Corporate and Community Services Department
Council Headquarters, Eastwood Park, Giffnock, East Renfrewshire, G46 6UG
Phone: 0141 577 3000 Fax: 0141 577 3834
website: www.eastrenfrewshire.gov.uk

Date: 26 September 2019
When calling please ask for: Paul O'Neil (Tel No. 0141 577 3011)
e-mail:- paul.o'neil@eastrenfrewshire.gov.uk

TO: Councillors A Ireland (Chair), B Cunningham (Vice Chair), A Convery, J Fletcher, J McLean, S Miller and J Swift.

LOCAL REVIEW BODY

A meeting of the Local Review Body will be held in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock on **Wednesday, 2 October 2019 at 2.00pm.**

The agenda of business is as shown below.

Caroline Innes

C INNES
DEPUTY CHIEF EXECUTIVE

AGENDA

1. Report apologies for absence.

2. Declarations of Interest.

3. Notice of Review – Review 2019/13 – Erection of One and a Half Storey Rear Extension with Raising of Ridge Height and Intstallation of Dormer Windows at Front and Side at 4 Deveron Avenue, Giffnock (Ref No:- 2019/0383/TP) – Report by Deputy Chief Executive (copy attached, pages 3 - 62).

4. Notice of Review – Review 2019/14 – Erection of Single Storey Side Extension and Attached Double Garage at Front at Melodie Cottage, 4 Old Humbie Road, Newton Mearns (Ref No:- 2019/0365/TP) – Report by Deputy Chief Executive (copy attached, pages 63 - 126).

5. Notice of Review – Review 2019/15 – Erection of Two New Retail/Business Units including provision for Hot Food Takeaway plus External Alterations to Existing Buildings and New Parking Area at 157 Burnfield Road, Giffnock (Ref No:- 2019/0185/TP) – Report by Deputy Chief Executive (copy attached, pages 127 - 130).

6./…

6. Notice of Review – Review 2019/16 – Erection of One and a Half Storey Rear Extension Incorporating Dormer Window At Rear; Installation of Dormer Windows at Front and Side at 83 Beech Avenue, Newton Mearns (Ref No:- 2019/0284/TP) - Report by Deputy Chief Executive (copy attached, pages 131 - 180).

AGENDA ITEM No.3

EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

2 October 2019

Report by Deputy Chief Executive

REVIEW OF CASE - REVIEW/2019/13

ERECTION OF ONE AND A HALF STOREY REAR EXTENSION WITH RAISING OF RIDGE HEIGHT AND INSTALLATION OF DORMER WINDOWS AT FRONT AND SIDE AT 4 DEVERON AVENUE, GIFFNOCK

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:	Full Planning Permission (Ref No:- 2019/0383/TP).
Applicant:	Mr Niall MacKinnon.
Proposal:	Erection of one and a half storey rear extension with raising of ridge height and installation of dormer windows at front and side.
Location:	4 Deveron Avenue, Giffnock.
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.

(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.

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 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 indicated that his stated preference is 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. However, 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 2019 immediately before the meeting of the Local Review Body which begins at 2.00pm.

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. However, the applicant has submitted new information which was not available to the Appointed Officer at the time the determination of the application was made. The new information relates to another property; maps; and photographs of other properties.

15. Members are advised that Section 43B of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 states that:-

> "43B Matters which may be raised in a review under section 43A(8)
>
> (1) In a review under section 43A(8), a party to the proceedings is not to raise any matter which was not before the appointed person at the time the determination reviewed was made unless that party can demonstrate—
>
> (a) that the matter could not have been raised before that time, or
>
> (b) that its not being raised before that time was a consequence of exceptional circumstances.
>
> (2) Nothing in subsection (1) affects any requirement or entitlement to have regard to—
>
> (a) the provisions of the development plan, or
>
> (b) any other material consideration."

16. The applicant has been given an opportunity to explain why the information was not made available to the Appointed Officer at the time the application was determined.

17. At the time of writing this report the applicant had not submitted an explanation as requested.

18. The Local Review Body must decide whether the new information should be considered as part of the review. In the event that it does, it is recommended, in the interests of equality of opportunity to all parties that the Appointed Officer be given the opportunity to comment on the new information.

19. Members should note that the new information has been excluded from the applicant's submission.

20. 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 9 - 16);

(b) Copies of Objections/Representations – Appendix 2 (Pages 17 - 20);

(c) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 21 - 28);

(d) Decision notice and reasons for refusal - Appendix 4 (Pages 29 - 34); and

(e) A copy of the applicant's Notice of Review and Statement of Reasons - Appendix 5 (Pages 35 - 52).

21. The applicant has also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and these are attached as Appendix 6 (Pages 53 - 62).

(a) Existing Elevations;

(b) Existing Ground Floor Plan;

(c) Existing Roof Plan;

(d) Refused – Location Plan;

(e) Refused – Proposed Elevations Front and Rear;

(f) Refused – Proposed Side Elevations;

(g) Refused – Proposed Floor Plans; and

(h) Refused – Proposed Roof Plan.

22. The Local Review Body is advised that initial consultation responses and representations received if any, relating to the application will be listed in the planning officer's Report of Handling.

23. All the documents referred to in this report can be viewed online on the Council's website at www.eastrenfrewshire.gov.uk.

RECOMMENDATIONS

24. 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.

(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: Paul O'Neil

Director - Caroline Innes, Deputy Chief Executive

Paul O'Neil, Committee Services Officer
e-mail: paul.o'neil@eastrenfrewshire.gov.uk
Tel: 0141 577 3011

Date:- September 2019

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 100169741-001

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)

Attic and rear extension

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:	A1 Architectural Design Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	George	Building Name:	
Last Name: *	Clark	Building Number:	5
Telephone Number: *	07770611090	Address 1 (Street): *	Cherrybank Walk
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Airdrie
Fax Number:		Country: *	UK
		Postcode: *	ML6 0HZ
Email Address: *	george@a1archdesign.co.uk		

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:		Building Name:	
First Name: *	Niall	Building Number:	4
Last Name: *	MacKinnon	Address 1 (Street): *	Deveron Avenue
Company/Organisation		Address 2:	Giffnock
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	G46 6NH
Fax Number:			
Email Address: *	[redacted]		

Site Address Details

Planning Authority: East Renfrewshire Council

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

Address 1: 4 DEVERON AVENUE

Address 2: GIFFNOCK

Address 3:

Address 4:

Address 5:

Town/City/Settlement: GLASGOW

Post Code: G46 6NH

Please identify/describe the location of the site or sites

Northing 658616 Easting 256840

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☐ Yes ☒ No

Trees

Are there any trees on or adjacent to the application site? * ☐ Yes ☒ No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? * ☐ Yes ☒ No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

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: George Clark

On behalf of: Mr Niall MacKinnon

Date: 19/06/2019

☒ Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) Have you provided a written description of the development to which it relates?. * ☒ Yes ☐ No

b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * ☒ Yes ☐ No

c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? * ☒ Yes ☐ No

d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. ☒ Yes ☐ No

e) Have you provided a certificate of ownership? * ☒ Yes ☐ No

f) Have you provided the fee payable under the Fees Regulations? * ☒ Yes ☐ No

g) Have you provided any other plans as necessary? * ☒ Yes ☐ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals
(two must be selected). *

You can attach these electronic documents later in the process.

☒ Existing and Proposed elevations.

☒ Existing and proposed floor plans.

☒ Cross sections.

☐ Site layout plan/Block plans (including access).

☒ Roof plan.

☐ Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ☐ Yes ☒ No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * ☒ Yes ☐ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr George Clark

Declaration Date: 19/06/2019

APPENDIX 2

COPIES OF OBJECTIONS/REPRESENTATIONS

Comments for Planning Application 2019/0383/TP

Application Summary

Application Number: 2019/0383/TP
Address: 4 Deveron Avenue Giffnock East Renfrewshire G46 6NH
Proposal: Erection of one and a half storey rear extension with raising of ridge height and installation of dormer windows at front and side
Case Officer: Mr David Haney

Customer Details

Name: Mr eric thomson
Address: 2 Deveron Avenue, Giffnock, East Renfrewshire G46 6NH

Comment Details

Commenter Type: Rec'd NeighbourNotification from Council
Stance: Customer made comments neither objecting to or supporting the Planning Application
Comment Reasons:
Comment:Please can the applicant confirm the change in height of the ridge relative to the existing. Property is already higher (due to topography) and will extend beyond the building line of adjacent with potential impact on light.

APPENDIX 3

REPORT OF HANDLING

REPORT OF HANDLING

Reference: 2019/0383/TP Date Registered: 20th June 2019

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

Ward: 3 -Giffnock And Thornliebank
Co-ordinates: 256840/:658616

Applicant/Agent:	Applicant:	Agent:
	Mr Niall MacKinnon	George Clark
	4 Deveron Avenue	5 Cherrybank Walk
	Giffnock	Airdrie
	Glasgow	UK
	United Kingdom	ML6 0HZ
	G46 6NH	

Proposal: Erection of one and a half storey rear extension with raising of ridge height and installation of dormer windows at front and side

Location: 4 Deveron Avenue
Giffnock
East Renfrewshire
G46 6NH

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

2018/0714/TP	Erection of one and a half storey rear extension forming gable end and raising of ridge height; installation of dormer windows at front and side	Refused	18.01.2019

REPRESENTATIONS: A representation was received that raised concerns about loss of light.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Planning Statement - Explains how the reasons for refusal 2018/0714/TP have been addressed and have led to the revised proposal.

ASSESSMENT:

The site is in an established residential area and contains a detached bungalow. The site is on a slope and increases in level from east to west and south to north. As a result, the dwelling is elevated above street level. The dwelling has a hipped roof finished in concrete tiles. The elevations are finished in render and brick and have all been painted white. The surrounding area is characterised by bungalows, some of which have been altered and extended.

The proposal is to erect a one and a half storey rear extension, raise the ridge height of the dwelling and install dormer windows at the front and side. The ridge height of the dwelling would be raised by 0.5 metres and the ridgeline lengthened to a gable at the rear of the extension. The extension would project from the rear elevation of the dwelling by 4.3 metres. The dormer windows would have hipped roofs with the same ridgeline as the dwelling.

The proposal is required to be assessed against Policies D1 and D14 of the adopted Local Development Plan and Supplementary Planning Guidance on Householder Design (SPG). The proposal should complement the existing character of the dwelling and not result in a significant loss of character to the surrounding area. It should be of a size, scale and massing that is in keeping with the dwelling and surrounding built form. The extension should have the same roof design as the dwelling with a lower ridgeline. The dormer windows should not dominate the roof and be set below the ridge of the roof. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting sunlight, daylight or privacy.

The proposal is contrary to policy because the ridgeline of the dwelling would be increased in height, the dormer windows would have the same ridgeline as the dwelling and the roof design at the rear of the extension would be a different roof design from the front of the dwelling. It is considered that the design of the roof would significantly increase the scale and massing of the dwelling, particularly when combined with the dormer windows and the raised and extended ridgeline. It is considered that the proposal as a whole would overwhelm/dominante the original form of the dwelling to the detriment of its existing visual character and appearance.

It is acknowledged that that there are nearby examples of alterations/extensions which are similar to the proposal e.g. dormer windows with the same ridgeline as the property and extensions forming a gable end. However, it is not considered that these examples are numerous enough to define the built character of the area. As a result, the proposal is of a scale and massing that is out of keeping with most of the bungalows in the area and introduces a roof type that is not typical of the surrounding area. It is therefore considered that the proposal is out of scale with the predominant built form of the area and that it would result in a significant loss of character to the area.

The proposal would not would not give rise to significant additional overshadowing or loss of light given its position in relation to neighbouring properties. The side dormer window would not result in an adverse increase in overlooking due to its proposed use for non-habitable rooms.

A representation was received that raised concerns about the potential impact of the extension on light. It is considered that this point has been addressed above.

It is noted that an application to extend the dwelling, raise its ridge height and install dormer windows was refused on 18 January 2019 (ref: 2018/0714/TP). It is considered that, whilst the revised proposal is an improvement on the previous design, it has not fully addressed the reasons for refusal.

It is considered that the proposal is unacceptable in policy terms and that there are no material considerations that justify setting aside the Local Development Plan.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None.

REASONS FOR REFUSAL:

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it would significantly detract from the character of the area as its scale and massing would be out of keeping with the prevailing built form and appearance of the surrounding bungalows.

2. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as it would be dominant and not of a scale or massing that complements the existing visual character or appearance of the dwelling.

3. The proposal is contrary to the Supplementary Planning Guidance on Householder Design as the extension would introduce a new roof type that, in combination with the dormer windows, would significantly increase the scale and massing of the dwelling to the detriment of the appearance of the dwelling and surrounding area.

ADDITIONAL NOTES: None.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr David Haney on 0141 577 3854.

Ref. No.: 2019/0383/TP
(DAHA)

DATE: 9th August 2019

DIRECTOR OF ENVIRONMENT

Reference: 2019/0383/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan
This proposal raises no strategic issues in terms of the Glasgow and the Clyde Valley Strategic Development Plan and therefore the East Renfrewshire Local Plan is the relevant policy document

Adopted East Renfrewshire Local Development Plan
Policy D1
Detailed Guidance for all Development
Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties 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 Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital

infrastructure to new homes and business premises as an integral part of development.

Policy D14
Extensions to Existing Buildings and Erection of Outbuildings and Garages
Any extensions must complement the existing character of the property, particularly in terms of style, form and materials.

The size, scale and height of any development must be appropriate to the existing building. In most circumstances, pitched roofs utilising slates or tiles to match the existing house will be the appropriate roof type. Alternatives, such as flat roofs or green roofs, will be considered on a site specific basis.

Side extensions should not create an unbroken or terraced appearance.

The development should avoid over-development of the site by major loss of existing garden space.

Dormer windows should not in general dominate the existing roof, nor rise above or break the existing ridgeline or hip of the roof, and should be finished in materials to match existing roof finishes.

The above are broad requirements and these are further defined in the Householder Design Guide Supplementary Planning Guidance.

GOVERNMENT GUIDANCE:

Given the size and scale of the development it is not considered that government guidance is a relevant material consideration.

Finalised 09/08/19 AC(3)

APPENDIX 4

DECISION NOTICE

AND

REASONS FOR REFUSAL

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. **2019/0383/TP**

Applicant:
Mr Niall MacKinnon
4 Deveron Avenue
Giffnock
Glasgow
United Kingdom
G46 6NH

Agent:
George Clark
5 Cherrybank Walk
Airdrie
UK
ML6 0HZ

With reference to your application which was registered on 20th June 2019 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of one and a half storey rear extension with raising of ridge height and installation of dormer windows at front and side

at: 4 Deveron Avenue, Giffnock, East Renfrewshire, G46 6NH

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 Policy D1 of the adopted East Renfrewshire Local Development Plan as it would significantly detract from the character of the area as its scale and massing would be out of keeping with the prevailing built form and appearance of the surrounding bungalows.

2. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as it would be dominant and not of a scale or massing that complements the existing visual character or appearance of the dwelling.

3. The proposal is contrary to the Supplementary Planning Guidance on Householder Design as the extension would introduce a new roof type that, in combination with the dormer windows, would significantly increase the scale and massing of the dwelling to the detriment of the appearance of the dwelling and surrounding area.

Dated 9th August 2019

[redacted]

Director of Environment
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	L (2-) 001		

Proposed floor plans	L (2-) 004		
Roof Plan Proposed	L (2-) 005		
Elevations Proposed	L (2-) 006		
Elevations Proposed	L (2-) 007		

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 3895 or 0141 577 3878
Email planning@eastrenfrewshire.gov.uk

APPENDIX 5

NOTICE OF REVIEW

AND

STATEMENT OF REASONS

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 100169741-002

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:	A1 Architectural Design Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	George	Building Name:	
Last Name: *	Clark	Building Number:	5
Telephone Number: *	07770611090	Address 1 (Street): *	Cherrybank Walk
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Airdrie
Fax Number:		Country: *	UK
		Postcode: *	ML6 0HZ
Email Address: *	george@a1archdesign.co.uk		

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:		Building Name:	
First Name: *	Niall	Building Number:	4
Last Name: *	MacKinnon	Address 1 (Street): *	Deveron Avenue
Company/Organisation		Address 2:	Giffnock
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	G46 6NH
Fax Number:			
Email Address: *	[redacted]		

Site Address Details

Planning Authority:	East Renfrewshire Council

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

Address 1:	4 DEVERON AVENUE
Address 2:	GIFFNOCK
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	GLASGOW
Post Code:	G46 6NH

Please identify/describe the location of the site or sites

Northing	658616	Easting	256840

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)

Rear extension and attic conversion

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.

Planning refusal has been based upon similar extensions given planning or have been successfully appealed which are not difference to our current proposals

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)

Appeal statement document, existing and proposed refused planning drawings

Application Details

Please provide details of the application and decision.

What is the application reference number? * 2019/0383/TP

What date was the application submitted to the planning authority? * 19/06/2019

What date was the decision issued by the planning authority? * 14/08/2019

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 George Clark

Declaration Date: 15/08/2019

A1 Architectural Design Ltd **June 2019**

Planning Statement To Support New Planning
4 Deveron Avenue Giffnock G46 6NH

Submitted Planning Drawings:
L(2-)001 Site location plan & block plan.
L(2-)002 Ground & attic plan as existing.
L(2-)003 Roof plan & section as existing.
L(2-)004 Rev B Ground & attic plan as proposed.
L(2-)005 Rev A Roof plan as proposed.
L(2-)006 Rev A Front & Rear Elevations as proposed.
L(2-)007 Rev A Gable elevations as proposed.
L(2-)008 Elevations as existing.

Planning Application Statement

New second planning application made due to first application **Ref- 2018/0714/TP** being refused on the grounds that the dormers and rear elevations did not comply with local planning development plan for house extension in the area.

The revised plans have allowed for the reduction of size of dormers, we have also maintained the existing roof profile and part roof. The rear elevation takes note of using part hipped roof to reduce the overall size and mass of the wall to this elevation.

We note that planning appeal review appeal 20/2018/12 for 76 Evan Drive Giffnock was granted with similar rear gable extension with dormer as shown below and would request that this is taken into consideration for this current application which we feel gives equal if not better design proposal.

Extension now currently in progress for Evan Drive

A1 Architectural Design Ltd **August 2019**

Planning Appeal Statement To Support Refused Planning Application Ref- 2019/0383/TP
4 Deveron Avenue Giffnock G46 6NH

Submitted Original Planning Drawings:

L(2-)001 Site location plan & block plan.
L(2-)002 Ground & attic plan as existing.
L(2-)003 Roof plan & section as existing.
L(2-)004 Rev B Ground & attic plan as proposed.
L(2-)005 Rev A Roof plan as proposed.
L(2-)006 Rev A Front & Rear Elevations as proposed.
L(2-)007 Rev A Gable elevations as proposed.
L(2-)008 Elevations as existing.

Planning Application Refusal

The application for planning permission was refused on 9th August 2019 by East Renfrewshire Council on the following conditions:

1. Did not comply with policy D1 of the East Renfrewshire Local Development plan as it would detract from the character of the area. And its massing would be out of keeping with surrounding bungalows
2. The proposed is contrary to Policy D14 of the East Renfrewshire Local Development Plan.The extension would be dominant and not of a scale that complements the existing visual character of the building.
3. The proposal is contrary to the terms of the adopted Supplementary Planning Guidance. The proposed extension would introduce a new roof type that in combination of the dormer windows would increase the scale and massing of the dwelling to the detriment of the dwelling and surrounding area.

Reasons For Appeal Against Planning Decision

After the first planning refusal the client Agreed to the modify the design from pervious refusal planning ref 2018/0714/TP to try and accommodate some of the concerns raised, this however now refused for the second time we feel this is totally unjustified considering the quality of the current design and the recent history of similar planning appeal decisions given by the council.

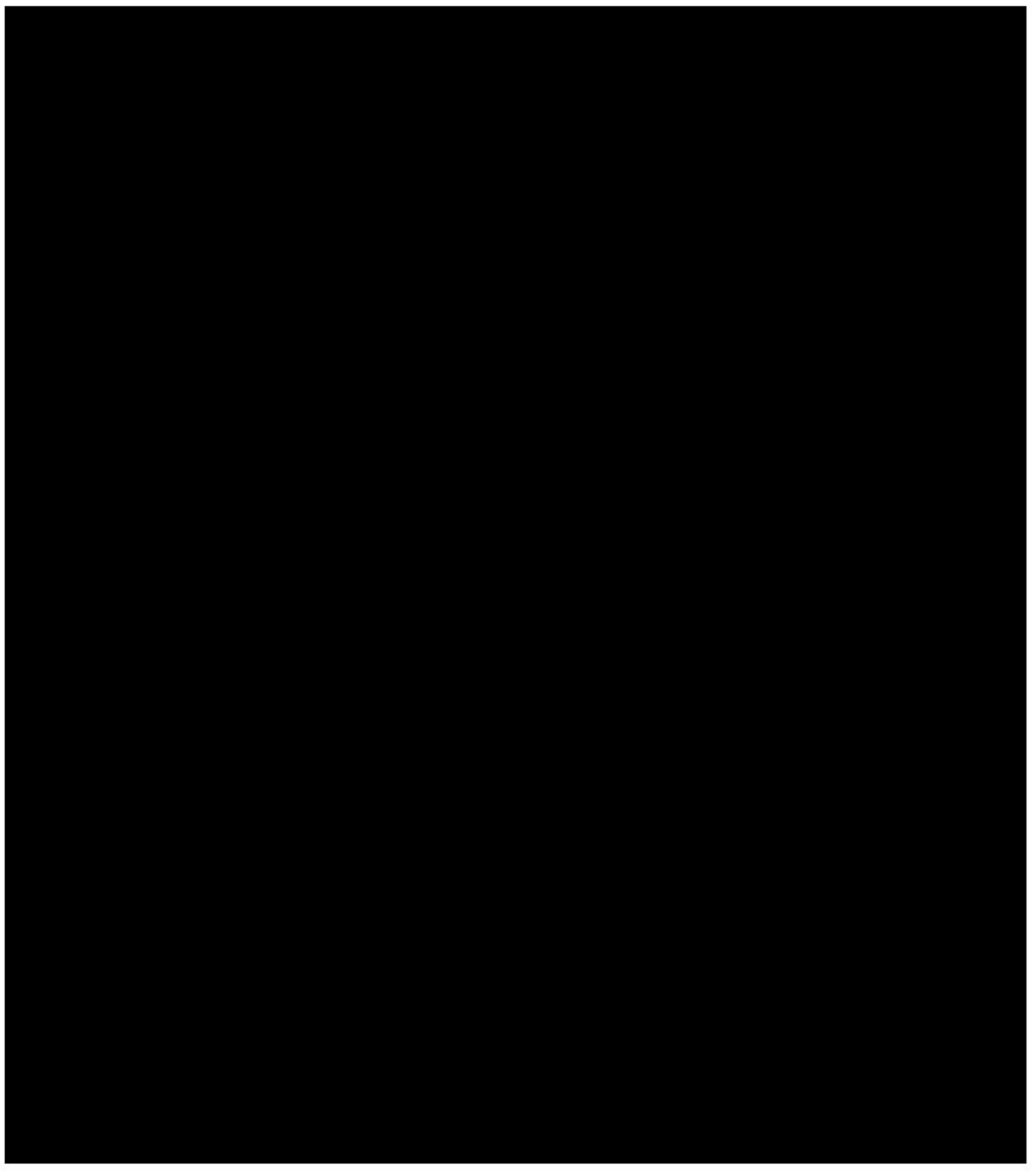
We now wish to challenge and appeal the above points due to the following reasons:

Points 1, 2 & 3 contained in the above refusal conditions:
The current dormer design offers a traditional pitched style roof appearance design, similar to the pitch of the proposed roof which does not have any adverse impact on the appearance of the house. This style of dormer has been done across East Renfrewshire and Central Scotland The dormer in terms of mass and scale sit's in proportion to the roof. They do not over dominate, they fit within the hipped ends of the roof, **fig 1** below was our original proposal as submitted on previous planning refusal reference 2018/0714/TP, we revised dormer and roof as per **Fig 2** below to

reduce impact and scale of both roof and dormer, roof pitch was also retained. We also note that a similar planning application ref 2018/0201/TP which was rejected for similar style dormers and rear gable extension and was successfully appealed, we would argue that this development is no different from that development and thus should be treated the same. We would also highlight the rear extension cannot be seen from street level and thus has no visual impact on this street, the rear elevation / extension has been designed to enhance the rear which currently has an outdated conservatory which must be a total improvement to what currently exists.

