EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

1 October 2025

Report by Director of Business Operations and Partnerships

REVIEW OF CASE - REVIEW/2025/08

ERECTION OF SINGLE STOREY REAR EXTENSION

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:- 2025/0235/TP).

Applicant: Mr and Mrs Antonio Maloku

Proposal: Erection of Single Storey Rear Extension

Location: 39 Tiree Place, Newton Mearns, G77 6UJ

Council Area/Ward: Newton Mearns North and Neilston (Ward 2).

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 with 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 in the appendices to the report.
- **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 Tuesday, 30 September 2025 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 113-120);
 - (b) Objections and Representations Appendix 2 (Pages 121-124);
 - (c) Report of Handling by the planning officer under the Scheme of Delegation Appendix 3 (Pages 125-134);
 - (d) Decision notice and reasons for refusal Appendix 4 (Pages 135-138); and
 - (d) A copy of the applicant's Notice of Review and Statement of Reasons, as well as suggested additional conditions Appendix 5 (Pages 139-150).
- **15.** The applicant has also submitted the drawings listed below and these are attached as Appendix 6 (Pages 151-160).
 - (a) Ground Floor Plan as Existing;
 - (b) Rear Elevation as Existing;
 - (c) Section A A as Existing;
 - (d) Section A A as Proposed;
 - (e) Side Elevation as Existing;
 - (f) Upper Floor Plan as Existing;
 - (g) Upper Floor Plan as Proposed; and
 - (h) Site Plan as Existing.
- All the documents referred to in this report can be viewed online on the Council's website at www.eastrenfrewshire.gov.uk.

RECOMMENDATIONS

- **16.** 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:-
 - 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

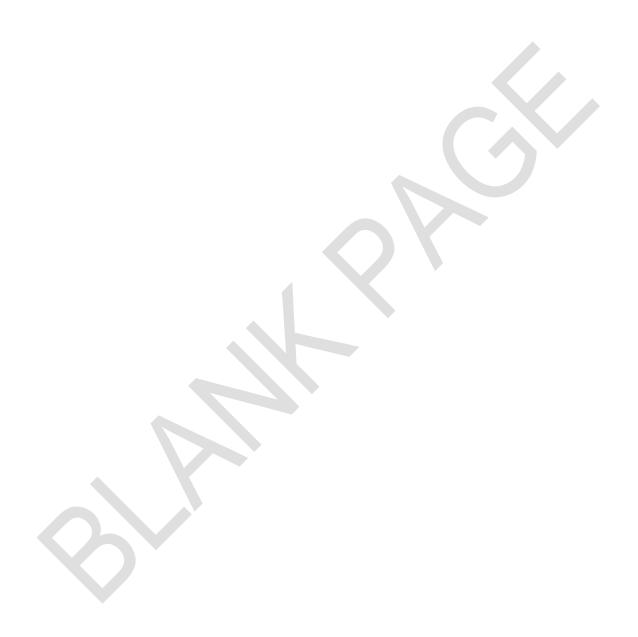
John Burke, Democratic Services Officer e-mail: john.burke@eastrenfrewshire.gov.uk

Tel: 0141 577 3026

Date: - 23 September 2025

APPENDIX 1

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

100709640-001

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 Single Storey Rear Extension
Has the work already been started and/ or completed? *
□ No ☒ Yes - Started □ Yes - Completed
Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *
Please explain why work has taken place in advance of making this application: * (Max 500 characters)
Unaware that Planning Permission would be required. Mistakingly thought that it complied as a Permitted Development.
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)

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Agent Details			
Please enter Agent details			
Company/Organisation:	Chris Doak Architect		
Ref. Number:		You must enter a Bu	ilding Name or Number, or both: *
First Name: *	Christopher	Building Name:	
Last Name: *	Doak	Building Number:	5
Telephone Number: *	0141 248 4263	Address 1 (Street): *	Shaftesbury Street
Extension Number:		Address 2:	Anderston
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G3 8UN
Email Address: *	doak.architect@yahoo.co.uk		
Is the applicant an individual or an organisation/corporate entity? * Individual Organisation/Corporate entity			
Applicant Det	ails		
Please enter Applicant de	etails		
Title:	Other	You must enter a Bu	ilding Name or Number, or both: *
Other Title:	Mr and Mrs	Building Name:	
First Name: *	Antonio	Building Number:	39
Last Name: *	Maloku	Address 1 (Street): *	Tiree Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Newton Mearns
Extension Number:		Country: *	Scotland
Mobile Number:	07586 798279	Postcode: *	G77 6UJ
Fax Number:			
Email Address: *	antoniomaloku@yahoo.com		

Site Address Details				
Planning Authority: East Renfrewshire Council				
Full postal address of the	e site (including postcode where available):		_	
Address 1:	39 TIREE PLACE			
Address 2:	NEWTON MEARNS			
Address 3:				
Address 4:				
Address 5:				
Town/City/Settlement:	GLASGOW			
Post Code:	G77 6UJ			
Please identify/describe the location of the site or sites				
Northing	656397	Easting	252533	
Pre-Application Discussion Have you discussed your proposal with the planning authority? * □ Yes □ No Pre-Application Discussion Details Cont.				
In what format was the fe	Telephone	mail		
Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)				
Advised by Alison Farrel that an Application for Planning Permission was required for this Extension, in addition to the Building Warrant which has already been Granted.				
Title:	Ms	Other title:		
First Name:	Alison	Last Name:	Farrel	
Correspondence Referer Number:	No Reference Number given	Date (dd/mm/yyyy):	23/04/2025	
	reement involves setting out the key stages	_		

Trees		
Are there any tree	s on or adjacent to the application site? *	☐ Yes ☒ No
If yes, please mar any are to be cut t	k on your drawings any trees, known protected trees and their canopy spread close to the proack or felled.	oposal site and indicate if
Access a	nd Parking	
Are you proposing	a new or altered vehicle access to or from a public road? *	☐ Yes ☒ No
	cribe and show on your drawings the position of any existing, altered or new access points, hake. You should also show existing footpaths and note if there will be any impact on these.	nighlighting the changes
Planning	Service Employee/Elected Member Interest	
	r the applicant's spouse/partner, either a member of staff within the planning service or an f the planning authority? *	☐ Yes ☒ No
Certificate	es and Notices	
	ID NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPME COTLAND) REGULATION 2013	ENT MANAGEMENT
	ust be completed and submitted along with the application form. This is most usually Certificate C or Certificate E.	ate A, Form 1,
Are you/the applic	ant the sole owner of ALL the land? *	🛛 Yes 🗌 No
Is any of the land	part of an agricultural holding? *	☐ Yes ☒ No
Certificate	e Required	
The following Land	d Ownership Certificate is required to complete this section of the proposal:	
Certificate A		
Land O	wnership Certificate	
Certificate and No Regulations 2013	tice under Regulation 15 of the Town and Country Planning (Development Management Pro	cedure) (Scotland)
Certificate A		
I hereby certify that	at –	
(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 la	and to which the application relates constitutes or forms part of an agricultural holding	
Signed:	Christopher Doak	
On behalf of:	Mr and Mrs Antonio Maloku	
Date:	24/04/2025	
	☒ Please tick here to certify this Certificate. *	

