

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY2 October 2024Report by Director of Business Operations and PartnershipsREVIEW OF CASE - REVIEW/2024/08DOWNSTAIRS EXTENSION TO ENABLE SINGLE LEVEL LIVING WITH ACCESS TO A RAMP AND FITTING OUT OF A WET FLOOR SHOWER TRAY ADAPTATION**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:- 2024/0131/TP).
- Applicant: Mr Khalid Masood
- Proposal: Downstairs extension to enable single level living with access to a ramp and fitting out of a wet floor shower tray adaptation
- Location: 70 Ravenscliffe Drive, Giffnock, G46 7QS
- Council Area/Ward: Giffnock and Thornliebank (Ward 3).

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, 2 October 2024 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 71 to 78);
- (b) Objections and Consultation Responses – Appendix 2 (Pages 79 to 81);
- (c) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 82 to 91);
- (d) Decision notice and reasons for refusal - Appendix 4 (Pages 92 to 95); and
- (d) A copy of the applicant's Notice of Review and Statement of Reasons - Appendix 5 (Pages 96 to 105).

15. The applicant has also submitted the drawings listed below and these are attached as Appendix 6 (Pages 106 to 112).

- (a) Location Plan as Existing;
- (b) Site Plan as Existing and as Proposed;
- (c) Floor Plan as Proposed;
- (d) Rear Elevations as Proposed;
- (e) Side Elevations as Proposed; and
- (f) Further Side Elevations as Proposed.

16. All the documents referred to in this report can be viewed online on the Council's website at 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, Democratic Services Officer
e-mail: john.burke@eastrenfrewshire.gov.uk
Tel: 0141 577 3026

Date:- 24 September 2024

APPLICATION FOR PLANNING PERMISSION



2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: 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 100664233-001

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.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Downstairs extension to enable single level living with access to a ramp and fitting out of a wet floor shower tray adaptation.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

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:	Farleigh Associates Chartered Surveyors		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Cyril	Building Name:	<input type="text"/>
Last Name: *	Farleigh	Building Number:	1
Telephone Number: *	07885734613	Address 1 (Street): *	Aster Gardens
Extension Number:	<input type="text"/>	Address 2:	Southpark Village
Mobile Number:	<input type="text"/>	Town/City: *	Glasgow
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	G53 7XG
Email Address: *	office@farleighcs.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Khalid	Building Number:	70
Last Name: *	Masood	Address 1 (Street): *	Ravenscliffe Drive
Company/Organisation	<input type="text"/>	Address 2:	Gliffnock
Telephone Number: *	<input type="text"/>	Town/City: *	Glasgow
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	G46 7QS
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

70 RAVENSCLIFFE DRIVE

Address 2:

GIFFNOCK

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G46 7QS

Please identify/describe the location of the site or sites

Northing

659434

Easting

255703

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

224.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Residential

Access and Parking

Are you proposing a new 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 propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ≤ Yes T No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 2</p> <p>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)? * 2</p> <p>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, cycles spaces).</p>
<h3 style="margin: 0;">Water Supply and Drainage Arrangements</h3> <p>Will your proposal require new or altered water supply or drainage arrangements? * ≤ Yes T No</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * ≤ Yes T No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p>≤ Yes</p> <p>≤ No, using a private water supply</p> <p>T No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<h3 style="margin: 0;">Assessment of Flood Risk</h3> <p>Is the site within an area of known risk of flooding? * ≤ Yes T No ≤ Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * ≤ Yes T No ≤ Don't Know</p>
<h3 style="margin: 0;">Trees</h3> <p>Are there any trees on or adjacent to the application site? * ≤ Yes T No</p> <p>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.</p>
<h3 style="margin: 0;">Waste Storage and Collection</h3> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * ≤ Yes T No</p>

If Yes or No, please provide further details: * (Max 500 characters)

Not affected, continue as existing.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

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: Cyril Farleigh

On behalf of: Mr Khalid Masood

Date: 11/03/2024

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

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) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- T Site Layout Plan or Block plan.
- T Elevations.
- T Floor plans.
- T Cross sections.
- ≤ Roof plan.
- T Master Plan/Framework Plan.
- ≤ Landscape plan.
- ≤ Photographs and/or photomontages.
- T Other.

If Other, please specify: * (Max 500 characters)

PLANNING STATEMENT AND SUPPORTING LETTERS FROM MEDICAL TEAMS

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	≤ Yes	T	N/A
A Design Statement or Design and Access Statement. *	≤ Yes	T	N/A
A Flood Risk Assessment. *	≤ Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤ Yes	T	N/A
Drainage/SUDS layout. *	≤ Yes	T	N/A
A Transport Assessment or Travel Plan	≤ Yes	T	N/A
Contaminated Land Assessment. *	≤ Yes	T	N/A
Habitat Survey. *	≤ Yes	T	N/A
A Processing Agreement. *	≤ Yes	T	N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Cyril Farleigh
 Declaration Date: 11/03/2024

OBJECTIONS/REPRESENTATIONS

Comments for Planning Application 2024/0131/TP

Application Summary

Application Number: 2024/0131/TP

Address: 70 Ravenscliffe Drive Giffnock East Renfrewshire G46 7QS

Proposal: Erection of a single storey rear extension including access to a ramp.

Case Officer: Mr Derek Scott

Customer Details

Name: Mr Kenneth Dickson

Address: 60 Treeburn Avenue Giffnock East Renfrewshire G46 7BB

Comment Details

Commenter Type: Rec'd NeighbourNotification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: On Monday 16th April 2018 there was a subsidence at the rear of my garden which was then inspected by the following people.

Grant from East Renfrewshire Council's Building Control,
my Building Insurance Loss Adjuster, a Chartered Geologist,
Coal Board Authority Project Manager and a Coal Board Authority specialist drilling team GEOL
Consultants from Gateshead.

After test examination Bore Holes from both the Chartered Geologist and also GEOL Consultants I
was informed

that the subsidence was due to this area of Giffnock being built on an Open Quarry and that the
Open Quarry had

not been levelled correctly prior to earth being put on top and that something had moved therefore
causing this subsidence and that I could now make arrangements to infill with the correct
membrane and also Type 1 Stones.

