

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY7 November 2018Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2018/20ERECTION OF TWO STOREY REAR EXTENSIONAT 25 LOCHLIBO TERRACE, BARRHEAD**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:- 2018/0409/TP).
Applicant: Mr D Higgins.
Proposal: Erection of two storey rear extension.
Location: 25 Lochlibo Terrace, Barrhead.
Council Area/Ward: Barrhead, Liboside and Uplawmoor (Ward 1).

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 (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 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, 7 November 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 7 - 14);
- (b) Copies of Objections/Representations – Appendix 2 (Pages 15 - 22);
- (c) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 23 - 30);
- (d) Decision notice and reasons for refusal - Appendix 4 (Pages 31 - 34); and
- (d) A copy of the applicant's Notice of Review and Statement of Reasons - Appendix 5 (Pages 35 - 50).

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 51 - 60).

- (a) Existing Elevations and First Floor Plan;
- (b) Existing and Proposed Sections;
- (c) Refused – Location Plan;
- (d) Refused – Proposed Plans and Elevations;
- (e) Refused – Proposed South Elevations;
- (f) Refused – Proposed Floor Plans; and
- (g) Refused – Proposed Roof Plan.

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:- October 2018

**APPLICATION
FOR
PLANNING PERMISSION**

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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 100075948-007

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

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Two storey 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:	DMac		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	D	Building Name:	
Last Name: *	Mac	Building Number:	25
Telephone Number: *	07548948743	Address 1 (Street): *	Lochlibo Terrace
Extension Number:		Address 2:	Barrhead
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G78 1LL
Email Address: *	dmac.arc@gmail.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	D	Building Number:	25
Last Name: *	Higgins	Address 1 (Street): *	Lochlibo Terrace
Company/Organisation		Address 2:	Barrhead
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G78 1LL
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

25 LOCHLIBO TERRACE

Address 2:

BARRHEAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G78 1LL

Please identify/describe the location of the site or sites

Northing

658300

Easting

249170

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: D Mac

On behalf of: Mr D Higgins

Date: 24/06/2018

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 D Mac

Declaration Date: 20/11/2017

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COPIES OF OBJECTIONS/REPRESENTATIONS

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Comments for Planning Application 2018/0409/TP

Application Summary

Application Number: 2018/0409/TP

Address: 25 Lochlibo Terrace Barrhead East Renfrewshire G78 1LL

Proposal: Erection of two storey rear extension

Case Officer: Ms Fiona Morrison

Customer Details

Name: Mrs Vicki McNee

Address: 21 Lochlibo Terrace, Barrhead, East Renfrewshire G78 1LL

Comment Details

Commenter Type: Rec'd NeighbourNotification from Council

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:As we live two doors down, we have received a notification regarding this planning application. My husband and I fully support this application and have no objections to the erection of a two storey extension at number 25.

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Comments for Planning Application 2018/0409/TP

Application Summary

Application Number: 2018/0409/TP

Address: 25 Lochlibo Terrace Barrhead East Renfrewshire G78 1LL

Proposal: Erection of two storey rear extension

Case Officer: Ms Fiona Morrison

Customer Details

Name: Mr i renfrew

Address: 23 Lochlibo Terrace, Barrhead, East Renfrewshire G78 1LL

Comment Details

Commenter Type: Rec'd NeighbourNotification from Council

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I mr Renfrew own the property of 23 lochlibo terrace and is next door to 25 lochlibo terrace that has a planning application for a 2 storey extension in with the council.i received neighbour notice and am showing support.i have already sent yous in a letter from myself.that would of been put in when the application was submitted.i have no problem with this planning either with sunlight or daylight or even my neighbour building on the boundry.thanks

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Comments for Planning Application 2018/0409/TP

Application Summary

Application Number: 2018/0409/TP

Address: 25 Lochlibo Terrace Barrhead East Renfrewshire G78 1LL

Proposal: Erection of two storey rear extension

Case Officer: Ms Fiona Morrison

Customer Details

Name: Mrs Susan McNaughton

Address: 44 Gateside Crescent, Barrhead, East Renfrewshire G78 1LP

Comment Details

Commenter Type: Rec'd NeighbourNotification from Council

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

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REPORT OF HANDLING

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REPORT OF HANDLING

Reference: 2018/0409/TP

Date Registered: 25th June 2018

Application Type: Full Planning Permission

This application is a Local Development

Ward: 1 -Barrhead, Liboside And Uplawmoor

Co-ordinates: 249170/:658300

Applicant/Agent:

Applicant:

Mr D Higgins

25 Lochlibo Terrace

Barrhead

Glasgow

Scotland

G78 1LL

Agent:

D Mac

25 Lochlibo Terrace

Barrhead

Glasgow

Scotland

G78 1LL

Proposal: Erection of two storey rear extension

Location: 25 Lochlibo Terrace

Barrhead

East Renfrewshire

G78 1LL

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

2017/0775/TP	Erection of two storey rear extension	Refused	10.04.2018
		Local Review withdrawn	21.06.2018

REPRESENTATIONS: 3 representations have been received in support of the application.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

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

ASSESSMENT:

The site comprises a two storey property that is situated within an established residential area on the outskirts of Barrhead. Located within a terrace of six the property is surrounded by similar terraced and semi-detached house types. A recent application 2017/0775/TP for a two storey rear extension was refused as the proposal was considered to be contrary to current planning policies. A subsequent appeal submitted to the Local Review Body was withdrawn before being determined.

The proposal is identical to the previous submission 2017/0775/TP for a two storey extension to the rear of the property that will provide a dining area and bedroom on the lower floor and two further bedrooms on the upper floor. Comprising a hipped roof the extension will have a 3.5m projection from the rear elevation of the house and a width of 5.6m, the full width of the house. The proposed external materials are to match the existing.

The application requires to be assessed against the East Renfrewshire Local Development Plan and any material considerations. The relevant policies are considered to be D1 and D14 and the adopted Supplementary Planning Guidance (SPG) - Householder Design Guide.

Policy D1 is a general criteria based policy that applies to all forms of development. It is considered that criteria 1, 2 and 3 are the most valid in this case. Criterion 1 refers to the prevention of significant loss of character and amenity of the area.

Much of the surrounding area is characterised, as previously stated, by terraced and semi-detached house types. Given the location of the proposal to the rear of the property there would not be a significant impact on the wider character of the terrace. However as a result of orientation, scale and massing the proposal would have an immediate impact on the amenity of neighbouring properties, particularly the neighbouring property at 23 Lochlibo Terrace by effectively presenting a blank wall 3.5m deep and almost 5m high hard on the mutual rear boundary.

This would be the first two storey rear extension in the immediate area and therefore it does not reflect the built form in the locality. On that basis, the proposal conflicts with criterion 1 and 2 of Policy D1.

Criterion 3 presumes against proposals which would have an adverse impact on neighbouring properties in terms of overshadowing or overlooking. The site is set on a north-west/south-east axis with the potential for overshadowing of side neighbours. Overshadowing calculations have been carried out for March and June. These calculations indicate that the neighbouring property at 23 Lochlibo Terrace, as a direct consequence of the height and massing of the rear extension, will start experiencing additional and direct overshadowing approximately around midday until after 3pm in the afternoon in March and June. In that regard, the proposal is considered to have a marked and immediate impact in the level of sunlight/daylight reaching the neighbouring property at 23 Lochlibo Terrace.

There is no significant overlooking from the proposed extension. However, the above consideration renders the proposal contrary to criterion 3 of Policy D1.

Policy D14 sets out six general criteria for assessing all residential extensions/alterations of which three are considered to be appropriate to the development proposal i.e.: any extension 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 and the development should avoid over-development of the site.

Noting the terms outlined above, it is considered that the proposed rear extension conflicts with Policy D14 notably in terms of the massing and relationship of the two storey extension to the neighbouring properties.

Policy D14 has a supporting Supplementary Planning Guidance (SPG) - Householder Design Guide which provides more detailed design guidance for extensions to certain house types.

Firstly, it should be noted that the SPG lists a number of general principles which will be considered, namely that extensions should not dominate or overwhelm neighbouring properties.

Again, as outlined above, this proposal particularly in respect of the two storey rear extension fails this general principle.

Guidance on two storey rear extensions on terraced two storey houses is specifically referred to in the SPG due, for example, to potential issues of overshadowing and dominating of the adjoining properties. The setback of 2m specified from mutual boundaries is aimed at lessening the impact of a two storey rear extension on the amenity of neighbouring properties. With this set back an extension depth of 4m is indicated in the SPG as acceptable.

This is particularly important in smaller, more modest houses, where the relationship with neighbours is closer. The direct overshadowing, as previously stated in addition to the visual impact of the height of the extension on the mutual boundaries would impact on the neighbours and in particular the occupants of 23 Lochlibo Terrace. The minimum separation distance of 2m is considered to be an appropriate mechanism to maintain an acceptable relationship with the neighbouring properties. The application site cannot meet this requirement.