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Checklist – App	lication 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 writte	n description of the development to which it relates?. *	X Yes	□No
b) Have you provided the pos has no postal address, a desc	stal address of the land to which the development relates, or if the land in question cription of the location of the land? *	X Yes	□ No
c) Have you provided the nan applicant, the name and addr	ne and address of the applicant and, where an agent is acting on behalf of the ess of that agent.? *	X Yes	□ No
d) Have you provided a locati- land in relation to the locality and be drawn to an identified	on plan sufficient to identify the land to which it relates showing the situation of the and in particular in relation to neighbouring land? *. This should have a north point scale.	Yes	□ No
e) Have you provided a certifi	cate of ownership? *	X Yes	□No
f) Have you provided the fee p	payable under the Fees Regulations? *	X Yes	□No
g) Have you provided any oth	er plans as necessary? *	X Yes	□No
Continued on the next page			
A copy of the other plans and (two must be selected). *	drawings or information necessary to describe the proposals		
You can attach these electron	nic documents later in the process.		
☒ Existing and Proposed e	levations.		
■ Existing and proposed flow ■ Existing and proposed	por plans.		
☐ Cross sections.			
Site layout plan/Block pla	ans (including access).		
X Roof plan.			
Photographs and/or phot	tomontages.		
•	about the structural condition of the existing house or outbuilding.	Yes	⊠ _{No}
	u may wish to provide additional background information or justification for your and you should provide this in a single statement. This can be combined with a *	Yes	⊠ No
You must submit a fee with yo Received by the planning aut	our application. Your application will not be able to be validated until the appropriation hority.	te fee has	been
Declare – For H	ouseholder Application		
I, the applicant/agent certify the Plans/drawings and additional	nat this is an application for planning permission as described in this form and the Il information.	accompan	nying
Declaration Name:	Mr Christopher Doak		
Declaration Date:	24/04/2025		

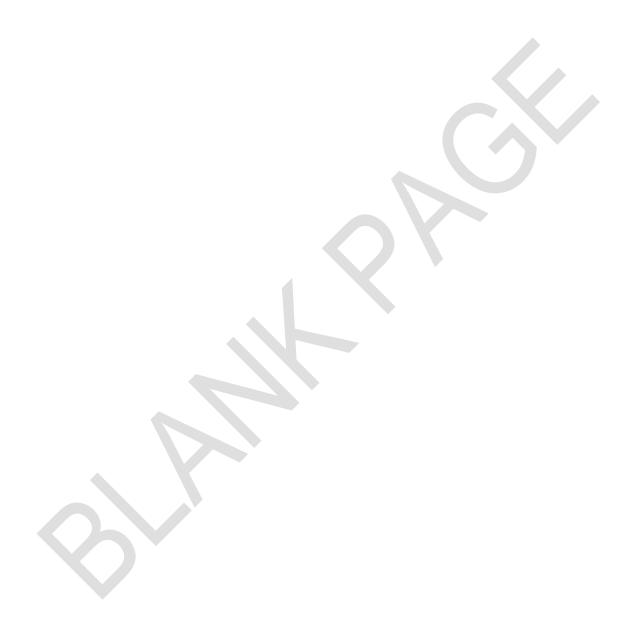
Payment Details

Online payment: ZZ0100003926 Payment date: 24/04/2025 16:16:00

Created: 24/04/2025 16:16

APPENDIX 2

OBJECTIONS/REPRESENTATIONS



Comments for Planning Application 2025/0235/TP

Application Summary

Application Number: 2025/0235/TP

Address: 39 Tiree Place Newton Mearns East Renfrewshire G77 6UJ

Proposal: Erection of single storey rear extension

Case Officer: Mr Sean McDaid

Customer Details

Name: Mrs Jacqui Strachan

Address: 41 Tiree Place Newton Mearns East Renfrewshire G77 6UJ

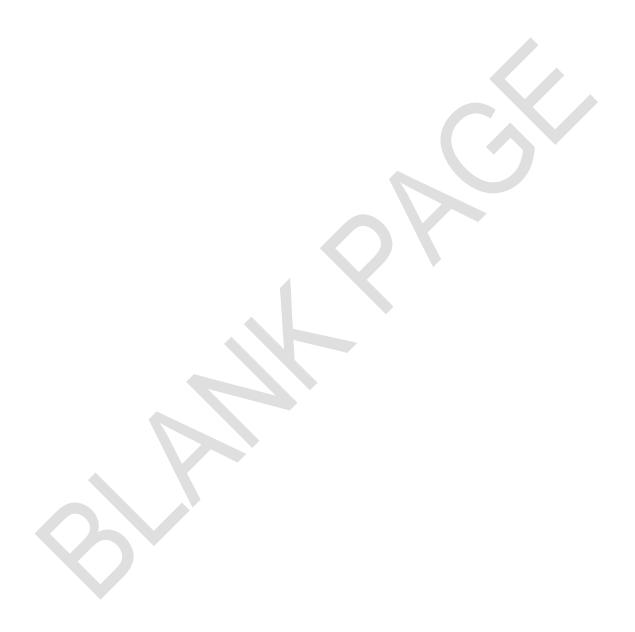
Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

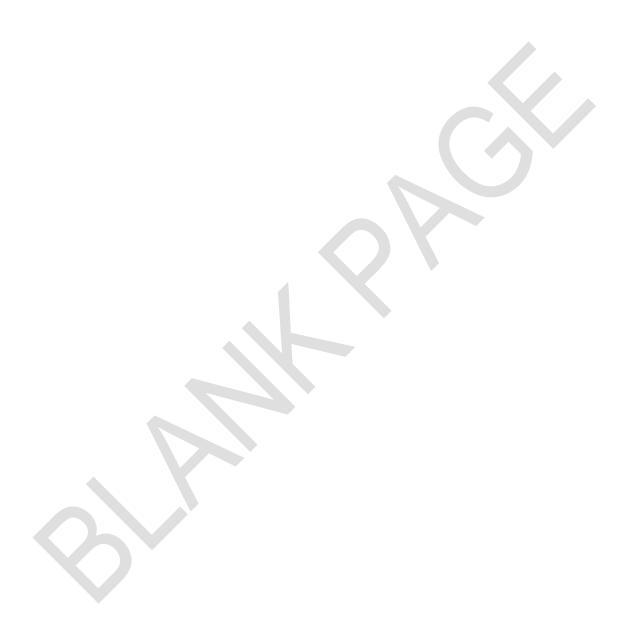
Comment Reasons:

Comment:If this extension goes ahead, we are going to be sandwiched between this extension and next doors conservatory. We are going to lose sunlight. The tree's across from 39 Tiree's garden (back garden) affected 4 houses until they were cut back recently. When they grow and if this extension goes ahead we will have no sunlight at all in our back garden. The extension is too near our back door, if the extension was at the other side of their house I would have no problem. I will have a problem selling our house because who would want to buy it with an extension so near their back door. This isn't their first time starting building without planning permission. They tried to build a conservatory 17 years ago, it was reported and planning permission was declined. I object to this extension going ahead.



