N/A
(b) Car Parking Provision	N/A
(c) Layout of parking bays / Garages	N/A
(d) Servicing Arrangements/Driveways	N/A

#### 5. Signing

(a) Location	N/A
(b) Illumination	N/A

### SUMMARY

Based on the layout presented within this application (drawing nos. 31034/2 & 31034/4a), this Service would recommend Refusal due to lack of pedestrian/ vehicle inter-visibility as described within Section 3.5.3 and figure 3.19 of our Good Practice Guide for Residential Development Roads ([Development Control - East Renfrewshire Council](#))

Notwithstanding, if the proposed boundary wall panels adjacent to each driveway were removed and the proposed sliding gates to be either reduced in height to 1 metre or else altered to manually operated gates to open inwards only to enable the required pedestrian driver inter-visibility, this Service may consider acceptance of such an amendment.

### COMMENTS

2(a) In order to form the proposed footway crossover at the proposed vehicular access, an application must be made to ERC Roads Service.

All costs associated with the works will be at the expense of the Applicant and to ERC Roads Service specifications.

2(d) The visibility splay at the junction of Broomfield Avenue/Blackhouse Gardens has been checked. Although the proposed wall would interfere with the splay in this, the secondary direction, a splay of 2.5 x 50 metres is still achievable. This is in excess of the 2.5 x 43 metre splay normally required for a road of this standard.



Notwithstanding the above, to ensure an adequate and safe intervisibility between vehicles exiting a driveway and pedestrians on an adjacent footway, visibility splays of 2m x 5m back from the edge of the driveways should be provided with no interference within the splay above a height of 1.05m.

It should be noted that, although there may be instances where vegetation/walls prevent this splay being achieved at driveways close to the application site, in any new development, ERC Roads does not permit driver/pedestrian splays to be compromised.

The proposed metal panels between the wall pillars would prevent these splays being achieved at both driveways associated with this application site.

To enable these splays, the first panel to the left and right of each driveway will require to be removed.

Also, the proposed sliding gates will require to be either reduced in height to 1 metre or replaced with manually operated gates which open inwards. This is to prevent the gates blocking the view of the adjacent footway as a driver exits the application site.

**Notes for Intimation to Applicant:**

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road Opening Permit (S56)*	Required

\* Relevant Section of the Roads (Scotland) Act 1984

Comments Authorised By: John Marley Date: 25/7/23  
Principal Traffic Officer



INVESTORS  
IN PEOPLE



Healthy  
Working  
Lives

**REPORT OF HANDLING**

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# REPORT OF HANDLING

Reference: 2023/0257/TP

Date Registered: 3rd May 2023

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 254851/:655729

Applicant/Agent:

Applicant:

Ms Ayesha Ameen

2 Blackhouse Gardens

Newton Mearns

Scotland

G77 5HS

Agent:

Don Bennett

Bennett Developments And

Consulting

10 Park Court

Glasgow

G46 7PB

Proposal: Erection of perimeter wall with controlled access gates.

Location: 2 Blackhouse Gardens

Newton Mearns

East Renfrewshire

G77 5HS

## CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Service

Objections

Broom, Kirkhill And Mearns Kirk Community  
Council

Objects to the proposal – (1) properties in area  
lack boundary walls. (2) serious risk to  
pedestrian (especially children) and driver  
safety.

**PUBLICITY:** None.

**SITE NOTICES:** None.

## SITE HISTORY:

1996/0167/TP

ALTERATIONS AND  
EXTENSION TO  
OUTHOUSE INCLUDING  
CONSERVATORY

Approved Subject 30.07.1996  
to Conditions

2022/0388/TP

Erection of perimeter wall  
and fence with controlled  
access gates.

Refused 22.03.2023

**REPRESENTATIONS:** 4 representations have been received objecting to the proposal.  
Comments are summarised as follows:

- Contrary to LDP2 Policy D1 & NPF4 Policy 16(g) (as detailed in reasons for refusal of previous application (2022/0388/TP) submission)
- Contrary to Policy D1.2 – does not provide safe vehicular access for proposed and neighbouring properties.
- Unsightly, out of character and will distort the appearance of the open plan gardens in the area
- Increased hazard and would be to the detriment of both pedestrians and vehicles at busy road junction restricting views into Broomfield Avenue
- Impact on wildlife
- Removing the fence along property boundaries
- Overshadowing and safety issue
- Access to property for construction and on-going maintenance.
- Adverse effect on the value of property

**DEVELOPMENT PLAN & GOVERNMENT GUIDANCE:** See Appendix 1

**SUPPORTING REPORTS:**

- |                     |  |
|---------------------|--|
| Photographic survey | Photographs of nearby road junctions submitted by agent as evidence.                                     |
| Planning Statement  | A planning statement was submitted to describe how the proposal complies with policy and roads guidance. |

**ASSESSMENT:**

The application site comprises a detached 1.5 storey bungalow and its curtilage and lies within an established residential area characterised by a mixture of house types and sizes. It occupies a corner plot at the junction of Blackhouse Gardens and Broomfield Avenue. The dwelling is finished in roughcast grey render and grey roof tiles.