The SPG requires that two storey rear extensions should be setback 2m from the side boundaries of a terraced house. On that basis, the application should be refused as contrary to the Development Plan unless there are material considerations which would justify setting aside the SPG and approving the application.

The terraced houses in Lochlibo Terrace are narrow and to provide a 2m set back from one or both of the side boundaries would not be practicable.

Although every application is treated on its own merits, in terms of material considerations, it is noted, as referred to above, that there are no two storey extensions in the immediate area. If consent was issued for the application site, the proposal could be repeated in this and other terraces to the wider detriment of residential amenity.

Reference made to a historical planning permission (not implemented) at 36 Gateside Crescent is not relevant in the consideration of this planning application as the decision issued in 2007 predates the requirements of the SPG which was adopted in June 2015.

Support for the application has been received from the occupants of 21 and 23 Lochlibo Terrace and 44 Gateside Crescent. Whilst letters of support are material in the consideration of planning applications they must be relevant to planning issues. The comments of support are based on established relationships between neighbours. Planning decisions are made on the basis of the impact of development assessed against policies within the Local Development Plan and any relevant material considerations.

In addition, photographs have been submitted showing shadows cast at different times during the 29th January. These examples are during the winter months when the sun is low in the sky and casts longer shadows mainly from the properties themselves. As stated above, overshadowing calculations were carried out for the months of March and June when the sun is higher in the sky and the addition of a two storey extension on the mutual boundary is more likely to have a detrimental impact on the amenity of neighbouring properties.

Drawing all the above matters together, the proposed two storey rear extension is considered to conflict with the policy considerations and more specifically the SPG - Householder Design Guide as discussed in the report above. There are no material considerations which would justify setting aside this document and approving the application.

Accordingly it is recommended that this application should be refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None

REASONS FOR REFUSAL:

1. The proposed two storey rear extension would, by reason of siting, scale, massing and depth along the mutual boundary, be contrary to Policy D1(2), Policy D1(3) and Policy D14 of the adopted East Renfrewshire Local Development Plan as it will have a detrimental impact on the amenity of the neighbouring properties.
2. The proposed two storey rear extension would, by reason of its proximity to the side boundaries, be contrary to the adopted Supplementary Planning Guidance (SPG) - Householder Design Guide as it does not comply with the general principles and the specific guidance on two storey rear extensions contained therein and will have a consequent dominant and overwhelming impact on the neighbouring properties.
3. The proposed two storey rear extension would, by reason of its height and massing, be contrary to the adopted Supplementary Planning Guidance (SPG) - Daylight and Sunlight Design Guide as it does not comply with the general principles and the specific guidance on overshadowing and will have a consequent detrimental impact on neighbouring properties.

ADDITIONAL NOTES: None

ADDED VALUE: None

BACKGROUND PAPERS:

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

Ref. No.: 2018/0409/TP
(FIMO)

DATE: 24th August 2018

DIRECTOR OF ENVIRONMENT

Reference: 2018/0409/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

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

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 24/08/2018.AC.

**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. **2018/0409/TP**

Applicant

Mr D Higgins
25 Lochlibo Terrace
Barrhead
Glasgow
Scotland
G78 1LL

Agent:

D Mac
25 Lochlibo Terrace
Barrhead
Glasgow
Scotland
G78 1LL

With reference to your application which was registered on 25th June 2018 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of two storey rear extension

at: 25 Lochlibo Terrace Barrhead East Renfrewshire G78 1LL

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 proposed two storey rear extension would, by reason of siting, scale, massing and depth along the mutual boundary, be contrary to Policy D1(2), Policy D1(3) and Policy D14 of the adopted East Renfrewshire Local Development Plan as it will have a detrimental impact on the amenity of the neighbouring properties.
2. The proposed two storey rear extension would, by reason of its proximity to the side boundaries, be contrary to the adopted Supplementary Planning Guidance (SPG) - Householder Design Guide as it does not comply with the general principles and the specific guidance on two storey rear extensions contained therein and will have a consequent dominant and overwhelming impact on the neighbouring properties.
3. The proposed two storey rear extension would, by reason of its height and massing, be contrary to the adopted Supplementary Planning Guidance (SPG) - Daylight and Sunlight Design Guide as it does not comply with the general principles and the specific guidance on overshadowing and will have a consequent detrimental impact on neighbouring properties.

