

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY3 October 2018Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2018/18ERECTION OF TWO STOREY REAR EXTENSION WITH RAISED DECKING
AT 6 EVAN CRESCENT, 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:- 2018/0180/TP).
Applicant: Mr Gary Allison and Ms Elizabeth Kelly.
Proposal: Erection of two storey rear extension with raised decking.
Location: 6 Evan Crescent, Giffnock.
Council Area/Ward: Giffnock and Thornliebank (Ward 3).

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 (Strategic Services).

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

NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW

8. The applicants in submitting the review have stated the reasons for requiring the review of the determination of their 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 have indicated that their stated preference is a site inspection.

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, 3 October 2018 immediately before the meeting of the Local Review Body which begins at 2.30pm.

INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

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

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

- (a) Application for planning permission – Appendix 1 (Pages 85 - 90);
- (b) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 2 (Pages 91 - 98);
- (c) Decision notice and reasons for refusal - Appendix 3 (Pages 99 - 102); and
- (e) A copy of the applicants' Notice of Review and Statement of Reasons - Appendix 4 (Pages 103 - 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 are attached as Appendix 5 (Pages 113 - 118).

- (a) Refused – Location Plan;
- (b) Refused – Block Plan;
- (c) Refused – Existing and Proposed Elevations; and
- (d) Refused – Existing and Proposed Floor Plans.

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 with the exception of any representations that have been made to the application.

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 2018

APPLICATION FORM

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208/0180TP
202 23/3/18

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

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

RECEIVED
26 MAR 2018

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://www.eplanning.scot>

1. Applicant's Details 2. Agent's Details (if any)

Title	NETNES	Ref No.	
Forename	CAOM	Forename	JOHN
Surname	AULSON	Surname	HUTTON
Company Name		Company Name	
Building No./Name	6	Building No./Name	FAT 0/1, 69
Address Line 1	EVAN CRESC,	Address Line 1	MILBRAE ROAD
Address Line 2	CLIFFNOCK	Address Line 2	LANESIDE
Town/City	GLASGOW	Town/City	GLASGOW
Postcode		Postcode	G42 9UT
Telephone		Telephone	07773 209204
Mobile		Mobile	^ ^
Fax		Fax	
Email		Email	

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

6, EVAN CRESC, CLIFFNOCK
GLASGOW

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:

LEAR TWO STOREY EXT^N

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: Date completed:

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

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 will 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?

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)

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

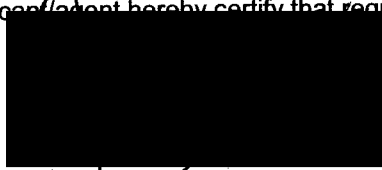
If you have answered yes please provide details:

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:  Name: John A. Hutton Date: 23/3/18

Any personal data that you have been asked to provide on this form 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 Mr & Mrs Alison 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 Signature]

On behalf of:

Mr & Mrs G. Alison

Date:

23/3/18.

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:

REPORT OF HANDLING

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REPORT OF HANDLING

Reference: 2018/0180/TP

Date Registered: 1st May 2018

Application Type: Full Planning Permission

This application is a Local Development

Ward: 3 -Giffnock And Thornliebank

Co-ordinates: 256969/:658628

Applicant/Agent:

Applicant:

Mr and Mrs Gary Allison

6 Evan Crescent

Giffnock

East Renfrewshire

G46 6NN

Agent:

John Hutton

Flat 0/1

69 Millbrae Road

Langside

G42 9UT

Proposal: Erection of two storey rear extension with raised decking

Location: 6 Evan Crescent

Giffnock

East Renfrewshire

G46 6NJ

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY: None

REPRESENTATIONS: No representations have been received.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

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

ASSESSMENT:

The application site comprises a mid terrace house and its curtilage. The dwelling is externally finished in painted roughcast, upvc window/door frames and concrete roof tiles. Raised timber decking has been erected along the rear elevation with 1.8m screening along the sides. The rear garden is also enclosed by 1.8m high (approximately) close boarded timber fencing.

The surrounding area is residential in nature and characterised by similar style properties. There is a rear conservatory at 8 Evan Crescent however there are no two storey rear extensions along the terrace.

Planning permission is sought for the erection of a two storey extension along the rear elevation. In terms of design, the extension is to be rectangular in form with a hipped roof. In relation to scale, it is to extend approx. 4m in depth and across the full width of the rear elevation (approx. 4.5m). In terms of height it is to extend the full extent of the existing rear elevation (approx. 6.7m), matching with the existing eaves. The roof ridge of the extension is to sit below the

existing. The finishing materials have not been detailed. The existing decking is to be relocated along the rear of the proposed extension with the associated additional screening.

The proposal requires to be assessed against Policies D1 and D14 of the adopted East Renfrewshire Local Development Plan as well as the adopted Supplementary Planning Guidance: Householder Design Guide (SPG) and the adopted Supplementary Planning Guidance: Daylight and Sunlight (SPG).

Policy D1(3) states that the amenity of neighbouring residents should not be adversely affected by unreasonably restricting their sunlight/daylight or privacy. Policy D14 requires that extensions should complement the character of the existing building in terms of its style, form and materials. Associated with Policy D14 is the supporting Supplementary Planning Guidance (SPG) - Householder Design Guide which provides more detailed design guidance for extensions. Indeed the SPG states that two storey rear extensions should not project more than 4 metres from the rear of the existing house and that they should not lie within 2 metres of the common boundary in the case of a terraced or semi-detached house.

In terms of character and appearance, the extension would be set down from the existing roof ridge and is similar in form and appearance. It is also to be less than 50% of the existing footprint and would therefore be subservient in scale. As such the proposal would be appropriate with the existing property in terms of style and form. As it is to be along the rear it would not be readily visible from public view out with the site and would have no impact on the character of the street.