The property has an existing attached flat roofed garage that is accessed via a driveway from Blackhouse Gardens. The front and northmost part of the side boundary of the site are characterised by open lawned garden areas. The southmost side garden contains shrubs and is open to the rear lawned garden. There is existing fencing on the rear boundary where it meets the neighbouring property at 19 Broomfield Avenue, at pavement side it is approximately 1.6metres high reducing in height towards the neighbouring garage due to the upwards slope in the side garden it then continues at 1.6m high around the remainder of the garden boundary.

Planning permission is sought for the erection of a boundary wall with pillars and fencing around the majority of the site boundary with the introduction of controlled sliding access gates. The proposed wall will have a 0.7metre high base wall with coping stones, with 1.65metres high pillars approximately every 2.5metres. Between each pillar there will be 0.7metre high fence panels atop the base wall, taking the height of the fence to approximately 1.5metres. This wall, with intermittent pillars, fencing and gates extends from the front elevation of the host property's garage on Blackhouse Gardens around the two street frontages of the corner site up to the new access and controlled sliding gate on Broomfield Avenue, where a 2metre high solid wall continues until just beyond the front elevation of the neighbouring garage at no.19 Broomfield Avenue. There are no proposals included to alter the existing boundary fence around the remaining perimeter.

In terms of gates, controlled sliding access gates 3metres wide, are proposed at the existing driveway at Blackhouse Gardens, as well as at the new access being taken from Broomfield Avenue, approximately 15metres from its junction with Blackhouse Gardens. The materials for the



proposal incorporate white painted wet dash render for the walls with a stone cope finish, with black painted metal railing panels between the pillars and black painted metal gates.

It should be noted that this is a re-designed proposal, submitted following a recent refusal of planning permission for a previously similar application (2022/0388/TP), for the erection of a perimeter wall and fence and controlled access gates at the property. This assessment, of the current application (2023/0257/TP), is based on drawings that have been amended following a request from the planning officer to clarify the discrepancies found between the submitted drawings and the proposal description contained within the accompanying planning statement.

The proposal is required to be assessed against the Development Plan which consists of the National Planning Framework (NPF4) and Local Development Plan (LDP2). Due to the scale and nature of the proposal, Policy 16(g) of the NPF4, and Policy D1 of the LDP2 are the most relevant. Policy D1 states that the proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design. Furthermore, the proposal should not result in a significant loss of character or amenity to the surrounding area. Policy 16(g) of NPF4 states that householder developments will be supported where they do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

The immediate area in which the proposal is located is characterised by properties with open front gardens, and where there are any, by predominantly low boundary walls/fences and/or natural boundary treatments such as privet hedging. It is accepted that there are a few properties within the wider vicinity of the site with hedging/trees above 1metre in height, however these are few in number and create a more natural, softer boundary than the proposed development whilst still allowing the free movement of wildlife. It should be noted that if the hedges at these properties become a safety issue with sight lines at junctions then this would be dealt with by the roads authority under separate legislation.

Where there are a few examples of fences above 1metre in height within the wider vicinity, it was explained to the applicant at the time of the previous submission, that these are either historic and/or in one particular instance, has been erected without the benefit of planning permission.

This revised proposal (2023/0257/TP), along Blackhouse Gardens and part of Broomfield Avenue is not too dissimilar to the previously refused application in that the fencing panels are the same height of 1.5metres although they are now open railings compared to solid fence panels. However, when approaching the property from either direction along Broomfield Avenue or Blackhouse Gardens, the panels due to their design, along with the pillars will still appear more like a solid structure. There is a greater difference between the previous and current planning applications along the south and westmost sections fronting Broomfield Avenue. The previous refused application proposed a lower wall, pillars and fencing that had a maximum overall height of 1.675m. The current application proposes a 2metre high solid wall stretching some 25metres in total.

Consequently, given the above, it is considered that the current proposal (2023/0257/TP), incorporating a wall of such a height and length, creates a solid barrier which would have a detrimental physical impact on the adjoining property and would present an incongruous addition to the open plan aesthetic of the streetscape, to the detriment of the visual amenity of the immediate surrounding area.