Dated 24th August 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	L001		
Proposed floor plans	BW001		
Plans and Elevations Proposed	BW002		
Roof Plan Proposed	BW004		
Elevations Proposed	BW006		

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**

**NOTICE OF REVIEW
AND
STATEMENT OF REASONS**

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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 100075948-011

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:	DMac		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	D	Building Name:	
Last Name: *	Mac	Building Number:	31
Telephone Number: *		Address 1 (Street): *	fern drive
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	glasgow
Fax Number:		Country: *	Glasgow
		Postcode: *	G78 1JE
Email Address: *			

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="25"/>
First Name: *	<input type="text" value="D"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Higgins"/>	Address 1 (Street): *	<input type="text" value="Lochlibo Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Barrhead"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G78 1LL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="East Renfrewshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="25 LOCHLIBO TERRACE"/>
Address 2:	<input type="text" value="BARRHEAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GLASGOW"/>
Post Code:	<input type="text" value="G78 1LL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="658300"/>	Easting	<input type="text" value="249170"/>
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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 two storey rear extension

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are 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.

The proposed development is sited within an existing stepped terrace block and as such the extension will not look out of place. There will only be slight overshadowing to 1 neighbouring property due to the orientation of the building and the owner has provided written confirmation that he is happy for the works to go ahead. Given the above information and that no comments had been received under the neighbour notification I would request a Notice of Review.

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)

The orientation of the building with regards to daylight issues together with a letter from the neighbouring property owner have been clarified.

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)

Letter from homeowner, Letter from neighbour and 7 pictures

Application Details

Please provide details of the application and decision.

What is the application reference number? *

2018/0409/TP

What date was the application submitted to the planning authority? *

25/06/2018

What date was the decision issued by the planning authority? *

06/04/2018

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 D Mac

Declaration Date: 10/09/2018

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David Higgins

25 lochlibo terrace

Barrhead

G78 1ll

24 April 2018



To whom it may concern

This is just a letter to give some background to the house and why we need the extension .The house 25 Lochlibo terrace was built in 1969 and my Nana ,Papa and my mum moved into that year .I was born in 1973 and also moved into it .This has been my only family home I have had.44 years in this house and now I have got two boys and my wife living in a two bedroom house ,but now I have a baby daughter with no spare room .We want to extend so there is a room for her and with the boys getting bigger for them to get a room each as the rooms they are in is only really big for one .This is there family home and would hope to keep it in the family for another 40 years. I feel that the council are forcing me to move ,I do not want to move and shouldn't have to. I have spoken to the owner next door and have went over the plans with them and they have no problem with the building going to their boundary or the over shadowing or the sunlight .it is only number 23 that would be affected as number 27 is already set back from me by about 3m(see picture 1)Mr Renfrew (number 23)has said that his house would just look like mine right now with the 3m wall and has no problem with it, I also enclose a letter from Mr Renfrew and you are more than welcome to contact him .I also enclose some pictures taking on a sunny day.pic 1 shows number 27 that already is set back 3m and that the sun is already being blocked by this.pic 2 this is number 23 showing the sun already being blocked before my extension.pic 3 this shows the sun being blocked by house on a different street(gateside cressent).pic 4 this is the gap between gateside cressent and number 27.number, 27 blocks most of the sun when the sun enters the gap because it is set back.pic 5 is number 23 with over shadowing that is already there.pic 6 and 7 are just more pics from a different time of the day .all pics are dated and timed on the back.To refuse the planning on (spg)daylight and sunlight design guide is not true as these are already here and building my extension would make no difference .whatever program was used to determent the sun is wrong as you can see from the pics I have taking .pictures don't lie .Can I also add that 36 Gateside Cressent was approved a two storey extension the same as mine some time ago but didn't get round to building it due to money problems at the time .This is the exact same house as mine and same set up out the back door .The refusal is based on guide lines only and not law .Most of it is based on the impact of neighbours that I have proving don't have a problem and the overshadowing that is already there .Mr Renfrew says even if or when he sells his house the people buying it will be buy it with the wall there and they wouldn't even know it was never there .House extension are based on their own merits so the next one doesn't have to be granted because mine is.my extension is purely for my family to have space needed for a expanding family .thank you for reading this and please don't hesitate to get in touch.

Yours faithfully

David Higgins

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Planning Department
East Renfrewshire
Barrhead
G78

Ian Renfrew
23 Lochlibo Terrace
Barrhead
G78 1LL

30/04/18

Dear sir /madam,

I am writing to you as the neighbour of David Higgins who has been refused an application for an extension to his property, 25 Lochlibo Terrace, Barrhead, G78 1LL. It seems to be refused due to the impact to myself and my property.