Fig 1 Above - Proposed Previous Front Elevation To 4 Deveron Avenue original application 2018/0714/TP refused

Fig 2 Above - Proposed Current Revised Front Elevation To 4 Deveron Avenue current second application 2019/0383/TP refused



We also attached the following information in support to the dormers and rear extensions and note styles similar to our proposed style of dormers, see **fig 4** below

Point 3 on the planning notes for refusal regarding the rear extension, This extension located to the rear cannot be seen from the street elevation and thus has no visual impact as such, we note that similar properties in the area have gable extensions to the rear, when actually viewed does not form this claim to would detract from character and design of the existing dwelling by virtue of its scale, see **fig 5** below which shows properties with similar extensions forming gable ends, note property next to No 4

We also note that planning appeal review appeal 20/2018/12 for 76 Evan Drive Giffnock was granted with similar rear gable extension with dormer see **fig 6** below

Fig 7 Extension now currently in progress for Evan Drive

Conclusion

In section 2.5 section 2 of East Renfrewshire Development plan it highlights equality of access to housing. The common problem being there is very limited access to modern affordable family dwellings in Giffnock, this being the reason so many applicants require to have to modernise their current house to accommodate a young growing family's modern living requirements, thus generally improving the quality of housing within the Giffnock area, no different to already and current ongoing extensions.
Given the history of the area which clearly shows similar extensions and dormers our proposals are no different to what already exists in the area, they do not detract from the character and design of the property, the rear gable elevation enhances the rear allowing the property to adopt to current living needs. Given the fact that 76 Evan drive has also been success in appeal we see that this application should be treated in a similar way. We have attempted to address the concerns on the last rejected planning application 2018/0714/TP by modifying the design slightly to reduce impact and massing by forming part hipped roof to rear as per **Fig 9** below

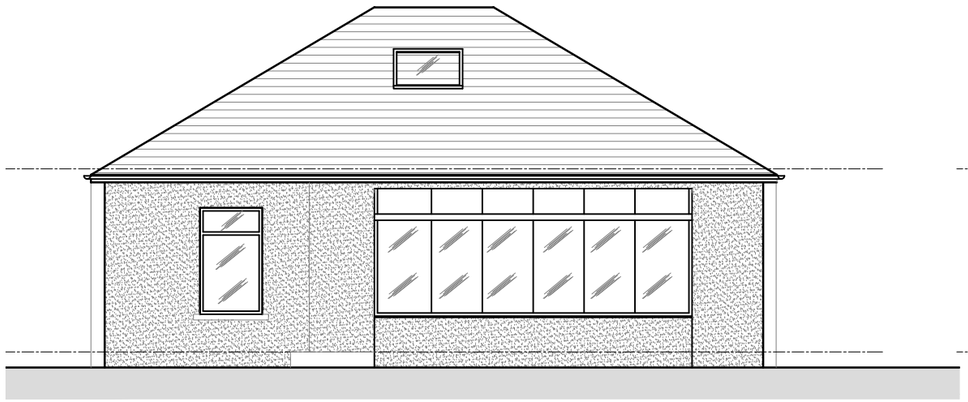
Rear Elevation As Proposed

Fig 8 Above - Proposed Previous Reart Elevation To 4 Deveron Avenue original application 2018/0714/TP refused

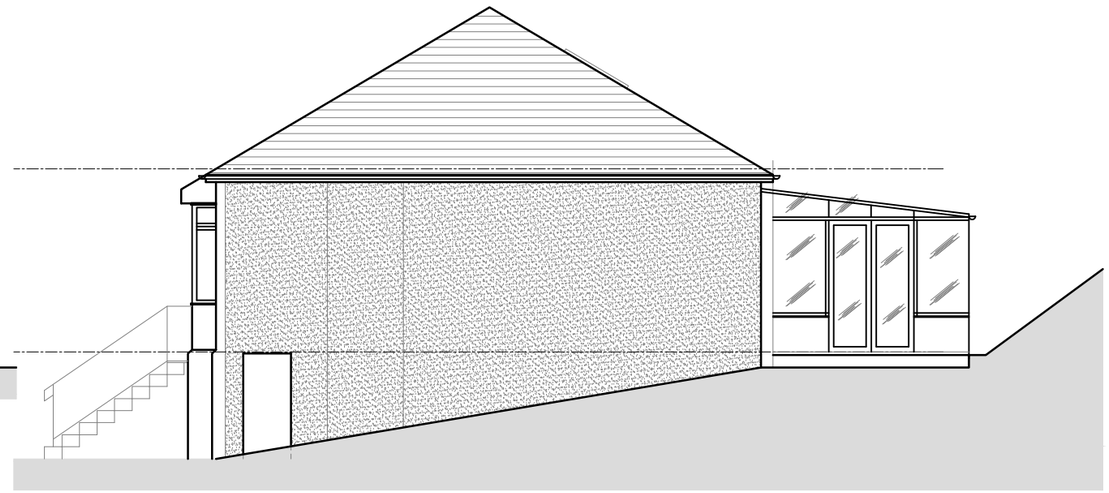
Fig 9 Above - Proposed Current Rear Elevation To 4 Deveron Avenue current second application 2019/0383/TP refused

APPENDIX 6

PLANS/PHOTOGRAPHS/DRAWINGS

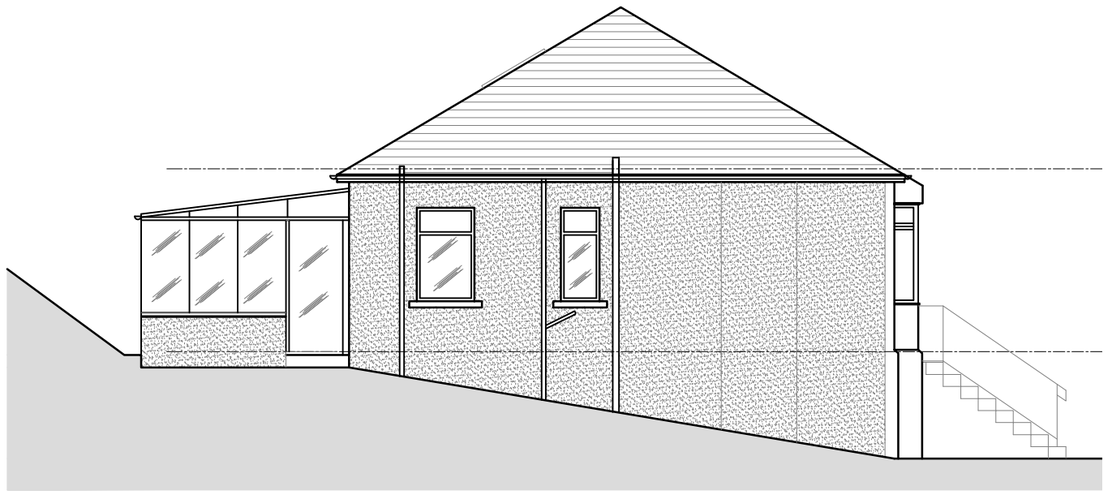


Rear Elevation As Existing

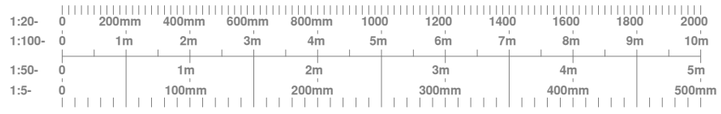


Gable Elevation As Existing

Front Elevation As Existing



Gable Elevation As Existing



scale @ A3

Important

The contractor will be held to have examined the site and checked all dimensions and levels before commencing construction work.
No assumption should be made without reference to the architect.
No dimensions should be scaled from this drawing.

Revision	Date	By
-	-	

GENERAL

Drawings and areas are indicative only and are subject to a full measured site survey.

All materials to be installed fully in accordance with the manufacturers recommendations.

All construction to be carried out in accordance with all the relevant current Health and safety guidelines and regulations.

All works to comply with the latest building Scotland Regulations and to the satisfaction of Building Control

All electrical works to comply with the latest edition of the I.E.E Regulations

A - Drawing updated - Eaves level revised June 2017

DO not scale drawing.

Planning Approval

Client
Niall MacKinnon

Project Title
Proposed New Alterations To Property Forming New Attic and Rear Extension
4 Deveron Avenue, Giffnock
G46 6NH

Drawing Title
Elevations As Existing

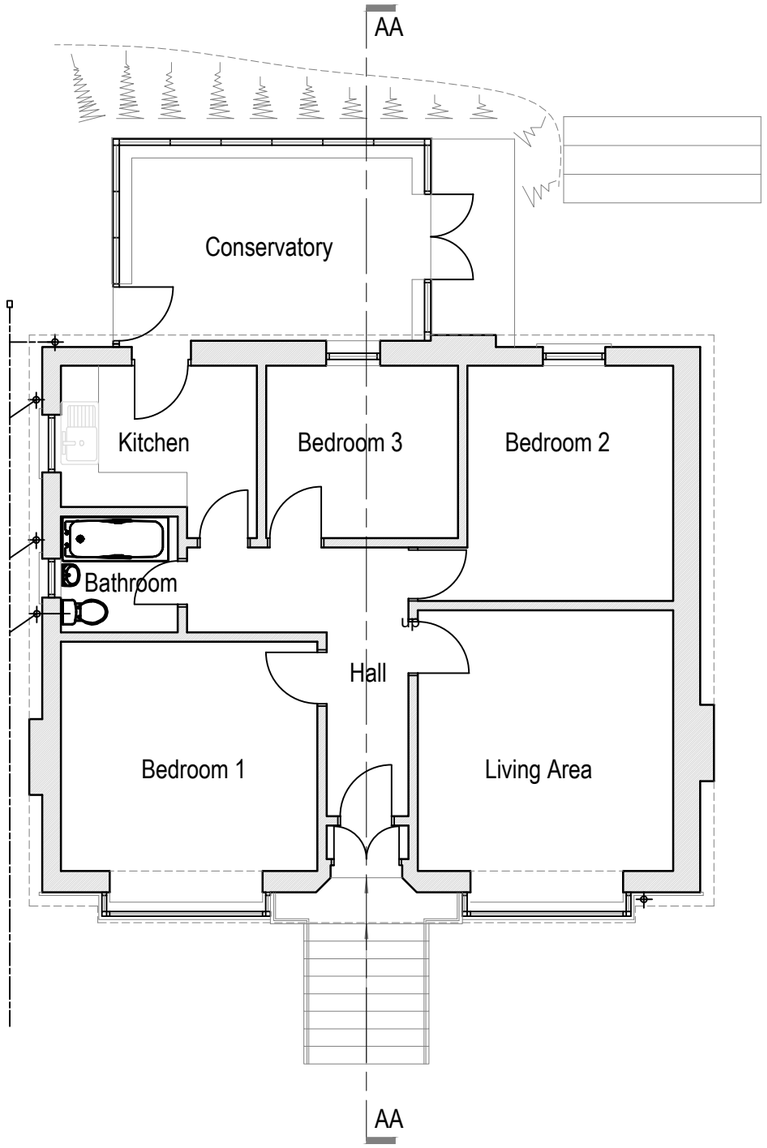
A1 Architectural Design Ltd
Complete Bespoke Architectural Services

5 Cherrybank Walk, Airdrie
North Lanarkshire ML6 0HZ

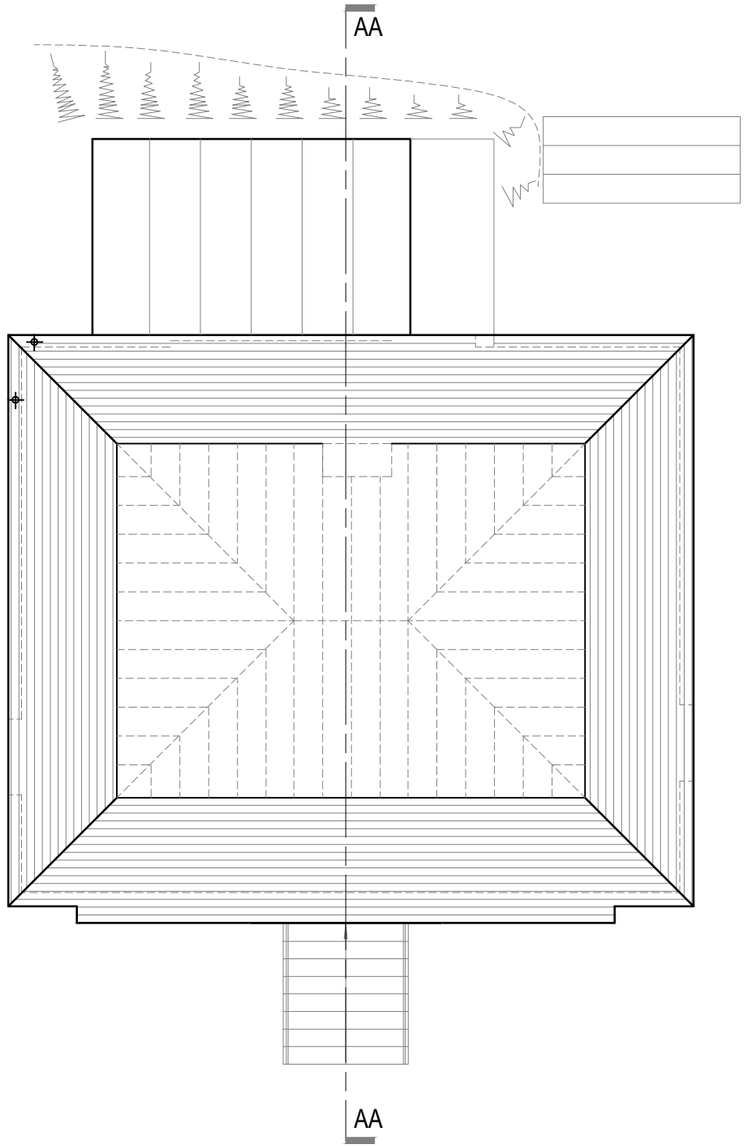
Tel: 01236 769579
Mob: 07770611090
email: george@a1archdesign.co.uk

Scale	Date
1:100	Sept 2019

Job No.	Drawing No.	Rev.
A1-420/18	L (2-) 008	-



Ground Floor Plan As Existing



Attic Floor Plan As Existing

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1:100- 0 1m 2m 3m 4m 5m 6m 7m 8m 9m 10m
1:50- 0 1m 2m 3m 4m 5m
1:5- 0 100mm 200mm 300mm 400mm 500mm

scale @ A3

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Revision	Date	By
-	-	

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A - Drawing updated - Eaves level revised June 2017

DO not scale drawing.

Planning Approval

Client
Niall MacKinnon

Project Title
Proposed New Alterations To Property Forming New Attic and Rear Extension
4 Deveron Avenue, Giffnock
G46 6NH

Drawing Title
Ground Floor & Attic Plan As Existing

A1 Architectural Design Ltd
Complete Bespoke Architectural Services

5 Cherrybank Walk, Airdrie
North Lanarkshire ML6 0HZ

Tel: 01236 769579
Mob: 07770611090
email: george@a1archdesign.co.uk

Scale	Date
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Job No.	Drawing No.	Rev.
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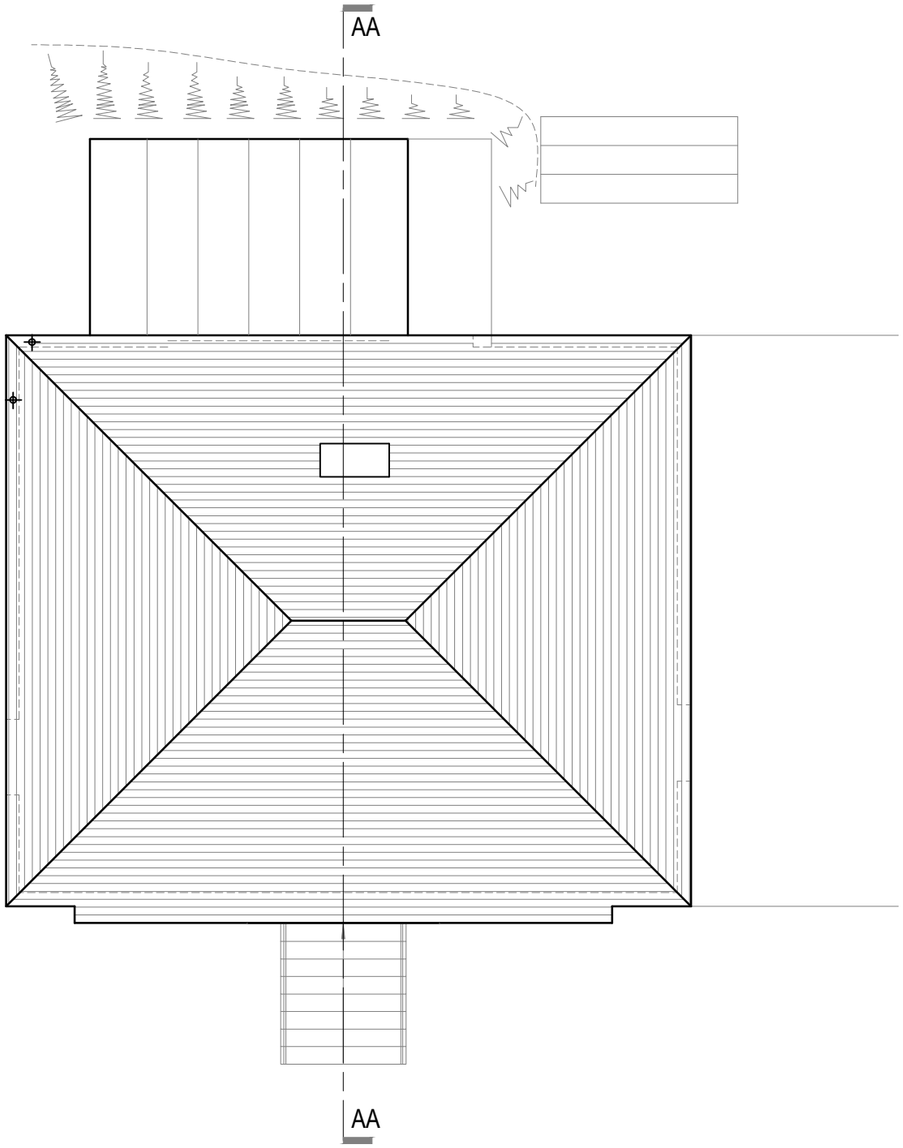
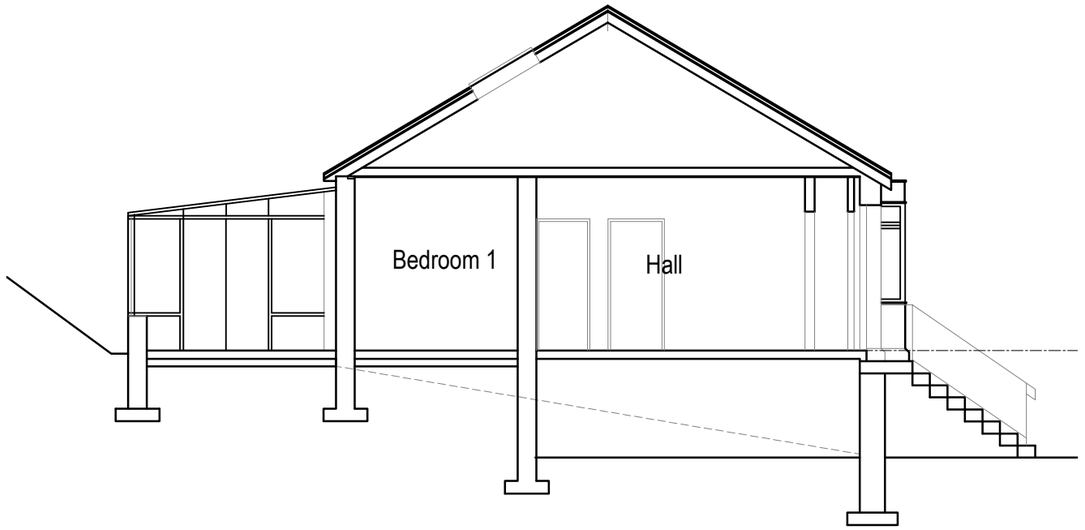


Roof Plan As Existing



Section AA As Existing

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1:50- 0 1m 2m 3m 4m 5m
1:5- 0 100mm 200mm 300mm 400mm 500mm

scale @ A3

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Revision	Date	By
-	-	

GENERAL

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A - Drawing updated - Eaves level revised June 2017

DO not scale drawing.

Planning Approval

Client
Niall MacKinnon

Project Title
Proposed New Alterations To Property Forming New Attic and Rear Extension
4 Deveron Avenue, Giffnock
G46 6NH

Drawing Title
Roof Plan & Section AA As Existing

A1 Architectural Design Ltd
Complete Bespoke Architectural Services

5 Cherrybank Walk, Airdrie
North Lanarkshire ML6 0HZ

Tel: 01236 769579
Mob: 07770611090
email: george@a1archdesign.co.uk

Scale	Date
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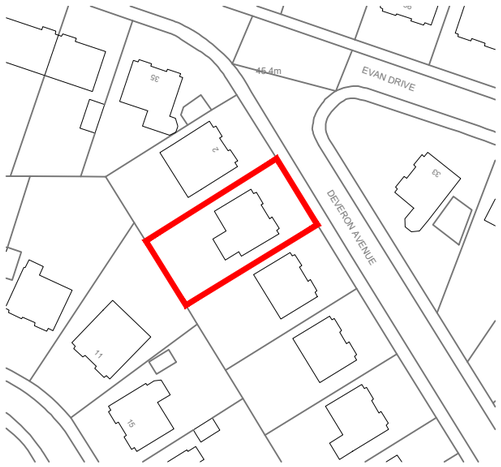
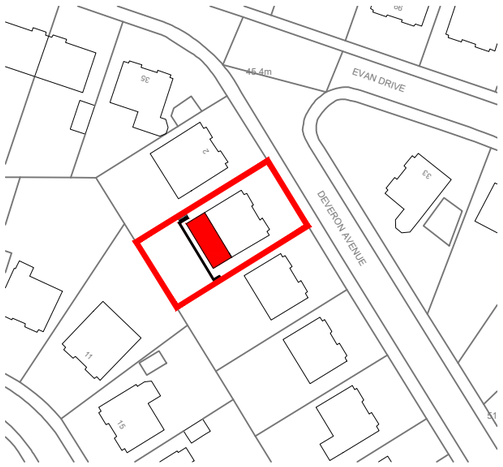
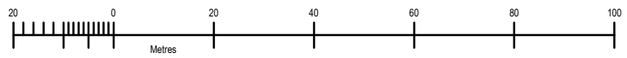
Job No.	Drawing No.	Rev.
A1-420/18	L (2-) 003	-

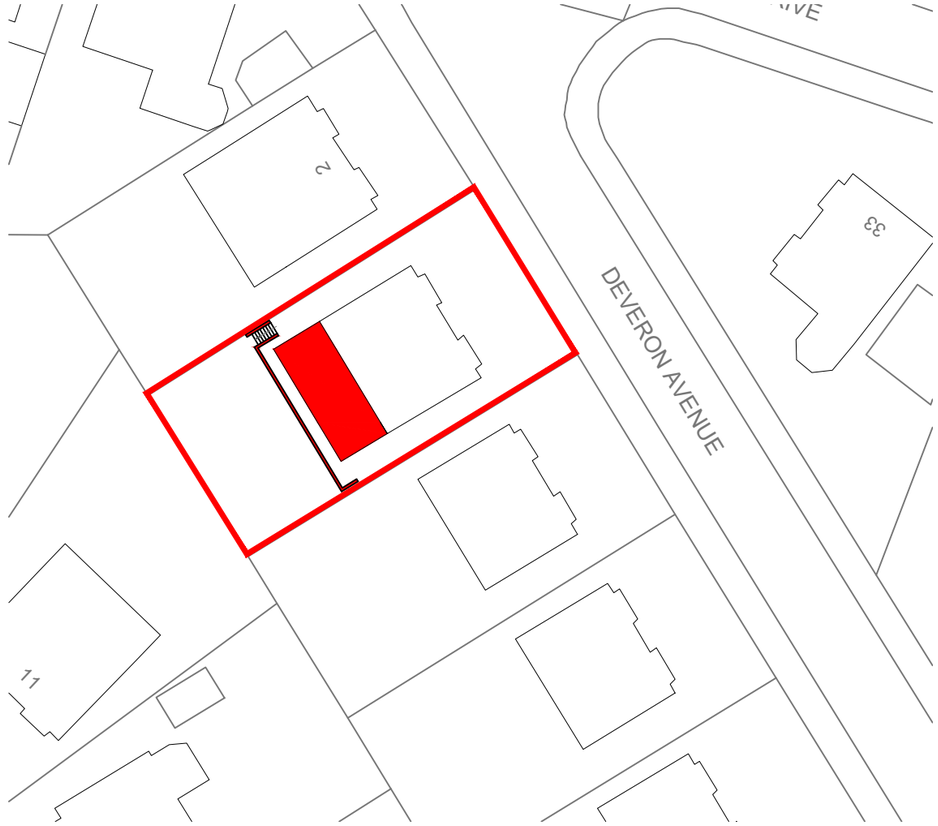


Location Plan Existing 1:250

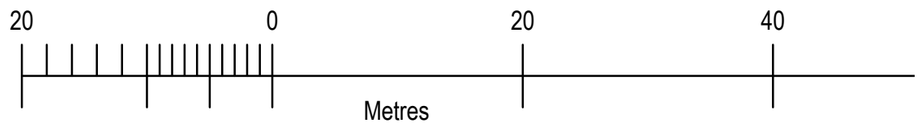


Location Plan Proposed 1:1250





Block Plan 1:500



scale @ A3

Important

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Revision	Date By
A Retaining Wall Added	Nov 2018

GENERAL

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All electrical works to comply with the latest edition of the I.E.E Regulations

Do not scale drawing.