The Council's Roads Service raised concerns regarding pedestrian driver inter-visibility and resulting road safety issues. The applicant was requested to amend their proposal to take into account these concerns, however have failed to respond. It is acknowledged that the applicant wishes to create a safe private garden area that is not open to the street, but any proposed

development should also be safe for the wider community. As a result it is considered that the proposal, due to the position, height and design, raises safety concerns of pedestrian-driver intervisibility at the access gates, to the detriment of the safety of pedestrians and vehicle users in the area.

The Broom, Kirkhill and Mearns Kirk Community Council is a statutory consultee and submitted their response stating that all members of the community council objected to the proposal. They state that the proposed erection of a perimeter wall is contrary to the current format of properties in the same area where all properties lack boundary walls. They agreed it would provide a serious risk to pedestrian and driver safety at the junction between Broomfield Avenue and Blackhouse Gardens and that the loss of pedestrian visibility will be of especial risk to primary and secondary school children that walk to schools, in particular Kirkhill Primary.

In terms of the four representations received, the following assessment is made in respect of the points of objection not specifically addressed above:

- Contrary to Policy D1.2 – this particular policy applies specifically to residential sub-division and replacement therefore not relevant to this application.
- Overshadowing – it is accepted that there will be an element of overshadowing as a result of the proposed wall along the boundary with no.19 Broomfield Avenue, however due to its location, any overshadowing would be restricted to the driveway and is not considered to be to the detriment of the amenity of the proprietors.
- In terms of construction and on-going maintenance - this is a private legal matter and not a material planning consideration in assessing this application.
- Adverse effect on the value of property – this is not a material planning consideration.

In terms of the supporting information submitted by the applicant, the following response is offered:

The applicant claims that there are *'numerous examples of hedges/fences at corners'*. As mentioned in the report above, these are not characteristic of the immediate vicinity of the proposed site and are natural boundary treatments that have grown over some years and not directly comparable to the proposed development of a wall, fencing and gates. Any sightlines obscured at these particular locations are best controlled by other legislation.

The example of composite fencing over 1metre in height, along one side of a corner property at 27 Broomfield Avenue where there is a vehicular access, is historic. This access and boundary treatment in its current location would not comply with current roads guidance and as such cannot be considered to be an exemplar for future proposals in the wider surrounding area.

The planning statement also argues, inter alia, that the applicant has reconsidered his requirements for this application and is now *'proposing a lower wall, still with pillars but with open railing infill panels which will allow better sightlines at the junction'*. It is noted that the low wall proposed, and now illustrated in the amended drawings at the request of the case officer, has only been reduced in height by 10centimetres and the height of the pillars reduced only by 2.5centimetres. This reduction in height is not considered to have reduced the impact of the proposal. Although the new second access would allow for vehicles to enter and exit in forward gear, the proposed design has already been assessed in the body of the report above and is not considered to alleviate the previous road safety concerns of pedestrian-driver inter-visibility at the access gates.

The planning statement further mentions that the proposal to erect a 2metre high wall *'has been deployed at other similar locations in the local area'*. No evidence has been provided to substantiate this statement and the case officer, on visiting the proposal site, is unaware of any such 2metre

high walls in the vicinity of the proposed site. Further, in line with planning legislation, each application is assessed on its own merit. Precedent is not a material planning consideration.

In conclusion, the introduction of the proposed perimeter wall and fencing with two sets of controlled access gates at this prominent corner location would create an incongruous addition to the streetscape, at odds with the character of the area to the detriment of visual amenity. Further it would be to the detriment of pedestrian and driver safety due to lack of inter-visibility. As such, the proposal is contrary to the Development Plan and in particular Policy D1 of the adopted LDP2 and Policy 16(g) of the NPF4. There are no material considerations which would justify setting aside the Development Plan and approving the application. Therefore it is recommended that the application be refused.

**PLANNING OBLIGATIONS:** None.

**RECOMMENDATION:** Refuse

**REASON(S):**

1. The proposed development is contrary to Policy D1 of the adopted Local Development Plan 2 and Policy 16(g) of the National Planning Framework 4 as the proposed introduction of a perimeter wall and fencing with controlled access gates at this prominent corner location would create an incongruous addition to the street scape, at odds with the character of the area to the detriment of visual amenity.
2. The proposed development is contrary to Policy D1 of the adopted Local Development Plan 2 and Policy 16(g) of the National Planning Framework 4 as the proposed introduction of a perimeter wall and fencing with controlled access gates at this prominent corner location would be to the detriment of the safety of both pedestrians and vehicular traffic in the locale due to lack of cognisance, in its design, of the required pedestrian driver intervisibility.