APPENDIX 3

REPORT OF HANDLING



REPORT OF HANDLING

Reference: 2025/0235/TP Date Registered: 25th April 2025

Application Type: Full Planning Permission This application is a Local Development

Ward: 2 -Newton Mearns North And Neilston

Co-ordinates: 252533/:656397

Applicant/Agent: Applicant: Agent:

Mr and Mrs Antonio Maloku

Christopher Doak

Tiree Place

Shaftesbury Street

Newton Mearns Anderston
Scotland Glasgow
G77 6UJ Scotland
G3 8UN

Proposal: Erection of single storey rear extension

Location: 39 Tiree Place

Newton Mearns
East Renfrewshire

G77 6UJ

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

2003/0871/TP Erection of single storey Granted 16.02.2004

side extension

2006/0345/TP Erection of two storey side Refused 24.07.2006

extension and rear

conservatory

2007/0317/TP Proposed 2 storey side Approved Subject 12.07.2007

extension to Conditions

REPRESENTATIONS: One objection has been received and may be summarised as follows:

- Loss of sunlight
- Too close to back door of objector's property
- Problem with sale of objector's house with an extension being near their back door
- Is not the first time starting building without planning permission

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS: None.

ASSESSMENT:

The proposal is required to be assessed against the Development Plan which consists of the National Planning Framework 4 (NPF4) and the adopted East Renfrewshire Council Local Development Plan 2 (LDP2). Due to the scale and nature of the proposal, Policies 14 and 16 of NPF4, and Policies D1, D1.1 and D2 of LDP2 are the most relevant. These policies include, inter alia, that the proposal should not result in a significant loss of character or amenity to the surrounding area, should complement the scale and character of the existing building and neighbouring properties and their setting in terms of style, form and materials.

The application site is a two storey semi-detached house located at the end of a cul-de-sac in an existing residential area. There are similar house types in this cul-de-sac. The main external materials are facing bricks on the walls and profiled tiles on the pitched roof. The house has been extended previously with a two storey side extension and a front porch.

It should be noted the foundation trenches have been excavated for the extension applied for. There is a driveway at the side of the house laid in paviors and the rear garden area beyond the excavated area is also laid in paviors. There is a timber outbuilding/shed in the corner of the garden. There are retaining walls along the side and rear boundaries topped with fences.

The proposed extension is to extend from the rear elevation of the existing house by 3.937m and is to be 6.852m wide. The extension is to have a monopitch roof approximately 3.6m at its highest point. The extension is to be approximately 1m from the boundary with the adjoining house and 4.2m from the retaining wall along the rear boundary of the site. The external materials to be used on the extension are to be facing bricks and tiles.

It has been indicated the existing outbuilding/shed is to remain in position at this time. The submitted plans indicate lawn areas as well as planted beds are to be laid at the side and rear of the property.

Being this is an existing residential area the principle of an extension may be acceptable subject to consideration of the details of the proposal. The position of the proposed extension at the property and the position of windows and doors on the proposed extension are not considered to adversely affect the privacy of neighbouring properties. The extension is 1m off the boundary with the adjoining house and this distance is not considered to be unusual or unexpected in a residential area. The distance that the extension extends from the rear elevation of the house is not considered to be excessive and the visual impact of this is not considered to be significant bearing in mind there is to be a monopitch roof which assists in reducing the direct visual impact on the adjoining property. It should however be noted the length of the rear garden of the application site is relatively short.

Being located at the rear and at the north side of the house the proposed extension is not considered to result in significant additional overshadowing of neighbouring properties. Any direct overshadowing of the adjoining property is likely to be at the latter part of the day. The proposed extension is not considered to have significant implications for Policy D2 of LDP2 in terms of its general impact on the adjoining property and on the surrounding area.

Although the appearance of the proposed extension may be generally in character with the appearance of the house the proposed extension results in further increasing the footprint of an already extended house. In light of the previous extension and front porch constructed at the property the extension now proposed is considered to be overdevelopment of the already extended house and is considered contrary to Policies 14 and 16 of NPF4 as well as Policies D1 and D1.1 of LDP2.

Representation

With regard to the objection that has been received and not already considered above the following comments are made. The possible sale of a property is not a material planning consideration. It is acknowledged the foundation trenches have been dug however the applicant was contacted that the extension required planning permission in this instance.

Conclusion

Taking into account all of the above factors it is considered that the proposed extension is overdevelopment of the already extended house meaning that it is contrary to Policies 14 and 16 of NPF4 as well as Policies D1 and D1.1 of LDP2. The proposal also does not accord with the Householder Design Guide in terms of being larger than the original house. There are no material considerations applicable in order to approve this extension.

PLANNING OBLIGATIONS: None.

RECOMMENDATION: Refuse.

REASONS FOR REFUSAL:

- 1. The proposal is contrary to Policies 14 and 16 of National Planning Framework 4 as the proposed extension in combination with the existing extension and front porch exceeds the footprint of the original house resulting in overdevelopment of the house. There are no material considerations that allow approval of this development against these policies.
- 2. The proposal is contrary to Policies D1 and D1.1 of the adopted East Renfrewshire Local Development Plan 2 as the proposed extension in combination with the existing extension and front porch exceeds the footprint of the original house resulting in overdevelopment of the house. There are no material considerations that allow approval of this development against these policies.
- 3. The proposal is contrary to the terms of the non-statutory Planning Guidance: Householder Design Guide as the proposed extension in combination with the existing extension and front porch exceeds the footprint of the original house resulting in overdevelopment of the house.

ADDITIONAL NOTES: None.

ADDED VALUE: None.

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Sean McDaid on 0141 577 3001.

Ref. No.: 2025/0235/TP

(SEMC)

DATE: 21st May 2025

DIRECTOR OF ENVIRONMENT

Reference: 2025/0235/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;
- 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.

Policy D2:

General Urban Areas

Development will be supported within the general urban areas, shown on the Proposals Map. Proposals will be required to demonstrate that the proposed development is appropriate in terms of its location and scale and will not result in a significant loss of character or amenity to the surrounding area. Proposals must also comply with appropriate policies of the Proposed Plan.

National Planning Framework 4

Policy 14

Design, quality and place

- 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

- 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

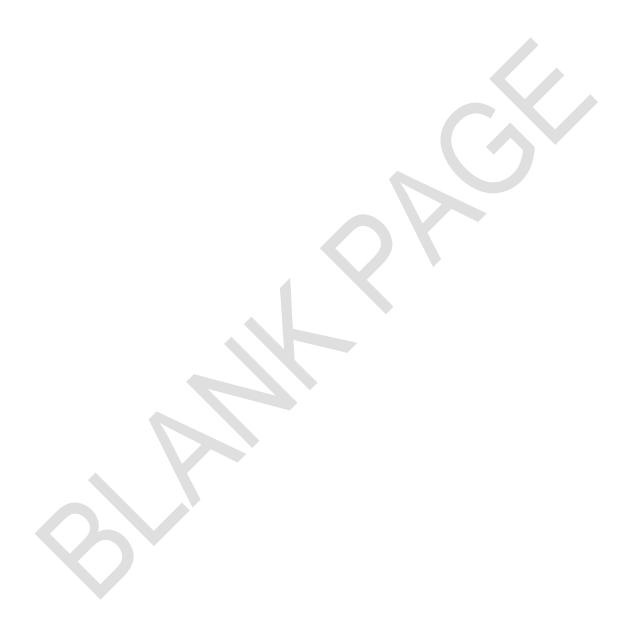
the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

- 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.