This was completed by Parklane Multitrade using the correct Membrane and 12 tons of Type 1
Stones.

Overall the cost to myself was just over £3,000.

When I view Description Document " RDB KM 12 Floor Plan Proposed " it appears that the rear of
this proposed extension will only be approximately 1.2 Metres from the above subsidence
therefore I am very concerned that severe damage could be caused to my garden from the
building foundation work only being approximately 1.2 Metres from my repaired garden
subsistence.

Also when I view Description Document " RDB KM 35 Rear

Elevations As Proposed " I have concerns regards
Guttering, Rain Drainage Pipes and Water Drainage Pipes.
With the Guttering being so close to my garden if overflows, due
to heavy rain storms, then that overflow of rain water will have
the potential to flow into my garden which has the potential to
damage my repaired garden subsidence .

REPORT OF HANDLING

REPORT OF HANDLING

Reference: 2024/0131/TP

Date Registered: 8th April 2024

Application Type: Full Planning Permission

This application is a Local Development

Ward: 3 -Giffnock And Thornliebank

Co-ordinates: 255703/:659434

Applicant/Agent:

Applicant:

Mr Khalid Masood
70 Ravenscliffe Drive
Giffnock
Glasgow
Scotland
G46 7QS

Agent:

Cyril Farleigh
1 Aster Gardens
Southpark Village
Glasgow
Scotland
G53 7XG

Proposal: Erection of a single storey rear extension including access to a ramp.

Location: 70 Ravenscliffe Drive
Giffnock
East Renfrewshire
G46 7QS

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

2000/0188/TP	Erection of two storey rear extension	Granted	04.07.2000
2004/0487/TP	Erection of two storey rear extension	Approved Subject to Conditions	03.08.2004

REPRESENTATIONS: One representation has been received, indicating an objection to the proposal and can be summarised as follows:

Concerns over damage to subsidence remediation works at the adjacent property to the rear.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Planning Statement: Indicates the applicant has mobility issues and that the proposed extension will assist the applicant's condition. The statement includes letters in support of the proposal from 5 medical practitioners responsible for the applicant's care. The information contained within the statement is confidential.

ASSESSMENT:

The application site comprises a two storey, semi-detached dwelling and its curtilage and lies within an established residential area. The dwelling has previously been extended under reference 2004/0487/TP that permitted the erection of a two storey rear extension. That extension extends 4.3 metres from the rear of the dwelling, extends down the common rear boundary and covers the width of the dwelling. The property has an existing outbuilding in the rear garden area. Less the footprint of the outbuilding, the current useable rear garden area measures approximately 50 square metres. The side and rear boundaries are characterised by timber fencing and established planting.

Planning permission is now sought for the erection of a single storey rear extension. The proposed extension would extend a further 7.6 metres along the common rear boundary, extending as far as the rear boundary. It measures 4 metres wide and comprising a flat roof, it stands 3.5 metres high. An access ramp is also proposed. The existing outbuilding is proposed to be removed. Taking account of the access ramp, the residual rear garden area would measure approximately 24 square metres. The proposal would involve the removal of the boundary hedge along the common rear boundary with the attached neighbour to the west.

Information has been submitted in support of the application that indicates the single storey extension is required to assist with the applicant's mobility and personal health needs.

The application requires to be assessed with regard to the Development Plan which comprises NPF4 and the East Renfrewshire Local Development Plan 2.

The policies most relevant to this proposal in NPF4 are Policy 14 (Design, quality and place) and Policy 16 (Quality homes). Policy 14 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 16 states that 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.

Policies D1 and D1.1 of the adopted East Renfrewshire Local Development Plan are also relevant to this development. Policy D1 requires that all development should not result in a significant loss of character or amenity to the surrounding area and Policy D1.1 requires that extensions and alterations should complement the character of the existing building in terms of its style, form and materials and not give rise to a significant loss of character or amenity to the surrounding area.

The erection of the single storey rear extension as proposed will require the removal of the removal of the boundary hedging. Cumulatively, when built in conjunction with the existing rear extension, this will result in a continuous wall running down the common rear boundary with the adjacent property to the west for a distance of approximately 12 metres and at a minimum of 3.5 metres high. When viewed from the property to the west, this wall would run the entire length of the rear garden and would have a dominant and overbearing visual impact, resulting in a sense

of being enclosed and "hemmed in". This would be to the detriment of the amenity of the adjacent property.

As noted above, the proposal will result in a significant loss of garden ground. Even accounting for the removal of the existing outbuilding, the proposal would result in an overall reduction in the amount of private rear garden ground from approximately 50 square metres to approximately 24 square metres. This would represent the over-development of an already constrained site, resulting in a significant loss in the amount of available private rear garden ground, to the detriment of the amenity of the occupants of the dwelling. The function of the remaining space as garden ground would be severely compromised. For example, it is considered that it would be difficult to accommodate standard domestic items such as a garden shed, rotary clothes drier and children's play equipment the remaining space.

Given the foregoing, the proposal is considered to be contrary to the relevant terms of the development plan.

The non-statutory Planning Guidance: Householder Design Guide is a material consideration. The Guidance states that single storey rear extensions should not generally extend more than 4 metres down a common rear boundary, with exceptions to this general rule being assessed on the amount of retained garden ground. For the reasons detailed above, the proposal is considered to be contrary to the terms of the non-statutory Planning Guidance: Householder Design Guide.

The applicant's particular mobility requirements and personal health, as explained in the confidential statement in support of the application, are material considerations. The statement includes letters from five medical professionals involved in the care of the applicant. The contents of the statement have been carefully considered. However, this must be weighed against the impact on the residential amenity of both the applicant's dwelling and the adjacent dwelling as discussed above. On balance, it is not considered that the applicant's circumstances outweigh the terms of the development plan.