Planning Approval

Client
Niall MacKinnon

Project Title
Proposed New Alterations To Property Forming New Attic and Rear Extension
4 Deveron Avenue, Giffnock
G46 6NH

Drawing Title
Site Location & Block Plan

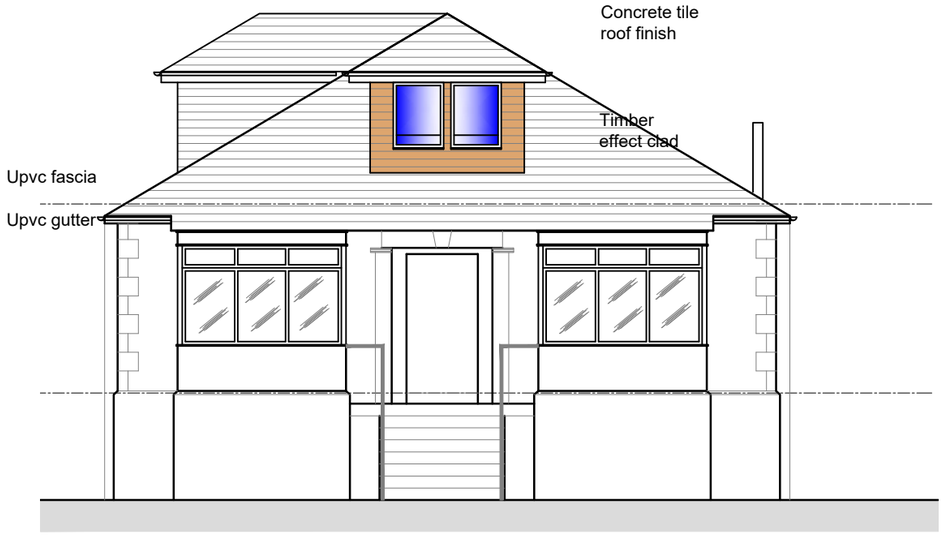
A1 Architectural Design Ltd
Complete Bespoke Architectural Services

5 Cherrybank Walk, Airdrie
North Lanarkshire ML6 0HZ

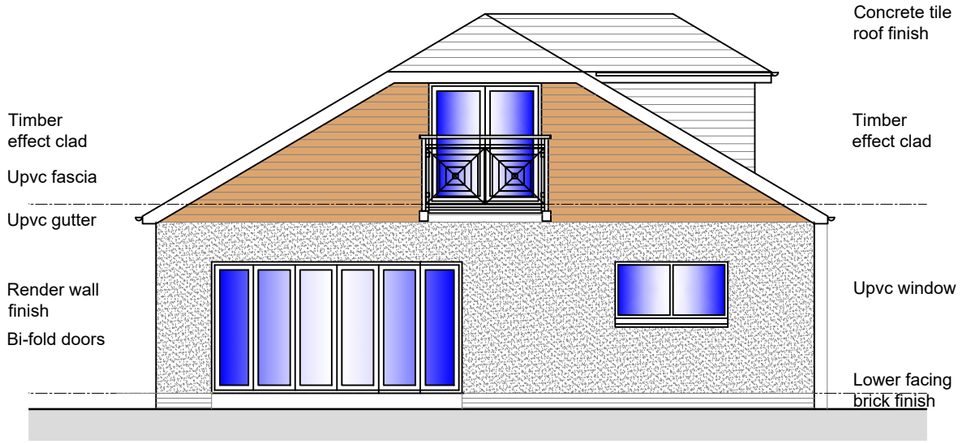
Tel: 01236 769579
Mob: 07770611090
email: george@a1archdesign.co.uk

Scale	Date
1:1250, 1:500	Sept 2019

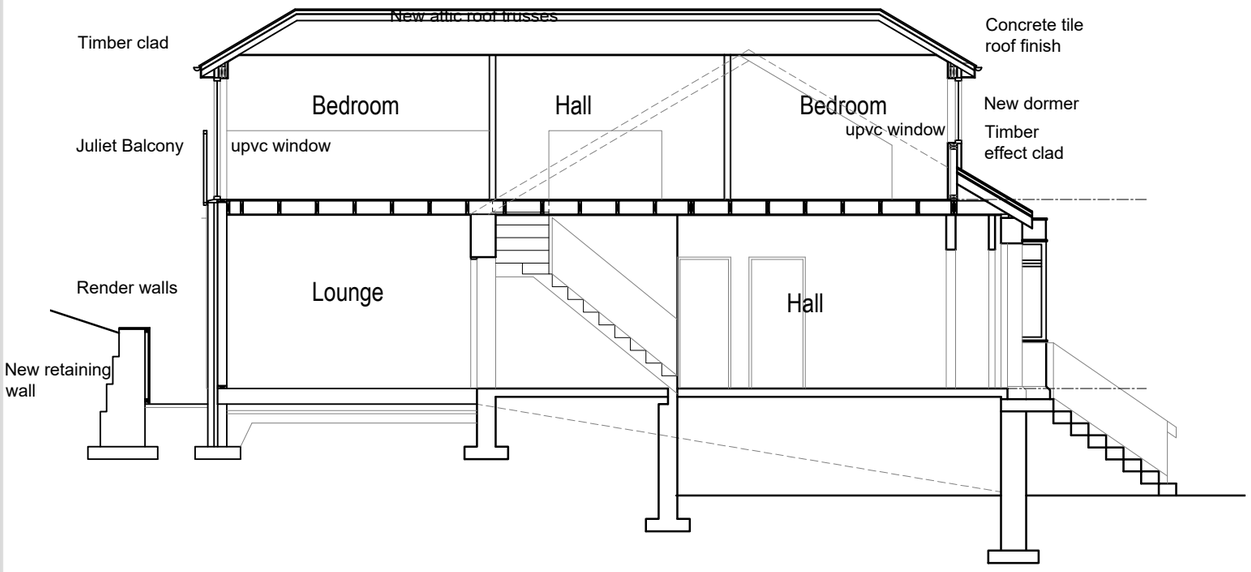
Job No.	Drawing No.	Rev.
A1-420/18	L (2-) 001	A



Front Elevation As Proposed



Rear Elevation As Proposed



Section AA As Proposed

scale @ A3

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1:50- 0 1m 2m 3m 4m 5m
1:5- 0 100mm 200mm 300mm 400mm 500mm

Important

The contractor will be held to have examined the site and checked all dimensions and levels before commencing construction work.
No assumption should be made without reference to the architect.
No dimensions should be scaled from this drawing.

Revision	Date	By
Elevations revised	June 2019	

GENERAL

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All works to comply with the latest building Scotland Regulations and to the satisfaction of Building Control

All electrical works to comply with the latest edition of the I.E.E Regulations

A - Drawing updated - Eaves level revised June 2017

Do not scale drawing.

External Finishes Specification

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Roof pitch as existing°

Dormers :
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Roof pitch 33°

NEW WINDOWS / DOORS:
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RWP / GUTTERS
Black upvc rwp and gutters

FASCIA'S:
New white upvc fasica's and soffits with upvc dry verge system to rear

DRAINAGE
New extension drain connected into existing drainage

Planning Approval

Client
Niall MacKinnon

Project Title
Proposed New Alterations To Property Forming New Attic and Rear Extension
4 Deveron Avenue, Giffnock
G46 6NH

Drawing Title
Front & Rear Elevations As Proposed

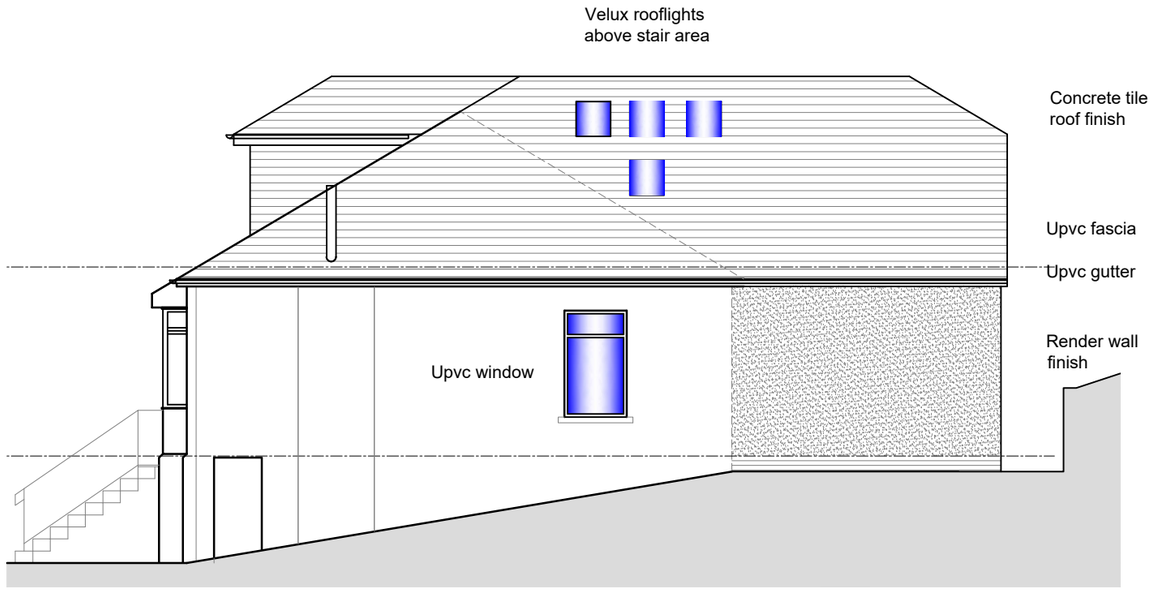
A1 Architectural Design Ltd
Complete Bespoke Architectural Services

5 Cherrybank Walk, Airdrie
North Lanarkshire ML6 0HZ

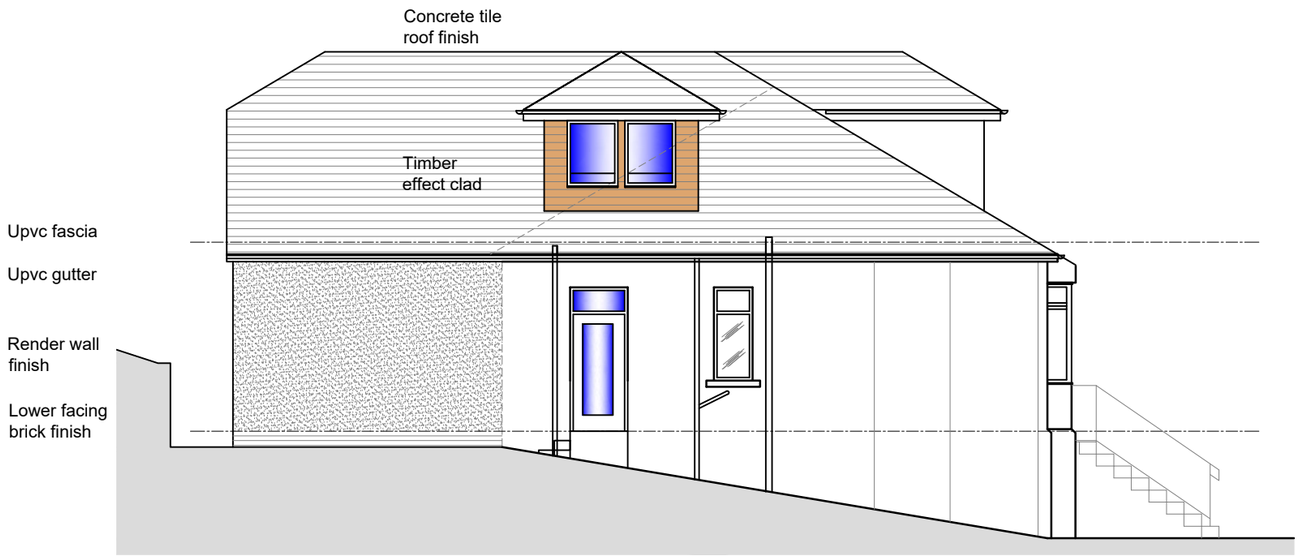
Tel: 01236 769579
Mob: 07770611090
email: george@a1archdesign.co.uk

Scale	Date
1:100	Sept 2019

Job No.	Drawing No.	Rev.
A1-420/18	L (2-) 006	A



Gable Elevation As Proposed



Gable Elevation As Proposed

scale @ A3

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1:100- 0 1m 2m 3m 4m 5m 6m 7m 8m 9m 10m
1:50- 0 1m 2m 3m 4m 5m
1:5- 0 100mm 200mm 300mm 400mm 500mm

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Elevations revised	June 2019	

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A - Drawing updated - Eaves level revised June 2017

Do not scale drawing.

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Black upvc rwp and gutters

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DRAINAGE
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Planning Approval

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Niall MacKinnon

Project Title
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4 Deveron Avenue, Giffnock
G46 6NH

Drawing Title
Gable Elevations As Proposed

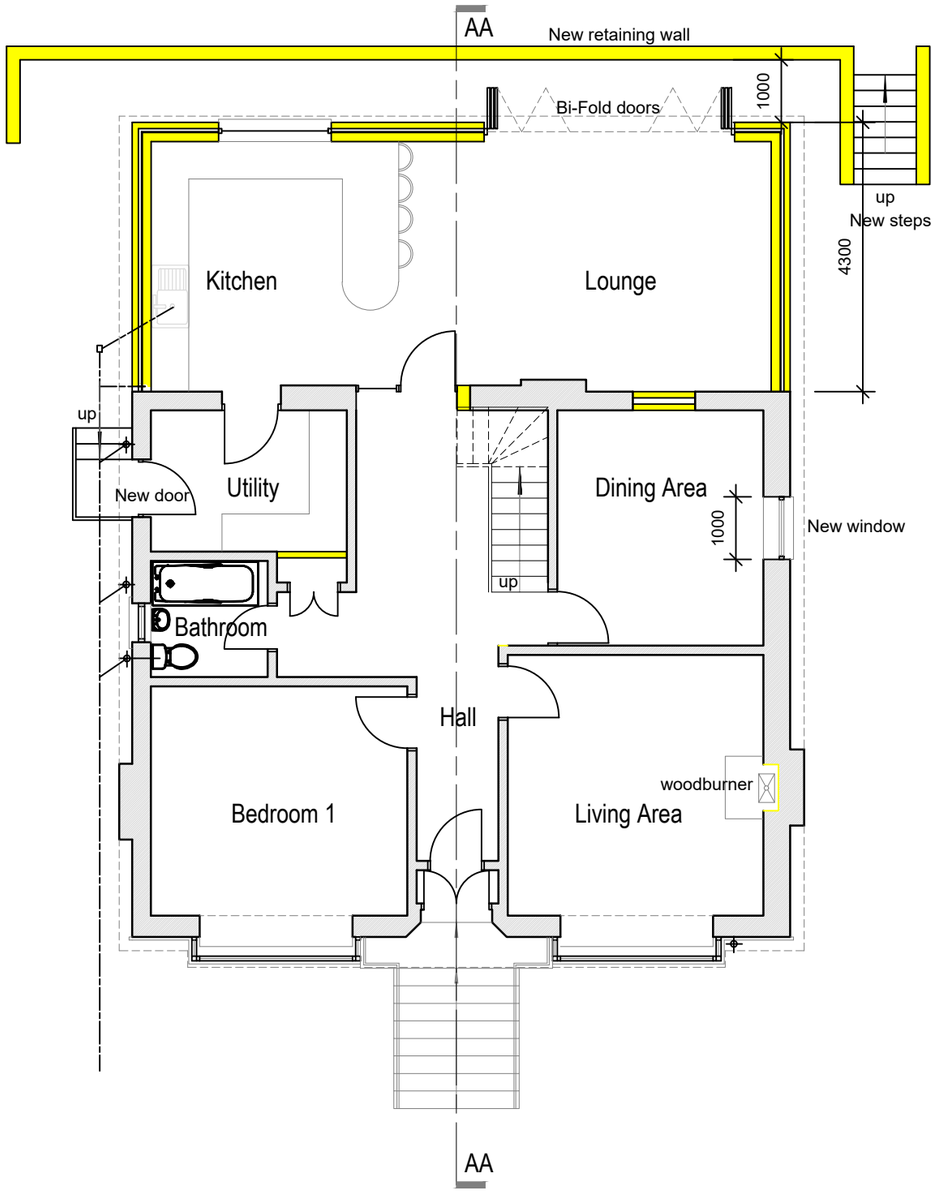
A1 Architectural Design Ltd
Complete Bespoke Architectural Services

5 Cherrybank Walk, Airdrie
North Lanarkshire ML6 0HZ

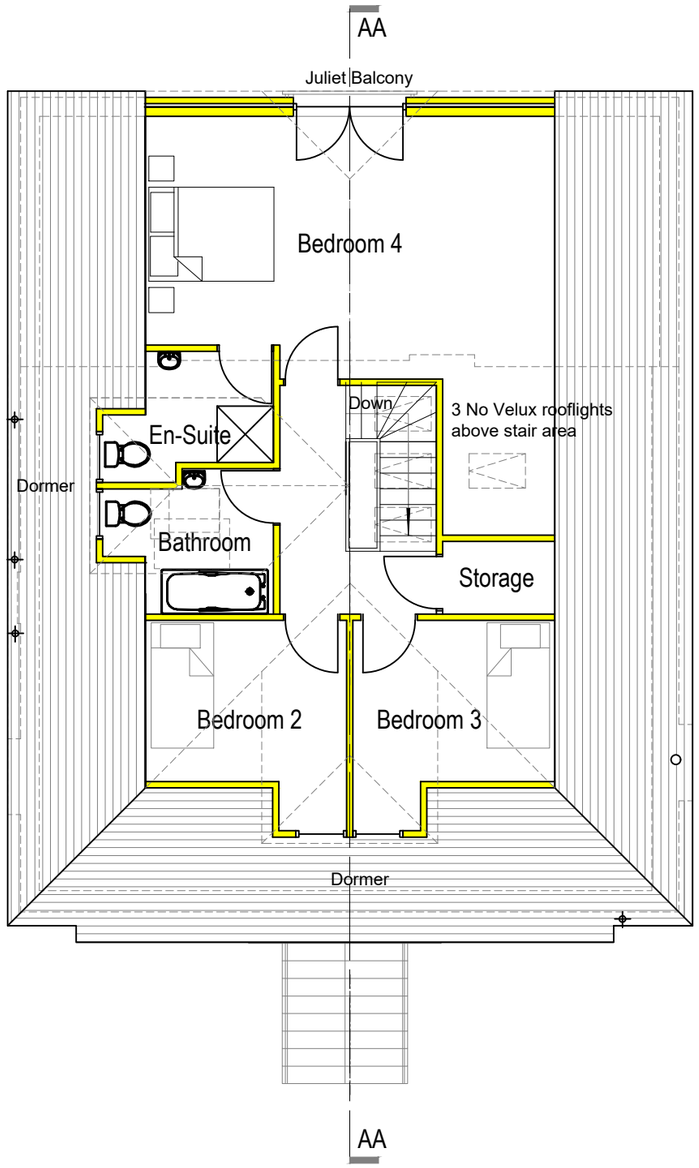
Tel: 01236 769579
Mob: 07770611090
email: george@a1archdesign.co.uk

Scale	Date
1:100	Sept 2019

Job No.	Drawing No.	Rev.
A1-420/18	L (2-) 007	A



Ground Floor Plan As Proposed



Attic Floor Plan As Proposed

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1:5- 0 100mm 200mm 300mm 400mm 500mm

scale @ A3

Important

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Revision	Date	By
B Attic plan revised	June 2019	

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Niall MacKinnon

Project Title
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4 Deveron Avenue, Giffnock
G46 6NH

Drawing Title
Ground & Attic Plan As Proposed

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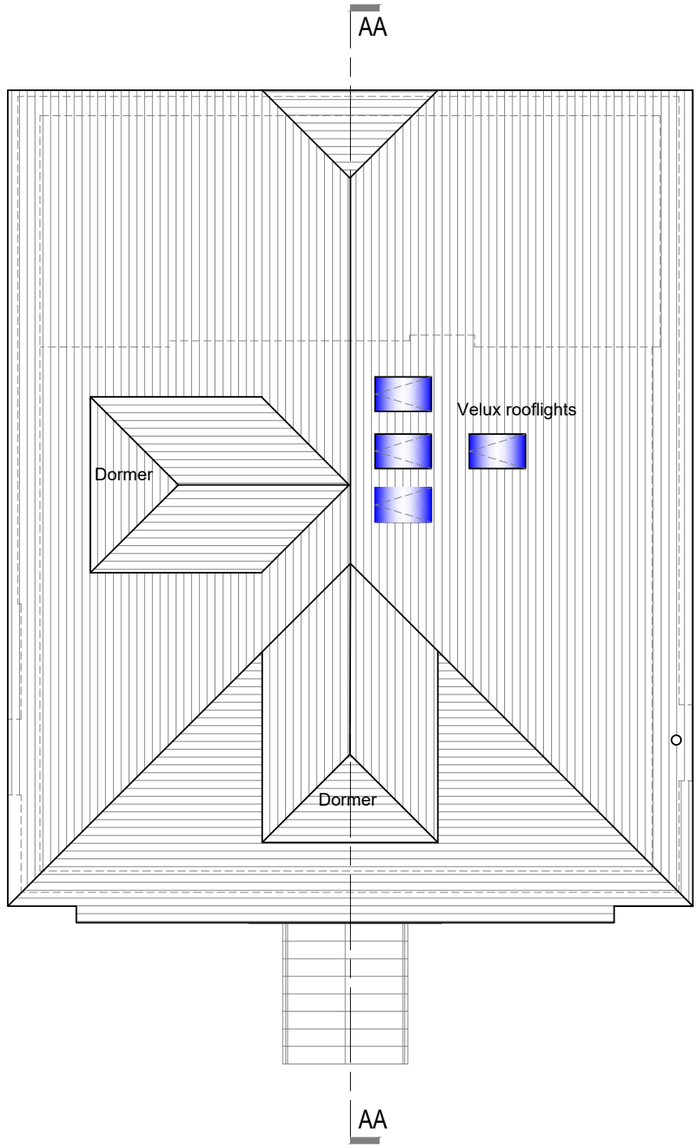
Complete Bespoke Architectural Services

5 Cherrybank Walk, Airdrie
North Lanarkshire ML6 0HZ

Tel: 01236 769579
Mob: 07770611090
email: george@a1archdesign.co.uk

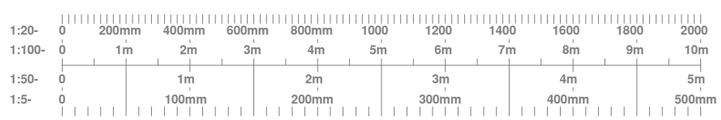
Scale	Date
1:100	Sept 2019

Job No.	Drawing No.	Rev.
A1-420/18	L (2-) 004	B



Roof Plan As Proposed

scale @ A3



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Revision	Date By
A Roof plan revised	June 2019

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Drawing Title
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Scale	Date
1:100	Sept 2019

Job No.	Drawing No.	Rev.
A1-420/18	L (2-) 005	A

AGENDA ITEM No.4

EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

2 October 2019

Report by Deputy Chief Executive

REVIEW OF CASE - REVIEW/2019/14

ERECTION OF SINGLE STOREY SIDE EXTENSION

AND ATTACHED DOUBLE GARAGE AT FRONT

AT MELODIE COTTAGE, 4 OLD HUMBIE ROAD, NEWTON MEARNS

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:	Full Planning Permission (Ref No:- 2019/0365/TP).
Applicant:	Ms Lorraine Marchetti.
Proposal:	Erection of single storey side extension and attached double garage at front.
Location:	Melodie Cottage, 4 Old Humbie Road, Newton Mearns.
Council Area/Ward:	Newton Mearns South and Eaglesham (Ward 5).

REASON FOR REQUESTING REVIEW

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

RECOMMENDATIONS

4. The Local Review Body is asked to:-

(a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-

(i) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied; and

(ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed.

(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.

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 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 indicated that her stated preference is 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. However, 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 2019 immediately before the meeting of the Local Review Body which begins at 2.00pm.

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 67 - 74);

(b) Copies of Objections/Representations – Appendix 2 (Pages 75 - 80);

(c) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 81 - 90);

(d) Decision notice and reasons for refusal - Appendix 4 (Pages 91 - 96); and

(d) A copy of the applicant's Notice of Review and Statement of Reasons - Appendix 5 (Pages 97 - 112).

15. The applicant has also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and these are attached as Appendix 6 (Pages 113 - 126).

(a) Block Plan as Existing;

(b) Front and Rear Elevations as Existing;

(c) Ground Floor as Existing;

(d) First Floor as Existing;

(e) North West and South East as Existing;

(f) Refused – Location Plan;

(g) Refused – Block Plan as Proposed;

(h) Refused – Proposed Plan;

(i) Refused – Proposed Front and Rear Elevations;

(j) Refused – Proposed First Floor; and

(k) Refused – Proposed North West and South East Elevations.