Policy D1(3) presumes against proposals which would have an adverse impact on the neighbouring properties in terms of restricting sunlight and/or overlooking. The adopted Supplementary Planning Guidance: Daylight and Sunlight (SPG) supplements this policy and details the 45 degree method for assessing loss of daylight/sunlight. In this case, the site is set on a west/east axis with the potential for overshadowing of side neighbours. Indeed a 45 degree overshadowing assessment has been carried out and indicates that both neighbouring properties at 4 and 8 Evan Crescent would experience direct overshadowing from the extension along their rear elevations. This is a consequence of the two storey height/mass of the proposal and its positioning immediately along the common boundary with the neighbours. The proposal is therefore contrary to Policy D1(3) of the adopted East Renfrewshire Local Development Plan as well as the SPG.

Policy D14 is supported by detailed guidance set out in the Supplementary Planning Guidance (SPG) - Householder Design Guide. Two storey rear extensions on terraced houses are specifically referred to in the SPG and a setback of 2m from off common boundaries is specified so as to mitigate the impact of two storey rear extensions on neighbouring properties. Paragraph 1.1.2 of the SPG clarifies the intent of the policy guidance i.e. "appropriate development is central to maintaining the quality of the built environment and in particular ensuring that extensions to existing buildings are in proportion and that the spaces between the buildings are not diminished to a point where the environment and amenity are significantly affected". This is particularly important in such cases as the subject site where the relationship with neighbours is closer given the terraced development pattern. In this case the proposed extension is to be built tight to the common boundaries with 4 and 8 Evan Crescent. Along with this proximity to neighbours, its height and 4m depth, it is considered that the proposal would create a dominant and overbearing impact on the neighbours and particularly 4 Evan Crescent to the detriment of their visual amenity. The impact on 8 Evan Crescent would be less due to the presence of their conservatory however this impact would still be evident from the upper floor windows. In any case, this alone does not justify approval of the extension given that the impact on 4 Evan Crescent and issues relating to overshadowing would still remain.

There would be no issues, in principle, to a single storey rear extension at the application site and the SPG does not require a setback from mutual boundaries for this type of development given such would be smaller in scale and mass.

It is noted that a similar extension has been submitted for 4 Evan Crescent (2018/0379/TP) however, each application must be assessed on its own merits against the relevant LDP policies and it cannot be assumed that this will achieve planning consent or would indeed ever be constructed.

There would be no additional overlooking from the proposed extension than that which exists presently. However, the above considerations render the proposal contrary to Policy D1(3), Policy D14 and the SPG: Daylight and Sunlight and SPG: Householder Design Guide.

Drawing all the above matters together, the scale of development is not considered capable of being accommodated within the site without serious detriment to the amenity of the occupants of the adjacent dwellings. The proposed two storey rear extension therefore conflicts with the policy considerations and the SPG's as discussed above. There are no material considerations which would justify setting aside the LDP and SPG's. Accordingly, it is recommended that the planning application be refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None

REASONS FOR REFUSAL:

1. The proposal is contrary to Policy D1(3) of the adopted East Renfrewshire Local Development Plan and Supplementary Planning Guidance (SPG) - Daylight and Sunlight Design Guide as if granted it would result in overshadowing and loss of daylight on the adjacent properties and diminish their residential amenity.
2. The proposed two storey rear extension is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan and its associated Supplementary Planning Guidance (SPG) - Householder Design Guide as it does not comply with the specific guidance on two storey rear extensions contained therein and as a consequence would create a dominate and overbearing impact on the neighbouring properties to the detriment of their visual amenity.

ADDITIONAL NOTES: None

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Ms Zara Stewart on 0141 577 3128.

Ref. No.: 2018/0180/TP
(ZAST)

DATE: 2nd July 2018

DIRECTOR OF ENVIRONMENT

Reference: 2018/0180/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 02/07/18 AC(3)

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**DECISION NOTICE
AND
REASONS FOR REFUSAL**

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**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. **2018/0180/TP**

Applicant

Mr and Mrs Gary Allison
6 Evan Crescent
Giffnock
East Renfrewshire
G46 6NJ

Agent:

John Hutton
Flat 0/1
69 Millbrae Road
Langside
G42 9UT

With reference to your application which was registered on 1st May 2018 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of two storey rear extension with raised decking

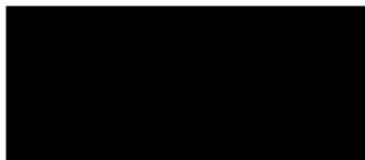
at: 6 Evan Crescent, Giffnock, East Renfrewshire, G46 6NJ

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(3) of the adopted East Renfrewshire Local Development Plan and Supplementary Planning Guidance (SPG) - Daylight and Sunlight Design Guide as if granted it would result in overshadowing and loss of daylight on the adjacent properties and diminish their residential amenity.
2. The proposed two storey rear extension is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan and its associated Supplementary Planning Guidance (SPG) - Householder Design Guide as it does not comply with the specific guidance on two storey rear extensions contained therein and as a consequence would create a dominate and overbearing impact on the neighbouring properties to the detriment of their visual amenity.