The applicant's agent has suggested a planning condition that would require the demolition of the proposed extension when it is no longer required by the applicant. This would not mitigate the impact of the proposal on residential amenity during the life of the extension and the Council would have no control over when the extension is removed. It is also unlikely that such a condition would meet the tests for conditions as set out in Circular 4/1998 as it could be considered to be unreasonable and difficult to enforce.

The agent has also advised that alternative configurations were considered, including the conversion/use of the existing ground floor accommodation and the erection of a single storey side extension. The agent advises that those options have been discounted as being unsuitable.

The points of objection relating to damage to the adjacent property fall to be private legal matters and are not therefore material planning considerations.

Drawing all those matters together, it is considered that the proposal is contrary to the terms of the development plan and that there are no material considerations that indicate the application should not be refused. It is therefore recommended that the application is refused.

PLANNING OBLIGATIONS: None.

RECOMMENDATION: Refuse

REASONS FOR REFUSAL:

1. The proposal is contrary to Policies 14 and 16 of National Planning Framework 4 as: (i) the proposed single storey rear extension, in conjunction with the existing two storey rear extension, would have an unacceptable dominant and overbearing visual impact when viewed from the adjacent dwelling to the west, to the detriment of the amenity of the occupants of the adjacent property, given its height and length in proximity to the common rear boundary; and (ii) the proposed single storey rear extension and access ramp, in conjunction with the existing two storey rear extension, would give rise to the over-development of the site to the detriment of the residential amenity of occupants of the dwelling given its size and footprint.
2. The proposal is contrary to Policies D1 and D1.1 of the adopted East Renfrewshire Local Development Plan 2 as: (i) the proposed single storey rear extension, in conjunction with the existing two storey rear extension, would have an unacceptable dominant and overbearing visual impact when viewed from the adjacent dwelling to the west, to the detriment of the amenity of the occupants of the adjacent property, given its height and length in proximity to the common rear boundary; and (ii) the proposed single storey rear extension and access ramp, in conjunction with the existing two storey rear extension, would give rise to the over-development of the site to the detriment of the residential amenity of occupants of the dwelling given its size and footprint.
3. The proposal is contrary to the terms of the non-statutory Planning Guidance: Householder Design Guide as: (i) the proposed extension extends more than 4 metres along the common rear boundary; (ii) the proposed extension and access ramp would give rise to the over-development of the site, both the detriment of the residential amenity of the adjacent property and the applicant's property.

ADDITIONAL NOTES: None.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3001.

Ref. No.: 2024/0131/TP
(DESC)

DATE: 24th May 2024

DIRECTOR OF ENVIRONMENT

Finalised 31st May 2024 – MS(1)

Reference: 2024/0131/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.

Policy D1.1

Extensions and Alterations to Existing Buildings for Residential Purposes

Proposals will be assessed against the following criteria:

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. Should complement the scale and character of the existing building, neighbouring properties and their setting, particularly in terms of style, form and materials;
3. The size, scale and height of any development must be appropriate to and not adversely impact or dominate the existing building;
4. Should not create an unbroken or terraced appearance;
5. Where additional bedrooms are proposed or a garage/driveway is being converted

- to another use other than for the parking of a vehicle, proposals will be required to provide parking in accordance with the Council's Roads Development Guide; and
6. Should avoid over-development of the site by major loss of existing front and rear garden space. No more than 50% of the rear garden should be occupied by the development.

Further detailed information and guidance will be set out in the Householder Design Guide Supplementary Guidance.

National Planning Framework 4

Policy 14

Design, quality and place

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:
 - Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.
 - Pleasant: Supporting attractive natural and built spaces.
 - Connected: Supporting well connected networks that make moving around easy and reduce car dependency
 - Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.
 - Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.
 - Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

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.

DECISION NOTICE

**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. **2024/0131/TP**

Applicant:

Mr Khalid Masood
70 Ravenscliffe Drive
Giffnock
Glasgow
Scotland
G46 7QS

Agent:

Cyril Farleigh
1 Aster Gardens
Southpark Village
Glasgow
Scotland
G53 7XG

With reference to your application which was registered on 8th April 2024 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of a single storey rear extension including access to a ramp.

at: 70 Ravenscliffe Drive Giffnock East Renfrewshire G46 7QS

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 proposal is contrary to Policies 14 and 16 of National Planning Framework 4 as: (i) the proposed single storey rear extension, in conjunction with the existing two storey rear extension, would have an unacceptable dominant and overbearing visual impact when viewed from the adjacent dwelling to the west, to the detriment of the amenity of the occupants of the adjacent property, given its height and length in proximity to the common rear boundary; and (ii) the proposed single storey rear extension and access ramp, in conjunction with the existing two storey rear extension, would give rise to the over-development of the site to the detriment of the residential amenity of occupants of the dwelling given its size and footprint.
2. The proposal is contrary to Policies D1 and D1.1 of the adopted East Renfrewshire Local Development Plan 2 as: (i) the proposed single storey rear extension, in conjunction with the existing two storey rear extension, would have an unacceptable dominant and overbearing visual impact when viewed from the adjacent dwelling to the west, to the detriment of the amenity of the occupants of the adjacent property, given its height and length in proximity to the common rear boundary; and (ii) the proposed single storey rear extension and access ramp, in conjunction with the existing two storey rear extension, would give rise to the over-development of the site to the detriment of the residential amenity of occupants of the dwelling given its size and footprint.
3. The proposal is contrary to the terms of the non-statutory Planning Guidance: Householder Design Guide as: (i) the proposed extension extends more than 4 metres along the common rear boundary; (ii) the proposed extension and access ramp would give rise to the over-development of the site, both the detriment of the residential amenity of the adjacent property and the applicant's property.