16. The Local Review Body is advised that initial consultation responses and representations received if any, relating to the application will be listed in the planning officer's Report of Handling.

17. All the documents referred to in this report can be viewed online on the Council's website at www.eastrenfrewshire.gov.uk.

RECOMMENDATIONS

18. 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

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Report Author: Paul O'Neil

Director - Caroline Innes, Deputy Chief Executive

Paul O'Neil, Committee Services Officer
e-mail: paul.o'neil@eastrenfrewshire.gov.uk
Tel: 0141 577 3011

Date:- September 2019

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 100168952-001

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)

Proposed single storey side extension to form gym and double garage

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:	David Jarvie		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	
Last Name: *	Jarvie	Building Number:	27
Telephone Number: *	0141 423 0905	Address 1 (Street): *	Aytoun Road
Extension Number:		Address 2:	Pollokshields
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G41 5HW
Email Address: *	davejarvie@aol.com		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Lorraine	Building Number:	4
Last Name: *	Marchetti	Address 1 (Street): *	Old Humbie Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Newton Mearns
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G77 5DF
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority: East Renfrewshire Council

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

Address 1: MELODIE COTTAGE

Address 2: 4 OLD HUMBIE ROAD

Address 3: NEWTON MEARNS

Address 4:

Address 5:

Town/City/Settlement: GLASGOW

Post Code: G77 5DF

Please identify/describe the location of the site or sites

Northing 654935 Easting 254484

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☐ Yes ☒ No

Trees

Are there any trees on or adjacent to the application site? * ☒ Yes ☐ No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? * ☐ Yes ☒ No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

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: David Jarvie

On behalf of: Ms Lorraine Marchetti

Date: 13/06/2019

☒ Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) Have you provided a written description of the development to which it relates?. * ☒ Yes ☐ No

b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * ☒ Yes ☐ No

c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? * ☒ Yes ☐ No

d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. ☒ Yes ☐ No

e) Have you provided a certificate of ownership? * ☒ Yes ☐ No

f) Have you provided the fee payable under the Fees Regulations? * ☒ Yes ☐ No

g) Have you provided any other plans as necessary? * ☒ Yes ☐ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals
(two must be selected). *

You can attach these electronic documents later in the process.

☒ Existing and Proposed elevations.

☒ Existing and proposed floor plans.

☐ Cross sections.

☒ Site layout plan/Block plans (including access).

☒ Roof plan.

☐ Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ☐ Yes ☒ No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * ☒ Yes ☐ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr David Jarvie

Declaration Date: 13/06/2019

Payment Details

[redacted]

Created: 13/06/2019 08:58

APPENDIX 2

COPIES OF OBJECTIONS/REPRESENTATIONS

Comments for Planning Application 2019/0365/TP

Application Summary

Application Number: 2019/0365/TP
Address: Melodie Cottage 4 Old Humbie Road Newton Mearns East Renfrewshire G77 5DF
Proposal: Erection of single storey side extension and attached double garage at front
Case Officer: Mr Derek Scott

Customer Details

Name: Mr Stephen Lambert
Address: The Beeches 2 Old Humbie Road, Newton Mearns, East Renfrewshire G77 5DF

Comment Details

Commenter Type: Rec'd NeighbourNotification from Council
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:The only aspect of this application which raises possible concern is the provision for a terrace above the proposed gym on the north-west elevation. As the terrace will effectively be at first floor level it will potentially overlook our garden and affect our privacy. This will not in fact be an issue provided the existing trees/shrubs on Melodie's boundary are left undisturbed as these will provide adequate natural screening for our purposes. The plans submitted do not appear to contemplate any interference with these trees/shrubs but this is perhaps a matter which could be clarified with the applicants.

From: Ian Murdoch
Sent:15 Jul 2019 11:42:29 +0100
To:EN Planning
Subject: Comment on Application 2019/0365/TP
Importance: Normal

1D Humbie Court

Newton Mearns, G77 5PQ

July 15, 2019.

Dear Sir/Madam

I am having difficulty making a comment online in connection with a planning application for which I received postal notification at the end of last month as a neighbour of the Applicant.

Accordingly I am writing my comments herewith.

Comments on the erection of a single storey side extension and attached double garage at front (Melodie Cottage, 4 Old Humbie Road) , application number 2019/0365/TP .

1. The siting of the garage entirely to the fore of the existing front of the property would make a significant difference to its

public view (from Old Humbie Road), rendering it even more out of character with neighbouring properties than at present.

2. The garage roof and adjacent terrace would detract from the view from the Humbie Court driveway.

If the application is granted, it is to be hoped that tradesmen would respect Humbie Court property, specifically grass verges, and also the boundary hedge.

During construction of the main property the boundary wire was cut and a gap forced through the hedge in order to give tradesmen short-cut access. This

resulted in grass verge being converted to mud and extensive littering on the Humbie Court driveway.

Yours sincerely,

Ian Murdoch.

APPENDIX 3

REPORT OF HANDLING

REPORT OF HANDLING

Reference: 2019/0365/TP Date Registered: 24th June 2019

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

Ward: 5 -Newton Mearns South And Eaglesham
Co-ordinates: 254484/:654935
Applicant/Agent:

Applicant:
Ms Lorraine Marchetti
4 Old Humbie Road
Newton Mearns
G77 5DF

Agent:
David Jarvie
27 Aytoun Road
Pollokshields
Glasgow
G41 5HW

Proposal: Erection of single storey side extension and attached double garage at front
Location: Melodie Cottage
4 Old Humbie Road
Newton Mearns
East Renfrewshire
G77 5DF

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

2014/0627/TP	Erection of decking at rear of garden and erection of fencing	Approved Subject to Conditions	08.12.2014
2014/0785/TP	Erection of upper storey extension to form two storey dwellinghouse with two storey side and rear extensions	Refused	22.01.2015
2015/0380/TP	Erection of upper storey extension to form two storey dwellinghouse	Approved Subject to Conditions	09.07.2015
2016/0122/TP	Erection of upper storey extension to form two storey dwellinghouse with	Refused	06.04.2016

	erection of single storey side extension incorporating garage and gym		
2018/0111/TP	Erection of upper storey extension to form two storey dwellinghouse; erection of two storey rear extension; erection of single storey side extension (amendment in retrospect to planning permission 2015/0380/TP to permit increase in eaves line).	Approved Subject to Conditions	25.04.2018

REPRESENTATIONS: Two representations have been received, one making a general comment and the other objecting to the application.

The general comment is summarised as follows: Potential overlooking.

The objection is summarised as follows: Out of character, detrimental to visual amenity, damage to adjacent property during the construction phase.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Supporting Statement: Provides a background to the proposal and describes the development. It describes how the applicants will use the proposed extension and garage and how they relate to the existing dwelling. It concludes that the proposals are sympathetic to the existing dwelling and will be in keeping with the character of the wider area.

ASSESSMENT:

The application site comprises a large, recently extended two storey detached dwelling and its curtilage and lies within an established residential area. The existing dwelling has been significantly altered and extended in the past, most recently under planning permissions 2015/0380/TP and 2018/0111/TP. The side and rear boundaries of the site are characterised by established planting and a masonry wall augmented by timber fencing. The wider area is characterised by a variety of single storey, one and a half storey and two storey dwellings of individual designs set within large established plots. The site is a corner plot with its side boundary onto the access road to Humbie Court.

The original dwelling was a more modest one and a half storey cottage with a distinctive front eyebrow dormer window. A one and a half storey side extension of a contrasting design was added in the 1960s or 1970s. Planning permission 2015/0380/TP approved the erection of an upper floor extension to form a two storey dwelling. The design was carefully considered by the architect to both rationalise the existing design and maintain something of the character of the original cottage. This involved the use of dormer windows, a low eaves level and the formation of a replica eyebrow dormer window.

Following approval of application 2015/0380/TP, planning application 2016/0122/TP proposed similar alterations but with the erection of a single storey side extension incorporating a garage and gym. The garage was proposed to sit flush with the front of the dwelling and comprised a hipped roof 5 metres high. This application was refused on 6 April 2016 as: i) The proposal is contrary to the terms of Policy D14 of the adopted East Renfrewshire Local Development Plan as the proposed upper floor extension, together with the single storey side extension, would be considered to dominate and overwhelm the original character of the existing dwelling by virtue of its size and design.; and ii) The proposed extension would dominate and detract from the character and design of the existing dwelling by virtue of its size and design and as such, would be contrary to the general principles of the adopted Supplementary Planning Guidance: Householder Design Guide.

The extension of the dwelling was therefore begun under planning permission 2015/0380/TP. The development was not however completed in accordance with the approved plans as the eaves were set higher than approved. Planning permission 2018/0111/TP was granted to allow the increased eaves level.

Planning permission is now sought for the erection of a single storey side/front extension incorporating an attached garage at the front. The proposal has a similar footprint in terms of its area to that refused under 2016/0122/TP. In the current proposal, the garage projects 8.5 metres in front of the dwelling and comprises a pitch roof 6 metres high. It comprises two front-facing doors that are proposed to be 3 metres high. The external materials are proposed to match those of the existing dwelling. Part of the side extension comprises a flat roof that is proposed to serve as a side roof terrace. The proposed garage would lie approx. 3.4 metres from the side boundary and the side extension would lie approx. 2.8 metres from the side boundary.

The application requires to be assessed against Policies D1 and D14 of the adopted East Renfrewshire Local Development Plan. Policy D1 requires that all development should not result in a significant loss of character to the surrounding area and that it should not adversely affect the amenity of adjacent properties by unreasonably restricting their privacy. Policy D14 requires that extensions should complement the character of the existing building in terms of its style, form and materials. The adopted Supplementary Planning Guidance: Householder Design Guide (SPG) that supports and forms part of Policy D14 of also relevant. The SPG states: i) extensions and garages should respect the character of the original house; ii) extensions should not dominate or overwhelm the original form or appearance of the house; and iii) no extension, other than a porch, should project beyond the principal elevation of the existing house. With reference specifically to garages that SPG states that they should not be positioned in front of the front elevation of the house.

The proposed garage, given its scale, massing and design, including its overall height and the 3 metre high doors as well as its location 8.5 metres forward of the existing dwelling would be visually dominant and would detract from the character of the existing dwelling. The scale is considered to go beyond that which would reasonably be expected of a domestic garage. As such, the attached garage would be contrary to the terms of Policy D14 of the adopted East Renfrewshire Local Development Plan and to the specific terms of the adopted Supplementary Planning Guidance: Householder Design Guide.

As noted above, the character of this section of Old Humbie Road is one of dwellings set within large plots. The properties have generous separation distances from each other as well as from their side plot boundaries, particularly on corner plots. The relative proximity of the proposed garage and side extension to the side boundary fronting the access to Humbie Court, in conjunction with the scale and massing of the garage would render them as visually dominant features when approached from the west. This would be at odds with the open and spacious character of the area and would lead to the over-development of the plot in terms of the distance of the proposed extension and garage to the side boundary. Whilst it is accepted that there is

some boundary screening on the boundary with Humbie Court, this would not fully screen the proposed extension and garage, particularly during the winter months. The proposal is therefore contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan.

Given the orientation of the proposed development in relation to the adjacent properties, there would be no significant additional overshadowing or loss of daylight. The comments in relation to overlooking from the proposed roof terrace is noted. The distance of the proposed terrace to the nearest adjacent property on the other side of Humbie Court is 16 metres and to the nearest windows on that dwelling is 28 metres. It is not therefore considered that this would give rise to a significant additional overlooking issue.

The comment relating to damage to Humbie Court's access road is noted. Damage to adjacent property is not a material planning consideration and would be a private matter for the parties to resolve. Any disruption would likely be minimal given the nature of the proposals.

Overall conclusion

In conclusion, the proposal is contrary to Policies D1 and D14 of the adopted East Renfrewshire Local Development Plan and to the specific terms of the SPG. There are no material considerations that outweigh these policies and it is recommended that the application is refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None.

REASONS FOR REFUSAL:

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as i) the relative proximity of the proposed garage and side extension to the side boundary fronting the access to Humbie Court, in conjunction with the scale and massing of the garage would render them visually dominant features which would be at odds with the open and spacious character of the area; and ii) the proposal would lead to the over-development of the plot in terms of the distance of the proposed extension and garage to the side boundary.

2. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as the proposed garage, given its scale, massing and design, including its overall height and the 3 metre high doors, as well as its location 8.5 metres forward of the existing dwelling, would be visually dominant and would detract from the character of the existing dwelling.

3. The proposal is contrary to the terms of the adopted Supplementary Planning Guidance: Householder Design Guide as the proposed garage, given its scale, massing and design, including its overall height and the 3 metre high doors as well as its location 8.5 metres forward of the existing dwelling would be visually dominant and would detract from the character of the existing dwelling.

ADDITIONAL NOTES: None.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3034.

Ref. No.: 2019/0365/TP
(DESC)

DATE: 22nd July 2019

DIRECTOR OF ENVIRONMENT

Reference: 2019/0365/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

This proposal raises no strategic issues in terms of the Glasgow and the Clyde Valley Strategic Development Plan and therefore the East Renfrewshire Local Plan is the relevant policy document

Adopted East Renfrewshire Local Development Plan

Policy D1
Detailed Guidance for all Development
Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties 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 Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;

9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Policy D14
Extensions to Existing Buildings and Erection of Outbuildings and Garages
Any extensions must complement the existing character of the property, particularly in terms of style, form and materials.

The size, scale and height of any development must be appropriate to the existing building. In most circumstances, pitched roofs utilising slates or tiles to match the existing house will be the appropriate roof type. Alternatives, such as flat roofs or green roofs, will be considered on a site specific basis.

Side extensions should not create an unbroken or terraced appearance.

The development should avoid over-development of the site by major loss of existing garden space.

Dormer windows should not in general dominate the existing roof, nor rise above or break the existing ridgeline or hip of the roof, and should be finished in materials to match existing roof finishes.

The above are broad requirements and these are further defined in the Householder Design Guide Supplementary Planning Guidance.

GOVERNMENT GUIDANCE: None

Finalised 22/07/19 AC(3)

APPENDIX 4

DECISION NOTICE

AND

REASONS FOR REFUSAL

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. **2019/0365/TP**

Applicant:
Ms Lorraine Marchetti
4 Old Humbie Road
Newton Mearns
G77 5DF

Agent:
David Jarvie
27 Aytoun Road
Pollokshields
Glasgow
G41 5HW

With reference to your application which was registered on 24th June 2019 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of single storey side extension and attached double garage at front

at: Melodie Cottage, 4 Old Humbie Road, Newton Mearns, East Renfrewshire, G77 5DF

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 Policy D1 of the adopted East Renfrewshire Local Development Plan as i) the relative proximity of the proposed garage and side extension to the side boundary fronting the access to Humbie Court, in conjunction with the scale and massing of the garage would render them visually dominant features which would be at odds with the open and spacious character of the area; and ii) the proposal would lead to the over-development of the plot in terms of the distance of the proposed extension and garage to the side boundary.

2. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as the proposed garage, given its scale, massing and design, including its overall height and the 3 metre high doors, as well as its location 8.5 metres forward of the existing dwelling, would be visually dominant and would detract from the character of the existing dwelling.

3. The proposal is contrary to the terms of the adopted Supplementary Planning Guidance: Householder Design Guide as the proposed garage, given its scale, massing and design, including its overall height and the 3 metre high doors as well as its location 8.5 metres forward of the existing dwelling would be visually dominant and would detract from the character of the existing dwelling.

Dated 22nd July 2019

[redacted]

Director of Environment
East Renfrewshire Council
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG
Tel. No. 0141 577 3001

The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	LOCATION		
Block Plan Proposed	8		
Elevations Proposed	5	A	
Elevations Proposed	6	A	
Plans Proposed	2	A	
Plans Proposed	22		

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 3895 or 0141 577 3878
Email planning@eastrenfrewshire.gov.uk

APPENDIX 5

NOTICE OF REVIEW

AND

STATEMENT OF REASONS

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 100176791-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) ☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	bennett developments and consulting		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Don	Building Name:	
Last Name: *	Bennett	Building Number:	10
Telephone Number: *	01415715432	Address 1 (Street): *	Park Court
Extension Number:		Address 2:	
Mobile Number:	07989417307	Town/City: *	Glasgow
Fax Number:		Country: *	United Kingdom
		Postcode: *	G46 7PB
Email Address: *	don@bennettgroup.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Lorraine	Building Number:	4
Last Name: *	Marchetti	Address 1 (Street): *	Old Humbie Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	G77 5DF
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:	East Renfrewshire Council

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

Address 1:	MELODIE COTTAGE
Address 2:	4 OLD HUMBIE ROAD
Address 3:	NEWTON MEARNS
Address 4:	
Address 5:	
Town/City/Settlement:	GLASGOW
Post Code:	G77 5DF

Please identify/describe the location of the site or sites

Northing	654935	Easting	254484

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 side extension and attached double garage at front

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.

Failure to properly apply the policies

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 DECISION NOTICE APPLICATION FORM LOCATION PLAN DRAWINGS

Application Details

Please provide details of the application and decision.

What is the application reference number? * 2019/0265/TP

What date was the application submitted to the planning authority? * 24/06/2019

What date was the decision issued by the planning authority? * 22/07/2019

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? * ☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? * ☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. * ☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? * ☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? * ☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? * ☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review * ☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Don Bennett

Declaration Date: 21/08/2019

David M Jarvie
Architectural Consultant
27 Aytoun Road
Pollokshields
Glasgow
G41 5HW

Tel: 0141-423-0905
Mobile: 07711-618-024
E-mail: davejarvie@aol.com

VAT NO. 734 9350 21

PLANNING STATEMENT

27068: 4 OLD HUMBIE ROAD, NEWTON MEARNS
ERECTION OF SINGLE STOREY EXTENSION TO SIDE OF PROPERTY

Background

The application property is located in the highly desirable residential area of Newton Mearns, an area characterised by large detached dwellings set in generous garden plots.
The property is a two storey detached house with no garage set back within the site. The house has been extended in the past with additional accommodation to the rear and side. The trees within the site, in common with those in the surrounding area are all protected by a Tree Preservation Order. The rear garden is predominately grass with a wall & hedging forming the rear boundary side boundaries with hedging, shrubs & trees to the Old Humbie Road & Humbie Court.

The changes to the property over the years have reflected the evolving changing domestic circumstances and lifestyle of successive occupants & current occupants.

The proposed development is for a single storey extension for a double garage with gym behind linking the garage to the house via the existing side porch.

Proposals

The new space created will on the ground floor permit the formation of gym with access through the existing porch (hall) to the existing lounge, an area next to the existing kitchen. There will be external doors from the gym, one providing access to the garden while the other will permit access to the existing driveway & shall become the main entrance for the family when returning home. The idea is to create the possibility of access between the house & outside but retain the privacy of the rear garden area & the formality of the existing front garden/access.
In front of the gym shall be a double garage, something one would expect for a house of this size & stature. This shall provide security for the occupant's cars & also direct access from the garage to the house via the gym.
The proposed extension shall form private areas to the house that shall only be used by the occupants having no impact on the public spaces within the house utilised by guests, friends & visitors.
The elevations shall respond to the existing established architecture with all finishes to match existing. Windows & doors shall also match existing proportions.

A side extension simply for a garage would only have enough space to accommodate 1 car without affecting the existing trees, shrubs, planted area. The side widens the further you go away from the house, at this point there is enough width for a double garage. The gym acts as kink between the garage & the heart of the house as well as providing a facility for the family who are very health & fitness conscience.

The roof over the gym shall be flat & provide an area that can be accessed from a first floor bedroom providing a private external area. The space is hidden from view by the existing trees & the proposed & existing roof structures. It shall have no impact on the external appearance of the house as it cannot be seen and shall have no impact on the privacy of any neighbours.

The proposals shall not result in a loss of garden space as the area is to the side & is not suitable for planting being currently utilised for parking & access to the house & rear garden. The existing trees shall be unaffected by the proposals & shall be protected during construction.

In keeping with the desire to deliver a harmonious scheme the palette of materials will be that already in evidence on the existing dwelling. The overall thrust of the proposal is to seek to happily integrate an accommodation schedule appropriate to the needs of the applicants while respecting and reflecting the townscape and streetscape values within the area.

Summary

The surrounding dwellings in the area are in the main large detached with front and back gardens and driveways. Many have large double garages. The proposed development at this house is by comparison to many around in keeping, notwithstanding that the house has been extended previously.

All works are to the side of the property having no impact on existing garden space & any neighbours surrounding the property.

The design of the extension has been sympathetically construed as to marry happily with the existing house and grounds, delivering an attractive addition at the same time respecting the essential nature of the area.

bennett *Developments and Consulting*
10 Park Court,
Glasgow, G46 7PB
don@bennettgroup.co.uk

STATEMENT OF APPEAL

12.8.2019

APPEAL TO THE LOCAL REVIEW BODY AT EAST RENFREWSHIRE COUNCIL AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF A SINGLE STOREY SIDE EXTENSION AND ATTACHED DOUBLE GARAGE AT THE FRONT OF MELODIE COTTAGE,4 OLD HUMBIE ROAD, NEWTON MEARNS G77 5DF
APPLICATION NO: 2019/0365/TP

Background:

The property at 4 Old Humbie Road is a large and impressive building within an attractive and exclusive enclave in the Newton Mearns area . It is situated within an extensive garden plot, as befits a property of this magnitude with tree belts and hedges on all boundaries to the extent that it enjoys a very high level of privacy. Access is via a red gravel driveway which springs from the junction of Old Humbie Road and the access to Humbie Court.
The driveway curves upward to the left side of the property such that the whole frontage of the property really only becomes apparent at the top of the driveway.
Despite the impressive nature of the dwelling and the sweeping driveway, it has no garaging on the site which is quite anomalous and indeed exceptional.

Given the lack of garaging, the proposed extension sought to remedy this omission and would see the property extended on the western elevation with a single storey construction which will feature a small gymnasium at the rear, and to the front a double garage.

Notwithstanding the extensive garden area, there are few parts of the grounds where a garage could be located without prejudicing the main house or the lawns. The top of the driveway between the property and the western boundary was the most appropriate location and allowed for the garage and the gym to be seamlessly integrated in to the main house without impacting on the amenity of the main house or of the surrounding area.

To rectify that situation an application for the erection of a single storey side extension and attached double garage was lodged on 24/6/2019

On 22/7/2019, the application was refused.

In refusing the application the local authority cited the following reasons:

1. The proposal was contrary to Policy D1 in particular that **(i)** the relative proximity of the proposed garage and side extension to the side boundary fronting the access to Humbie Court, in conjunction with the scale and massing of the garage would render them visually dominant features which would be at odds with the open and spacious character of the area, and **(ii)** the proposal would lead to the overdevelopment of the plot in terms of the distance of the proposed extension and garage to the site boundary.

2. The proposal is contrary to Policy D14 as the proposed garage, given its scale, massing and design including its overall height and the three metre high doors, as well as its location 8.5 metres forward of the existing dwelling, would be visually dominant and would detract from the character of the existing dwelling.

3. The proposal is contrary to the terms of the adopted Supplementary Planning Guidance-Householder Design Guide as the proposed garage, given its scale,massing and design including its overall height and the three metre high doors as well as its location 8.5 meters forward of the existing dwelling would be visually dominant and would detract from the character of the existing dwelling.

Assessment Against Policy:

A requirement on the part of the local authority in their assessment procedures, is the preparation of a Report of Handling (ROH). This is essentially an explanation and justification for how the decision was reached having regard to all the appropriate polices and guidance. In determining any application the local authority are required to assess it within the context of the latest approved and adopted Development Plan, which in this case is the East Renfrewshire Local Plan. Within that plan the relevant policies are cited as:

Policy D1 – This policy requires that no developments should result in a significant loss of character to the surrounding area and that it should not adversely affect the amenity of adjacent properties by unreasonably restricting their privacy.

Policy D14 – This policy refines Policy D1 and requires that with respect to extensions they should complement the character of the existing building in terms of style, form and materials.

Before responding to the claim that the proposed development is contrary to the above policies it is worth reminding ourselves and considering fully the context of the site and the nature of the dwelling currently upon it.

The site at 4 Old Humbie Road, which is more akin to a leafy lane, is in a quiet and exclusive area where large properties enjoy equally large gardens. Heavily wooded, the environment is one of dwellings set within a rural landscape , where properties appear to emerge organically from the landscape and where only glimpses of properties are seen. The overall effect is one of exclusivity and seclusion.
The application site itself extends to approx. 2500sq metres and slopes gently upwards from Old Humbie Road. Indeed the dwelling is some 30metres back from the road. On all sides it is bounded by trees, those at the front being 200 feet in height, hedges and ground moulding such that it enjoys a high level of privacy and equally, extends that privacy to surrounding properties.

Given the substantial size of the property(approx. 800sq metres over two floors) and grounds it would be reasonable to expect outbuildings for gardening equipment which given the scale of the open space could reasonably include large mechanical/electrical grass cutting equipment, leisure equipment and of course garaging for a number of cars. In fact the premises boasts none of these, which is exceptional for such a substantial property. At the very least it would be normal for such a property to have as a very minimum, a 2 car garage or even larger and that would be perfectly normal.