**ADDITIONAL NOTES:** None.

**ADDED VALUE:** None.

**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Ms Margaret McGleish on 0141 577 3001.

Ref. No.: 2023/0257/TP  
(MAMC)

DATE: 4<sup>th</sup> August 2023

**DIRECTOR OF ENVIRONMENT**

**Finalised 4<sup>th</sup> August 2023 – GMcC(1)**

**Reference: 2023/0257/TP - Appendix 1**

**DEVELOPMENT PLAN:**

## **Adopted East Renfrewshire Local Development Plan 2**

### Policy D1

#### Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density and layout that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character and setting, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
12. Unless justified, there will be a general presumption against landraising. Where there is

a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;

13. Backland development should be avoided;
14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Guidance;
16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and
20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

#### **National Planning Framework 4**

##### Policy 16

##### Quality homes

- a) Development proposals for new homes on land allocated for housing in LDPs will be supported.
- b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
  - i. meeting local housing requirements, including affordable homes;
  - ii. providing or enhancing local infrastructure, facilities and services; and
  - iii. improving the residential amenity of the surrounding area.

- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
- i. self-provided homes;
  - ii. accessible, adaptable and wheelchair accessible homes;
  - iii. build to rent;
  - iv. affordable homes;
  - v. a range of size of homes such as those for larger families;
  - vi. homes for older people, including supported accommodation, care homes and sheltered housing;
  - vii. homes for people undertaking further and higher education; and
  - viii. homes for other specialist groups such as service personnel.
- d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.
- e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
- i. a higher contribution is justified by evidence of need, or
  - ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes. The contribution is to be provided in accordance with local policy or guidance.
- f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
- i. the proposal is supported by an agreed timescale for build-out; and
  - ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
  - iii. and either:
    - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
    - the proposal is consistent with policy on rural homes; or
    - the proposal is for smaller scale opportunities within an existing settlement boundary; or
    - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

- g) Householder development proposals will be supported where they:
  - i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
  - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
  
- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

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## DECISION NOTICE

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2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, G46 8NG  
Phone: 0141 577 3001 Fax: 0141 577 3781 DX: 501601 GIFFNOCK



Our Ref: 2023/0257/TP  
Your Ref:  
Date: 7th August 2023  
When calling Please ask for: Ms Margaret McGleish [margaret.mcgleish@eastrenfrewshire.gov.uk](mailto:margaret.mcgleish@eastrenfrewshire.gov.uk)  
Telephone No: 0141 577 3001

Don Bennett  
Bennett Developments And Consulting  
10 Park Court  
Glasgow  
G46 7PB

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**  
**(AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006)**  
**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT**  
**PROCEDURE) (SCOTLAND) REGULATIONS 2008**  
**NOTIFICATION OF DECISION - REFUSAL OF PLANNING PERMISSION**

Ref No: 2023/0257/TP  
Location: 2 Blackhouse Gardens Newton Mearns East Renfrewshire G77 5HS  
Proposal: Erection of perimeter wall with controlled access gates.

The Council has decided to refuse your application for the reasons explained on the enclosed decision notice. The stamped refused drawings are available to view and download from the Council's website [www.ercplanning.eastrenfrewshire.gov.uk](http://www.ercplanning.eastrenfrewshire.gov.uk) by searching under the application reference number.

If you are aggrieved by the decision, you may appeal or seek a review of the decision. Please see the notes attached to your decision notice for the procedures you should follow and the timescales involved.

Yours faithfully

Gillian McCarney  
Head of Environment (Chief Planner)

Encl.



Gillian McCarney, Head of Environment (Chief Planner), 2 Spiersbridge Way, Thornliebank, East Renfrewshire, G46 8NG

When you contact us we want you to trust that your personal information is in safe hands, and that starts with helping you understand why we ask for data and how we manage it. Read our Privacy notice at [Privacy Notice](#) for more information, alternatively if you would like this in a different format, please contact [planning@eastrenfrewshire.gov.uk](mailto:planning@eastrenfrewshire.gov.uk)

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(SCOTLAND) REGULATIONS 2013**

**REFUSAL OF PLANNING PERMISSION**

Ref. No.        **2023/0257/TP**

**Applicant:**

Ms Ayesha Ameen  
2 Blackhouse Gardens  
Newton Mearns  
Scotland  
G77 5HS

**Agent:**

Don Bennett  
Bennett Developments And Consulting  
10 Park Court  
Glasgow  
G46 7PB

With reference to your application which was registered on 3rd May 2023 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

**Erection of perimeter wall with controlled access gates.**

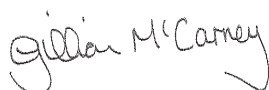
**at: 2 Blackhouse Gardens Newton Mearns East Renfrewshire G77 5HS**

the Council in exercise of their powers under the abovementioned Act and Regulations hereby refuse planning permission for the said development.