Dated 31st May 2024



Head of Place
 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
Block Plan Proposed	0/4		
Location Plan	0/1		
Plans Proposed	1/2		
Elevations Proposed	3/3		
Elevations Proposed	3/4		
Elevations Proposed	3/5		

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. 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

NOTICE OF REVIEW



2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: 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 100677061-001

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:	<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: *	UK
		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="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Khalid"/>	Building Number:	<input type="text" value="70"/>
Last Name: *	<input type="text" value="Masood"/>	Address 1 (Street): *	<input type="text" value="Ravenscliffe Drive"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
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 7QS"/>
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="70 RAVENSCLIFFE DRIVE"/>
Address 2:	<input type="text" value="GIFFNOCK"/>
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="G46 7QS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="659434"/>	Easting	<input type="text" value="255703"/>
----------	-------------------------------------	---------	-------------------------------------

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 a single storey rear extension including access ramp

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 to properly apply the relevant policies SEE STATEMENT OF APPEAL

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, Application form Report of Handling Decision Notice Plans and drawings Medical Reports

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application. 2024/0131/TP

What date was the application submitted to the planning authority? * 08/04/2024

What date was the decision issued by the planning authority? * 31/05/2024

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: 01/07/2024

bennett *Developments and Consulting*

10 Park Court,
Glasgow G46 7PB
don@bennettgroup.co.uk

STATEMENT OF APPEAL

1.7.2024

70 RAVENSLIFFE DRIVE, GIFFNOCK G46 7QS

APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION BY EAST RENFREWSHIRE COUNCIL IN RESPECT OF WORKS AT THE ABOVE ADDRESS.

APPLICATION REF: 2024/0131/TP

01 Background;

The property at 70 Ravenscliffe Drive is a semi detached property in the very popular residential area of Giffnock in the south side of the city.

In 2004 the property was extended at the rear, by the addition of a two storey extension.

The appellant, Mr K Masood has resided in the property for more than twenty years and raised his family there. Due to a crippling medical condition which will be amplified upon later, he can no longer enjoy the property in its current configuration. This prompted him to pursue the possibility of a further extension which would address the debilitating nature of his condition.

Accordingly and with the supporting medical opinion, the current application which reflected the medical advice he was being given and which resulted in the design lodged for planning permission, was submitted.

Given the level of professional medical advice submitted and the support of the adjoining neighbour , an application was submitted on 5/4/2024 with some confidence that it would be supported.

It was a great disappointment therefore ,when on 31/5/24 the application was refused.

02 Reasons for Refusal:

On the Decision Notice three reasons are cited

In the interest of brevity as reasons 1 and 2 are to all intents and purposes identical, these have been taken as a single reason:

Reason1/2: The proposal is contrary to Policies 14 and 16 of National Planning Framework 4 and Policies D1 and D1.1 of the adopted East Renfrewshire Local Development Plan 2, as:

- (i) The proposed single storey rear extension, in conjunction with the existing two storey rear extension, would have an unacceptable dominant and overbearing visual impact when viewed from the adjacent dwelling to the west, to the detriment of the amenity of the occupants of the adjacent property, given its height and length in proximity to the common rear boundary.
- (ii) The proposed single storey rear extension and access ramp, in conjunction with the existing two storey rear extension would give rise to the overdevelopment of the site to the detriment of the residential amenity of the occupants of the dwelling given its size and footprint.

Reason 3:The proposal is contrary to the terms of the non-statutory Planning Guidance- Householder Design Guide as:

- (i) The proposed extension extends more than 4 metres along the common rear boundary
- (ii) The proposed extension and access ramp would give rise to the overdevelopment of the site, to the detriment of the residential amenity of the adjacent property and the applicants property.

03 Response to Reasons for Refusal:

In determining an application for planning permission the proposal has to be assessed within the context of the approved and adopted local development plan and other statutory guidance such the National Planning Framework4(NPF4). In addition the local authority are required to produce a Report of Handling(ROH) which should provide the reasoning and thinking behind the decision and to provide substantive justification in support of the decision to refuse.

A critical examination of the ROH will reveal a report which has failed utterly to understand and address the reasons for this particular proposal. It also fails to understand that both statutory documents provide guidance and direction but are not cast in bronze, they offer guidance and are open to interpretation to be interpreted by the planning officer having regard to the specifics of each individual application. There are a number of parts to any policy. These are the actual written words, the spirit of the policy, what is intended by the policy, what outcomes are anticipated, the interpretation of the policy and finally the application of the policy. It is not a case of one size fits all. They must be interpreted, tailored and responsive to address the application in question .In this case, no such interpretation has been applied, no allowance made for the nature of the proposal and scant consideration of the painful and degrading medical condition which the appellant is having to endure. Therein lies the problem with the planning process or more specifically the way that planning officers enact the legislation . It is seen as absolute, infallible and inflexible. It is none of these things yet this application has been handled with little if any sensitivity, with an apparent reluctance to understand or even attempt to grasp the pressing need to assist and support the appellant.

Given that the sole reason for the proposed extension is the dire medical condition being experienced by the appellant, a condition which as has been testified by medical reports which are attached, will only get worse, yet hardly receives a mention. It is noted that the ROH did not include the medical reports on

the basis that they were confidential. This was not the wish of the appellant and it is important that the committee be in possession of all the facts so that a competent and considered decision can be made. The attached medical reports provide a detailed assessment of Mr Masoods condition which basically will reduce him to being unable to move about his house, to have a shower, to enjoy his own bedroom. He will in effect, become a prisoner in his own living room devoid of any dignity, utterly dependant on carers for his every need. Even eating will become increasingly more difficult. Currently he has to sleep in the lounge, with no privacy of any kind where he is visible to members of the family including grandchildren, placing the appellant in the most undignified and embarrassing situation. This proposal was intended to ease some of the suffering by constructing in essence his own living space on one level where he can have his own bedroom, be able to carry out his own personal care needs, have access to a bathroom and in the process retain his dignity. It is not a lot to ask and would provide welcome comfort for a person enduring a body deteriorating disease, yet none of this seemed to be properly considered in the assessment of the application. On the contrary the assessment focused almost exclusively on the impact the new structure would have on the adjoining neighbour, who as it happens is supportive of the proposal and does not have any concerns about the new wall which will abutt his garden. If anything it will ensure a higher level of privacy for the neighbour.