Dated 2nd July 2018



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	REN6210		
Block Plan	4208/3		
Plans Existing and Proposed	4208/2		
Elevations Existing and Proposed	4208/1		

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. Alternatively, you can download a Notice of Review form (along with notes for guidance) from www.eastrenfrewshire.gov.uk/planning-appeals-reviews which should be returned to The Planning Service, 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, East Renfrewshire G46 8NA. You may also call the Council on 0141 577 3001 to request the Notice of Review Form. 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**

**NOTICE OF REVIEW
AND
STATEMENT OF REASONS**

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21 AUG 2018

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (AS AMENDED) In Respect
of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	ME G. ALLISON	Ref No.	
Forename	of M ^S E. KEWY.	Forename	JOHN
Surname		Surname	HUTTON
Company Name		Company Name	
Building No./Name	6	Building No./Name	FLAT 0/1, 69,
Address Line 1	EVAN CRESC,	Address Line 1	MILBRAE ROAD,
Address Line 2	GIFFNOCK	Address Line 2	LANGSIDE,
Town/City	GLASGOW	Town/City	GLASGOW
Postcode	G46 6NN	Postcode	G42 9UT
Telephone		Telephone	07773 209204
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	EAST RENFREWSHIRE COUNCIL		
Planning authority's application reference number	2018/0180/TP		
Site address	6, EVAN CRESC, GIFFNOCK, G46 6NN		
Description of proposed development	REAR TWO STOREY EXTENSION WITH RAISED DECKING		

Date of application

1/5/18

Date of decision (if any)

2/7/18

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

Failure by appointed officer to determine the application within the period allowed for determination of the application

Conditions imposed on consent by appointed officer

6. 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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

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

Can the site be viewed entirely from public land?

Is it possible for the site to be accessed safely, and without barriers to entry?

THE CLIENT SHOULD BE CONTACTED AS IT IS A MID-TERRACE !

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

MID TERRACE HOUSE !

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

SEE SHEET ATTACHED.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

COPY OF PLANS SHOWING EXISTING + PROPOSED
ELEVATIONS + FLOOR PLANS
BLOCK + LOCATION PLANS.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: 

Name:

JOHN A HUTTEN

Date:

21/8/18

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

Refusal of Planning Permission by ERC

SUBJECT: REFUSAL OF PLANNING PERMISSION at 6 Evan Crescent, Giffnock, G46 6NJ, Property of Garry Allison and Elizabeth Kelly

17/07/2018

Ref. No. 2018/0180/TP

Dear Sirs/Madams

We refer to the Council's recent decision to refuse planning permission (PP) and are writing to appeal the Council's decision in this matter.

We would, if possible, like the Council to take into account certain facts when considering this appeal which we have outlined below.

The facts we would like the Council to consider are as follows:

1. The reason we are applying to extend our property is to gain another bedroom and additional kitchen and utility space. We have 2 children, one aged 14 (Son) and one aged 17 (Daughter) and given their ages and the size of the house we are finding it extremely difficult to give them sufficient room space given our children's needs due to the size of the house. We wish to remain in the area and are not in a position financially to move within the area, or indeed outwith the area, therefore the only cost effective option for us to gain additional space for our family needs is to extend our house. We hope this will be considered a material fact when considering our appeal.
2. With regard to the Council's first reason for refusal as follows: ***"The proposal is contrary to Policy D1(3) of the adopted East Renfrewshire Local Development Plan and Supplementary Planning Guidance (SPG) - Daylight and Sunlight Design Guide as if granted it would result in overshadowing and loss of daylight on the adjacent properties and diminish their residential amenity."***

We understand the Council's concerns regarding this Guidance. However, we do not believe that our extension would greatly impose on daylight or sunlight on the adjacent properties. This is basically due to the position of the terraced building. Currently as the terraced building stands there are 2 conservatories on either side of the terrace block, one at number 2 and the other at number 8. One is all glass and overlooks both the gardens and properties of No 4 and ourselves. The other conservatory to the right of our property (No 8) when standing outside our back door facing the garden, is considerably larger and has a rough-casted wall running along the side/boundary of our property. Although this may affect the light in our kitchen and on our decking area, it is not to the extent that it diminishes our residential amenity. This is due to the fact that the building is south facing and most of the sunlight is to the rear of the garden, from the line of our neighbour's conservatory onwards, not the back of the house. Our extension proposal may take some of the light from our neighbours but not enough to cause any detrimental effect in our opinion. If this was the case we suspect objections may have been raised, but there has not been one objection made to the Council in this regard. Indeed all neighbours in the terrace were approached and no concerns were raised. The absence of objections to the council supports this.

Although this may not be relevant to this appeal, we would like to ask the Council to consider that our neighbour at No 4 also has an application submitted for PP. As such and assuming PP was granted they would not be affected by any light issues. In fact our neighbours at number 4 are using the same architect and have approached the same builder to construct their extension therefore if approved both extensions would be undertaken as one building project.

We would also like to point out that our extension would only protrude the same distance from our house as our immediate neighbour's conservatory and as such would bring the buildings into line.

Importantly, we would ask that the Council consider the extension at No 30 Evan Crescent. This extension was carried out and completed approximately a year and half ago. Number 30 is the exactly same sized 2 bedroom terrace as ours and is in exactly the same position in the row as ours. Their extension is exactly the same size and has the same proportions as our proposed extension, indeed we based our plans on that extension hoping that this would be convenient for the Council when considering our application. With regard to light levels, the rear of this property is surrounded by numerous large trees. We believe there was an appeal to the proposed extension and one objection, however PP was subsequently granted. We have enclosed photographs of the completed extension.

3. With regard to the Council's second reason for refusal as follows: ***"The proposed two storey rear extension is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan and its associated Supplementary Planning Guidance (SPG) - Householder Design Guide as it does not comply with the specific guidance on two storey rear extensions contained therein and as a consequence would create a dominate and overbearing impact on the neighbouring properties to the detriment of their visual amenity."***

With regard to this Policy we would ask the Council to further take account of the extension at No 30 mentioned above. This is exactly the same terrace style as ours. No 30 is in the same position in the terrace as our property and therefore would have had the same material considerations when deciding whether to grant PP. We would suggest that our extension would not be any more dominant or overbearing than that of No 30 given the size and position of the conservatories adjacent to our property. Also, number 32 Evan Crescent has a one story building of similar size to that of No 8, with wraparound and the property No 28 has a small glass sitting area attached to rear of the building. It should also be noted that our property backs onto Huntley Park our house being situated close to the wooded area at the bottom end of the park. There are no properties located behind our terrace therefore there is no issue with regard to any loss of privacy to adjacent rear gardens.