I have no concern at all about his proposed extension. I have been neighbours with David for over 40 years and have been very happy with him as a neighbour, he has helped me and my dad throughout the years and I do not want to lose him as a neighbour for something that I have no problem with.

I have no issues at all about overshadowing or loss of sunshine to my property from his proposed extension. I am also happy for the proposed extension to be at the boundary of my property and I am aware of the impact this extension will have as I can see what property number 27 has on property 25 which is the same as the proposed extension.

I have no intentions in selling my property but if I do I am confident that the proposed extension will not affect any potential buyers as this is a sought after location within Barrhead.

I would like it to be noted that I have no objections to the proposed extension whatsoever.

Yours Faithfully,

Ian Renfrew

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29/1/18 @ 12:21pm

47



29/1/18 @ 12:23pm

48



29/1/18 @ 12:21pm

49



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29/1/18 @ 15:01pm



29/1/18 @ 15:01pm

49

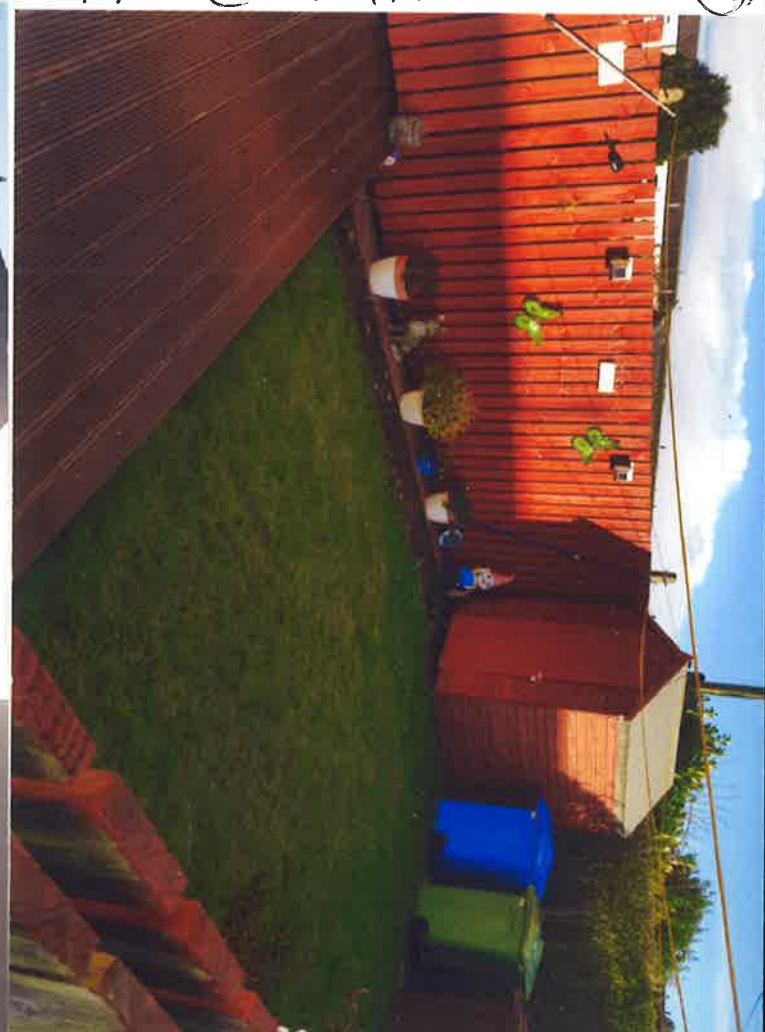


29/1/18 @ 12:23pm



29/1/18 @ 12:24pm

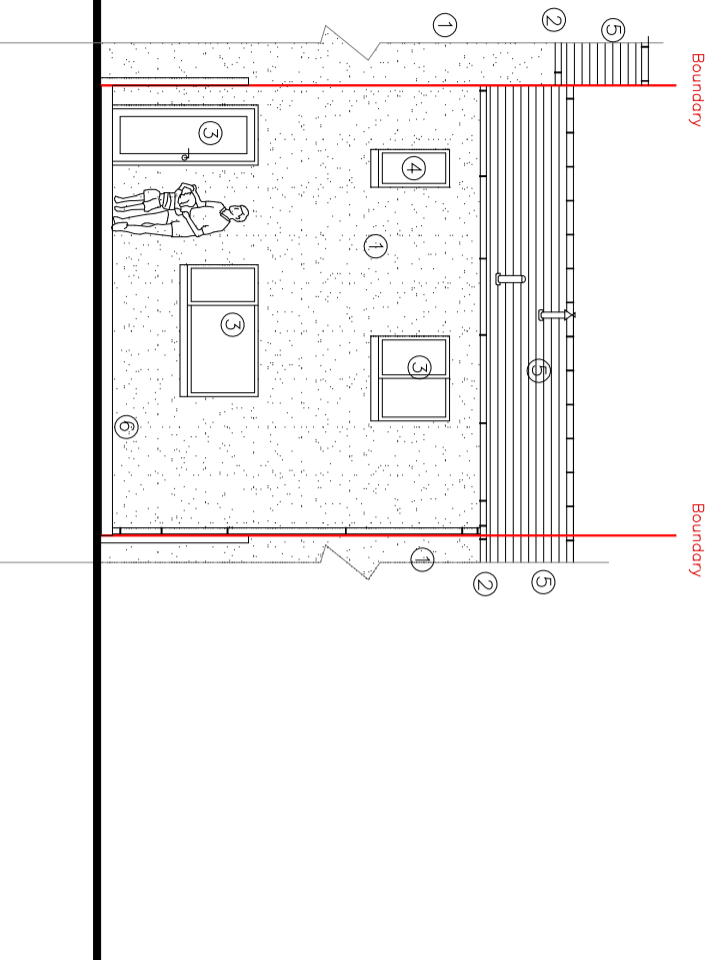
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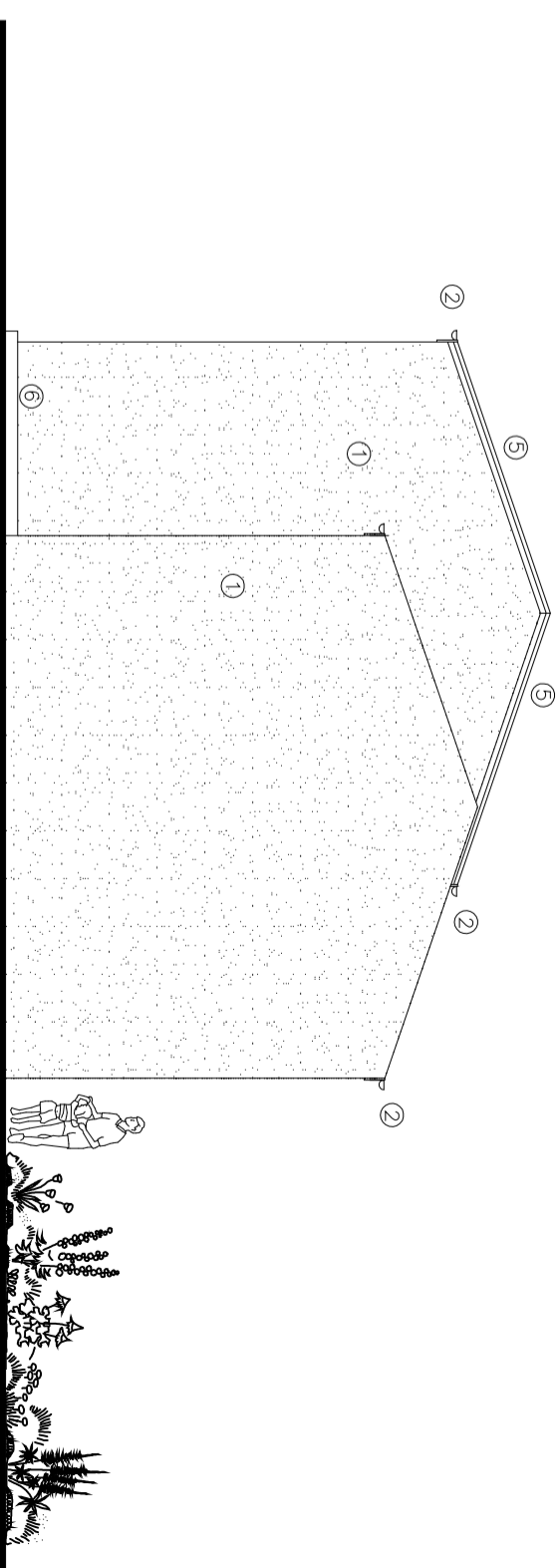
PLANS/PHOTOGRAPHS/DRAWINGS