It is against that background that the proposal to develop a garage and small gymnasium was born, and to design them such that they could be integrated into the existing dwelling rather than create a series of separate outbuildings which would have been a legitimate approach, and one which could expect to receive planning consent.

In pursuit of that aim it was felt that the most appropriate place for the additional accommodation would be on the western elevation where it could be married easily into the existing structures and the internal layout of the property. Of particular importance was the fact that in this location it was a natural extension of the driveway which meant that traffic movements would be concentrated on this corner of the site and not impact on either the main house or the large lawn area. It would also not impact in any way upon the setting of the house or the houses relationship with the surroundings. The edge condition relative to the access to Humbie Court is formed by a large hedge which further conceals the site from the road.
With that in mind the proposal was developed and subsequently lodged.
That it was refused was a matter of some disappointment, however it was the reasons given for the refusal which caused the greatest concern and indeed bewilderment.

If we refer back to the reasons as cited earlier, we are of the view that they do not stand up to scrutiny and in fact lack any substantive justification and therefore cannot be founded upon as a legitimate basis for a refusal.

Taking each Policy in turn, we would offer the following response:

Policy D1

The proximity of the proposed garage and extension to the side boundary is irrelevant and immaterial. To then suggest that by virtue of the scale and massing the extension would be visually dominant and would be at odds with the open and spacious character of the area, is simply without foundation. Due to the terrain and the dense tree and hedge foliage they will be virtually invisible, and given that, by the planning officers own claim regarding the closeness to the boundary, there was clearly never a big space there to begin with. In any event the fact that a building may or may not be seen is not the issue. The issue is whether in such a situation it has an impact on amenity, and in this context it clearly does not. One objector who resides in the newer properties in Humbie Court complained that they might be able to see the roof of the garage. This complainant is more than 150 metres away from the site and only a side window of their property looks in the direction of this site. Such objections are incompetent and cannot be accorded any significance. Indeed it could be argued that conversely, the applicant has to see the complainant's property when he looks out of a rear window! If any resident/neighbour feels that such a trivial matter constitutes nuisance or to affect their amenity, then perhaps a more isolated form of living would be more suitable.

The planning officer, in defence of his decision also opines that while there may be tree foliage in the summer which screens the proposal, in winter when the trees are bare this will not be the case. Apart from being an odd observation, the lack of foliage in the winter months will make most of the dwellings highly visible so the comment lacks any merit.

The bizarre nature of the planning officers observations is further exposed by the claim that the proposal would lead to the ***over development*** of the plot in terms of the distance of the proposed extensions to the side boundary. For the sake of clarity, ***Over development*** is an expression used where the scale of a development relative to the plot it is on would result in their being little usable space left over on the plot. As the plot in his case is the entire site including the lawned garden the claim is foolish and without merit and has nothing whatsoever to do with proximity to a boundary and is yet another irrelevance.
For reference, the proposed development including the existing house will represent less than 30% of the total site area and therefore cannot be considered as over development.

Policy D14

The scale and location of the proposed garage and extension is, as has been demonstrated above, entirely appropriate and is not at odds with the policy guidance. The planning officer cites the Householder Guidance as support for his view that the scale and massing of the proposed extensions are over dominant. Indeed the planning officer goes further and claims that the scale of this double garage, having doors 3 metres high, is ***"beyond what would reasonably be expected of a domestic garage".*** Such a comment lacks any credibility and is without foundation. This is not any standard domestic dwelling, this is a large country house where one would reasonably expect to find large multi garages most with 3 metre high doors which is the standard door height for accommodating SUV and four wheel drive vehicles which are currently the most purchased vehicles on the market and the most common form of transport in this type of semi rural location.
The planning officer also claims that as the proposed extension projects beyond the existing house that this is also unacceptable. It is not disputed that the Householder Guide does require that extensions should not extend in front of the main elevation, but that guide is a generic guide aimed at addressing the majority of circumstances, not large country houses where additional wings often extend beyond the front elevation. Indeed the architectural convention is that where side extensions are added, they should extend forward to prevent the original elevation presenting as over long, and it also reduces the circulation space within the main dwelling. The guidance was designed to relate to standard residential layouts where projecting extensions had the potential to impact on neighbours, and in that context it is a reasonable and competent policy. In the context of this location and this proposal it is not.

It is worth noting that 4 of the 5 large detached dwellings recently built on the Ayr Road at the junction with Davieland all have double garages at the front of the dwellings! In addition these properties are on small plots relative to the size of the house and as a result of having a large double garage at the front, which does dominate the dwelling, have no front gardens. Further, unlike the application site which is all but hidden from view, these dwellings occupy a highly prominent and highly visible site on this major road.
It would appear that the Householder Guide is being imposed in a random and inconsistent manner.

Reference is also made to the fact that extensions should respect the original house. As this property has been substantially altered over the years, to the extent that it is not possible to discern the original building this would appear to be a pointless observation and cannot be founded upon as a reason to refuse the application.

Summary:

The application was for the construction of an extension which would include a small gymnasium and a double car garage. This extension would be constructed against the western gable which would allow direct access from the existing driveway, would not adversely impact on the existing lawns, would not dominate or impose on the existing large dwelling and would be all but invisible to the surrounding area.
The proposed development is an entirely reasonable proposal given that despite the large site and the substantial dwelling there is no garaging of any kind on the site.
The observations and claims advanced by the planning officer in the Report of Handling have been shown to be unfounded and lacking in any substantive justification.
In fact it has been demonstrated that the proposed development is in accord with the policies, aims and spirit of the Local Development Plan.

Given that the reasons cited for the refusal have been shown to be incompetent, it follows that the decision to refuse the application is flawed and cannot be considered safe.
In the circumstances we would ask that the decision to refuse be rescinded and the application approved.

bennett *Developments and Consulting*
12.8.2019

APPENDIX 6

PLANS/PHOTOGRAPHS/DRAWINGS


PROPOSED DECK FORMING PART OF SEPARATE APPLICATION
OLD HUMBIE ROAD
Block plan as existing
N
Proposals at
4 Old Humbie Road
Newton Mearns
scale 1:250 dwg no. 27068/7
0 2 10M

front elevation as existing

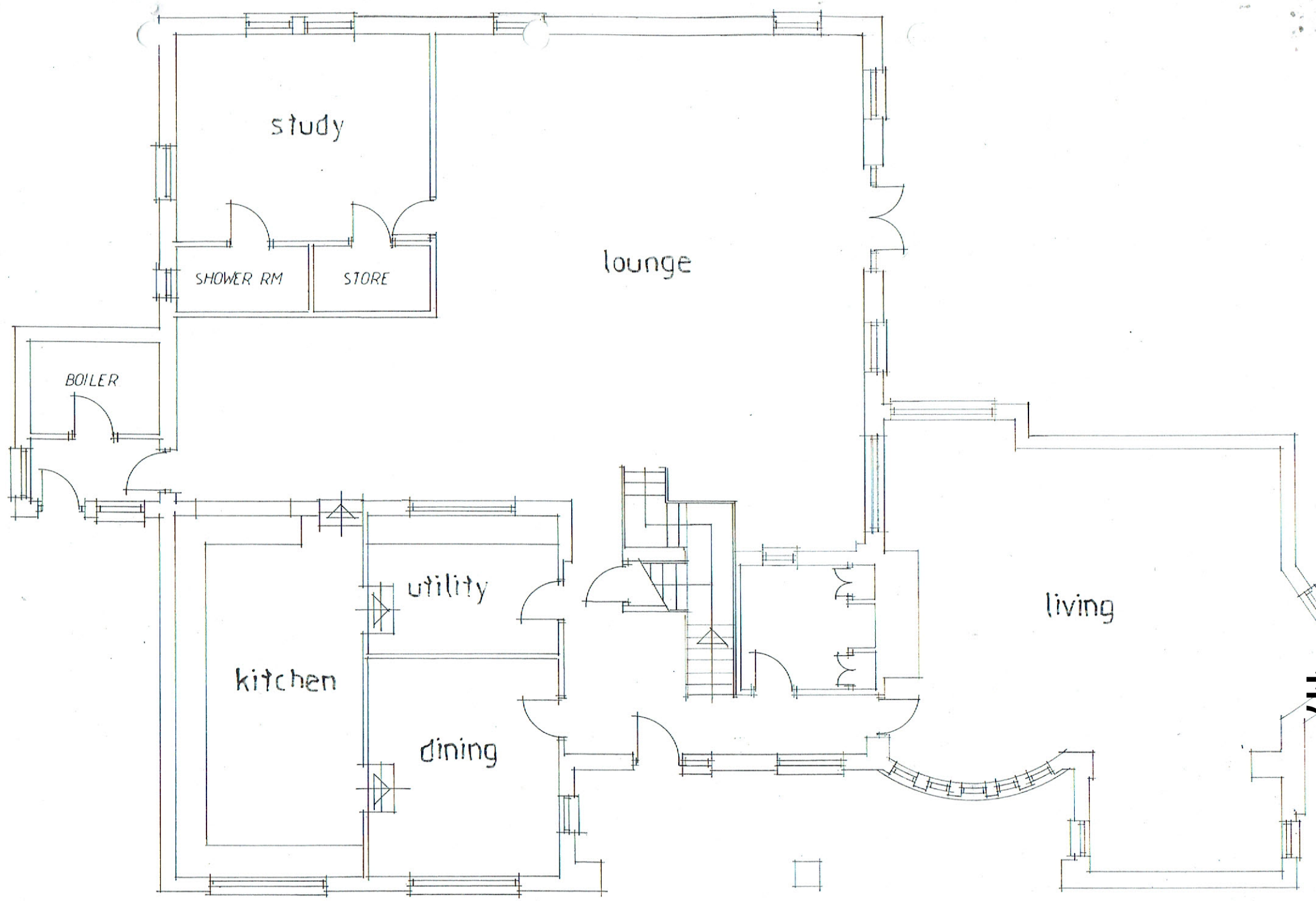
rear elevation as existing

Proposals at
4 Old Humbie Road
Newton Mearns

scale 1:100 dwg no. 27068/3

0 2 10m

116

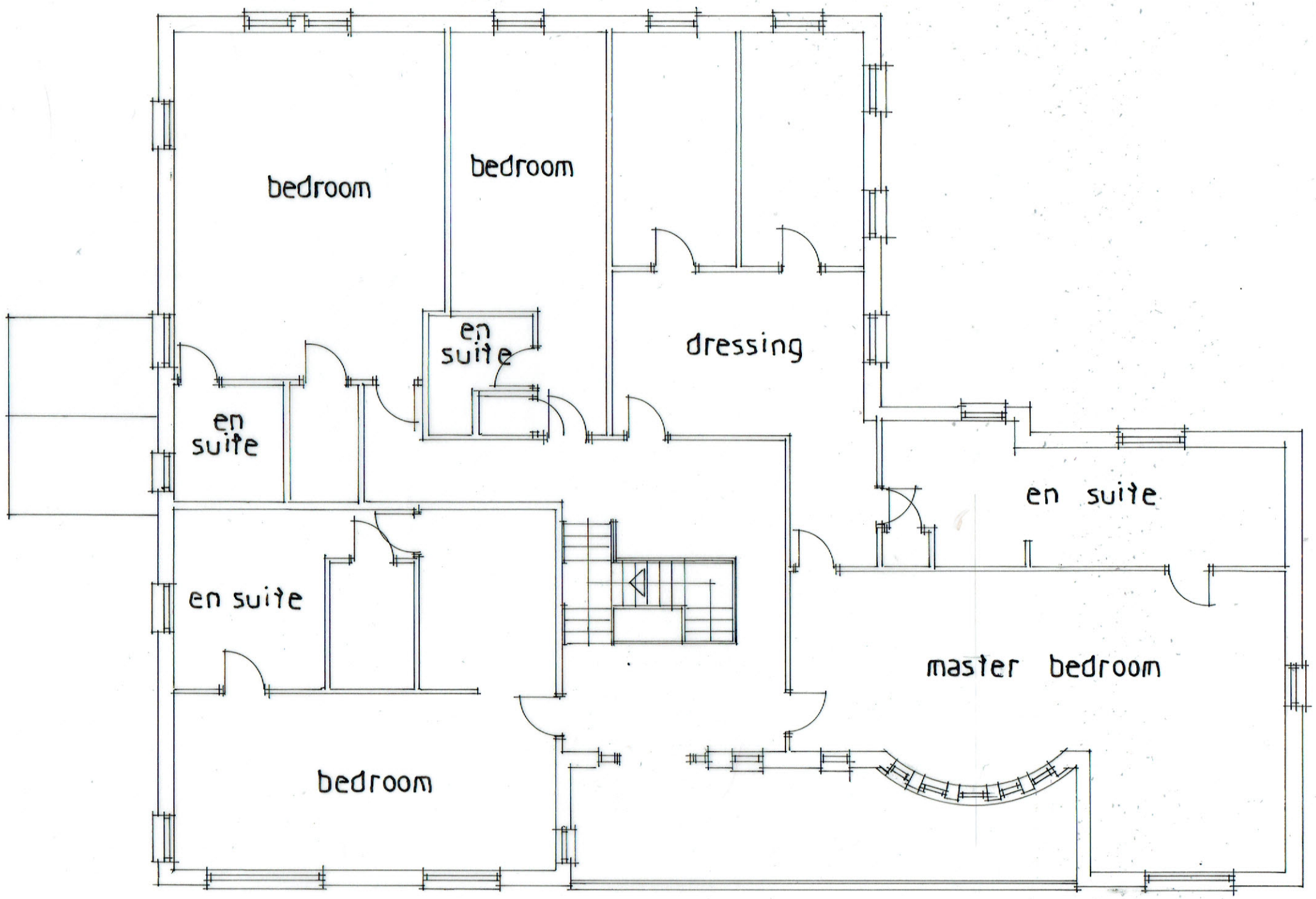


ground floor as existing

0 1 10m

Proposals at
4 Old Humbie Road
Newton Mearns

scale 1:100 dwg no. 27068/1



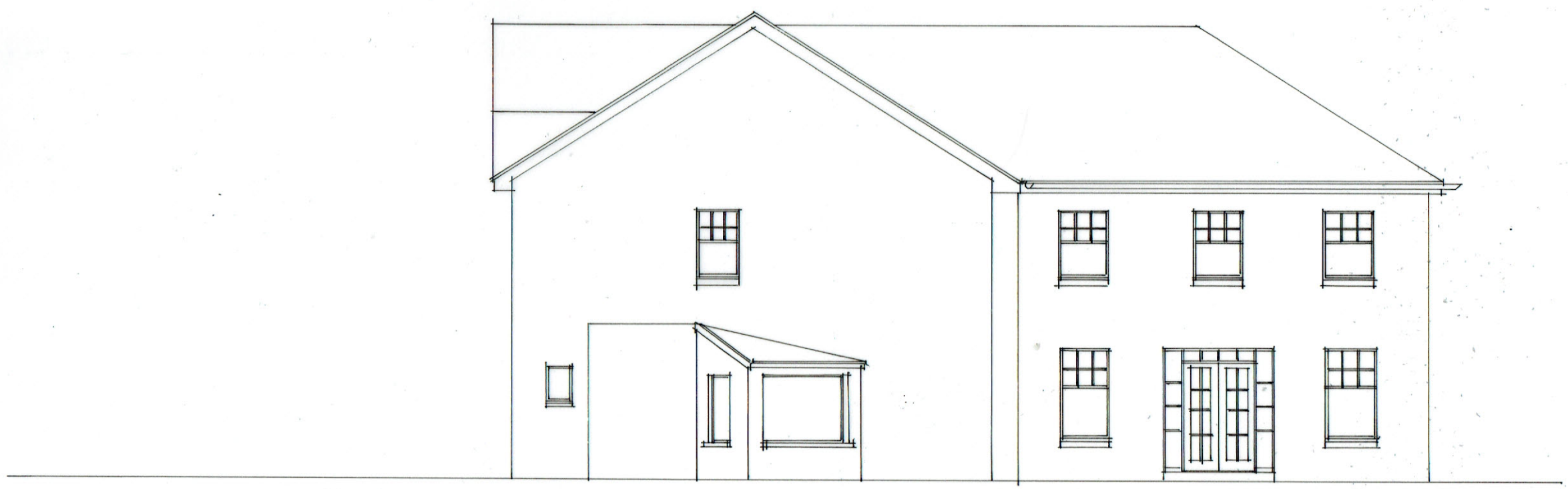
first floor as existing

0 2 10m

Proposals at
4 Old Humbie Road
Newton Mearns

scale 1:100 dwg no. 27068 / 21

North West elevation as existing



South East elevation as existing

0 2 10m

Proposals at
4 Old Humbie Road
Newton Mearns

scale 1:100 dwg no. 27068 / 4

19

UK MAP CENTRE .com

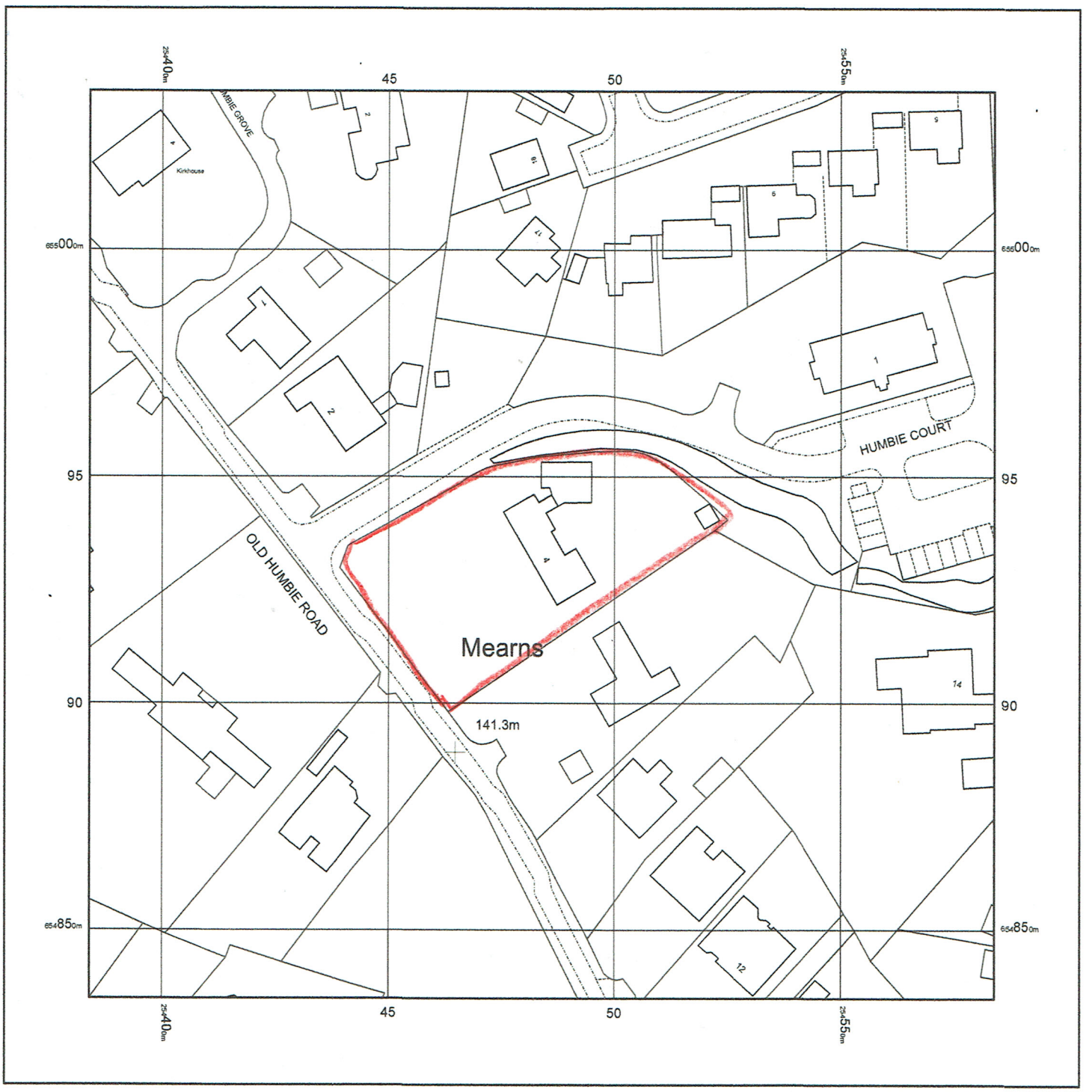
120

North

25m

Map data

Scale 1:1250



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27068: 4 Old Humbie Road, Newton Mearns, G77 5DF