In ideal circumstances it may be that the proposed development would be considered to be overdevelopment as is suggested. Similarly in ideal circumstances the lack of remaining garden space would be a consideration, but these are not ideal circumstances. The issue at the heart of this application is the welfare of the appellant, the owner and providing some quality of life which otherwise will be denied. It is in such circumstances that the planning process has to be flexible and responsive and if that means that certain usual requirements have to be modified or ignored that is perfectly acceptable. This is one such case, and the proper and considered assessment of the proposal should have resulted in the application being approved rather than mired in policies which at best are guidance and at worse, obstructive.

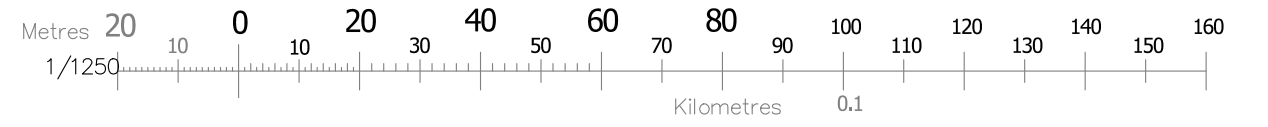
04 Summary:

From all of the above it is apparent that the planning authority have failed the appellant in carrying out a flawed assessment of the proposal with no consideration of the reasons behind the proposal. Reasons which are compelling and involve human suffering and dignity. In such circumstances the primacy of the development plan must be considered of lesser importance than the impact which a flawed and unsafe decision would have on someone enduring a wasting and debilitating condition and who only seeks some measure of comfort to make life more bearable.

In the circumstances of this application the arguments advanced by the planning officer for refusing the application are not persuasive, nor do they reflect the true nature of the proposal. In such circumstances the needs of the individual outweigh the policies which as has been stated previously are meant for guidance, to be interpreted as befits the subject matter.

Having regard to all of the above and the medical reports submitted we would ask that the Committee overturn the previous decision and approve this application.

PLANS/DRAWINGS



MapServe®



Farleigh Associates
CHARTERED SURVEYORS

email: cyril@farleighcs.com
MOBILE: 07885 734 613 VAT No: 856 9605 77

DRAWN BY JKF	Scale: 1/1250
CHECKED BY CLF	DATE 29/02/24
Drawing Number RDB/KM/0/1	Sheet Size A3
	Revision

Notes
1. This drawing is copyright, reserved and remains the property of Farleigh Associates
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3. Do not scale this drawing only use figured dimensions.

rev	description	by	date

Title
LOCATION PLAN - AS EXISTING

CLIENT
Mr Khalid Masood,
70 Ravenscliffe Drive,
G46 7QS

Property
Mr Khalid Masood,
70 Ravenscliffe Drive,
Giffnock,
East Renfrewshire,
G46 7QS



Farleigh Associates
 CHARTERED SURVEYORS

email: cyril@farleighcs.com
 MOBILE: 07885 734 613 VAT No: 856 9605 77



DRAWN BY JKF	Scale: 1/100
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Drawing Number RDB/KM/0/4	Sheet Size A3
	Revision

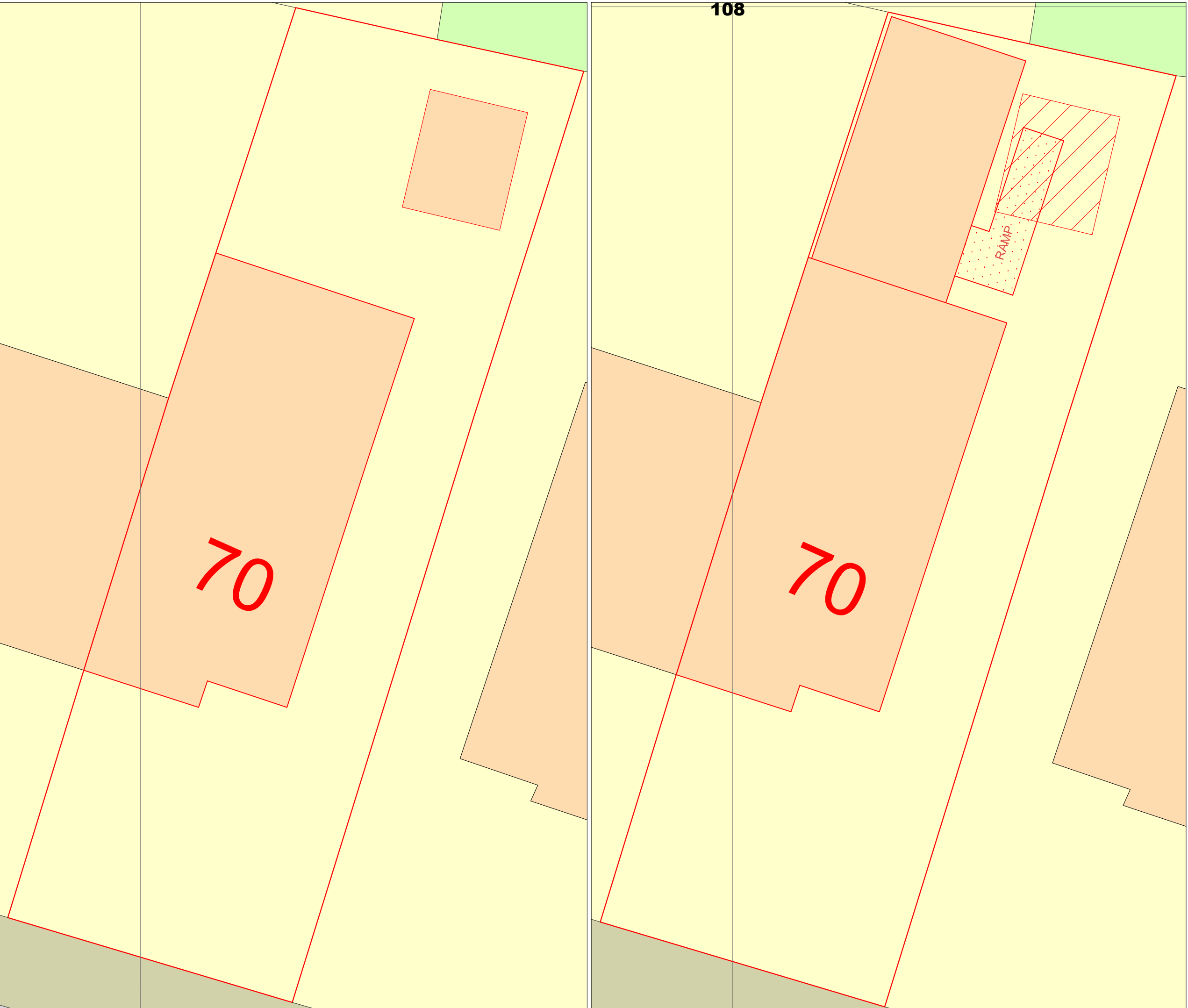
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rev	description	by	date