**The reason(s) for the Council's decision are:-**

1.        The proposed development is contrary to Policy D1 of the adopted Local Development Plan 2 and Policy 16(g) of the National Planning Framework 4 as the proposed introduction of a perimeter wall and fencing with controlled access gates at this prominent corner location would create an incongruous addition to the street scape, at odds with the character of the area to the detriment of visual amenity.
  
2.        The proposed development is contrary to Policy D1 of the adopted Local Development Plan 2 and Policy 16(g) of the National Planning Framework 4 as the proposed introduction of a perimeter wall and fencing with controlled access gates at this prominent corner location would be to the detriment of the safety of both pedestrians and vehicular traffic in the locale due to lack of cognisance, in its design, of the required pedestrian driver intervisibility.

Dated            4<sup>th</sup> August 2023



Head of Environment  
(Chief Planner)  
East Renfrewshire Council  
2 Spiersbridge Way,  
Spiersbridge Business Park,  
Thornliebank,  
G46 8NG  
Tel. No. 0141 577 3001

The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	Location Plan		
Site Location Plan	2		
Elevations Proposed	4a		
Elevations Proposed	5a		

## **GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS**

### **REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY**

1. If the applicant is aggrieved by a decision to refuse permission (or by an approval subject to conditions), 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. A Notice of Review can be submitted online at [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk). Please note that beyond the content of the appeal or review forms, **you cannot normally raise new matters** in support of an appeal or review, unless you can demonstrate that the matter could not have been raised before, or that its not being raised before is a consequence of exceptional circumstances. Following submission of the notice, you will receive an acknowledgement letter informing you of the date of the Local Review Body meeting or whether further information is required.

2. 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.

### CONTACT DETAILS

**East Renfrewshire Council  
Development Management Service  
2 Spiersbridge Way,  
Spiersbridge Business Park,  
Thornliebank,  
G46 8NG**

**General Inquiry lines 0141 577 3001  
Email [planning@eastrenfrewshire.gov.uk](mailto:planning@eastrenfrewshire.gov.uk)**

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## NOTICE OF REVIEW

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2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: [planning@eastrenfrewshire.gov.uk](mailto:planning@eastrenfrewshire.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 100644543-001

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

## Agent Details

Please enter Agent details

Company/Organisation:	bennett developments and consulting		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Don	Building Name:	
Last Name: *	Bennett	Building Number:	10
Telephone Number: *	+447989417307	Address 1 (Street): *	PARK COURT
Extension Number:		Address 2:	
Mobile Number:	+447989417307	Town/City: *	Giffnock, Glasgow
Fax Number:		Country: *	United Kingdom
		Postcode: *	G46 7PB
Email Address: *	don@bennettgroup.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	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="Ayesha"/>	Building Number:	<input type="text" value="2"/>
Last Name: *	<input type="text" value="Ameen"/>	Address 1 (Street): *	<input type="text" value="Blackhouse Gardens"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Newton Mearns"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G46 7PB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="don@bennettgroup.co.uk"/>		

## Site Address Details

Planning Authority:	<input type="text" value="East Renfrewshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="2 BLACKHOUSE GARDENS"/>
Address 2:	<input type="text" value="NEWTON MEARNNS"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GLASGOW"/>
Post Code:	<input type="text" value="G77 5HS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="655729"/>	Easting	<input type="text" value="254851"/>
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## 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)

Erection of perimeter wall with controlled access gates

## 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.

Failure of local authority to properly assess the application

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)

Statement of Appeal Planning Statement Decision Notice Report of handling Application form Photographs Drawings

## Application Details

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

2023/0257/TP

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

03/05/2023

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

07/08/2023

## 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

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 Don Bennett

Declaration Date: 21/09/2023

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## **bennett** *Developments and Consulting*

10 Park Court,  
Glasgow, G46 7PB  
[don@bennettgroup.co.uk](mailto:don@bennettgroup.co.uk)

### **STATEMENT OF APPEAL**

20.9.2023

**APPEAL TO EAST RENFREWSHIRE COUNCIL LOCAL REVIEW BODY AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF PERIMETER WALL WITH CONTROLLED ACCESS GATES AT 2 BLACKHOUSE GARDENS, NEWTON MEARNS, G76 5HS  
APP REF: 2023/0257/TP**

#### **01** Background

The property at 2 Blackhouse Gardens is located at the corner of Blackhouse Gardens and Broomfield Avenue in the established residential area of Newton Mearns.

Due to the corner location the property does not have the benefit of a secure and private back garden which has proven problematic as the owners/appellant has young children whose security is understandably paramount.