PROPOSED GYM

PROPOSED DOUBLE GARAGE

EXISTING VEHICULAR ACCESS

HARDSTANDING/ DRIVEWAY

PROPOSED DECK FORMING PART OF SEPARATE APPLICATION

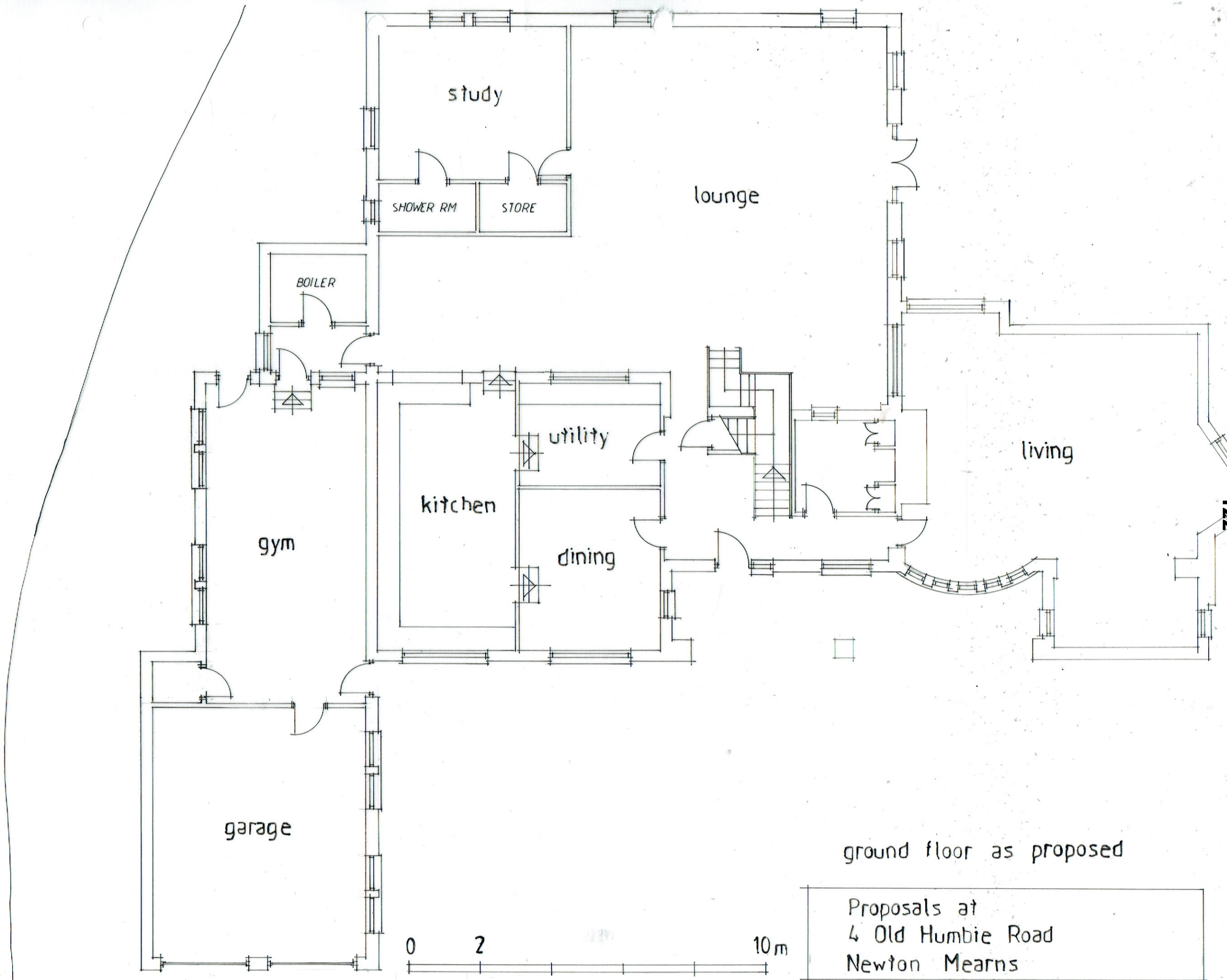
OLD HUMBIE ROAD

Block. plan as proposed

N

Proposals at
4 Old Humbie Road
Newton Mearns
scale 1:250 dwg no. 27068/8

0 2 10M



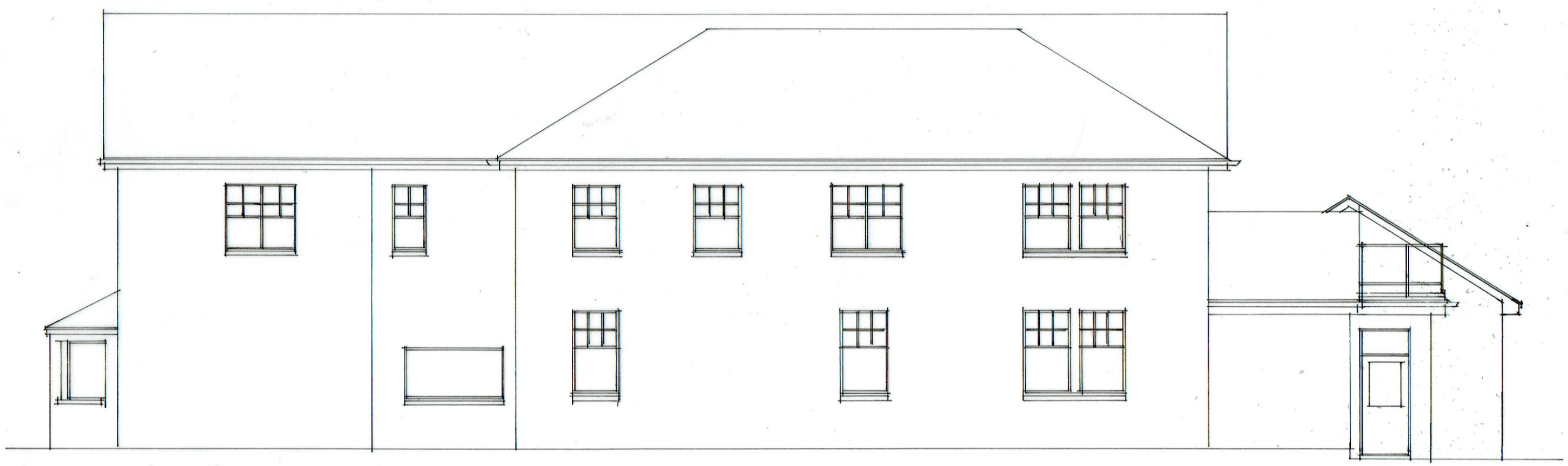
122

ground floor as proposed

Proposals at
4 Old Humbie Road
Newton Mearns

scale 1:100 dwg no. 27068/2A

front elevation as proposed



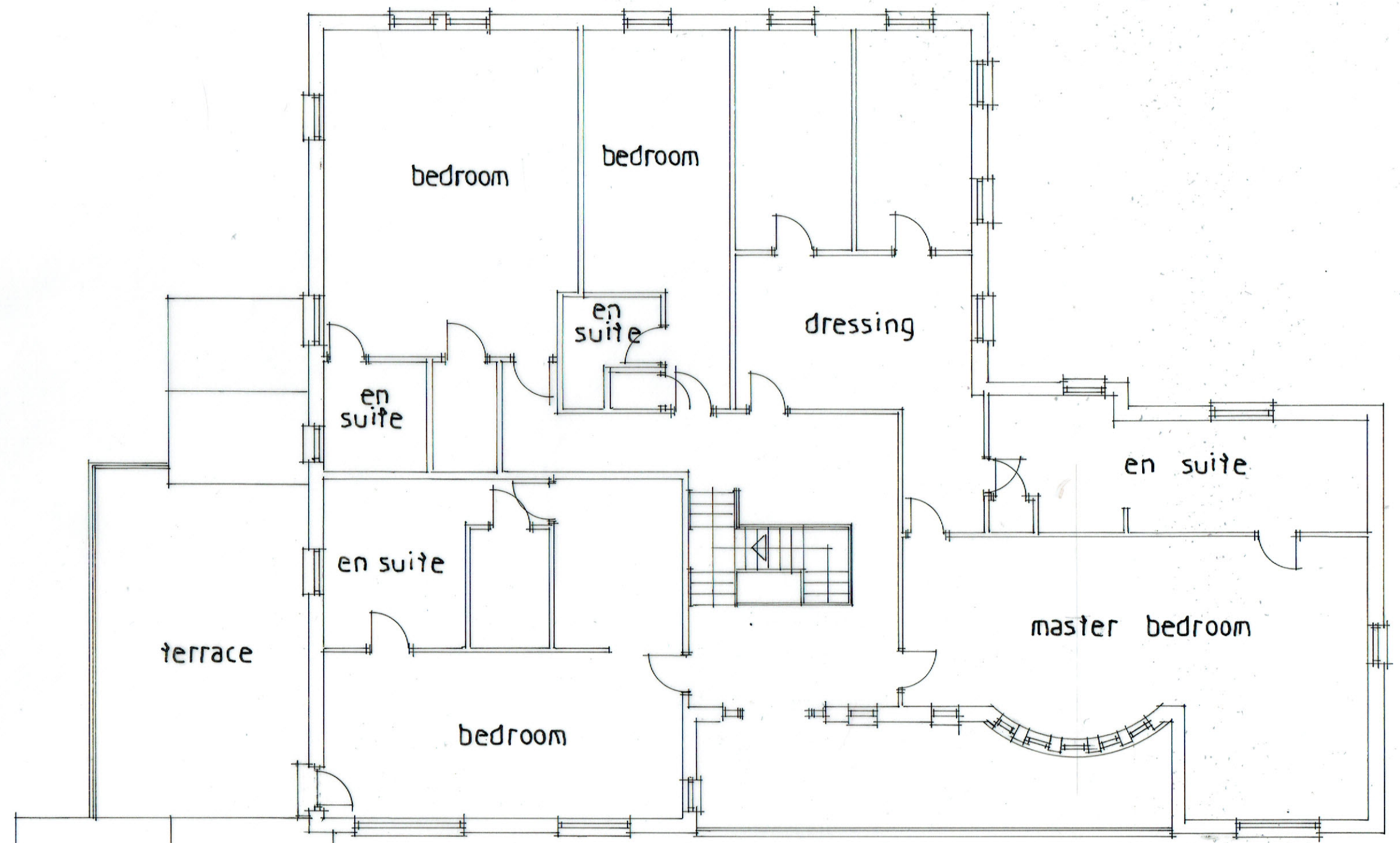
rear elevation as proposed

Proposals at
4 Old Humbie Road
Newton Mearns

scale 1:100 dwg no. 27068/5A

0 2 10m

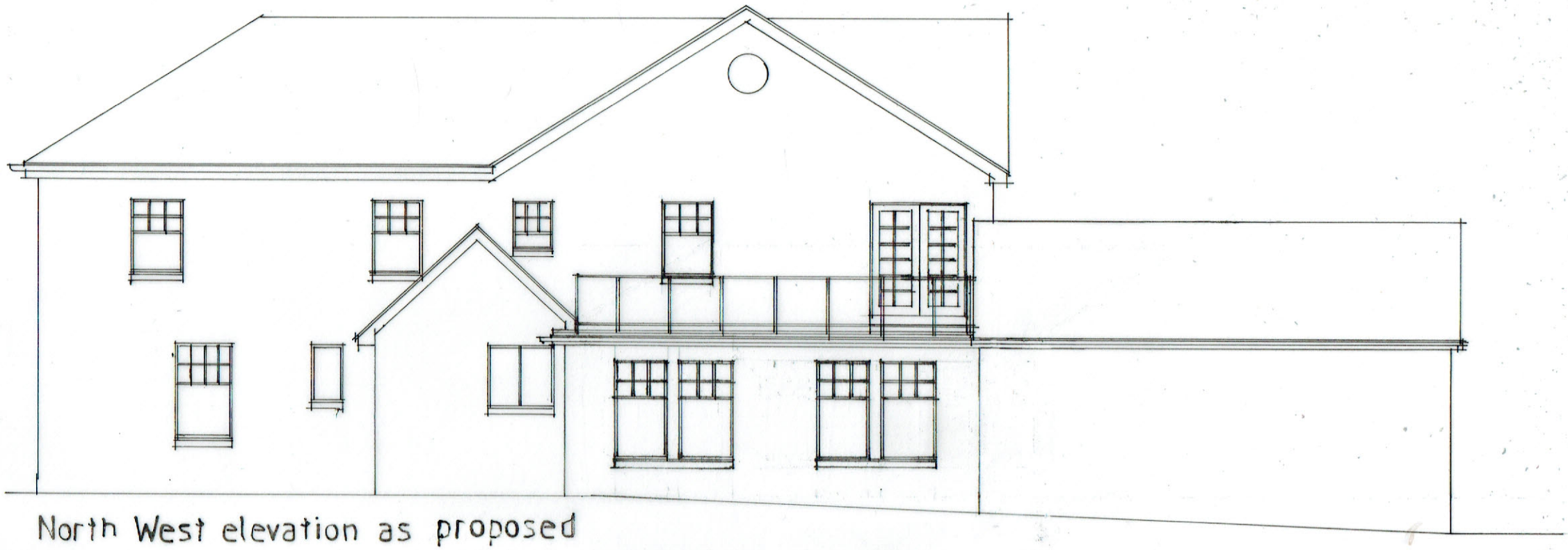
123



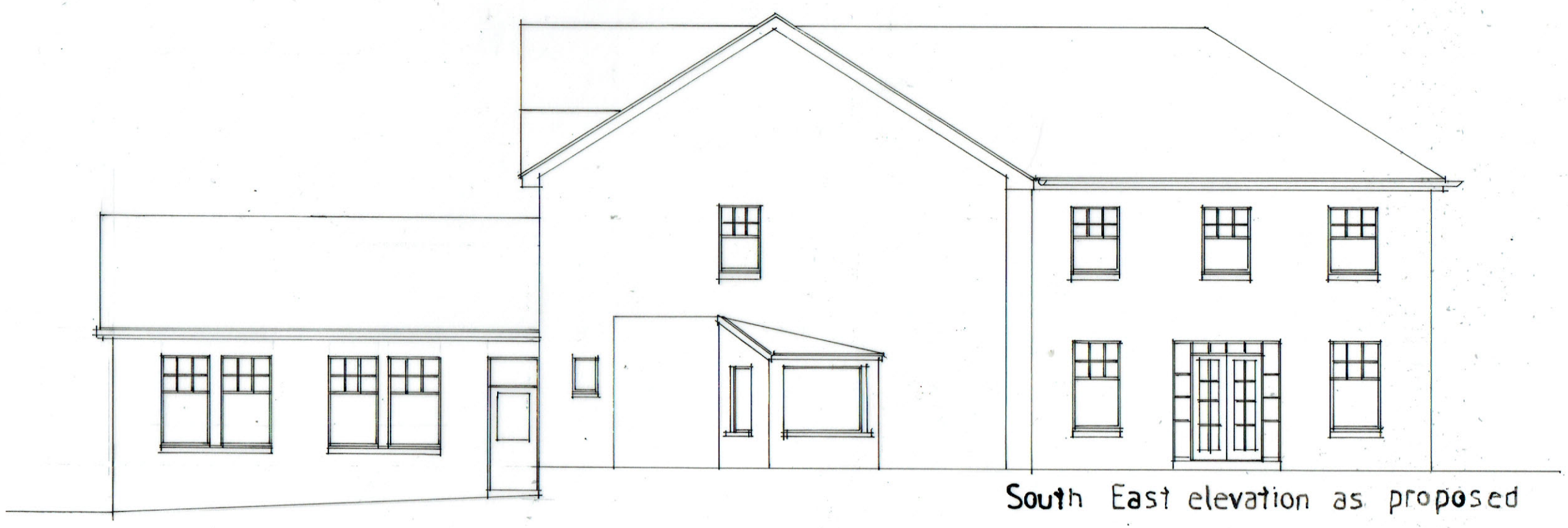
first floor as proposed

Proposals at
4 Old Humbie Road
Newton Mearns

scale 1:100 dwg no. 27068 / 22



North West elevation as proposed



South East elevation as proposed

0 2 10m

Proposals at
4 Old Humbie Road
Newton Mearns

scale 1:100 dwg no. 27068 / 6A

125

AGENDA ITEM No.5

EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

2 October 2019

Report by Deputy Chief Executive

REVIEW OF CASE - REVIEW/2019/15

ERECTION OF 2 NEW RETAIL/BUSINESS UNITS INCLUDING PROVISION FOR HOT FOOD TAKEAWAY PLUS EXTERNAL ALTERATIONS TO EXISTING BUILDINGS AND NEW PARKING AREA AT 157 BURNFIELD ROAD, GIFFNOCK

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:	Full Planning Permission (Ref No:- 2019/0185/TP).
Applicant:	A12 Properties.
Proposal:	Erection of 2 new retail/business units including provision for hot food takeaway plus external alterations to existing buildings and new parking area.
Location:	157 Burnfield Road, Giffnock.
Council Area/Ward:	Giffnock and Thornliebank (Ward 3).

REASON FOR REQUESTING REVIEW

3. The applicant has requested a review on the grounds of the non-determination of the application.

RECOMMENDATIONS

4. The Local Review Body is asked to consider what procedure(s) it wishes to follow to allow it to proceed to determine 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 – NON-DETERMINATION OF APPLICATION

8. The applicant has submitted a 'Notice of Review' on the grounds that the Council has failed to determine his application within the prescribed time period as defined in the Town and Country Planning (Scotland) Act 1997.

9. The relevant regulations state that the Local Review Body must consider and determine the review within three months from the date it was received. The Council received the 'Notice of Review' on 3 September 2019. The review has therefore to be determined by 2 December 2019, failing which the application is deemed to be refused permission and the applicant can appeal to the Scottish Government.

10. There is no 'Report of Handling' for the Local Review Body to consider given that the Council failed to determine the application. However, in order to assist the Local Review Body in the determination of the review, it is proposed that a review statement be prepared by the planning service giving an assessment of the proposal.

11. Subject to the Local Review Body agreeing to this course of action, the review statement would be circulated to the both the applicant and any interested parties, seeking their comments within 14 days in accordance with the timescales set down in the relevant regulations.

12. Furthermore, in accordance with the decision of the Local Review Body at its meeting on 10 August 2016, when it was agreed 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, it is proposed that prior to the next scheduled meeting which is due to take place on 6 November 2019, an unaccompanied site inspection is carried out.

13. At that meeting, the Local Review Body would, subject to it receiving all the necessary information, be able to give consideration to the following:-

(a) the review statement prepared by the planning service and the response, if any from the applicant/agent to it;

(b) the information submitted by the applicant/agent in support of the review case; and

(c) the outcome of the site visit.

RECOMMENDATIONS

14. The Local Review Body is asked to consider what procedure(s) it wishes to follow to allow it to proceed to determine the review.

Report Author:

Paul O'Neil, Committee Services Officer
e-mail: paul.o'neil@eastrenfrewshire.gov.uk
Tel: 0141 577 3011

Director - Caroline Innes, Deputy Chief Executive

Date:- September 2019

AGENDA ITEM No.6

EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

2 October 2019

Report by Deputy Chief Executive

REVIEW OF CASE - REVIEW/2019/16

ERECTION OF ONE AND A HALF STOREY REAR EXTENSION INCORPORATING DORMER WINDOW AT REAR; INSTALLATION OF DORMER WINDOWS AT FRONT AND SIDE AT 83 BEECH AVENUE, NEWTON MEARNS

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:	Full Planning Permission (Ref No:- 2019/0284/TP).
Applicant:	Mr and Mrs Ali.
Proposal:	Erection of one and a half storey rear extension incorporating dormer window at rear; installation of dormer windows at front and rear.
Location:	83 Beech Avenue, Newton Mearns.
Council Area/Ward:	Newton Mearns South and Eaglesham (Ward 5).

REASON FOR REQUESTING REVIEW

3. The applicants have 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.

(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.

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 applicants in submitting the review have stated the reasons for requiring the review of the determination of the application. A copy of the applicants' Notice of Review and Statement of Reasons is attached as Appendix 4.

9. The applicants are 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 indicated that their stated preference is the assessment of the review documents only, with no further procedure.

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

11. However, 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 2019 immediately before the meeting of the Local Review Body which begins at 2.00pm.

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 135 - 140);

(b) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 2 (Pages 141 - 148);

(c) Decision notice and reasons for refusal - Appendix 3 (Pages 149 - 152); and

(d) A copy of the applicant's Notice of Review and Statement of Reasons - Appendix 4 (Pages 153 - 166).

15. The applicant has also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and these are attached as Appendix 5 (Pages 167 - 180).

(a) Previous Refused – Elevations – Ref No:- 2018/0113/TP;

(b) Previous Approved – Elevations – Ref No:- 2019/0349/TP;

(c) Previous Approved – Elevations – Ref No:- 2019/0349/TP;

(d) Existing Elevations;

(e) Existing Floor Plans;

(f) Refused – Location Plan;

(g) Refused – Existing and Proposed Site;

(h) Refused – Proposed Elevations;

(i) Refused – Proposed First Floor Plan;

(j) Review Document – Photo 1;

(k) Review Document – Photo 2; and

(l) Review Document – Photo 3;

16. The Local Review Body is advised that initial consultation responses and representations received if any, relating to the application will be listed in the planning officer's Report of Handling.

17. All the documents referred to in this report can be viewed online on the Council's website at www.eastrenfrewshire.gov.uk.

RECOMMENDATIONS

18. 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.

(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: Paul O'Neil

Director - Caroline Innes, Deputy Chief Executive

Paul O'Neil, Committee Services Officer
e-mail: paul.o'neil@eastrenfrewshire.gov.uk
Tel: 0141 577 3011

Date:- September 2019

APPENDIX 1

APPLICATION

FOR

PLANNING PERMISSION

2019/0284/TP. 137 RECEIVED 09 MAY 2019

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (SCOTLAND) ACT 1997
The Town and Country Planning (Development Management Procedure) (SCOTLAND) REGULATIONS 2013

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA https://eplanning.scotland.gov.uk

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR + MRS	Ref No.	
Forename		Forename	JOHN
Surname	ALI	Surname	WHYTE
Company Name		Company Name	AROS DESIGN
Building No./Name	83	Building No./Name	9
Address Line 1	BEECH AVENUE	Address Line 1	KELVIN WAY
Address Line 2		Address Line 2	
Town/City	NEWTON MEARNS	Town/City	KILSYTH
Postcode	G77 5QR	Postcode	G65 9UN
Telephone		Telephone	
Mobile		Mobile	0798 410 1639
Fax		Fax	
Email		Email	arosdesign@hotmail.co.uk

3. Address or Location of Proposed Development (please include postcode)

83 BEECH AVENUE
NEWTON MEARNS
G77 5QR

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Describe the Proposed Works

Please describe accurately the work proposed:

ERECTION OF ONE AND HALF STOREY REAR EXTENSION INCORPORATING DORMER WINDOW AT REAR, INSTALLATION OF DORMER WINDOWS AT FRONT AND SIDE

Have the works already been started or completed Yes ☑ No ☐

If yes, please state date of completion, or if not completed, the start date:

Date started: AUGUST 2017 Date completed:

If yes, please explain why work has already taken place in advance of making this application.

PLANNING PERMISSION GRANTED ON 15 JULY 2016 (2016/0349/TP) WITH CHANGES MADE DURING CONSTRUCTION.

5. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes ☐ No ☑

If yes, please provide details about the advice below:

In what format was the advice given? Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name: Date: Ref No.:

6. Trees

Are there any trees on or adjacent to the application site? Yes ☐ No ☑

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

7. Changes to Vehicle Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes ☐ No ☑

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there with be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes ☐ No ☑

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangement for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently Exist on the application site? 3

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 reduced number of spaces) 3

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, etc.

8. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes ☐ No ☑

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes ☐ No ☑

If you have answered yes please provide details:

DECLARATION

I, the applicant / agent certify that this is an application for planning permission and that accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☑

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes ☐ No ☐ N/A ☑

Signature: [redacted] Name: JOHN WHYTE Date: 08.05.2019

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

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

(1) No person other than ~~myself~~ APPLICANT was owner 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 application. ☑

(2) None of the land to which the application relates constitutes or forms part of agricultural land. ☑

Signed: [redacted]

On behalf of: MR + MRS ALI

Date: 08. 05. 2019

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

(1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

(2) None of the land to which the application relates constitutes or forms part of agricultural land ☐

or

(3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

APPENDIX 2

REPORT OF HANDLING

REPORT OF HANDLING

Reference: 2019/0284/TP Date Registered: 21st May 2019

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

Ward: 5 -Newton Mearns South And Eaglesham
Co-ordinates: 254199/:655787

Applicant/Agent:

Applicant:	Agent:
Mr & Mrs Ali	Aros Design
83 Beech Avenue	John Whyte
Newton Mearns	9 Kelvin Way
East Renfrewshire	Kilsyth
G77 5QR	G65 9UN

Proposal: Erection of one and a half storey rear extension incorporating dormer window at rear; installation of dormer windows at front and side

Location: 83 Beech Avenue
Newton Mearns
East Renfrewshire
G77 5QR

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

1989/0177/TP	ERECTION OF REAR EXTENSIONS TO DWELLING HOUSE	Approved Subject to Conditions	23.05.1989
2016/0163/TP	Erection of one and half storey rear extension incorporating dormer windows at rear with installation of hipped roof over existing rear extensions; installation of dormer windows at front and side	Withdrawn	28.04.2016
2016/0349/TP	Erection of one and a half storey rear extension incorporating dormer	Approved Subject to Conditions	15.07.2016

	window at rear; installation of dormer windows at front and side		
2018/0113/TP	Erection of one and a half storey rear extension incorporating dormer window at rear; installation of dormer windows at front and side	Refused	24.10.2018

REPRESENTATIONS: No representations have been received.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Supporting Statement – The statement explains the planning history and the background to the proposal. Makes a brief assessment against policy and concludes that with minor amendments, the development will be acceptable.

ASSESSMENT:

The application site comprises of a detached single storey dwellinghouse located on the south side of Beech Avenue within the established residential area of Newton Mearns.

Retrospective planning permission is sought for the erection of one and a half storey rear extension incorporating dormer windows at the front, rear and two dormers on each side elevation. The extension projects approx. 5.5m from the rear elevation, approx. 10.1m in width and 6.3 in height. It projects over two pre-existing single storey rear extensions. The front dormer projects approx. 2.8m from the roof plane, approx. 3.2m in width and approx. 2.4m in height. The rear dormer projects approx. 1.3m from the roof plane, approx. 4.8m in width and approx. 2.8m in height. Both the front and rear dormers as built maintain the ridge and hip lines of the roof. The proposal includes two side dormers per each side of the roof, each dormer projects approx. 3m from the roof plane and approx. 2.2m in height respectively. The two front-most side-facing dormers are approx. 2.7m in width, with the dormers to towards the rear of the roof approx. 3.4m in width. Each of the dormers have hipped roofs. The extension is externally finished in render with concrete roofing tiles, including on the dormer fronts, sides and roofs.

Previous planning consent (2016/0349/TP) was granted for the erection of one and a half storey rear extension incorporating dormer windows to the front, rear and one on each side elevation which were contained within the roof plane and did not dominate the roof and building. This followed extensive pre-application discussions including the withdrawal of an earlier planning application (2016/0163/TP).

The current application is in part retrospective with respect to the number, size and design of the dormer windows, which have been built without the benefit of planning permission. The front dormer as built is proposed to be altered to sit marginally below the ridge. It follows the refusal of an earlier identical application 2018/0113/TP on 24 October 2018. The only changes relate to the solid to void ratio on some of the dormer windows. On three of the four side-facing dormers the solid area is reduced whilst on the rear it has increased. The position of the dormers on the roof has not changed. It should be noted that the unauthorised development is now completed.

The proposal is required to be assessed against the Local Development Plan (LDP), in particular Policies D1 and D14, and the Supplementary Planning Guidance (SPG) on Householder Design Guide. The policies seek to ensure that proposals are in keeping in terms of scale, size, massing and design with the original building, and are sympathetic to the local character and built form and do not adversely impact on neighbouring properties by loss of privacy or overshadowing. In particular the SPG states that dormers should be wholly contained within the roof slope and set below the roof/ridge and off the side ridge/hip, and not built up from the wallhead and be well set back from the eaves. Furthermore, it states that dormers should have a high proportion of glazing.

The front and rear dormers impinge on the hips and ridge lines of the roof, with the rear dormer located on the wallhead, contrary to the requirements of the SPG. The Supporting Statement explains that the front dormer is to be altered such that it will sit marginally below the ridge and pulled in marginally from the side hips. The Statement also explains that alterations will be made to the rear roof to ensure the rear dormer sits within the roof plane. However, this is to be achieved by extending the roof overhang and not by reducing the size of the dormer window. The side dormers are also only marginally set down from the ridge. All the proposed dormers occupy a large proportion of the roof area and have prominent hipped roofs which make them individually and collectively heavy and clumsy in appearance. Consequently, due to their size, design and position the proposed dormers are incongruous on the building, and dominate and detract from the original integrity of the original dwellinghouse, to the detriment of the visual character and amenity of the area. The proposed alterations to the front dormer and rear roof, are not considered sufficient to lessen the impact of the dormers.

It is acknowledged that the adjacent dwelling (81 Beech Avenue) has similar dormers to the current proposal, however notably these are set wholly within the roof plane and have a higher proportion of glazing thereby lessening their visual impact when compared to this application. There are very few other similar examples of this type of development in the immediate area and therefore it is considered that this form of dormer extension is not an established characteristic of the area.