Finalised 21st May 2025 MS(C)

APPENDIX 4

DECISION NOTICE



137 EAST RENFREWSHIRE COUNCIL

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. **2025/0235/TP**

Applicant:

Mr and Mrs Antonio Maloku 39 Tiree Place Newton Mearns Scotland G77 6UJ Agent:

Chris Doak Architect 5 Shaftesbury Street Anderston Glasgow Scotland

G3 8UN

With reference to your application which was registered on 25th April 2025 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of single storey rear extension

at: 39 Tiree Place, Newton Mearns, East Renfrewshire, G77 6UJ

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 the proposed extension in combination with the existing extension and front porch exceeds the footprint of the original house resulting in overdevelopment of the house. There are no material considerations that allow approval of this development against these policies.
- 2. The proposal is contrary to Policies D1 and D1.1 of the adopted East Renfrewshire Local Development Plan 2 as the proposed extension in combination with the existing extension and front porch exceeds the footprint of the original house resulting in overdevelopment of the house. There are no material considerations that allow approval of this development against these policies.
- 3. The proposal is contrary to the terms of the non-statutory Planning Guidance: Householder Design Guide as the proposed extension in combination with the existing extension and front porch exceeds the footprint of the original house resulting in overdevelopment of the house.

Dated 21st

21st May 2025

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
Location Plan	01 Rev A		
Block Plan Proposed	08 Rev D		
Proposed floor plans	09 Rev D		
Elevations Proposed	12 Rev B		
Elevations Proposed	13 Rev B		

<u>GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER</u> 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.

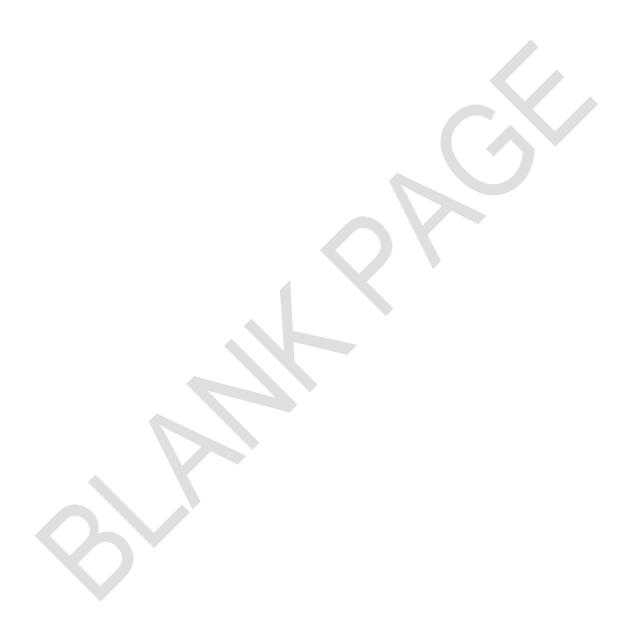
CONTACT DETAILS

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

APPENDIX 5

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

100709640-007

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)				
Agent Details				
Please enter Agent details	3			
Company/Organisation:	Chris Doak Architect			
Ref. Number:		You must enter a B	uilding Name or Number, or both: *	
First Name: *	Christopher	Building Name:		
Last Name: *	Doak	Building Number:	5	
Telephone Number: *	0141 248 4263	Address 1 (Street): *	Shaftesbury Street	
Extension Number:		Address 2:	Anderston	
Mobile Number:		Town/City: *	Glasgow	
Fax Number:		Country: *	Scotland	
		Postcode: *	G3 8UN	
Email Address: *	doak.architect@yahoo.co.uk			
Is the applicant an individual or an organisation/corporate entity? *				
☑ Individual ☐ Organ	nisation/Corporate entity			

Applicant Details			
Please enter Applicant details			
Title:	Other	You must enter a Bu	ilding Name or Number, or both: *
Other Title:	Mr and Mrs	Building Name:	
First Name: *	Antonio	Building Number:	39
Last Name: *	Maloku	Address 1 (Street): *	Tiree Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Newton Mearns
Extension Number:		Country: *	Scotland
Mobile Number:	07586 798279	Postcode: *	G77 6UJ
Fax Number:			
Email Address: *	antoniomaloku@yahoo.com		
Site Address Details			
Planning Authority:	East Renfrewshire Council		
Full postal address of th	e site (including postcode where available	·):	
Address 1:	39 TIREE PLACE		
Address 2:	NEWTON MEARNS		
Address 3:			
Address 4:			
Address 5:			
Town/City/Settlement:	GLASGOW		
Post Code:	G77 6UJ		
Please identify/describe	the location of the site or sites		
Northing	656397	Easting	252533

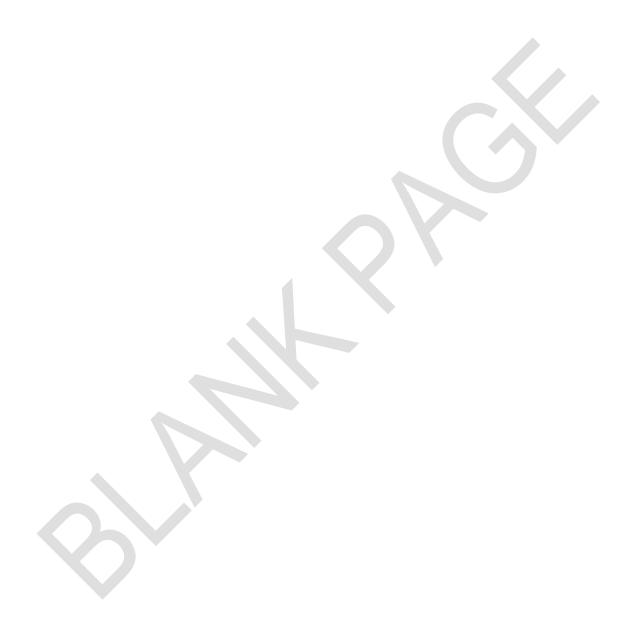
Description of Proposal
Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)
Erection of Single Storey Rear Extension
Type of 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 a 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.
Please see Statement in Supporting Documents
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
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)

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Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the		
Statement submitted as a Supporting Document		
Application Details		
Please provide the application reference no. given to you by your planning authority for your previous application.	2025/0235/TP	
What date was the application submitted to the planning authority? *	25/04/2025	
What date was the decision issued by the planning authority? *	21/05/2025	
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 i parties only, without any further procedures? For example, written submission, hearing sess Yes No		
In the event that the Local Review Body appointed to consider your application decides to in	spect the site, in your opinion:	
Can the site be clearly seen from a road or public land? *	Yes X No	
Is it possible for the site to be accessed safely and without barriers to entry? *	⊠ Yes □ No	
If there are reasons why you think the local Review Body would be unable to undertake an unexplain here. (Max 500 characters)	unaccompanied site inspection, please	
No problem in making an unacompanied site inspection.		

