

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997**

Application continued from the Planning Applications Committee dated 6th November 2019 to be considered by the Planning Applications Committee dated 4th December 2019

Reference No: 2019/0295/TP

Ward: 4

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Applicant:

Mr Andrew Fulcher
99 East Kilbride Road
Busby
G76 8JE

Agent:

George Buchanan Architects Ltd
Maryhill Burgh Halls
10-24 Gairbraid Avenue
Glasgow
G20 8YE

Site: 99 East Kilbride Road, Busby, East Renfrewshire, G78 8JE

Description: Erection of one and a half storey side extension, upper storey rear extension and single storey side and rear extensions

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EAST RENFREWSHIRE COUNCIL
PLANNING APPLICATIONS COMMITTEE

4th DECEMBER 2019

Report by Director of Environment

Planning application for the erection of one and a half storey side extension, upper storey rear extension and single storey side and rear extensions at 99 East Kilbride Road, Busby

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to update the committee on planning application 2019/0295/TP following the continuation of the determination of the application.

2.0 BACKGROUND

- 2.1 At the Planning Applications Committee dated 6th November 2019 the committee agreed to continue the consideration of the application to allow a site visit to take place and for the applicant be asked to provide further information regarding the existing use of the house for religious gatherings.
- 2.2 Objections to the planning application refer to the extended house being intended to be used for such gatherings.

3.0 MAIN ISSUES

- 3.1 The applicant has indicated that once or twice a month the property is used to host a Sunday dinner/entertaining friends. There are usually between 14 and 16 visitors plus the 5 members of the household. The visitors park their cars in the driveway and not on the main road. The applicant has indicated that no religious activity or worship occurs during these occasions.
- 3.2 The applicant has indicated that the hosting of the dinners/entertaining friends will continue in the same manner however has no intention of using the property (if extended) for anything other than a family residence and for family occasions. The applicant has also indicated there are no plans for the property to be used for other purposes such as a B&B, nursing home or to operate a business.
- 3.3 The applicant has also indicated the proposed development is to improve the accommodation for their children as well as being able to accommodate visiting family members, who visit on a regular basis.
- 3.4 As indicated in the Report of Handling the use of the house for religious gatherings (if they occur) would not be considered to be a material change of use as it does not change the overall character of the house as a place of residence.

3.5 In addition the hosting of dinners/entertaining friends at this property is not considered to be a material change of use as it does not change the overall character of the house as a place of residence.

4.0 RECOMMENDATION

4.1 It is recommended that the committee approve the application with the same condition as on the attached Report of Handling.

Director of Environment
27th November 2019.

REPORT OF HANDLING

Reference: 2019/0295/TP

Date Re-registered: 17th September 2019

Application Type: Full Planning Permission

This application is a Local Development

Ward: 4 -Clarkston, Netherlee And Williamwood

Co-ordinates: 258726/:656227

Applicant/Agent:

Applicant:

Mr Andrew Fulcher
99 East Kilbride Road
Busby
G76 8JE

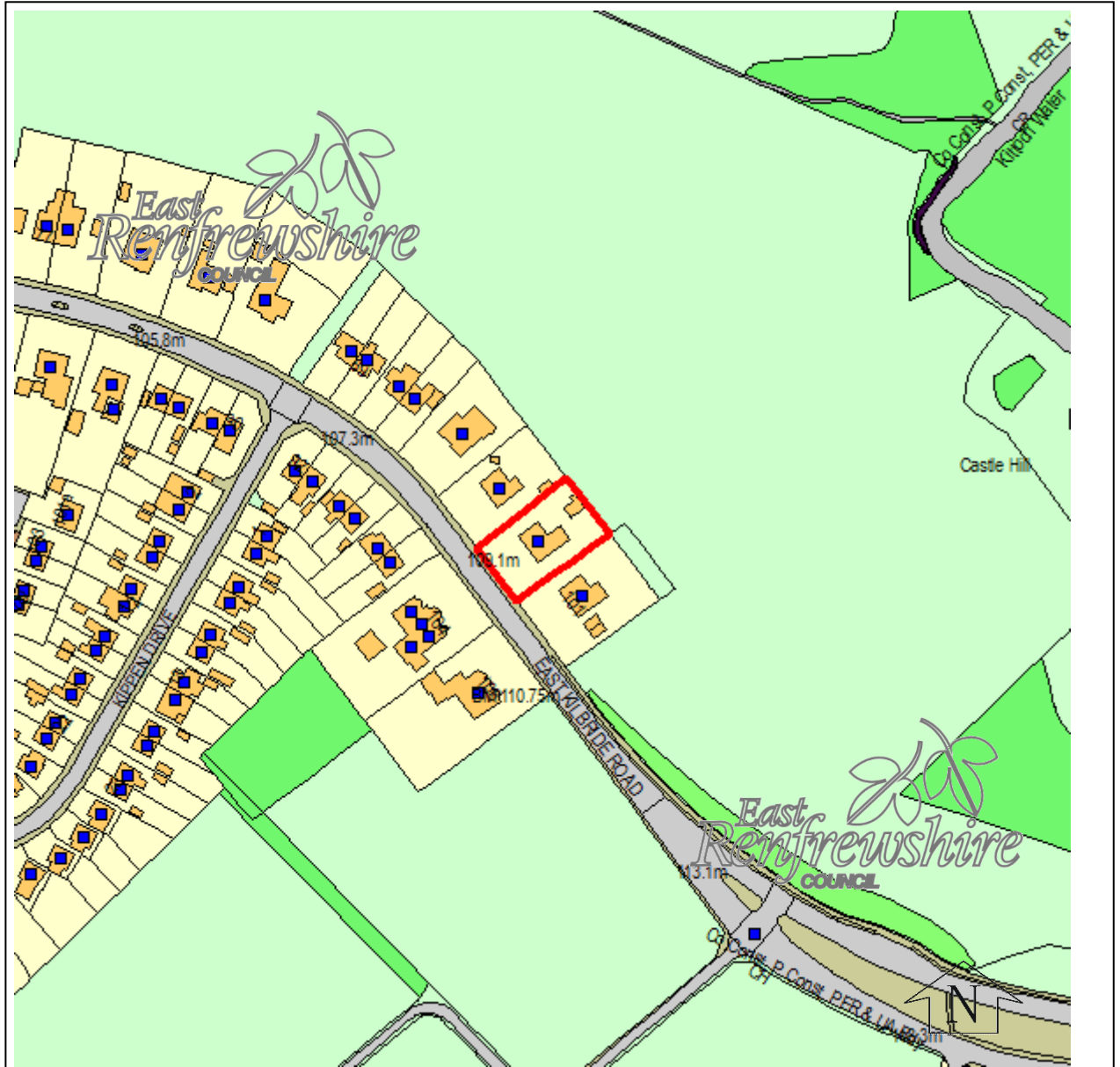
Agent:

George Buchanan Architects Ltd
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10-24 Gairbraid Avenue
Glasgow
G20 8YE

Proposal: Erection of one and a half storey side extension, upper storey rear extension and single storey side and rear extensions

Location: 99 East Kilbride Road
Busby
East Renfrewshire
G76 8JE

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CONSULTATIONS/COMMENTS: None.

PUBLICITY:

31.05.2019 Glasgow and Southside Expiry date 21.06.2019
Extra

04.10.2019 Evening Times (re- Expiry date 25.10.2019
advertised)

SITE NOTICES:

Development within a Date posted 31.05.2019 Expiry date 21.06.2019
Conservation Area

Development within a Date posted 04.10.2019 Expiry date 25.10.2019
Conservation Area (re-posted)

SITE HISTORY:

2019/0151/TP Erection of two storey rear Withdrawn 01.05.2019
extension, upper storey
extension at rear and
single storey rear
extension

REPRESENTATIONS: 13 representations had been received to the application as originally submitted in May 2019 of which one is in support and 12 are objecting.

These representations can be summarised as follows:

Objections

- Contrary to policy
- Scale and design of proposal not in keeping with conservation area
- Dominance of proposal
- Overshadowing and overlooking
- Over-development
- Increase in traffic and parking
- Reference to the intended use of the extended property by a religious group

In support

Considers the development to be well designed and appropriate for this location

Following receipt of amended drawings altering the design of the development and re-notification, 3 representations have been received from parties who have already submitted comments. The further representations can be summarised as follows:

Objections

The revised drawings do not address previous objections

Contrary to policy

Scale and design of proposal not in keeping with conservation area

Dominance of proposal

Overshadowing and overlooking

Over-development

Increase in traffic and parking

Reference to the intended use of the extended property by a religious group

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS: No reports have been submitted for consideration as part of this application.