The rear-most, side-facing dormer on the north-east elevation (which is a bedroom window) directly overlooks a dormer window serving a dressing room on the adjacent dwelling at number 81. This window on number 81 is clear glazed and the neighbours have installed blinds which at the time of a recent site inspection were drawn. Whilst a dressing room is not habitable, the activities carried out in the room are such that any overlooking would give rise to a significant and severe overlooking issue. This is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan. If the application is otherwise acceptable, the side-facing secondary bedroom window should be opaque glazed. This can be secured by condition.

The dormers will result in some overlooking of the gardens of neighbouring properties, particularly the properties to the south (85 & 87 Beech Avenue). However given the adjacent extension, boundary treatment, distance and oblique angle of view, any resulting overlooking of gardens will be restricted. The proposal will not result in significant overshadowing of neighbouring properties.

The extension to the rear is predominantly as per the previously approved application (2016/0349/TP) and therefore in itself would raise no significant issues in terms of the Local Development Plan.

The application has been made for the extension and dormers and therefore the application is required to be determined as a whole. Consequently, it is considered that the proposed dormers are poorly designed and incongruous in appearance; would be out of keeping with the character of the building and the area to the detriment of the visual amenity of the area; and would give rise to overlooking. Accordingly, it is considered that the proposal is contrary to Policies D1 and D14

of the LDP and the requirements of the SPG, and there are no material considerations that outweigh these policies, it is recommended that planning permission is refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None.

REASONS FOR REFUSAL:

1. The development is contrary to Policies D1 and D14 of the East Renfrewshire Local Development Plan and the Supplementary Planning Guidance: Householder Design Guidance as, due to their size, massing and design, the dormer windows dominate the roof planes; are dominant and incongruous with the design and integrity of the original dwellinghouse; and as a result are out of keeping with the surrounding area, to the detriment of the visual amenity and character of the area.

2. The development is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it would give rise to a significant degree of overlooking to the detriment of the amenity of the residents of the adjacent dwelling.

ADDITIONAL NOTES: None.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3034.

Ref. No.: 2019/0284/TP
(DESC)

DATE: 9th July 2019

DIRECTOR OF ENVIRONMENT

Reference: 2019/0284/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan
This proposal raises no strategic issues in terms of the Glasgow and the Clyde Valley Strategic Development Plan and therefore the East Renfrewshire Local Plan is the relevant policy document

Adopted East Renfrewshire Local Development Plan
Policy D1 - Detailed Guidance for all Development
Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties 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 Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Policy D14 - Extensions to Existing Buildings and Erection of Outbuildings and Garages
Any extensions must complement the existing character of the property, particularly in terms of style, form and materials.

The size, scale and height of any development must be appropriate to the existing building. In most circumstances, pitched roofs utilising slates or tiles to match the existing house will be the appropriate roof type. Alternatives, such as flat roofs or green roofs, will be considered on a site specific basis.

Side extensions should not create an unbroken or terraced appearance.

The development should avoid over-development of the site by major loss of existing garden space.

Dormer windows should not in general dominate the existing roof, nor rise above or break the existing ridgeline or hip of the roof, and should be finished in materials to match existing roof finishes.

The above are broad requirements and these are further defined in the Householder Design Guide Supplementary Planning Guidance.

GOVERNMENT GUIDANCE: None

Finalised 9th July 2019 – AC(1)

APPENDIX 3

DECISION NOTICE

AND

REASONS FOR REFUSAL

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. **2019/0284/TP**

Applicant:
Mr & Mrs Ali
83 Beech Avenue
Newton Mearns
East Renfrewshire
G77 5QR

Agent:
Aros Design
John Whyte
9 Kelvin Way
Kilsyth
G65 9UN

With reference to your application which was registered on 21st May 2019 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of one and a half storey rear extension incorporating dormer window at rear; installation of dormer windows at front and side

at: 83 Beech Avenue Newton Mearns East Renfrewshire G77 5QR

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 development is contrary to Policies D1 and D14 of the East Renfrewshire Local Development Plan and the Supplementary Planning Guidance: Householder Design Guidance as, due to their size, massing and design, the dormer windows dominate the roof planes; are dominant and incongruous with the design and integrity of the original dwellinghouse; and as a result are out of keeping with the surrounding area, to the detriment of the visual amenity and character of the area.

2. The development is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it would give rise to a significant degree of overlooking to the detriment of the amenity of the residents of the adjacent dwelling.

Dated 9th July 2019

[redacted]

Director of Environment
East Renfrewshire Council
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG
Tel. No. 0141 577 3001

The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	LOCATION		
Block Plan	BLOCK/GROUND		
Plans Proposed	4	R4	
Elevations Proposed	ELEVATIONS	R5	

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 3895 or 0141 577 3878
Email planning@eastrenfrewshire.gov.uk

APPENDIX 4

NOTICE OF REVIEW

AND

STATEMENT OF REASONS

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 100180117-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) ☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	bennett developments and consulting		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Don	Building Name:	
Last Name: *	Bennett	Building Number:	10
Telephone Number: *	01415715432	Address 1 (Street): *	Park Court
Extension Number:		Address 2:	
Mobile Number:	07989417307	Town/City: *	Glasgow
Fax Number:		Country: *	United Kingdom
		Postcode: *	G46 7PB
Email Address: *	don@bennettgroup.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Uqmar	Building Number:	83
Last Name: *	Ali	Address 1 (Street): *	Beech Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	United KIngdom
Mobile Number:		Postcode: *	G77 5QR
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:	East Renfrewshire Council

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

Address 1:	83 BEECH AVENUE
Address 2:	NEWTON MEARNS
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	GLASGOW
Post Code:	G77 5QR

Please identify/describe the location of the site or sites

Northing	655776	Easting	254188

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 one and half storey rear extension incorporating dormer windows at rear: installation of dormer windows at front and side

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.

Failure to properly apply the appropriate policies as they would affect this proposal

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 Photographs Application form Planning Statement Drawings Decision Notice

Application Details

Please provide details of the application and decision.

What is the application reference number? * 2019/0284/TP

What date was the application submitted to the planning authority? * 21/05/2019

What date was the decision issued by the planning authority? * 09/07/2019

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: 13/09/2019

bennett *Developments and Consulting,*
10 Park Court,
Glasgow, G46 7PB
don@bennettgroup.co.uk

PLANNING STATEMENT

15.4.2019

83 BEECH AVENUE, NEWTON MEARNS, G77 5QR

ERECTION OF ONE AND A HALF STOREY REAR EXTENSION INCORPORATING DORMER WINDOW AT REAR, INSTALLATION OF DORMER WINDOWS AT FRONT AND SIDE

Background:

The site sits on the south side of Beech Avenue in the popular residential area of Newton Mearns, and comprises of a one and a half storey dwelling with dormers to front, rear and to the side.
Originally a single storey bungalow, planning consent(2016/0349/TP) was given for the works to develop the building, as per the above.
It is a matter of much regret that the implementation of that consent did not faithfully comply with the approved plans. Whilst that is unacceptable the applicants innocently but mistakenly assumed that as they were effectively copying the building immediately adjacent at 81 Beech Avenue, there would be no problem.
They are now fully aware of the circumstances and wish to lodge this application to regularise the unauthorised works and gain a valid planning consent .

Proposal:

The proposed development is part retrospective and part for a series of alterations to the property, which in the main were approved but improperly carried out and for a number of small amendments to comply with the Development Plan policies.
In particular, detail amendments to the front dormer such that it no longer impinges on the pitched roof and to the rear roof which is to be extended to match that part of the roof already extended and which will place the rear dormer within the pitch of the roof and not on the gutter edge as was illustrated.

Assessment against policy

In determining any application it is necessary for a proposal to be assessed against the current approved and adopted local plan, in this case the East Renfrewshire Local Development Plan. Within that plan the pertinent policies/guidance is:

Policy D1: Detailed Guidance for all Developments
Policy D14: Extensions to Existing Buildings and Erection of Outbuildings and Garages
Supplementary Planning Guidance(SPG) on Householder Design Guide.

Collectively these policies seek to ensure that any new buildings are compatible with the character and ambience of the area, in particular scale and massing and relationship to the overall plot size.

In the Report of Handling for planning application 2018/0113/TP it was observed by the planning officer that elements of the application were in fact retrospective as a body of works had already been implemented, but in the main these were acceptable though there was specific aspects of the design which were felt to be at odds with the design guidance contained within the Supplementary Guidance Guide(SPG).
These are referred to above and relate to the design and positioning of the front dormer, the rear dormer and to the level of glazing within these structures and in particular the fact that the rear dormer is positioned too low on the roof plane and abuts the gutter.
Reference to the attached drawings will illustrate that the front dormer has now been lowered away from the ridge line as required, and the rear roof plane has been extended such that the rear dormer is seen to be located within the roof plane as opposed to on the gutter line.
In terms of the overall mass and scale of the building it now reflects the adjacent dwelling at 83 Beech Avenue and in addition now meets the design criteria expressed in the SPG Householder Design Guide. In that respect we believe that it now respects and reflects the character of the area.
It is worth recording that the character of an area is defined by so many factors, some physical and some emotional, it is how the area presents to the senses. It is not about policies or guidance or about responding to nuances in the wording it is about how the area feels. In this respect the proposed alterations to this property embody those qualities and properties which define the character of the area and as such meet the requirements of the policy/guidance both in the actuality but also in spirit.

Summary:

It is accepted that some of the works to the property were carried out without the benefit of a planning consent but that also that the majority complied with policy. Those aspects which did not have been incorporated into this application in order to regularise the position and to effect a consent which fully reflects that which is there. The result is a building which respects the surrounding area and which can legitimately contribute to the areas character.

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APPEAL TO THE EAST RENFREWSHIRE LOCAL REVIEW BODY AGAINST THE DECISION BY EAST RENFREWSHIRE COUNCIL TO REFUSE THE ERECTION OF A ONE AND A HALF STOREY REAR EXTENSION INCORPORATING DORMER WINDOW AT REAR,INSTALLATION OF DORMER WINDOWS AT FRONT AND SIDE, AT 83 BEECH AVENUE, NEWTON MEARNS G77 5QR
APP REF 2018/0113/TP

13.9.2019

Background:

The property at 83 Beech Avenue is located in a highly sought after part of Newton Mearns, and is characterised by large detached and semi detached dwellings the vast majority of which have been substantially extended and enlarged over the last few years.

In 2016(Application Ref 2016/0349/TP) was granted for the erection of a one and a half storey rear extension incorporating dormer windows to the front, rear and one on each side elevation which were contained within the roof pane and did not dominate the roof and building.
This was subsequently implemented though there were a number of additional features and modifications which accordingly did not have the benefit of planning consent and became the subject of enforcement action.

In 2018 (Application Ref 2018/0113/TP) was lodged. This was part retrospective in regard to the number, size and design of the dormer windows which have been constructed without the benefit of planning permission. In October 2018 this application was refused on the basis that the scale, size and design of the aforementioned dormers failed to meet the design guidance set out in Policies D1, D14 and the Supplementary Planning Guidance(SPG) on Householder Design Guide.

In response to the above refusal the applicant sought to amend the elements which were at variance with the policies and to this end submitted the current application, the subject of this appeal.
In progressing the above applications and whilst conceding that the major works to the property were carried out without the benefit of planning consent, in defence of the applicant, the proposed design was an identical copy of the adjacent property at 81 Beech Avenue, and as such the applicant was of the view that the design would be acceptable. Whilst that does not excuse the fact that the applicant carried out a considerable body of structural work to the property without the benefit of a planning consent, he was none the less concerned and alarmed that the application had been

refused seemingly in respect of the very features and details highly visible on the adjacent property, the works to which do have the benefit of planning permission.

Assessment against policy

In determining any application, the planning service is required to assess it in the context of the approved and adopted Local Development Plan, and in that context the relevant policies /guidance are cited as Policy D1 and D14 of the East Renfrewshire Local Development Plan and the Supplementary Planning Guidance: Householder Design Guidance.

It is a further requirement that the planning service prepare a Report of Handling(ROH) which sets out the basis for the decision taken, the justification and supporting material which has been used to justify the determination having regard to all of the appropriate policies.

In the ROH, the planning officer is at great pains to explain the minor differences between the built structure and that which was applied for and subsequently refused. Whilst it is not disputed that :

a) the appellant did carry out a body of unapproved works and, that
b) the lodged application which sought to remedy both the retrospective works and the new works, has been refused

However, the design matters raised are all very modest and it is felt, were properly addressed in the application. Indeed the ROH appears to concede as much.
It is important to note that a number of the items raised as failing to comply with the policies are in essence simply matters of design and whilst the design is important, it is essential that any observation/objection is set in the context of the building and its presentation on the site. In particular the ROH notes that the rear dormer has been built off the wall head which is contrary to the householder guidance. This is purely a matter of aesthetics as in structural terms constructing the dormer as a vertical extension to the rear wall is structurally the most secure of doing this. In addressing this issue the application extended the slope of the rear roof such that the dormer no longer appears to be rising from the wallhead but is set within the pitch of the roof, yet this was deemed unacceptable. Given that the issue is one of aesthetics and the resultant design is visually the same as others in the area, and is on the rear elevation out of sight,it is difficult to understand why the fact that it still springs from the wallhead is relevant.

On the issue of the design of the dormers, these were modified to clear the main roof pitch and to include more glazing as it was accepted that those constructed without planning permission could be visually improved.

Over all it is difficult to understand the decision to refuse this application as it clearly reflects if not copies the adjacent property at 81 Beech Avenue.
To then claim that the decision to refuse was based on the fact that *"the dormers due to their size and massing … are out of keeping with the surrounding area to the detriment of the visual amenity and character of the area."*
It is difficult to understand how a building which is identical to the one adjacent can be deemed to be out of character when the adjacent building to which it is identical, is part of that character.

Summary

In the circumstances we would argue that whilst accepting that the applicant was foolhardy in not seeking planning permission before commencing any works , the fact that the works which have been carried out have resulted in a building identical to its neighbour must surely refute any suggestion that it will be to the detriment of the visual amenity and character of the area, which appears to be the sole reason for the refusal.

Equally it has not been established that overlooking would be an issue and this would appear to be supported by the fact that none of the neighbours, who would be the subject of any supposed overlooking, lodged an objections.
It is apparent from the foregoing that the proposed development was in compliance with the policies D1 and D14, and as such should have had the benefit of planning permission.

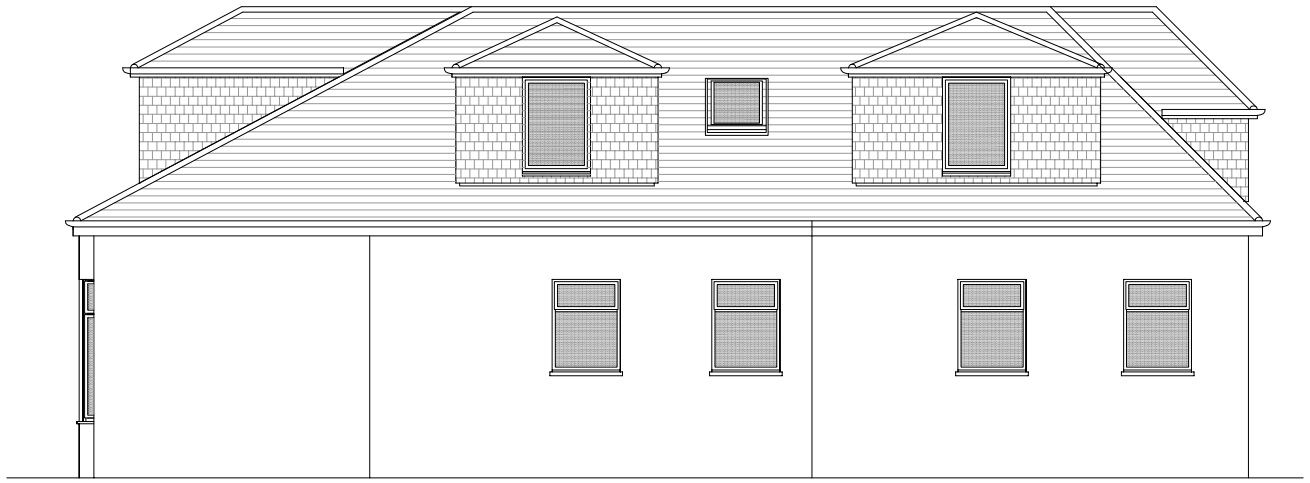
If further evidence was needed to refute the arguments advanced in the ROH, the attached photograph of the building and the property adjacent must surely demonstrate that far from detracting, this building respects and reflects the area and will make a major contribution to the visual amenity.

Having regard to all of the foregoing we would ask that the Review Board overturn the planning decision to refuse, and approve this application.

bennett *Developments and Consulting*
13/9/2019

APPENDIX 5

PLANS/PHOTOGRAPHS/DRAWINGS



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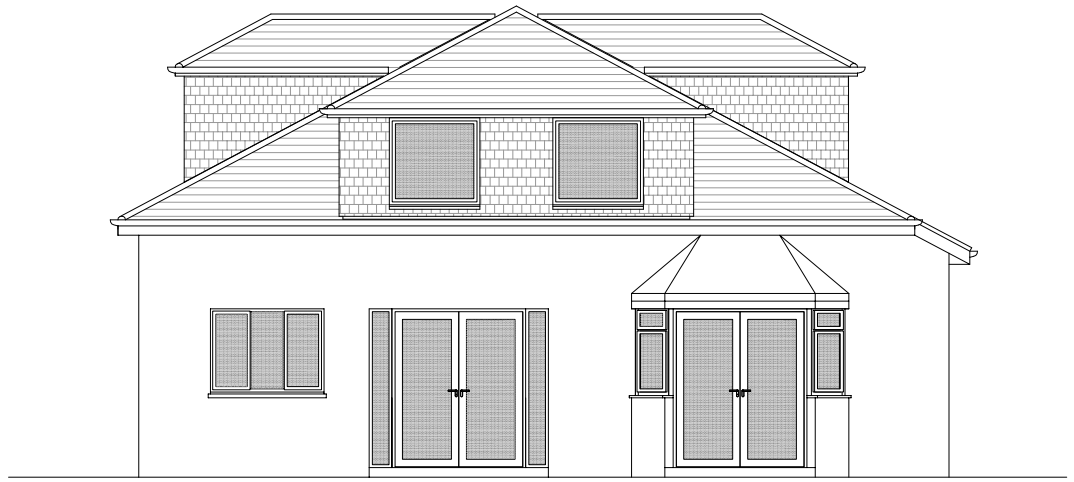
Proposed Front Elevation Scale 1 : 100

Proposed Side Elevation Scale 1 : 100



Proposed Rear Elevation Scale 1 : 100

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Scale 1:100

A3 sheet : nos.5 of 5

Aros Design ltd.
Architectural Design
•warrent applications
•planning applications
• building + interior design
•space planning
•cad service

Aros Design Ltd.
11 Glasgow Road
Kilsyth, G65 9AE.
0798 410 1639

	Date	Scale
	18.01.2018	See Titles

Applicant	Revision
Mr + Mrs Ali 83 Beech Avenue Newton Mearns	R4

`Flat Roofed` dormer windows to side e elvation and front elevation, as advised by PLANNING DEPARTMENT

New sloping roof `allowed` to slope over existing flat roofed extension

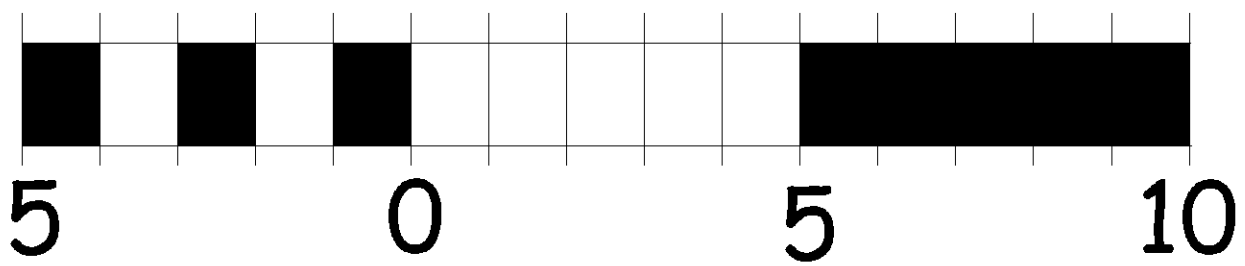
Proposed Front Elevation
North West Facing

Roof of proposed extension `stepped down` from ridge level of existing house

`Flat Roofed` dormer windows to side e elvation and Rear elevation, as advised by PLANNING DEPARTMENT

Proposed Rear Elevation
South East Facing

170



NOTES
1. Do Not scale from this drawing.

2. All dimensions to be confirmed by the Contractor prior to work commencing or ordering of any components.

3.In the case of any discrepancy refer to es - G architects ltd.

4. The purpose of this drawing is solely for the purposes of obtaining either Planning Permission or Building Warrant Approval.The drawing may be suitable for Construction purposes but it may be necessary to augment / and or amend this information for this purpose.
No liability will be accepted for any omission on this drawing should the drawing be used for construction purposes.

Client :

Mr and Mrs C Ali

Project :

House Extension to Rear Internal Re-modelling 83 Beech Avenue Newton Mearns

Project No :

582 - 16

Drawing Title :

Proposed Front and Rear Elevations

Drawing No : **PL-09**

Scale : **1 : 100**

Revision : **E**

Revisions :

Rev D
Proposals reduced in size
Dormers changed to flat roofed dormers

Rev E
Roof overhang of dormers reduced
Rear Elevation corrected

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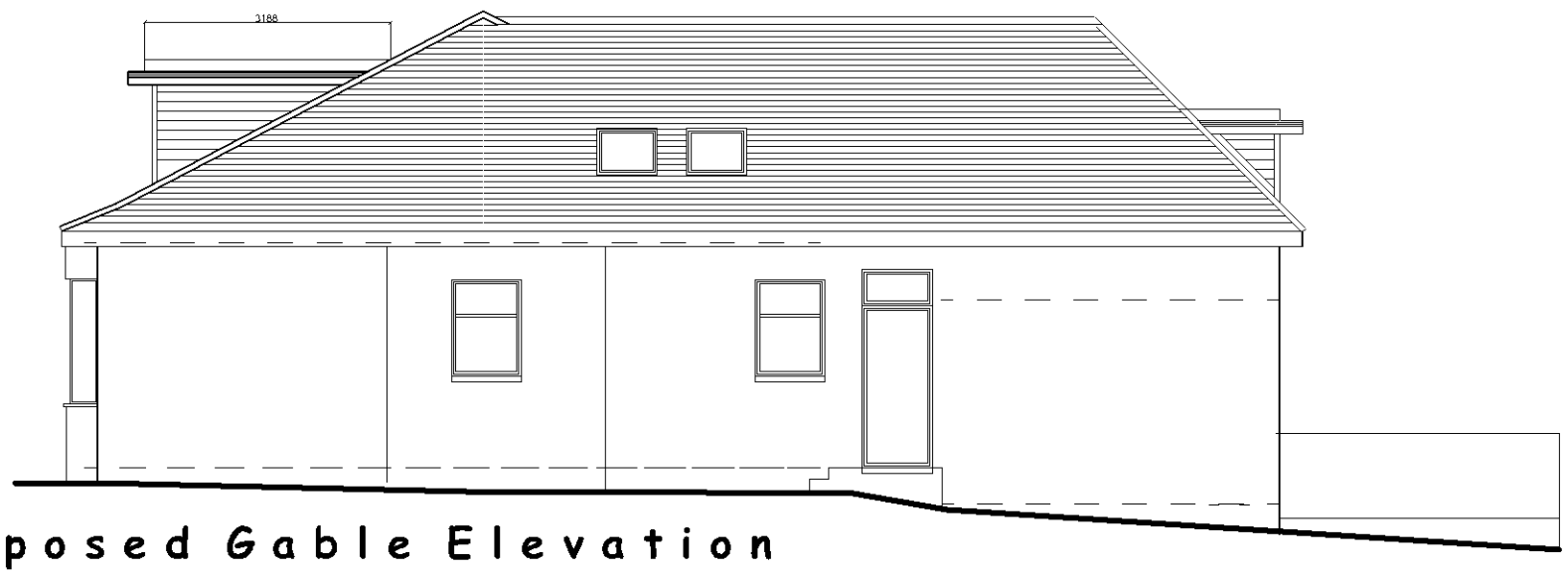
54 Lednock Road
Stepps
Glasgow G33 6LU
tel: 0141 - 779 - 3835
e: sgordonstepps@aol.com

Proposed Gable Elevation
North East Facing

171

5 0 5 10



Proposed Gable Elevation
South West Facing

NOTES
1. Do Not scale from this drawing.

2. All dimensions to be confirmed by the Contractor prior to work commencing or ordering of any components.

3.In the case of any discrepancy refer to es - G architects ltd.

4. The purpose of this drawing is solely for the purposes of obtaining either Planning Permission or Building Warrant Approval.The drawing may be suitable for Construction purposes but it may be necessary to augment / and or amend this information for this purpose.
No liability will be accepted for any omission on this drawing should the drawing be used for construction purposes.