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Checklist - App	lication for Notice of Review	
	g checklist to make sure you have provided all the necessary information may result in your appeal being deemed invalid.	on in support of your appeal. Failure
Have you provided the name	and address of the applicant?. *	X Yes ☐ No
Have you provided the date a review? *	and reference number of the application which is the subject of this	X Yes No
	n behalf of the applicant, have you provided details of your name nether any notice or correspondence required in connection with the or the applicant? *	X Yes ☐ No ☐ N/A
	ent setting out your reasons for requiring a review and by what procedures) you wish the review to be conducted? *	⊠ Yes □ No
require to be taken into account a later date. It is therefore	why you are seeking a review on your application. Your statement mus unt in determining your review. You may not have a further opportunity essential that you submit with your notice of review, all necessary inform w Body to consider as part of your review.	to add to your statement of review
. ,	ocuments, material and evidence which you intend to rely on ich are now the subject of this review *	X Yes ☐ No
planning condition or where it	es to a further application e.g. renewal of planning permission or modificates to an application for approval of matters specified in conditions approved plans and decision notice (if any) from the earlier consent.	
Declare - Notice	e of Review	
I/We the applicant/agent certi	fy that this is an application for review on the grounds stated.	
Declaration Name:	Mr Christopher Doak	
Declaration Date:	03/07/2025	
Payment Details	5	
Online payment: ZZ01000039	985	
Payment date: 03/07/2025 16	3:57:00	Created: 03/07/2025 16:57
		010dlod: 00/01/2020 10:01



STATEMENT TO ACCOMPANY THE APPEAL FOR A REVIEW AGAINST THE REFUSAL OF PLANNING PERMISSION FOR A REAR EXTENSION AT 39 TIREE PLACE, NEWTON MEARNS

The Application for Planning Permission of 25 April 2025 by Mr and Mrs Maloku, was for a 27 m2 Single Storey Extension to the rear of their home. To be used as a Garden Room off the Living Room, it would provide a second Public Room for the family - provide an element of privacy for them - would improve visiblity to the back and side gardens from the house, and improve accessibility to each.

Mr and Mrs Maloku have recently improved the useability of the back and side gardens, by replacing the sloping areas of ground with retaining walls - and making it all now safe and level.

The house has a large front garden and driveway with off-street parking places for at least 4 cars, and it is intended to fence off the side of the house to provide an additional 30 m2 of private garden space to add to the existing 112 m2 at the rear. The car parking provision would not be affected by the Proposals.

The Extension would be finished in facing brick to match the existing house, with concrete tiles to complement the main roof.

Due to a mistake by the Architect, it was believed that the Extension would comply as a Permitted Development - and no Application for Planning Permission was therefore made. A Building Warrant Application for the Extension was made by Mr and Mrs Maloku in 2022, and it was Granted on 23 January 2023.

The three Reasons for Refusal of Planning Permission are broadly the same, in that the additional floor area of the new Extension would be an overdevelopment of the previously-extended house. As justification for the Refusal, the Decision Notice refers to two Policies and one non-statutory Planning Guidance.

1. Refusal as contrary to Policies 14 and 16 of the National Planning Framework 4. Policy 14 states that a Proposal will be supported if it is "consistent with the six qualities of successful places". The six are titled as Healthy, Pleasant, Connected, Distinctive, Sustainable, and Adaptable, and the Proposed Extension would seem to comply with the qualities of all six.

Policy 16 seems to be more relevant to large new Housing Developments, and only Policy 16 (g) would seem to have a bearing on a small Rear Extension to an Existing House. Policy 16 (g.1) states that a development proposal will be supported where it "does 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". Policy 16 (g.11) confirms that it will be supported if it "does not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing, or overlooking". The Report of Handling for the Application confirms that the Extension would not affect the neighbouring properties in any way, nor impact on the character or environmental quality of the home and the surrounding area.

Note: 39 Tiree Place is located on a large, irregular-shaped plot, in a locality where many of Mr and Mrs Maloku's neighbours have been allowed to exceed their homes in contradiction to the reasons given for the Refusal of theirs.

- 2. The Proposal is contrary to Policies D1 and D1.1 of the adopted East Renfrewshire Local Development Plan 2, " as the propsed exrension in combination with the existing extensions exceed the footprint of the original house, resulting in an overdevelopment of the house". However, consulting Policy D1, it would seem that the Proposed Extension meets all of the twenty listed Conditions most of which are only relevant to large new residential developments. Policy D1.1 states that Proposals will be assessed against six criteria, and the Proposed Rear Extension seems to comply with all six. Indeed, Criteria no 6 states that "no more than 50% of the rear garden should be occupied by the development". The area of the rear garden is 112 m2, and the area of the Proposed Extension 27 m2 covering only 25% (approx) of the rear garden. If we add in the existing timber garden shed of 10.5 m2, it still means that only 33% of the back garden will be covered.
- 3. The Proposal is contrary to the terms of the non-statutory Planning Guidance Householder Design Guide, "as the Proposed Extension in combination with the existing extensions exceeds the footprint of the original house, resulting

in overdevelopment of the house". However, when the Document is consulted, it only states in Section 3. Design Guidance: General Principles that "extensions should be in proportion to the original house, and **SHOULD NOT GENERALLY** exceed 100 % of the footprint of the original house". With reference to any dictionary, the definition of the word GENERALLY is given as "in most respects", "usually", "by and large", "as a rule" etc, so this Principle therefore does not seem to have a strict black or white ruling - but gives scope for relaxation or exception.

Thank you for your consideration of my Clients' Appeal for a Review on the Refusal of Planning Permission, and I trust that our Statement allows you to reconsider the Decision, and Grant Planning Permission for the Extension to Mr and Mrs Maloku's home.

CHRIS DOAK ARCHITECT

3 JULY 2025

39 Tiree Place, Newton Mearns

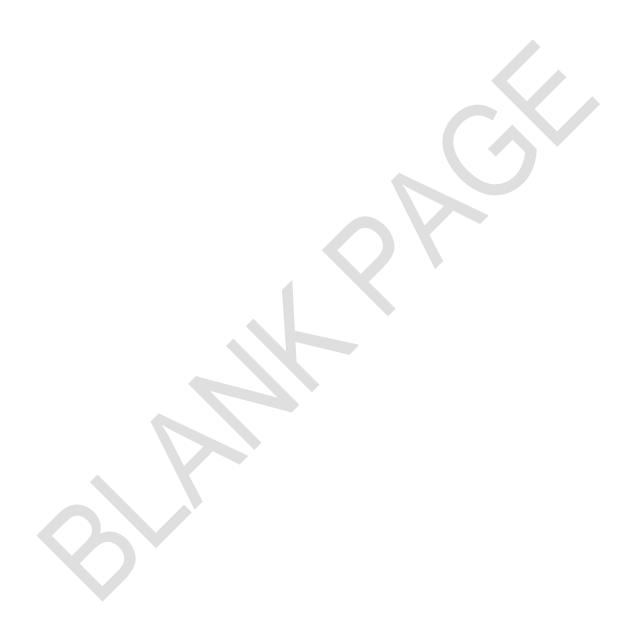
Conditions

1. The development hereby approved must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted or, as the case may be, deemed to be granted.

Reason: To comply with Section 58(1) of The Town and Country Planning (Scotland) Act 1997, as amended.