On a personal level, we have lived happily in this house for 13 and half years. Our children have grown up here and attend school in the local area. We have many friends in the Crescent and the surrounding area and both ourselves and our children feel safe and secure living here. We have not until now, been in a position financially to consider extending our house.

I am a self employed landscape gardener and the majority of my business and customers are within the local surrounding area. Our proposed extension although only turning our small 2 bedroom

house into a modest sized home, would create a desperately needed third bedroom, a dining area and larger overall living area for our family and would make the world of difference to our family needs. A single storey extension would merely give us a larger kitchen and would not meet the needs of our family in providing a badly needed third bedroom.

There is an access lane between number 8 and number 10 Evan Crescent therefore there is no issue with regard to access issues for building requirements and these neighbours have been approached by us with no concerns raised by them.

To conclude, this is a small, two bedroom terraced house in need of an extension to give our children a sufficient and decent living space given their ages and needs. Therefore, we would respectfully ask the Council to take account of all above factors in this appeal and use their discretion under this guidance to grant us planning permission for our proposed extension.

Kind regards.



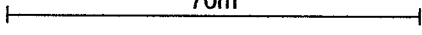
Garry Allison

Liz Kelly

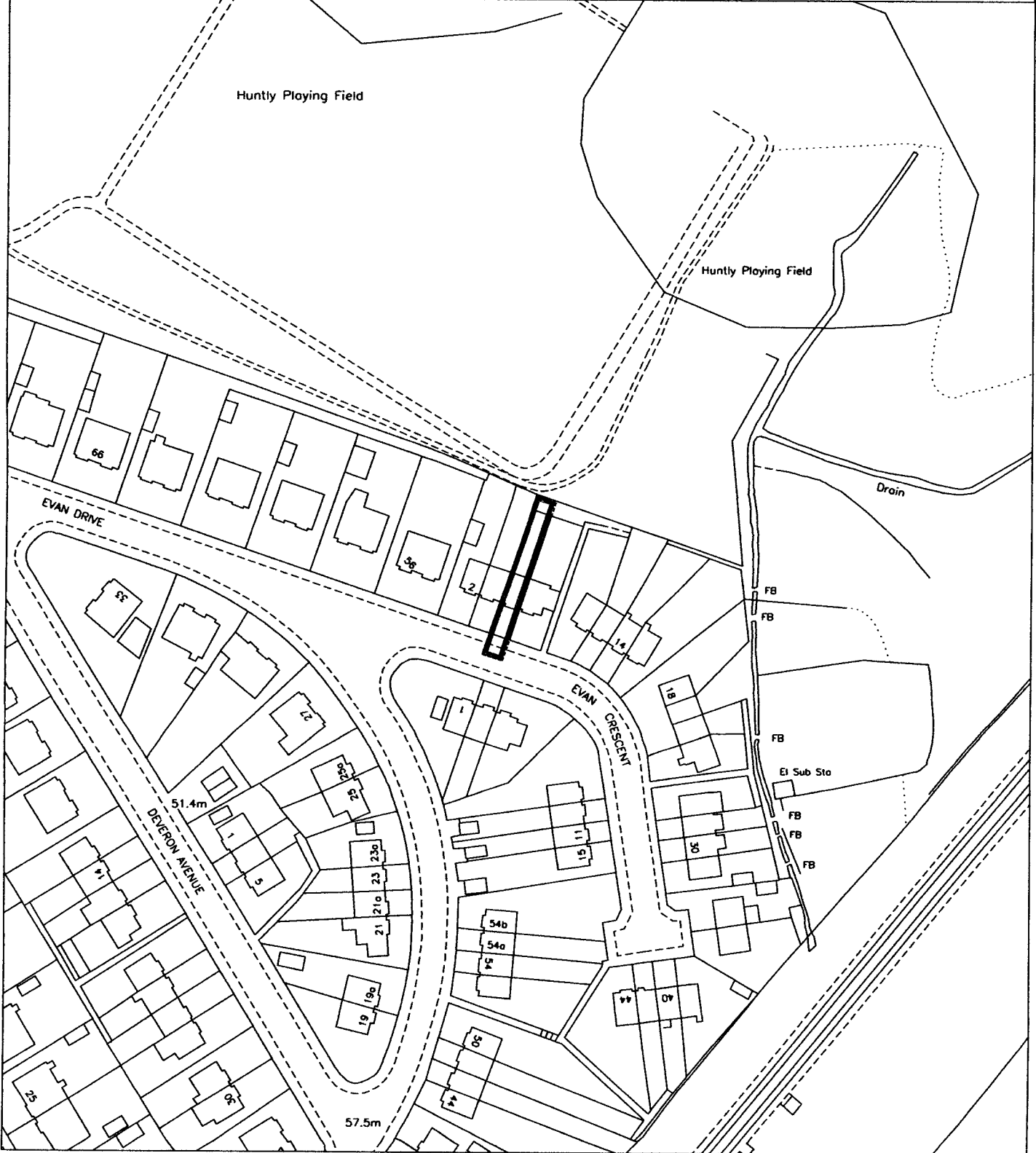
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PLANS/PHOTOGRAPHS/DRAWINGS

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	ORDNANCE SURVEY NATIONAL GRID REFERENCE	70m 
	NS5658SE NS5758SW NS5658NE NS5758NW	Survey Scale 1/1250

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PROPOSED TWO STOREY REAR EXT^N
AT 6, EVAN CRESC, GIFFNOCK.