ASSESSMENT:

This is a Local Development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However as more than 10 objections have been received the application has to be presented to the Planning Applications Committee for determination.

The application relates to a two storey detached house located on the north-east side of East Kilbride Road within the Busby Conservation Area. In an area of a variety of house types and styles the property is externally finished in render/natural sandstone, slates, timber windows at the front and upvc windows and doors at the rear. The site has a relatively large garden. A driveway exists along the front and runs up the side of the house and leads to a garage in the rear garden. The site is enclosed by tall, dense hedging and shrubbery.

It is proposed to erect a one and a half storey extension at the side positioned towards the rear of the side elevation facing towards 101 East Kilbride Road. This extension is to have a pitch roof with two rooflights on its front roof slope and a wall head dormer window at the rear. This extension is to measure approximately 4m in width and 5.7m in depth and the dormer window is 2.2m wide. The ridge line of this extension is to be at a lower level than the ridge line of the house.

There is an extension at the rear that has a monopitch roof and incorporates a dormer window. It is proposed to erect an upper floor extension above this and in doing so to form a pitch roof with a gable end and its ridge line running at right angles to the rear roof slope of the house. The ridge line of this extension is again to be at a lower level than the ridge line of the house.

A flat roof extension incorporating a raised rooflight is proposed at the rear and this extension extends to the north-west side of the property towards the boundary with 97 East Kilbride Road. Measuring 10.4m in width and 6.8m in depth the extension will incorporate a garage at the side where this extension extends towards the boundary with 97 East Kilbride Road. Bi-folding doors will allow access into the rear garden from a dining area and double doors will allow access to and from the rear of the garage.

The plans accompanying the application indicate that the main external materials on the extension are to be slates, render, sandstone, facing brick on the base course and a membrane roof on the flat roof extension.

An existing detached garage is to be demolished to accommodate the proposed development. Due to its size a separate Conservation Area Consent is not required to demolish the garage.

The application is required to be assessed against the relevant policies of the adopted East Renfrewshire Local Development Plan (LDP). The relevant policies are D11 and the Supplementary Planning Guidance (SPG) – Management and Protection of the Built Heritage as well as Policies D1 and D14 and the Supplementary Planning Guidance (SPG) - Householder Design Guide.

Policy D11 and the supporting SPG - Management and Protection of the Built Heritage indicate that the Council will seek to safeguard the special character of the Conservation Areas and ensure the appropriate protection, enhancement and management of East Renfrewshire's built heritage. The site is located within the Busby Conservation Area that is characterised by a variety of house types of differing architectural styles.

The architectural detailing of the original house has been continued in the design including pitched roofs, vertically aligned windows and the use of similar external materials. If the application is approved a planning condition can be attached requiring the submission of details of the actual materials to be used. The proposal is considered to maintain the qualities and character of the house and to have a limited visual impact on the conservation area.

Policy D1 requires that proposals should not result in a significant loss of character or amenity to the surrounding area and 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. Furthermore, there should be no adverse impact on the amenity of neighbouring properties by unreasonably restricting their sunlight or privacy.

The proposal is not considered to result in overdevelopment of the house or the application site. Due to the distance between properties and the robust boundary treatments at the site the amenity of neighbouring properties will not be adversely affected. The proposal is therefore considered to comply with Policy D1 of the LDP.

Policy D14 and its supporting SPG require that any extension must complement the character of the property, particularly in terms of style, form and materials. The size, scale and height must be in proportion to the original house and should not exceed 100% of the footprint of the original house. Over-development of the site should be avoided and useable private garden ground should be retained. In addition developments should have the same roof design as the house particularly when visible from public view.

The size, scale and height of the proposal is considered appropriate to the existing building and does not result in over-development of the house or the site. The proposal is secondary in appearance to the original house and set well back from the principal elevation. The proposal does not exceed 100% of the footprint of the original house and a reasonably large garden remains. The gable features of the house have been continued to the side and rear and the flat roof is considered acceptable at the rear where it is proposed to preserve a stained glass window at upper floor level. The proposal is also considered to comply with the Policy D14 of the adopted LDP.