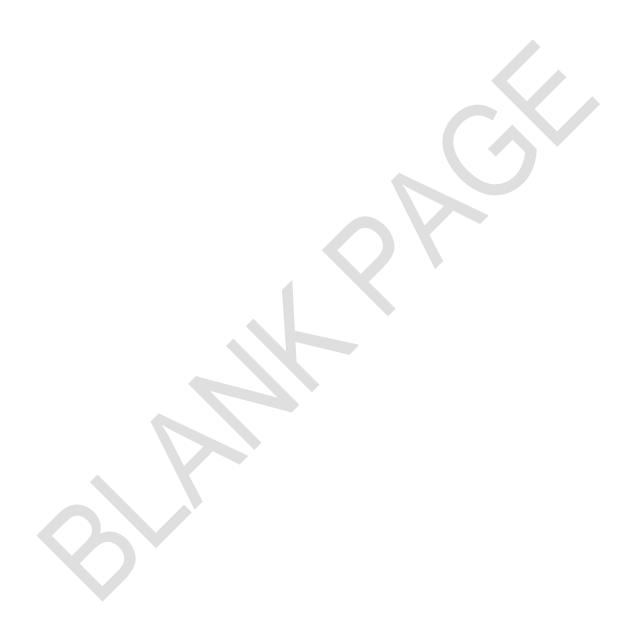
2. Development shall not commence until samples of materials to be used on all external surfaces of the extension have been submitted to and approved in writing by the Planning Authority Thereafter the development shall be implemented in accordance with the approved details.

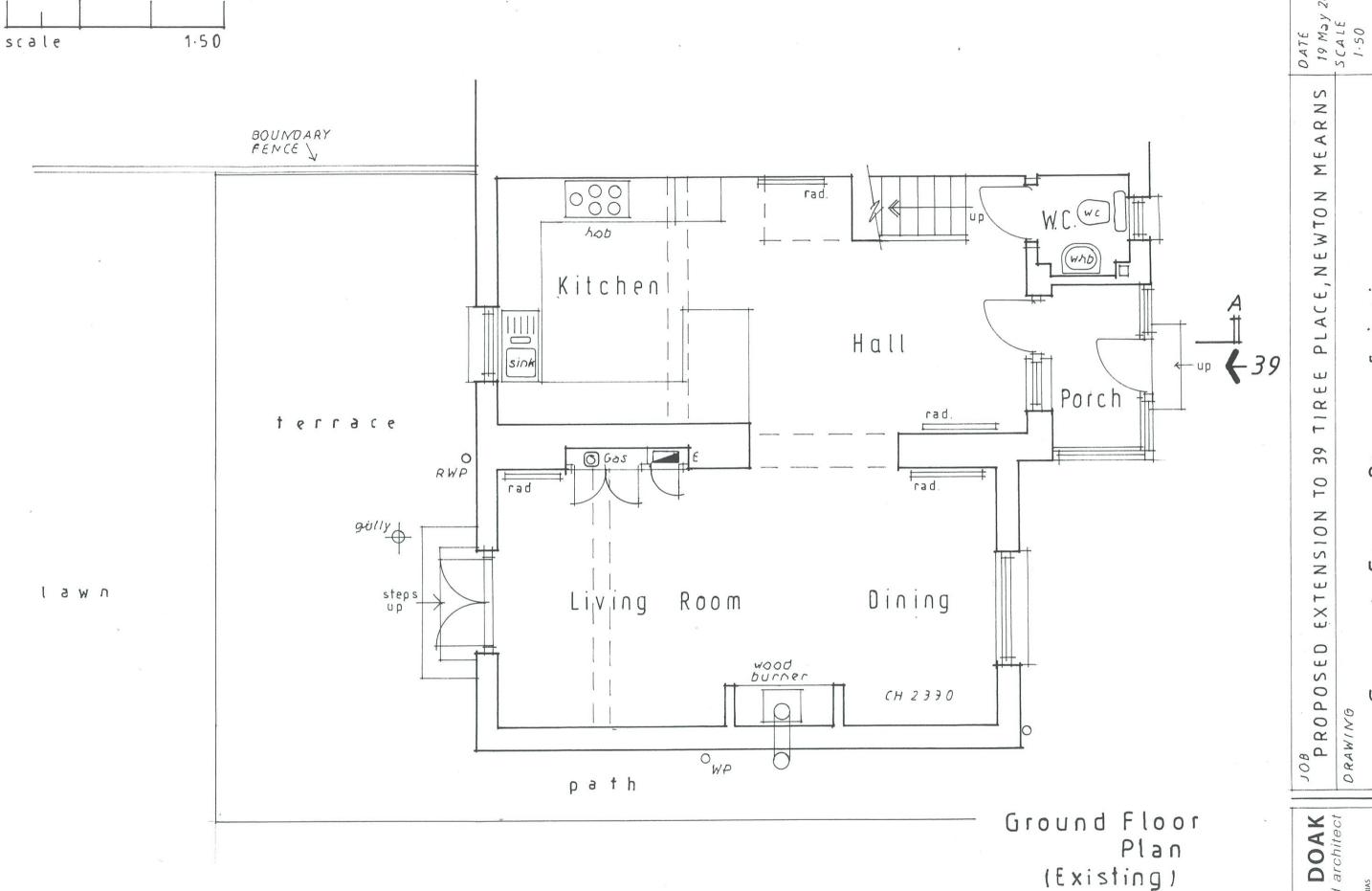
Reason: To ensure the development is acceptable in appearance.



APPENDIX 6

PLANS/DRAWINGS



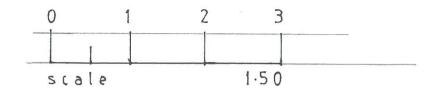


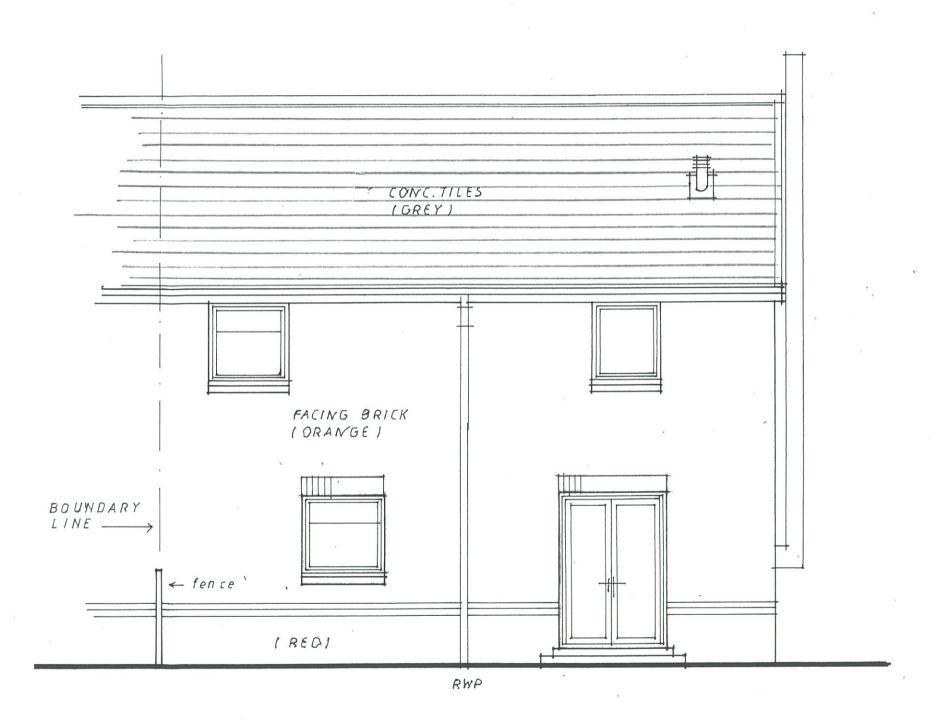
MEARNS PLACE, NEWTON Existing TIREE 9 S Plan EXTENSION TO Floor round JOB PROPOSED 9 ORAWING

Rev.