BLOCK PLAN

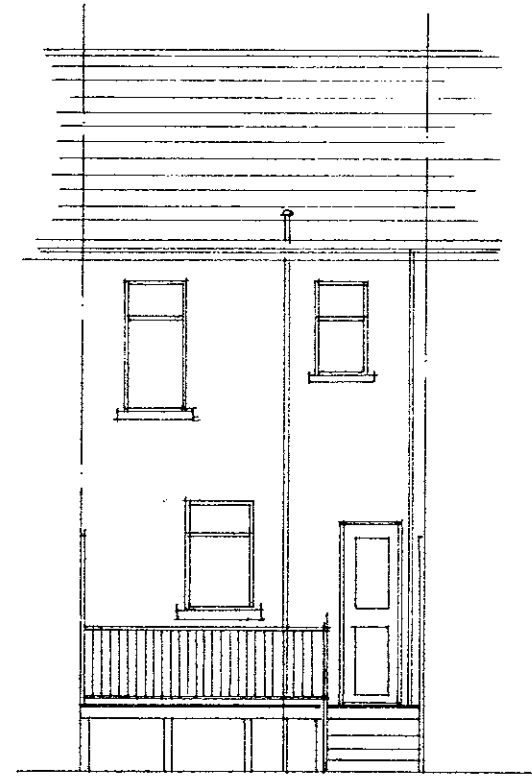
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EVAN

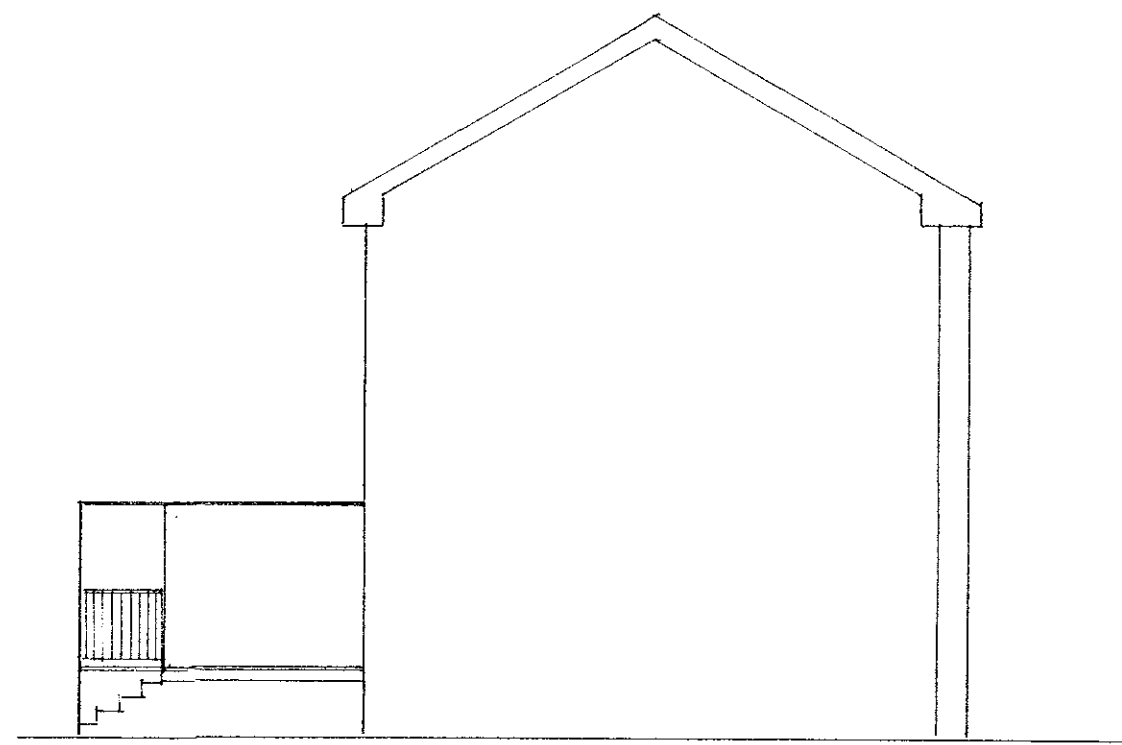
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PROPOSED REAR TWO STOREY EXTENSION.
AT G, EVAN CRESCENT, GIFFNOCK.
PER MR + MRS G. ALLISON.

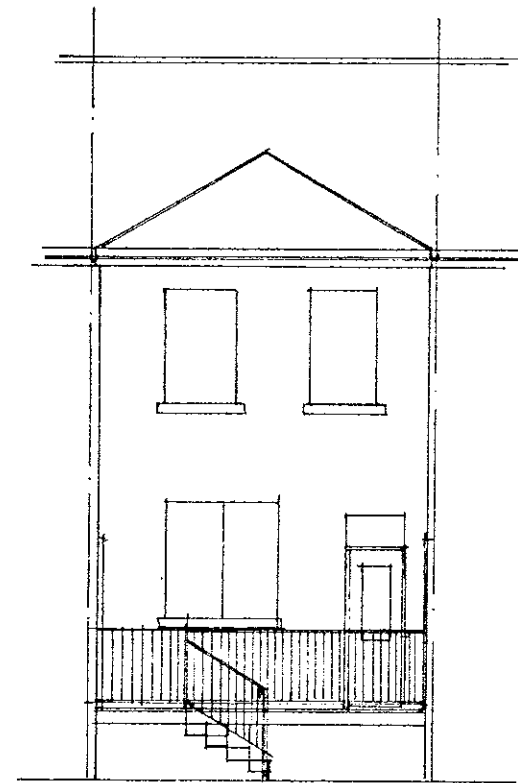
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DATE : MARCH 2018