The proposed Local Development Plan 2 (LDP2) is a material consideration and maintains a similar policy position in Policies D1, D1.1 and D14 to Policies D1, D14 and D11 respectively of the adopted LDP.

In terms of the objections received that have not been addressed above the following comments are made. The submitted drawings show a dining room at ground floor level adjacent to a re-configured kitchen with an attached garage on one side and a utility room on the other side. At upper floor level a bedroom is to be re-configured and an additional bedroom provided. There is nothing on these drawings to suggest that the proposal is for any other than an extension to the house. It is therefore considered that no additional parking is required.

The existing use of the house for religious gatherings would not be considered to be a material change in use of the existing house as it does not change the overall character as its use as a place of residence. Should the extended house however be used for religious gatherings/services and the extent of which changes the character of the property away from a place of residence this would have to be investigated separately to determine whether planning permission would be required.

Overall conclusion

The proposal is of a scale, size and design that is considered acceptable and will not have a detrimental impact on the streetscape or the character of the conservation area. It is therefore considered that this proposal accords with the relevant policies of the adopted Local Development Plan and proposed LDP2 and it is recommended that planning permission is approved.

RECOMMENDATION: Approve Subject to Conditions

PLANNING OBLIGATIONS: None.

CONDITION:

1. Development shall not commence until samples of materials to be used on all external surfaces of the building and hard surfaces have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance.

ADDITIONAL NOTES:

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Warrant approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable,

expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

ADDED VALUE:

Design, layout and/or external material improvements have been achieved during the processing of the application to ensure the proposal complies with the Council's Local Plan policies.

BACKGROUND PAPERS:

Further information on background papers can be obtained from Ms Fiona Morrison on 0141 577 3895.

Ref. No.: 2019/0295/TP
(FIMO)

DATE: 30th October 2019

DIRECTOR OF ENVIRONMENT

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Reference: 2019/0295/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 (adopted June 2015)

Policy D11

Management and Protection of the Built Heritage

The Council will safeguard the special character of conservation areas and the Netherlee Article 4 Direction Area; sites included on the Inventory of Gardens and Designed Landscapes; scheduled monuments and archaeological sites; and listed buildings and their settings. Development likely to adversely affect these assets will be resisted.

Further detailed information and guidance is provided in the Management and Protection of the Built Heritage Supplementary Planning Guidance.

The Council will seek to secure the implementation of the environmental protection projects shown on the Proposals Map and listed in Schedule 5

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. 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.

Proposed Local Development Plan 2

Policy D1: Placemaking and Design

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

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

and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 – D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;

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

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

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

Policy D1.1: Extensions and Alterations to Existing Buildings for Residential Purposes

Proposals will be assessed against the following criteria:

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. Should complement the scale and character of the existing building, neighbouring properties and their setting, particularly in terms of style, form and materials;
3. The size, scale and height of any development must be appropriate to and not adversely impact or dominate the existing building;
4. Should not create an unbroken or terraced appearance;
5. Where additional bedrooms are proposed or a garage/driveway is being converted to another use other than for the parking of a vehicle, proposals will be required to provide parking in accordance with the Council's Roads Development Guide; and
6. Should avoid over-development of the site by major loss of existing front and rear garden space. No more than 50% of the rear garden should be occupied by the development.

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

Policy D14: Management and Protection of the Built Heritage

The Council will seek to positively manage the historic built environment through engagement with landowners and other organisations to ensure that heritage assets are safeguarded, preserved and enhanced, have appropriate viable uses and have a sustainable future for the benefit of future generations. Development likely to adversely affect these assets will not be supported.

All proposals should foster innovation and creativity that is sensitive and enhances the significance of heritage assets in terms of architectural design, detailing, scale, massing and use of materials.

Proposals involving the sensitive introduction of energy efficiency measures and/or micro-renewables installations to listed buildings and in conservation areas will be supported, where the proposals ensure that the character and appearance of the listed building, conservation area and their settings are preserved or enhanced.

Further guidance and information will be set out in the Placemaking and Design Supplementary Guidance.

GOVERNMENT GUIDANCE:

Scottish Planning Policy on Conservation Areas indicates that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

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