In order to rectify this situation, in 2022( App Ref: 2022/0388/TP) the appellant lodged a planning application for the erection of a boundary wall around the perimeter of the garden with controlled access gates on Blackhouse Gardens and Broomfield Road.

#### **02** Reasons for Refusal

This was subsequently refused on the grounds that the proposed boundary wall was of a scale that was out of context with the character of the area and would impact on pedestrian and vehicular safety.

While not agreeing that the proposal did contravene the policy guidance, the appellant submitted a fresh application ( APP REF: 2023/0257/TP) which was felt addressed the previous issues, namely the height, scale and materials of the previous submission.

On 7<sup>th</sup> August 2023, this application was also refused, on similar grounds to the previous application, despite the application addressing the previous reasons for the refusal.

The appellant was understandably disappointed at the decision to refuse the application.

### 03 Response to Reason for Refusal

When determining an application the local authority are required to assess it in the context of the latest approved and adopted local development and any other relevant material such as National Planning Guidelines, in this case **NPF4**. In the case of the Local Development Plan (LDP) **Policy D1** and in the case of NPF4, **Policy 16(g)**.

Accordingly the application has to be considered in the context of both these policies.

If we consider the LDP, In assessing the application the planning officer sought the views of the roads department in respect of the submitted design. It is noted that the roads department did not object to the proposed development, though if approved they would wish to see certain amendments to the design. The salient point is that despite one of the reasons for refusal being pedestrian/vehicular safety, the authority in these matters did not object. Since the council's own inhouse experts in road safety did not object we must assume that the opinions of the unqualified planning officer were allowed to prevail. This is not tenable as while opinions may carry some persuasion, facts carry authority, and the fact remains that the roads experts did not object. Accordingly the unqualified opinions expressed by the planning officer cannot be founded upon as reason to refuse the application.

Further in respect of **Policy D1, Placemaking and Design** the planning officer argues that the proposed boundary treatment was out of character and incongruous due to its scale and design. **Policy D1 (7)** states that "*boundary treatment and landscaping should create a distinctive edge and gateway to the development...*" which is exactly what this proposal will deliver, so it is difficult to understand why the proposal cannot be supported.

The planning officer also claims that the character of the area is one of open front gardens, yet there are many examples of high boundary treatments in the area including walls, fences and overgrown hedges, and also seems to suggest or imply that this area is the subject of a particular set of design principles which would preclude a boundary wall. An examination of the LDP will demonstrate that no area specific design policies exists within the 'Plan, so this site can legitimately be considered in the context of the wider area where there is an abundance of high level boundary treatments on corner sites.

Interestingly, in the Report of Handling the planning officer argued that some of the examples cited were not relevant as some were plant based while one particular example was explained away as being unauthorised. though we are not aware of any pending enforcement action.

The Report of Handling also considers the design of the proposed boundary wall to be inappropriate and not in keeping with the local architecture. Given that they area is one of a wide range of house types, different materials and orientation it is difficult to find any merit in this assertion. The design of the wall having a series of vertical pillars with a decorative railing detail is entirely appropriate and as the railings make it permeable, contributes to pedestrian and vehicular safety.

With respect to **NPF4**, the Report of Handling cites **Policy 16(g)**, which states that development proposals will be supported when they:



- (i) Do not have a detrimental impact on the character or environmental quality of the home and surrounding area in terms of size, design and materials.
- (ii) Do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

Having regard to these requirements, it has been established that there is no area specific guidance which would prohibit the proposed boundary wall and that in terms of design, scale and materials it will complement existing structures in the area.

As the proposal relates solely to the construction of a boundary wall less than 2metres in height, on a corner site, issues such as overlooking or overshadowing will not arise.

Accordingly while it is argued in the Report of Handling that the proposal contravenes the terms of **NPF4**, it is clear that this is not the case.

## 04 Conclusion :

The proposed development, of a boundary wall which will provide privacy and security for the appellant and his young family is a modest and entirely justifiable development. It can be accommodated within the area without impacting on the character of the area or impuning pedestrian/vehicular safety.

It has been demonstrated that the proposed development complies with the terms of the relevant legislation and as such, the decision to refuse the application was flawed and without foundation.