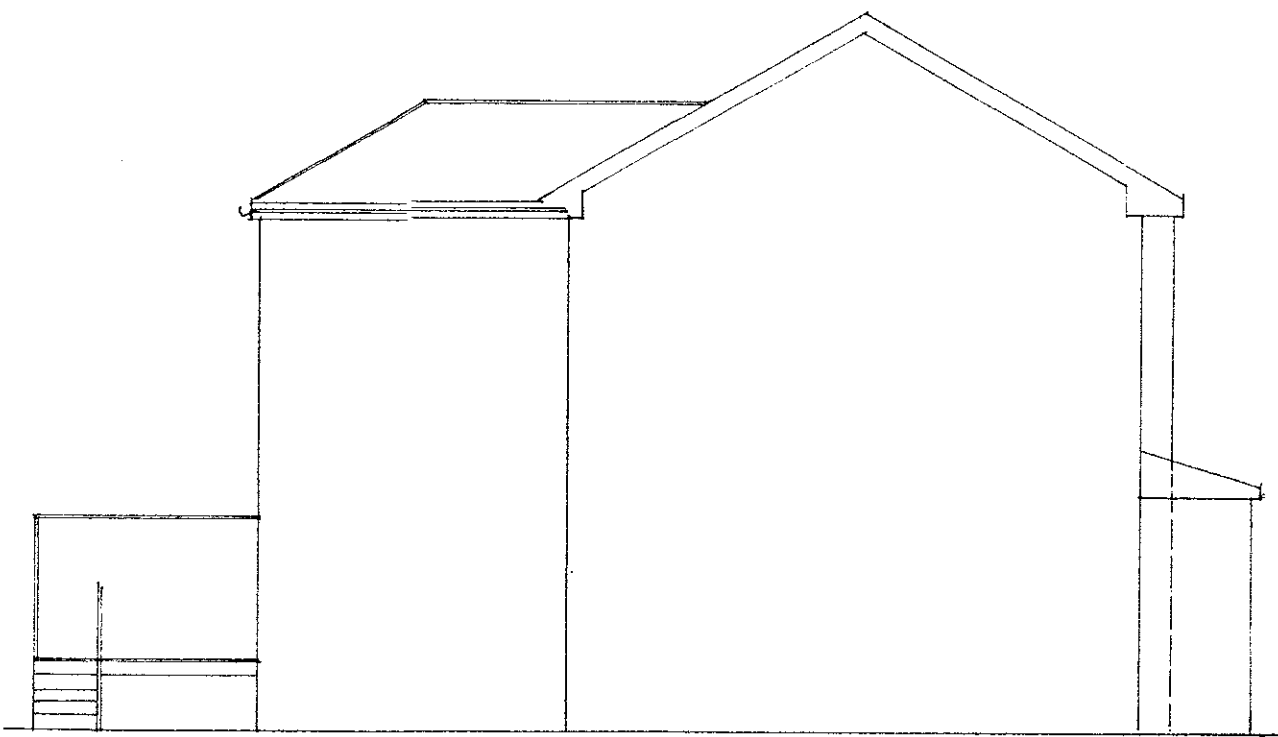
EXISTING REAR ELEVATION.



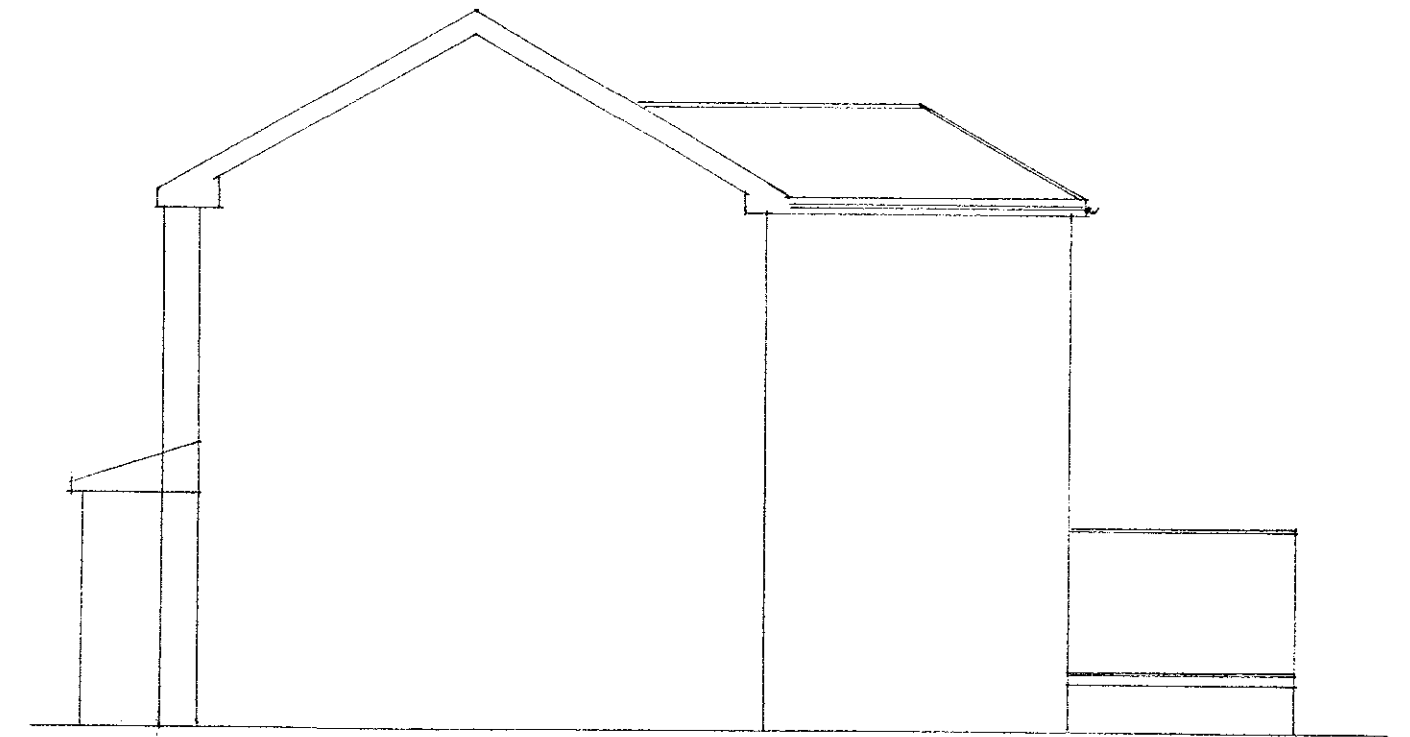
EX. SIDE ELEVATION.