Client :

Mr and Mrs C Ali

Project :

House Extension to Rear Internal Re-modelling 83 Beech Avenue Newton Mearns

Project No :
582 - 16

Drawing Title :
Proposed Gable Elevations

Drawing No : **PL-10**

Scale : **1 : 100**

Revision : **E**

Revisions :

Rev D
Proposals reduced in size
Dormers changed to flat roofed dormers

Rev E
Roof overhang of dormers reduced
Rear Elevation corrected

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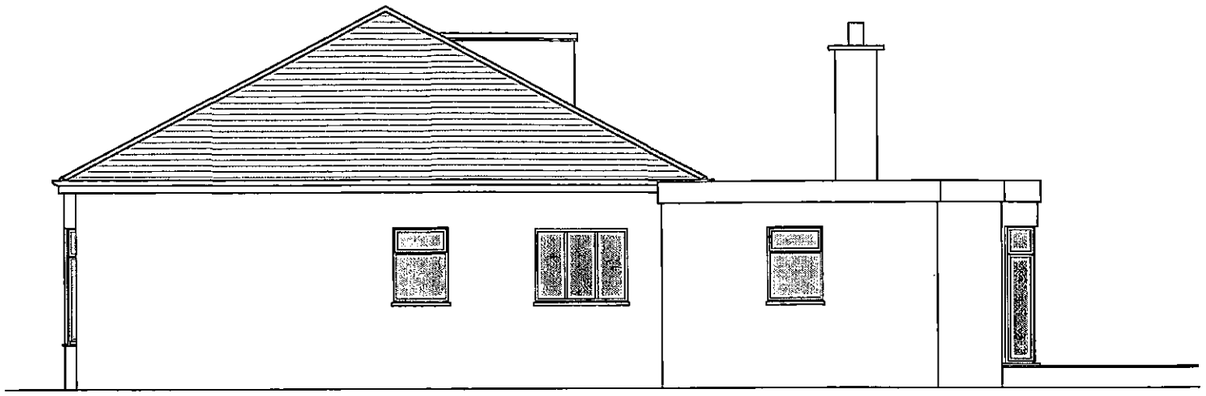

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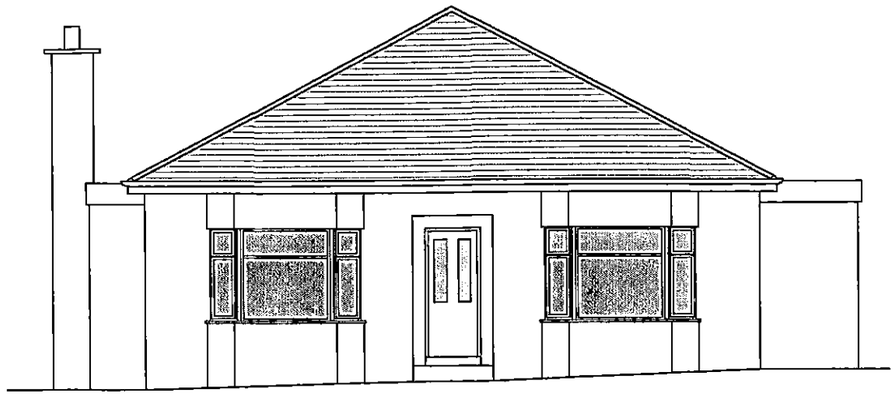

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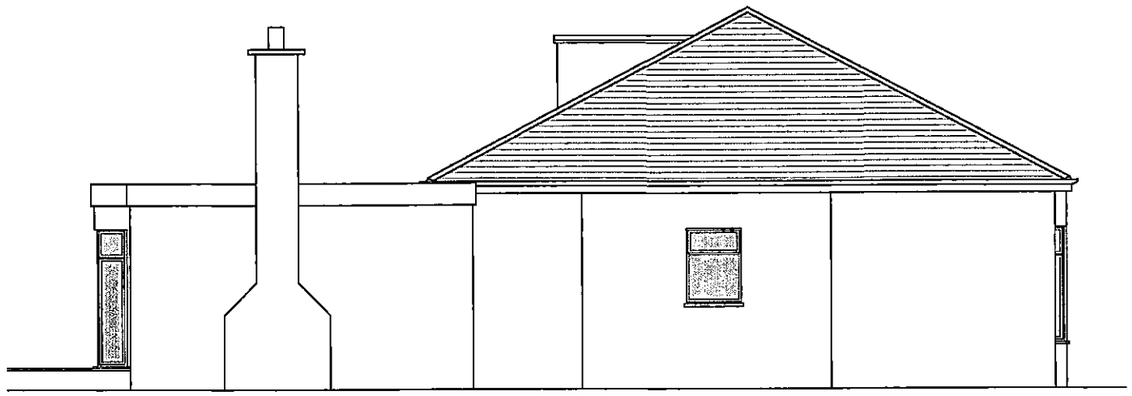

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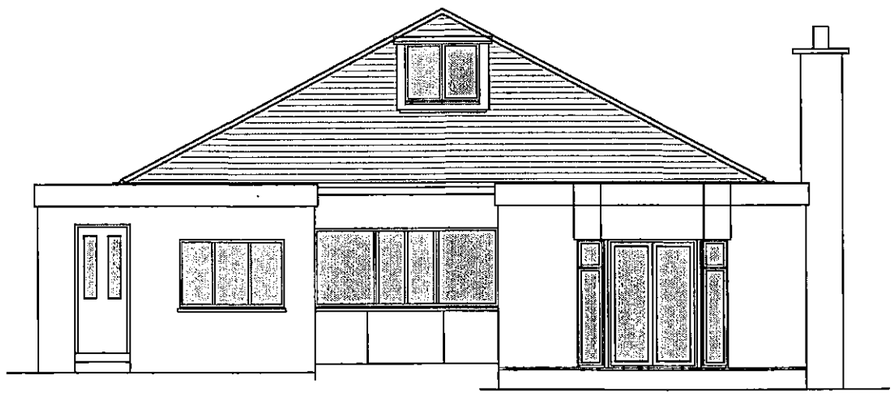

Existing Rear Elevation Scale 1 : 100

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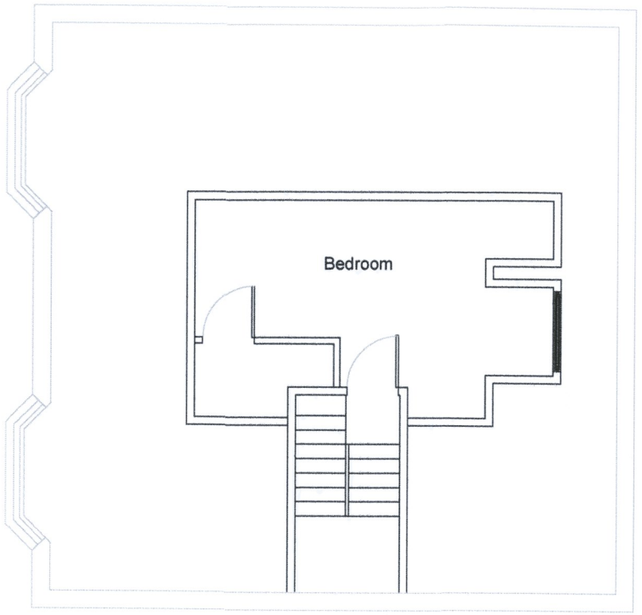
Scale 1:100

A3 sheet : nos.2 of 5

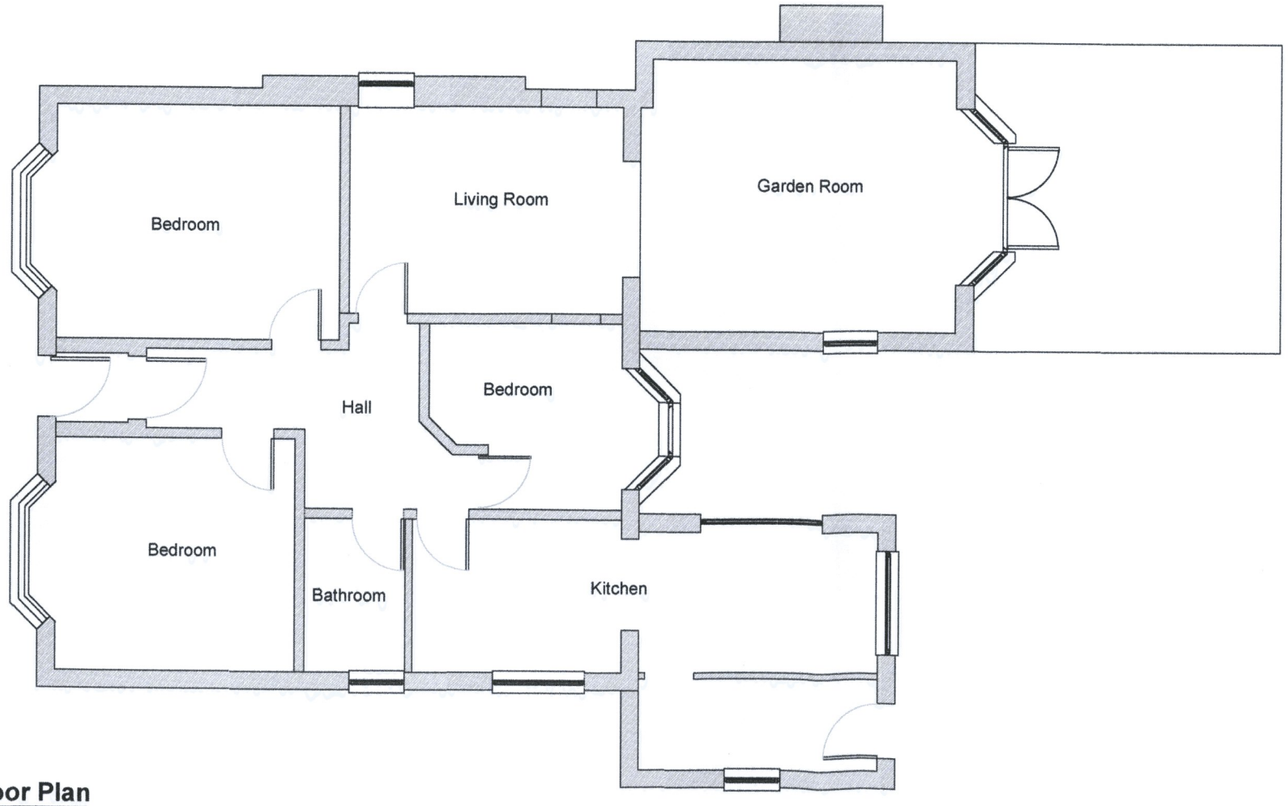
Architectural Design
0798 410 1639

	Date	Scale
	18.01.2018	See Titles

Applicant	Revision
Mr + Mrs Ali 83 Beech Avenue Newton Mearns	**R4**



Existing First Floor Plan
Scale 1 : 100



Existing Ground Floor Plan
Scale 1 : 100

0 1m
Scale 1:100

A3 sheet : nos.1 of 5

Arcs Design Ltd
Architectural Design
0798 410 1639

	Date	Scale
	18.01.2018	See Titles
Applicant Mr + Mrs Ali 83 Beech Avenue Newton Mearns	Revision	**R4**

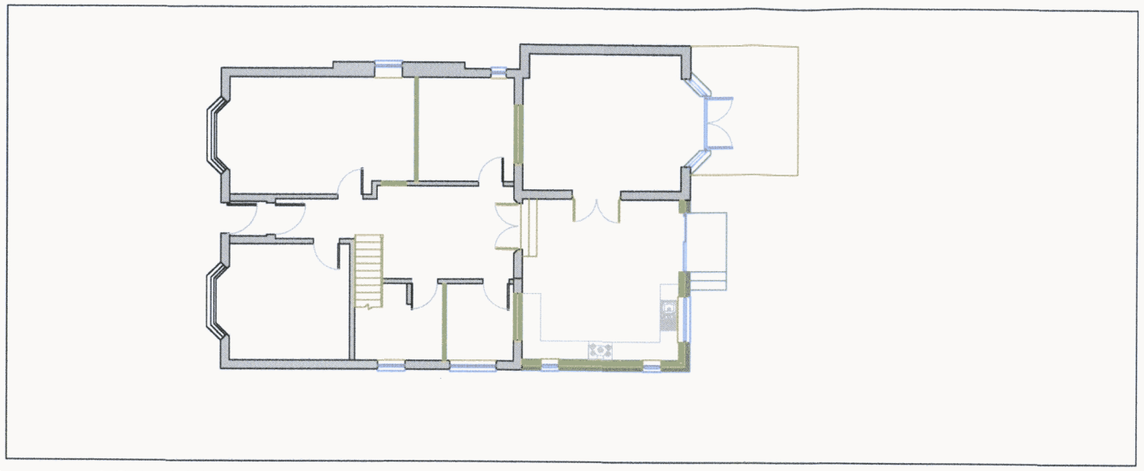
N

LOCATION PLAN

SCALE 1:1250

5 5 15

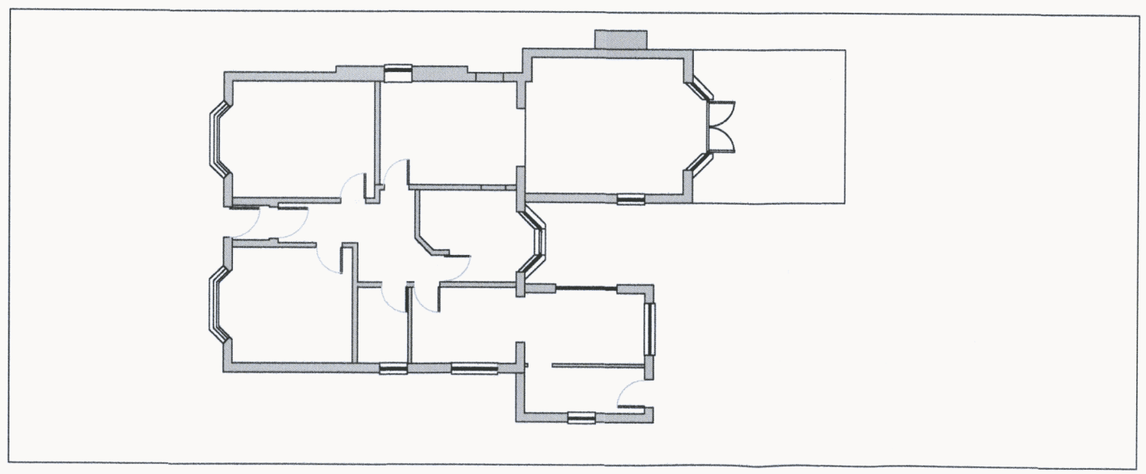
0 10 20



Proposed Site / Block Plan
Scale 1 : 200

0 2m
Scale 1:200

north



Existing Site / Block Plan
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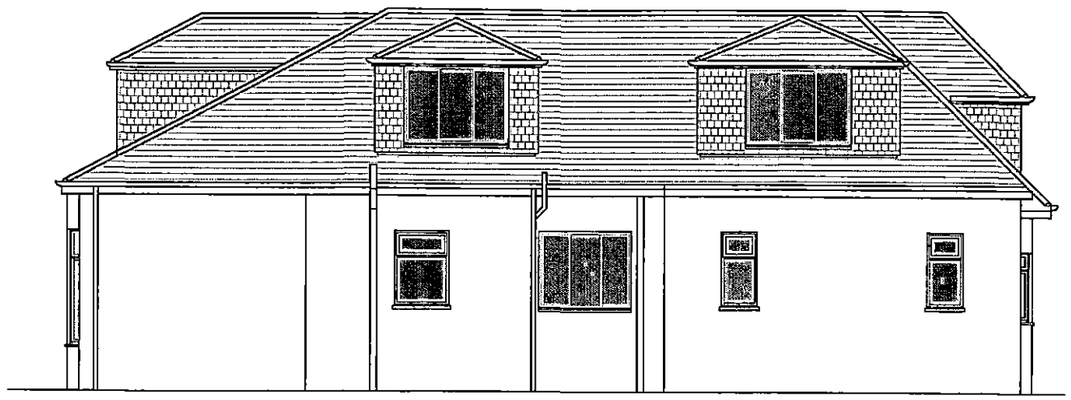

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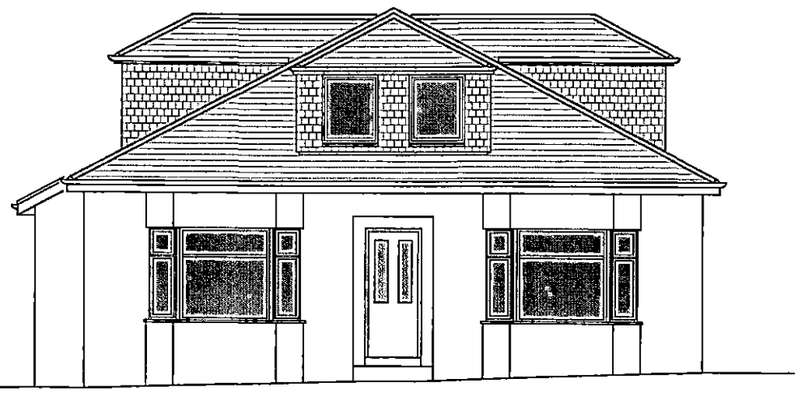
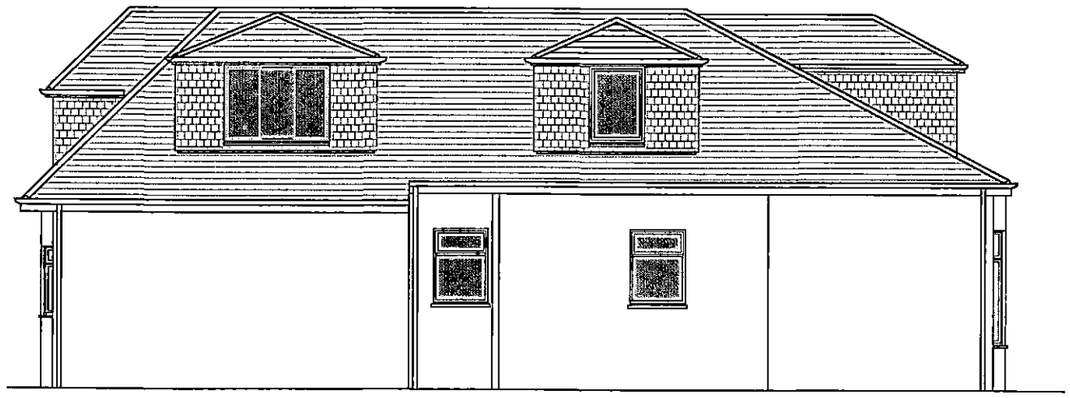


Proposed Front Elevation Scale 1 : 100



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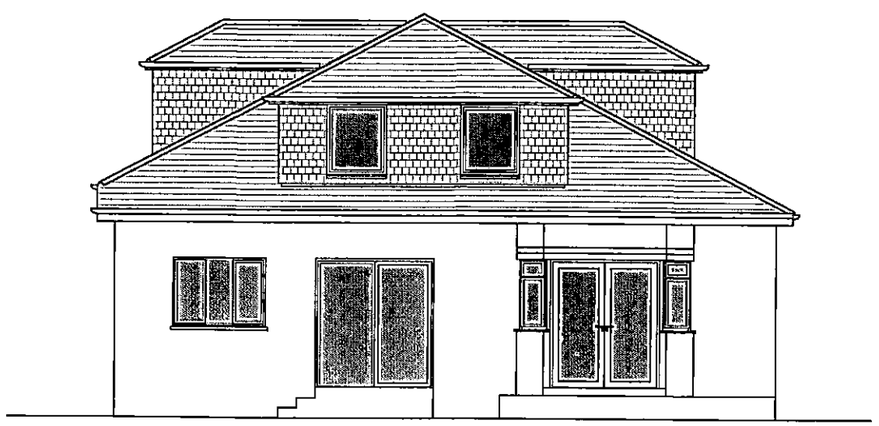


Proposed Rear Elevation Scale 1 : 100

0 1m
Scale 1:100

Architectural Design
0798 410 1639

	Date	Scale
	18.01.2018	See Titles

Applicant
Mr + Mrs Ali
83 Beech Avenue
Newton Mearns

Revision
R5

New sanitory Installation

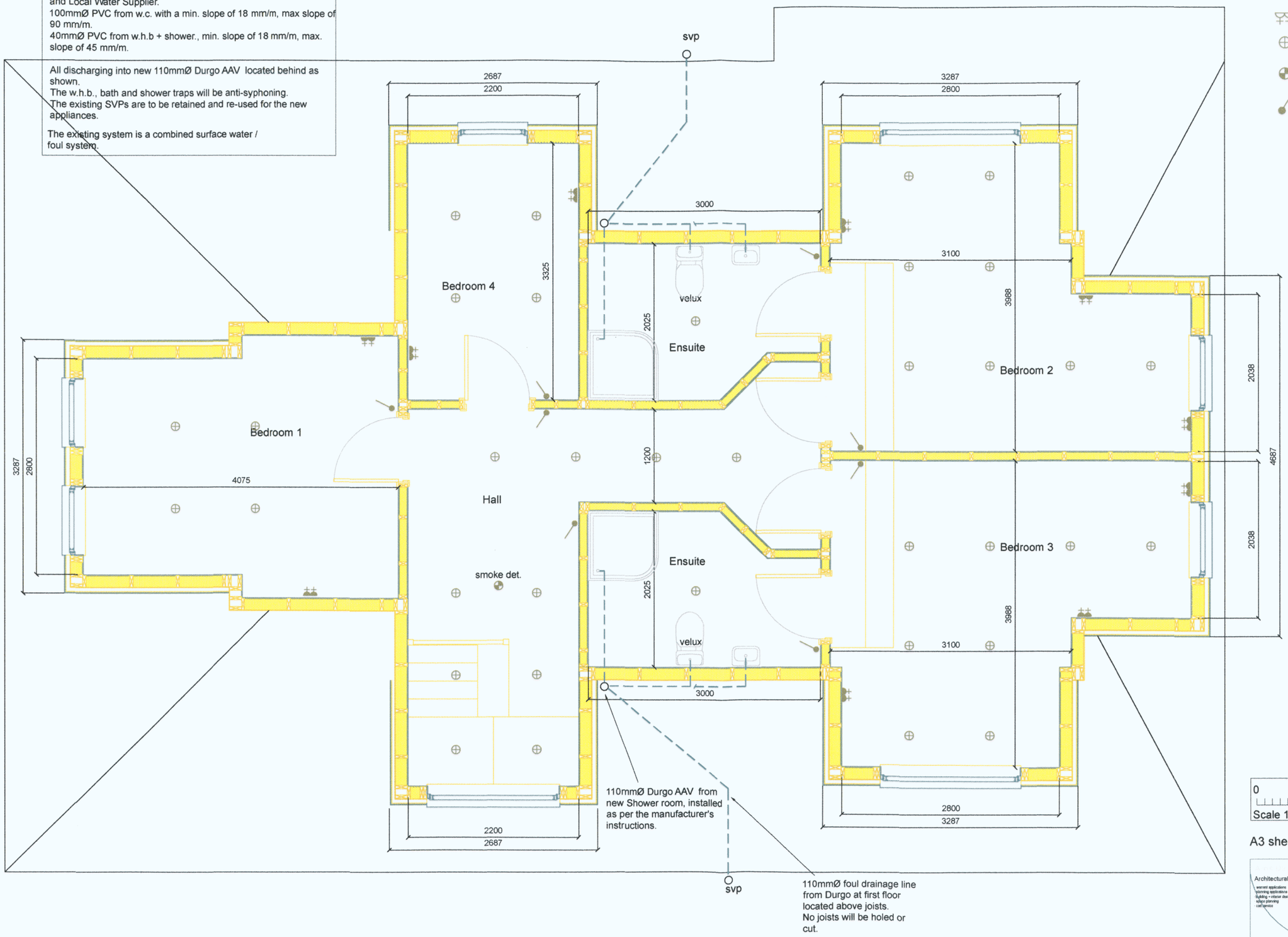
To BS 5572
All new drainage and existing drainage to be re-used will be to the satisfaction of the Local Sanitory authority, Building Control Surveyor, and Local Water Supplier.
100mmØ PVC from w.c. with a min. slope of 18 mm/m, max slope of 90 mm/m.
40mmØ PVC from w.h.b + shower., min. slope of 18 mm/m, max. slope of 45 mm/m.

All discharging into new 110mmØ Durgo AAV located behind as shown.
The w.h.b., bath and shower traps will be anti-syphoning.
The existing SVPs are to be retained and re-used for the new appliances.

The existing system is a combined surface water / foul system.

Legend

- Double 13amp socket
- Ceiling Pendent Light
- Smoke / Heat Detector
- Wall mounted light switch



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Scale 1:50

A3 sheet : nos.4 of 5

Architectural Design
warrant applications
planning applications
building + interior design
space planning
cad service
0798 410 1639

	Date	Scale
	18.01.2018	See Titles

Applicant
Mr + Mrs Ali
83 Beech Avenue
Newton Mearns

Revision
R4

Proposed First Floor Plan
Scale 1 : 50