ORG.NO.

2022

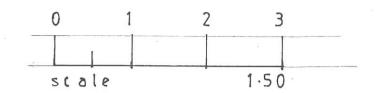


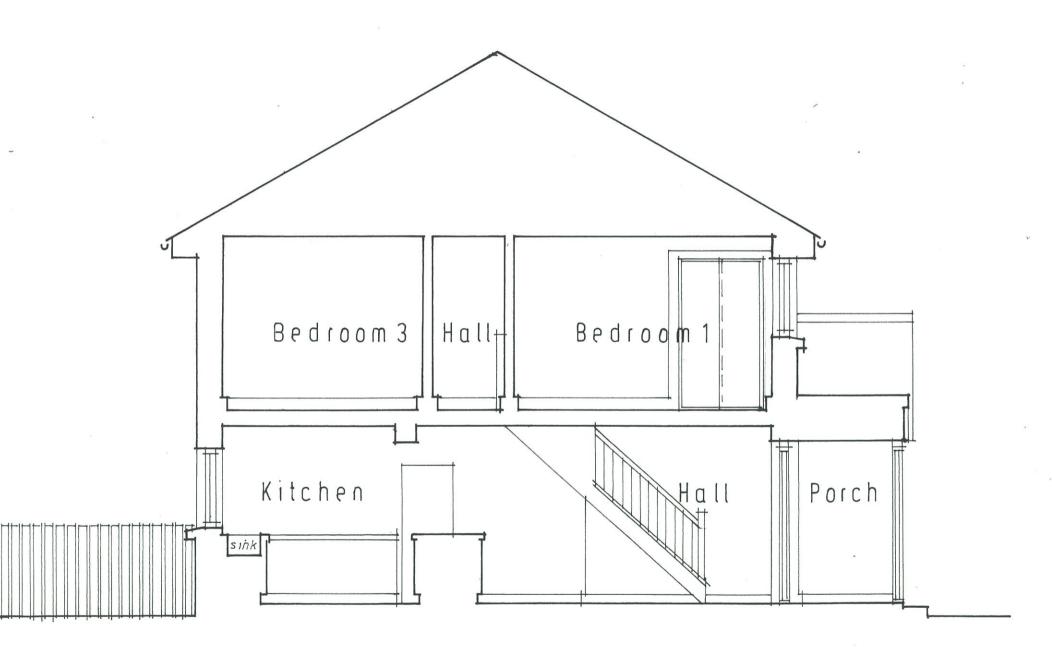


Rear Elevation (Existing)

DRG.NO. MEARNS PLACE, NEWTON as Existing TIREE Elevation EXTENSION JOB PROPOSED ORAWING

CHRIS DOAK
chartered architect
instopher A.m. Doak, RIAS
shaftesbury Street,
deerstoon, clasgow G3 8UN





Section A-A (Existing)

	DATE
PROPOSED EXTENSION TO 39 TIREE PLACE, NEWTON MEARNS	19 May
ORAWING	SCALE
	1.50
Section A - A as txisting	ORG.NC 0 5

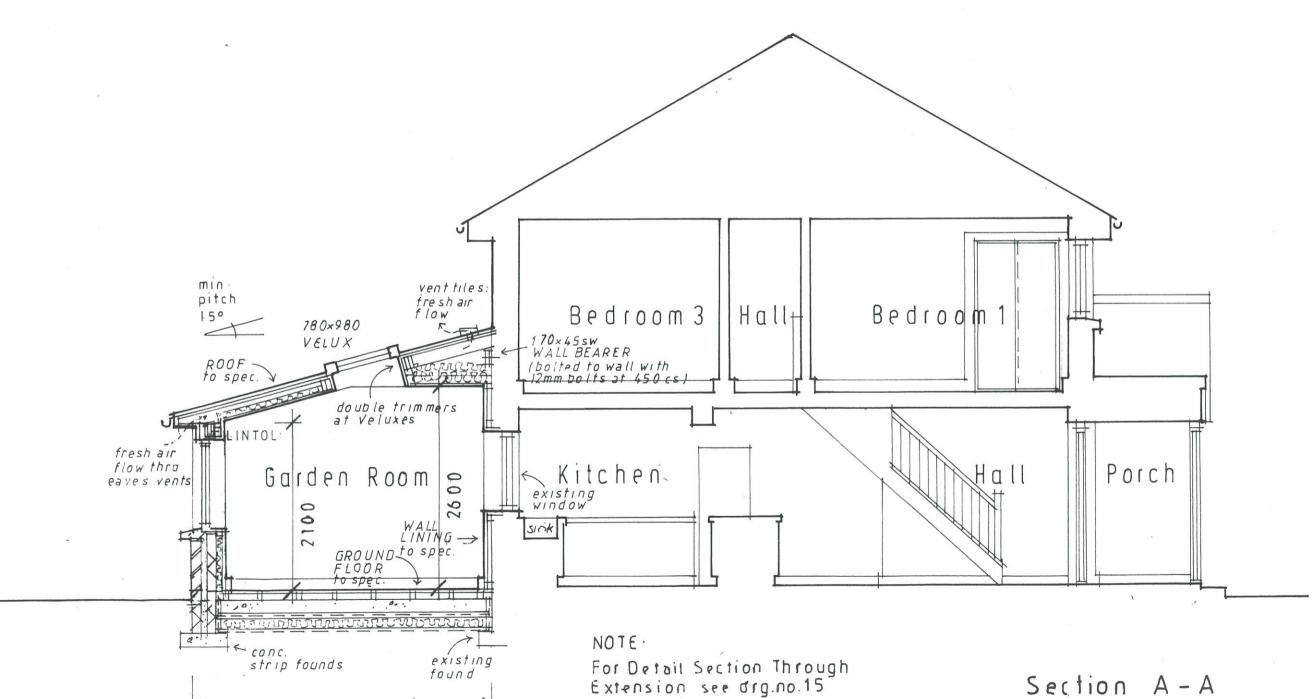
proposed extension

DATE 1 JUNG . SCALE ORG.NO. 1.50 S R N V ME, ACE, NEWTON D <u>ا</u> S 0 Prop TIREE 39 S 10 V Z 5101 4 EXTEN C ectio 0 PROPOSEC

Rev.