PROPOSED REAR ELEVATION.

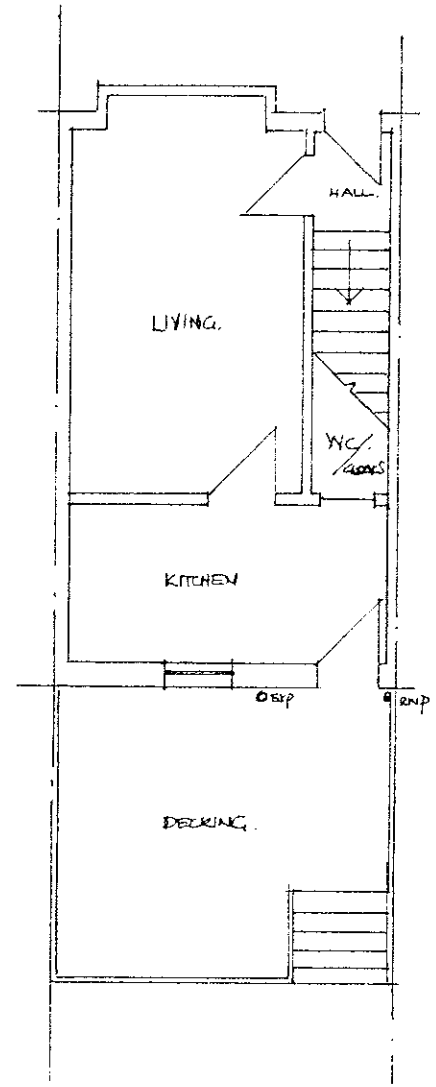


PROPOSED SIDE ELEVATIONS.

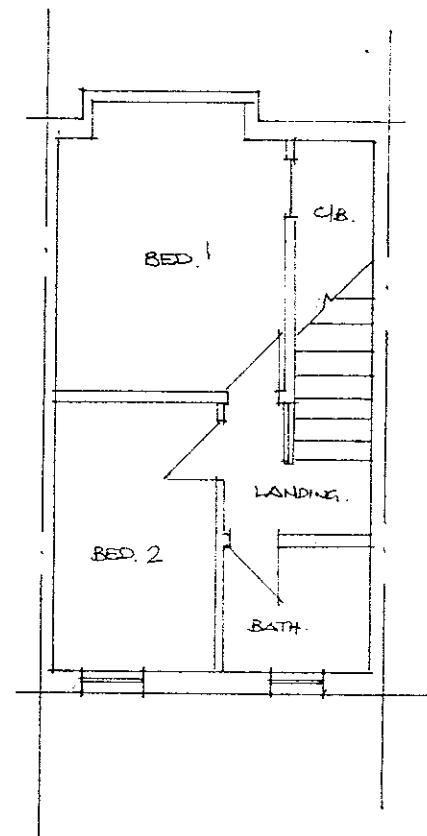


PROPOSED REAR TWO STOREY EXTENSION.
AT 6, EVAN CRESCENT, GIFFNOCK.
PER MR & MRS G. ALISON.