**In the circumstances we would ask that as the decision to refuse was flawed, it should be overturned and permission granted.**

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**PLANS/DRAWINGS**

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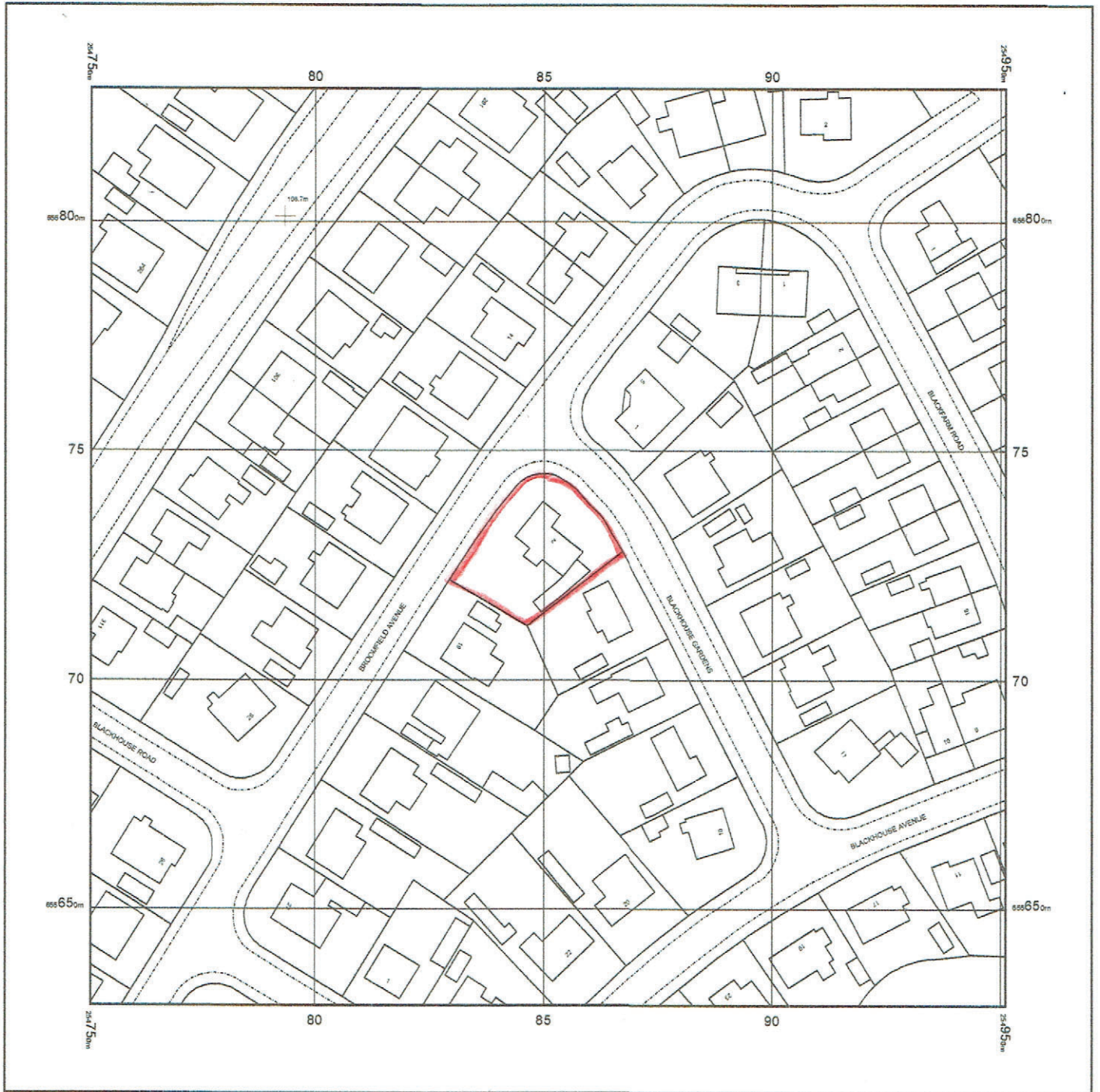




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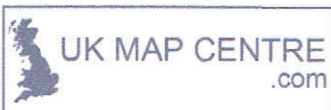
31034: 2 BLACKHOUSE GARDENS, NEWTON MEARNS, G77 5HS

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**BROOMFIELD AVENUE**

**BLACKHOUSE GARDENS**

drop kerb to be installed to Broomfield Avenue

0.7m high wall with raised pillars with black metal railings between Wall & pillars finished with cope stones

vehicular access formed with electric sliding gate

hardstanding formed for vehicles linking vehicle accesses

existing access to have electric sliding gate fitted

2m high wall to private rear garden area

private rear garden area

existing garage

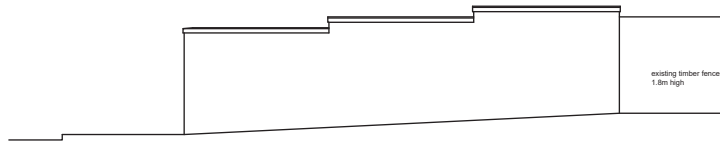


Proposals at  
2 Blackhouse Gardens  
Newton Mearns  
G77 5HS

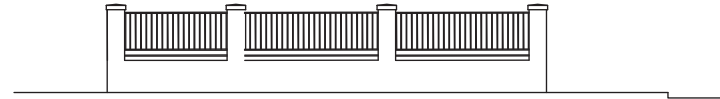
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elevation to 19 Broomfield Avenue as proposed