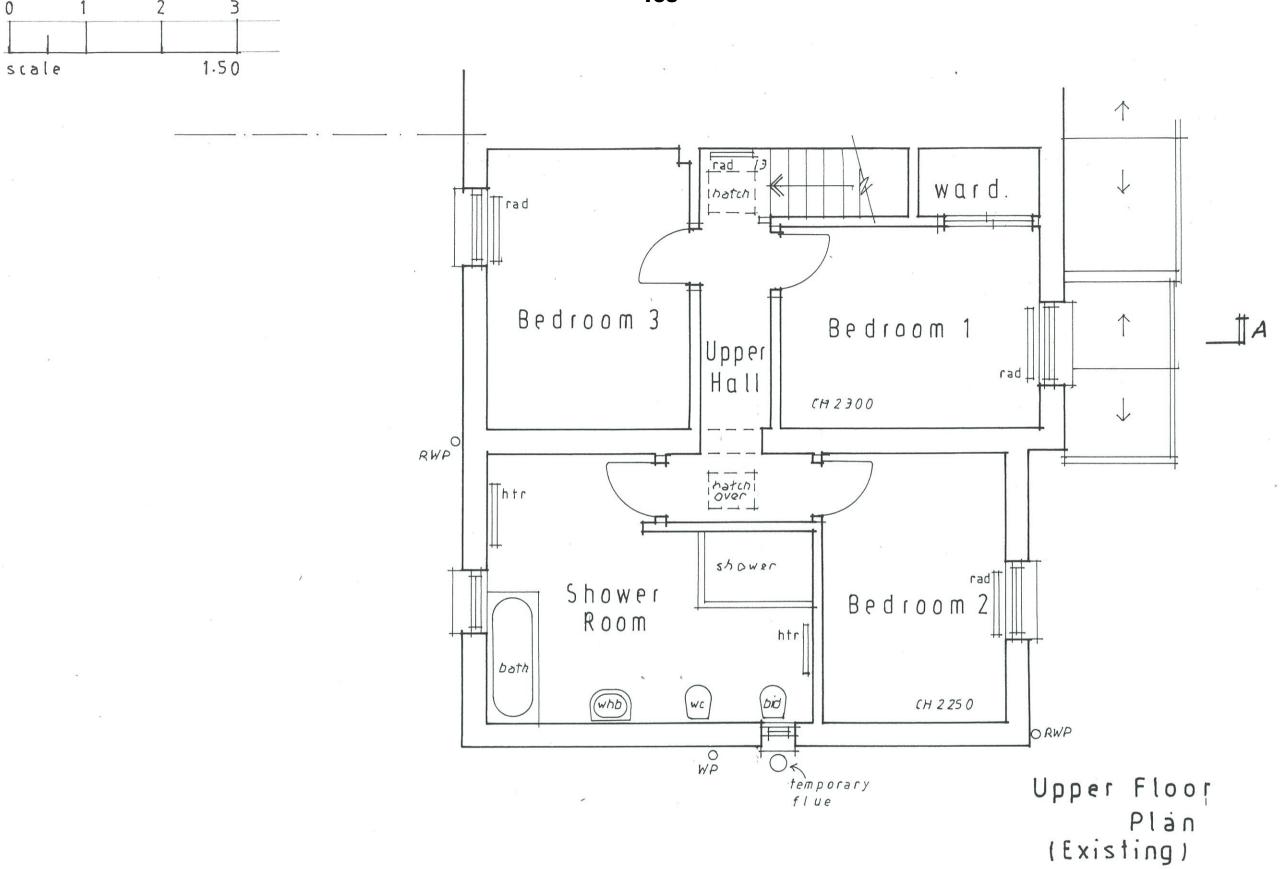
ORAWING **DOAK** *architect* CHRIS I

Section A-A (Proposed)

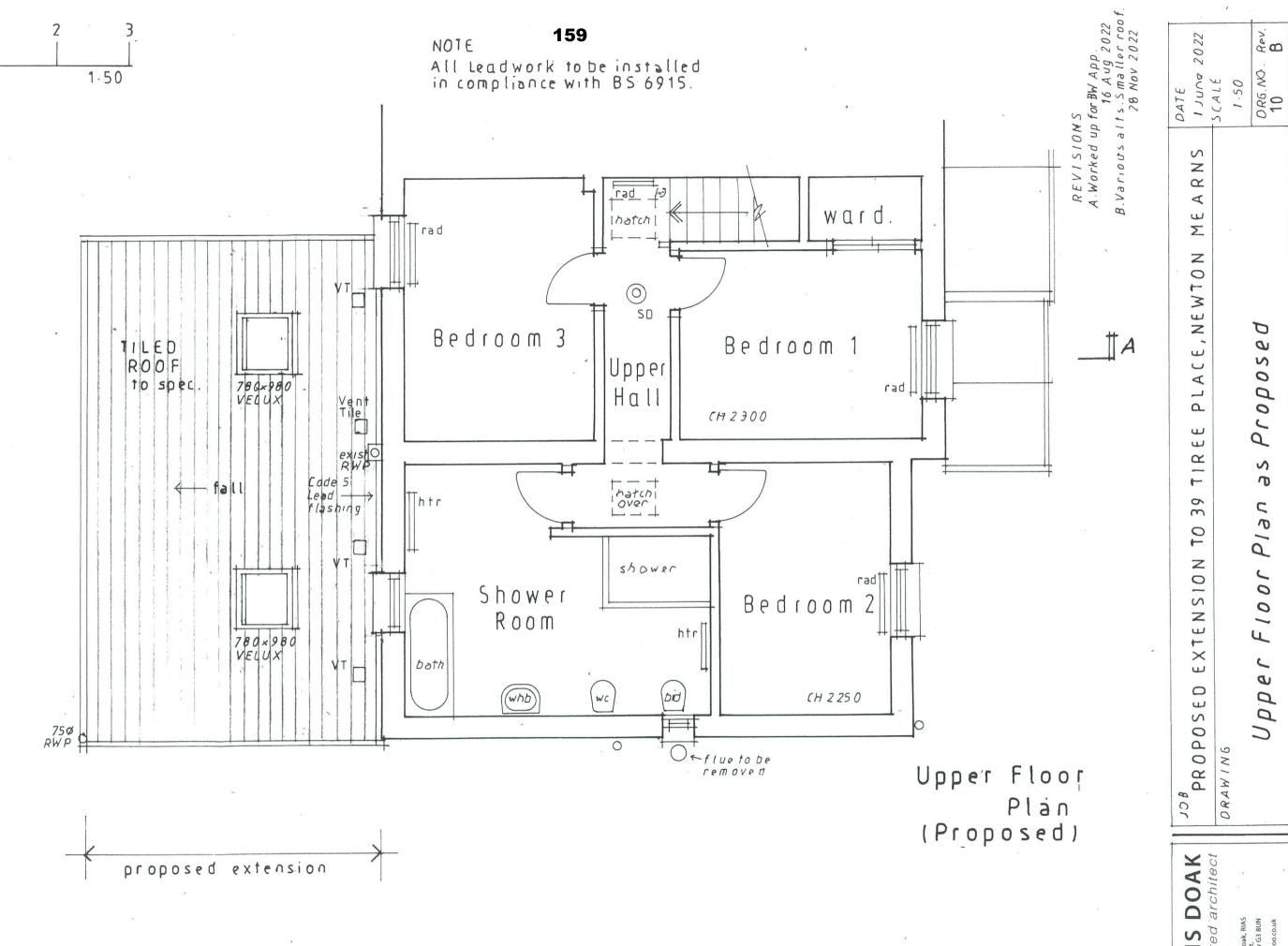


For Construction and

tosulation Specification see drg.no. 16



ARNS PLACE, NEWTON Existing TIREE SP Floor Plan EXTENSION TO Upper PROPOSED E



scale

0R6.NO. Proposed S D Plan Floor Upper

CHRIS Chartered