Title
SITE PLAN - AS EXISTING & AS PROPOSED

CLIENT
 Mr Khalid Masood,
 70 Ravenscliffe Drive,
 G46 7QS

Property
 Mr Khalid Masood,
 70 Ravenscliffe Drive,
 Giffnock,
 East Renfrewshire,
 G46 7QS



Farleigh Associates
ARCHITECTS & INTERIORS

fa

email: cyril@farleigh.com
 MOBILE: 07883 734 633 VAT No: 856 8603 77

Scale: 1/50

DATE: 29/02/24

Revision: A3

Drawn BY: JKF

Checked BY: CLF

Drawing Number: RDB/KM/1/2

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rev	description	by	date

Title

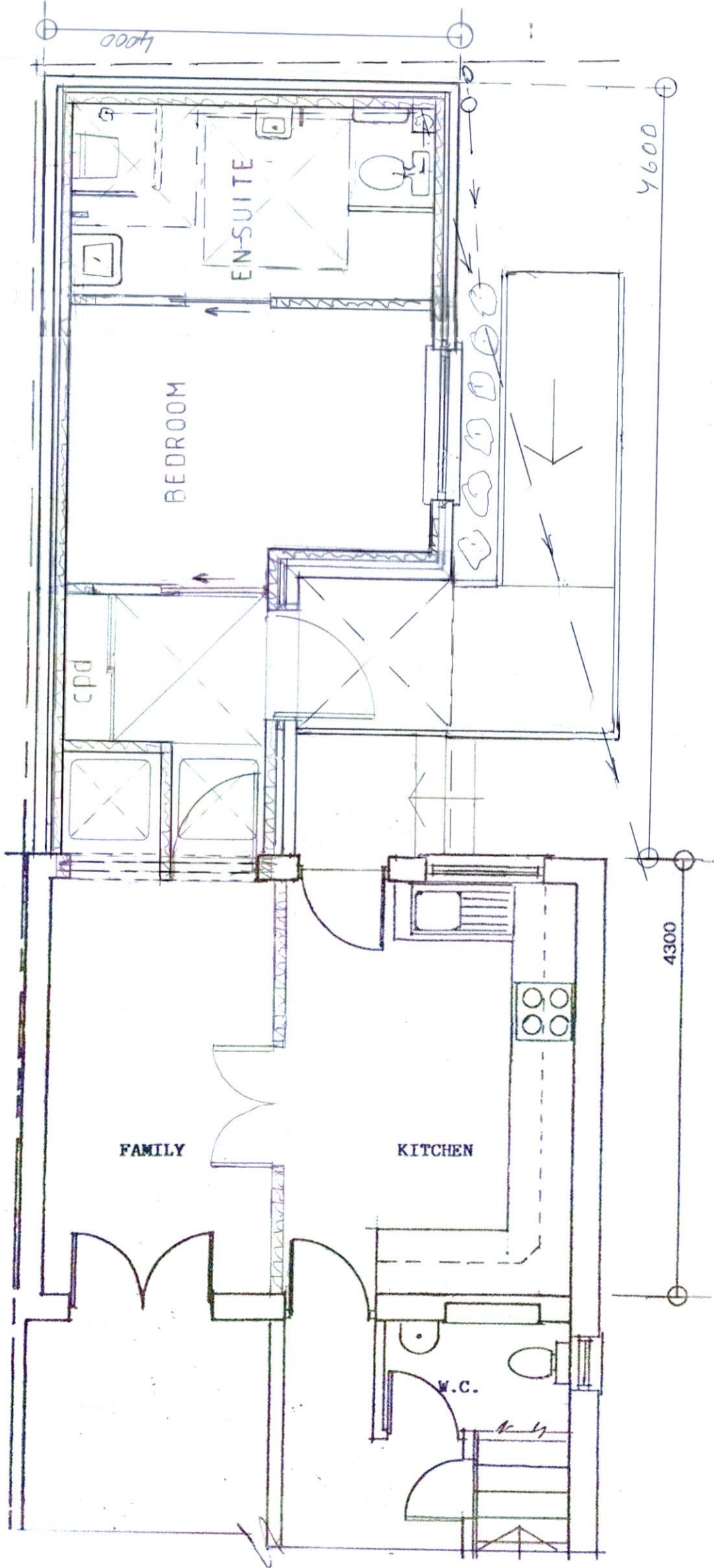
FLOOR PLAN - AS PROPOSED


CLIENT

Mr Khalid Masood,
 70 Ravenscliffe Drive,
 G46 7QS

Property

Mr Khalid Masood,
 70 Ravenscliffe Drive,
 Giffnock,
 East Renfrewshire,
 G46 7QS