elevation to 4 Blackhouse Gardens as proposed



elevation to Broomfield Avenue as proposed

Garden perimeter wall to be finished with wet dash render painted white to match house with stone cope finish.  
Metal railings between pillars painted black.  
Metal sliding electric gates painted black.  
New vehicular access to Broomfield Avenue with drop kerb fitted to Roads Department's specification.



elevation to Blackhouse Gardens as proposed

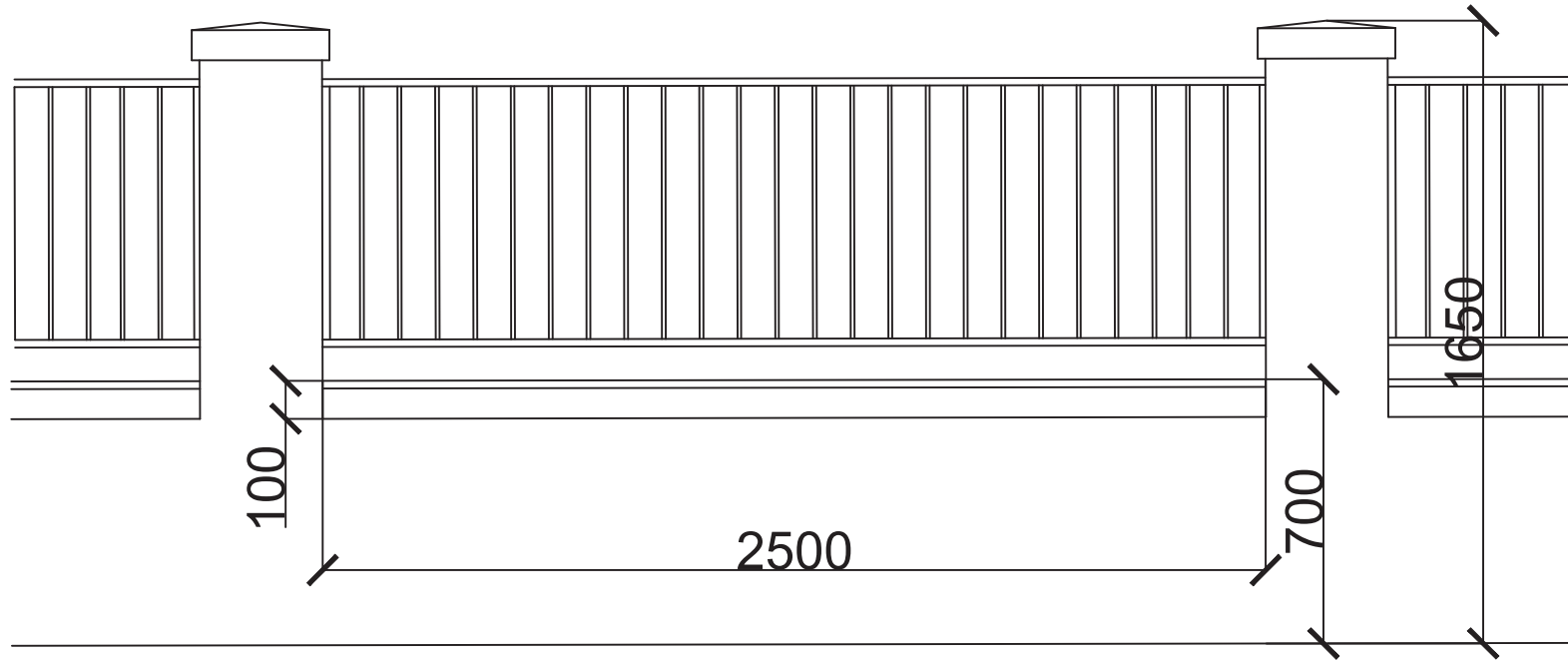


Proposals at  
2 Blackhouse Gardens  
Newton Mearns  
G77 5HS

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dwg no. 31034/4b

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Garden perimeter wall to be finished with wet dash render painted white to match house with stone cope finish.  
Metal railings between pillars painted black.

## Perimeter wall/fencing detail



Proposals at  
2 Blackhouse Gardens  
Newton Mearns  
G77 5HS

scale 1:20 (A4)  
dwg no. 31034/5a

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