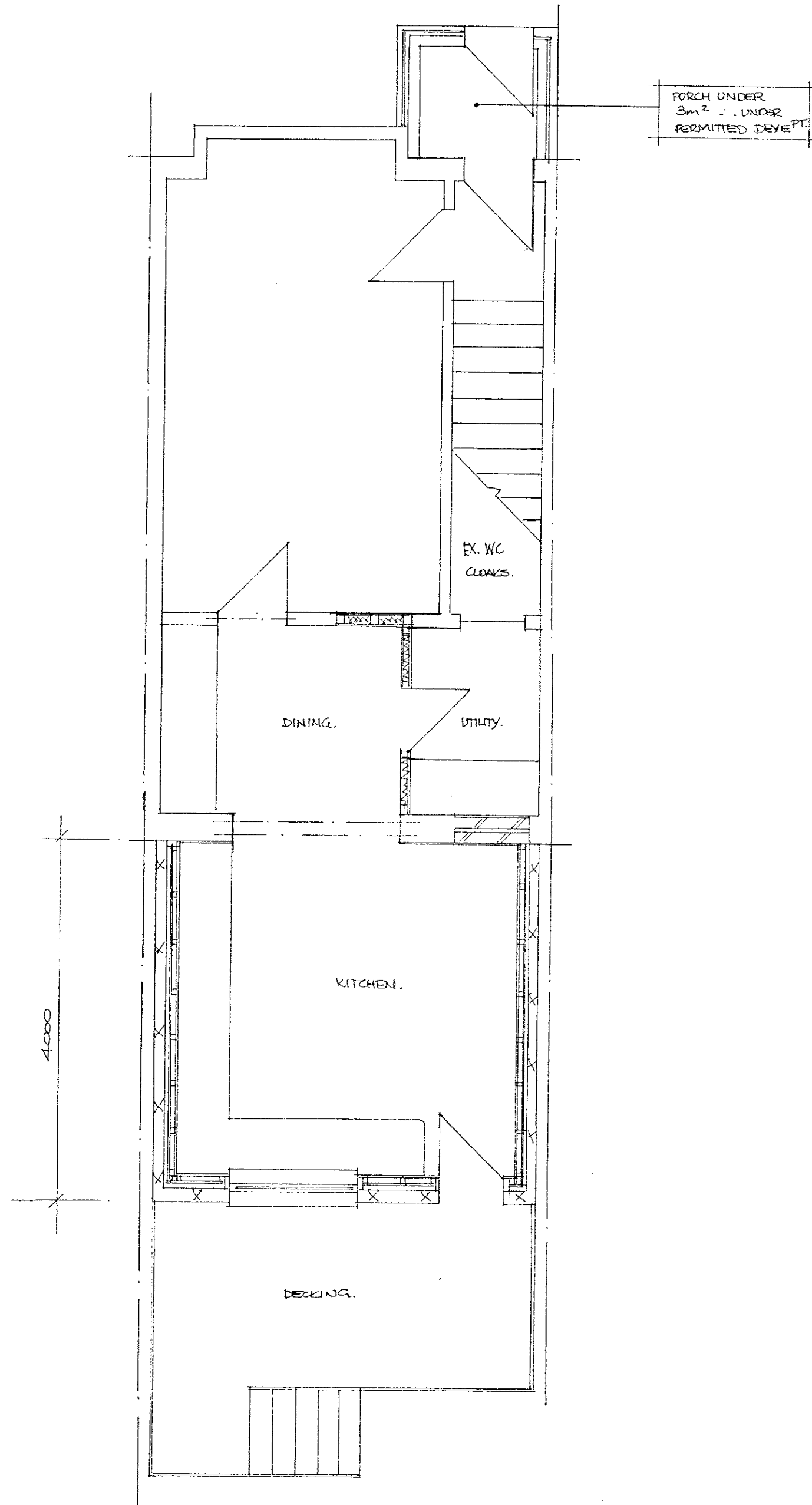
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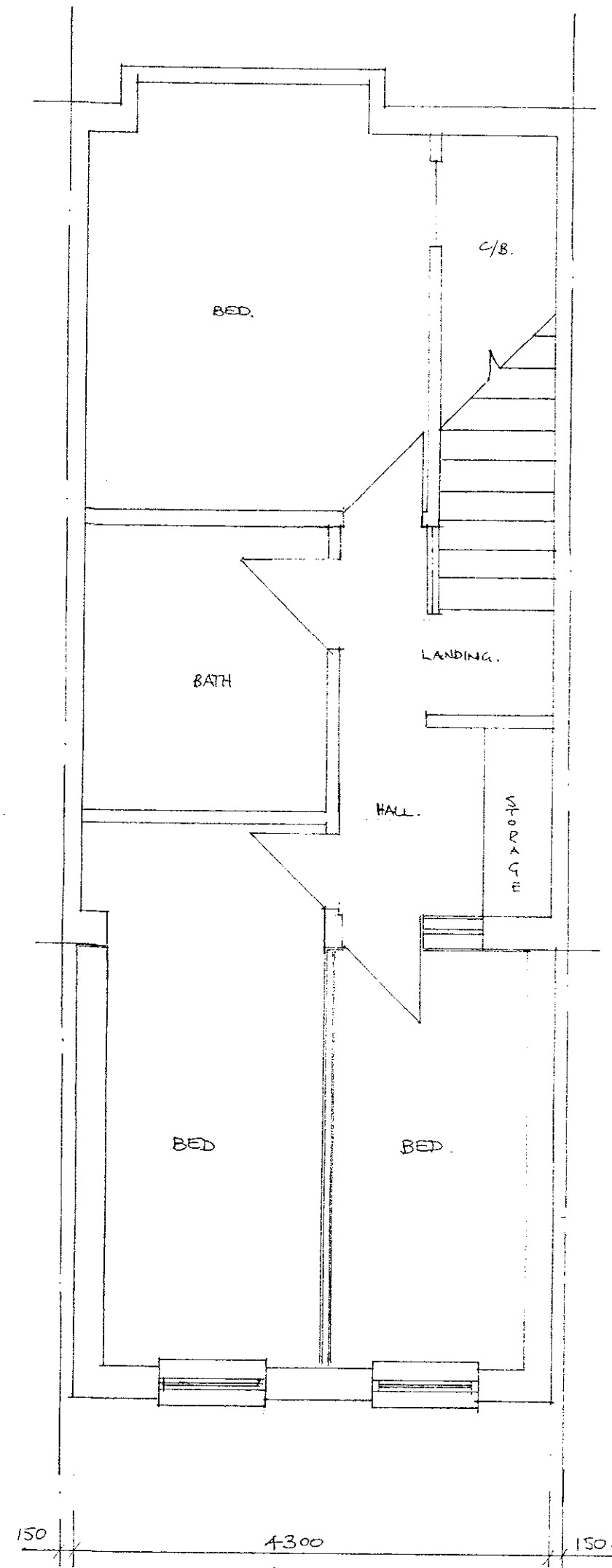
EXISTING G.F. PLAN.



EXISTING 1st FLOOR PLAN.



PROPOSED G.F. PLAN.



PROPOSED 1st FLOOR PLAN.