Farleigh Associates
ARCHITECTS & SURVEYORS

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Scale: 1/50

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Drawing Number RDB/KM/3/5		

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REV	DESCRIPTION	BY	DATE

Title

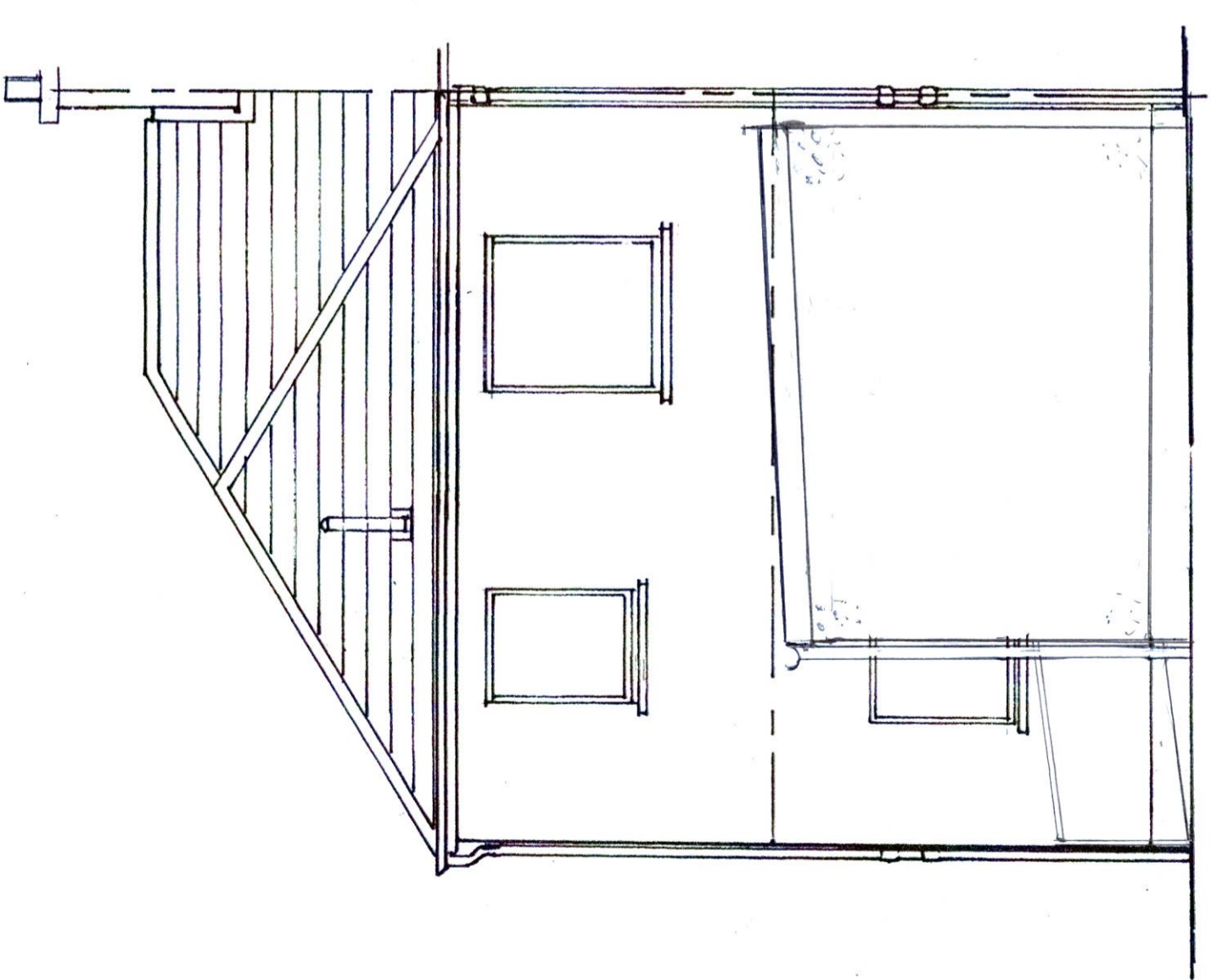
REAR ELEVATIONS AS PROPOSED

CLIENT

Mr Khalid Masood,
70 Ravenscliffe Drive,
G46 7QS

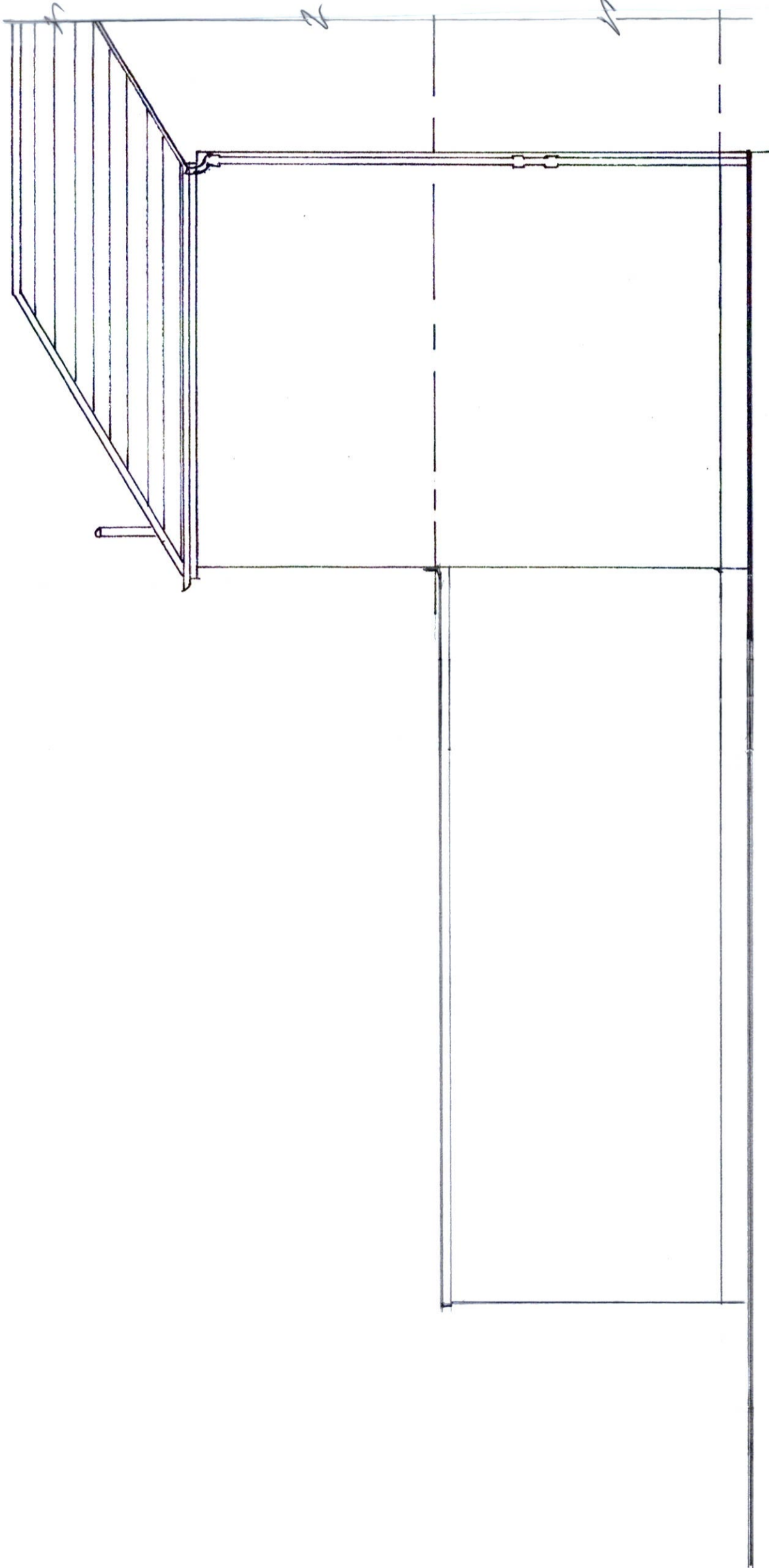
Property

Mr Khalid Masood,
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Giffnock,
East Renfrewshire,
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REAR ELEVATION





SIDE ELEVATION TO No 72

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Scale: 1/50

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DATE: 29/02/24

Drawing Number: RDB/KM/3/3

Sheet: A3

Revision:

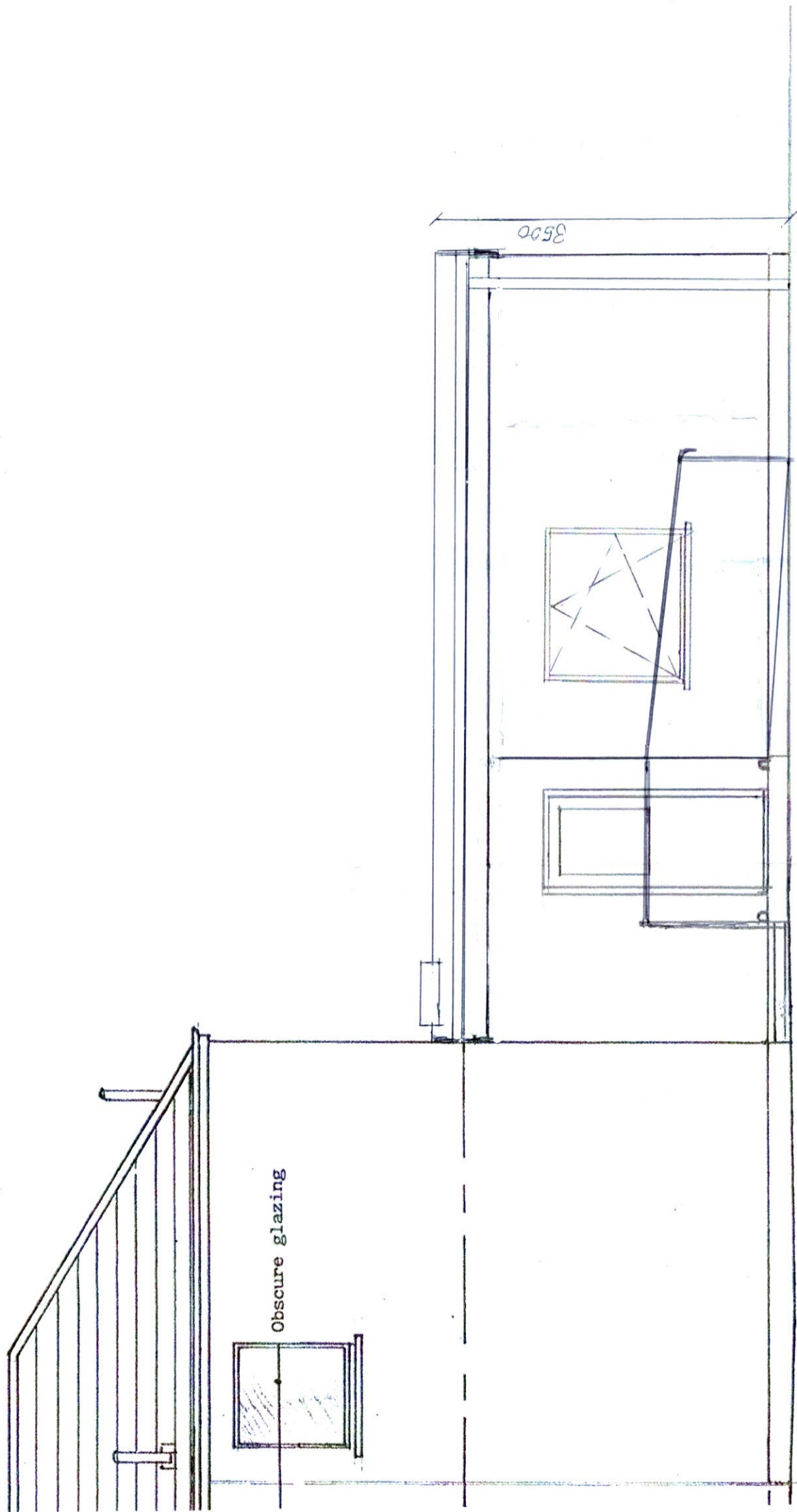
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REV	DESCRIPTION	BY	DATE


Title
SIDE ELEVATIONS AS PROPOSED

CLIENT
 Mr Khalid Masood,
 70 Ravenscliffe Drive,
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Property
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SIDE ELEVATION



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Scale: 1/50

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JKF

CHECKED BY
CLF

DATE
29/02/24

Sheet Size
A3

Drawing Number
RDB/KM/3/4

Revision

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rev	description	by	date

Side ELEVATIONS AS PROPOSED

CLIENT
Mr Khalid Masood,
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Property
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