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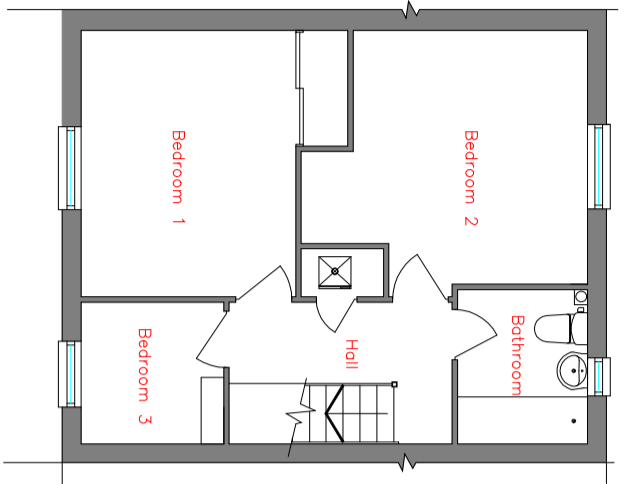


West Elevation

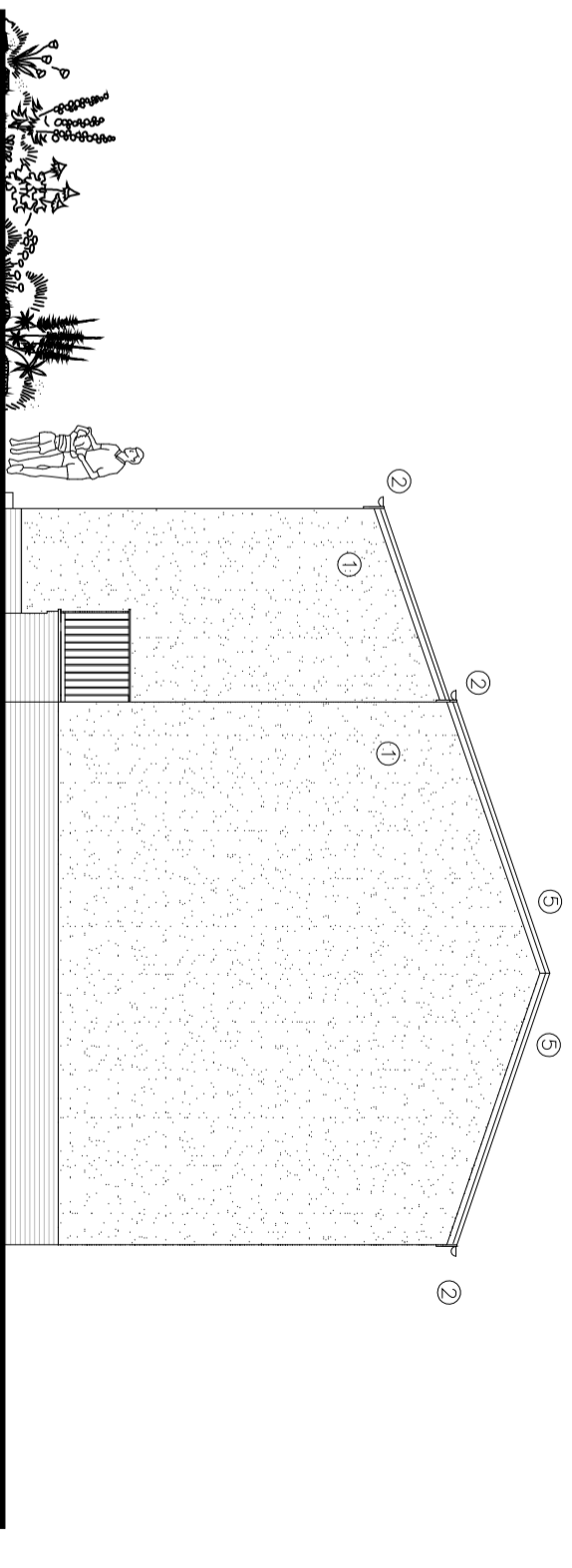
N.B. No Changes to the East Elevation



North Elevation



Existing First Floor Plan



South Elevation

MATERIAL LEGEND:

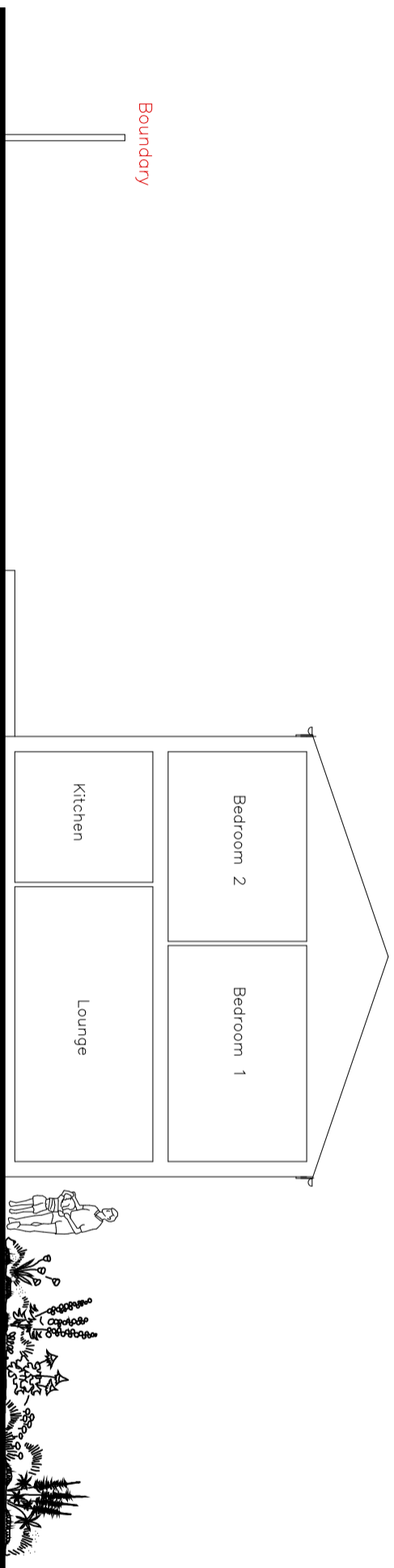
- 1 – Roughcast (white)
- 2 – Plastic Rainwater Goods (black)
- 3 – UPVC Glazing (white)
- 4 – UPVC Frosted Glazed Unit (white)
- 5 – Brown/Red Marley Wessex
- 6 – Timber Decking

Note:
All new materials to match existing as close as practically possible.

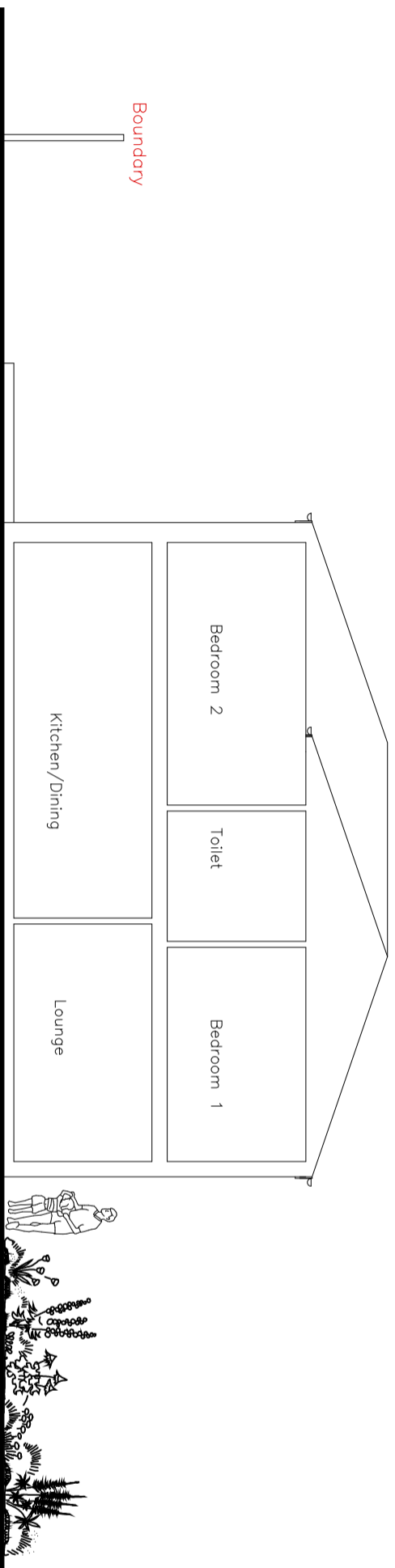


SCALE METERS (1:100)

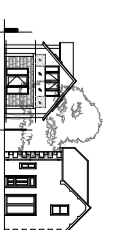
dmac.drc@gmail.com 07530 591 447		
Address:-	25 Lochlubo Terrace, Barrhead G78 1LL	
Project:-	Two Storey Rear Extension	
Title:-	Existing Elevations	
Drawing No.	BW 002	Rev:- A
Scale:-	1/100	



Section A-A



Section B-B



dmac.orc@gmail.com
07530 591 447

Address:-
25 Lochilbo Terrace, Barnhead G78 1LL

Project:-
Two Storey Rear Extension

Title:-
Existing and Proposed Sections

Drawing No. BW 005 Rev:- A

Scale:-
1/100

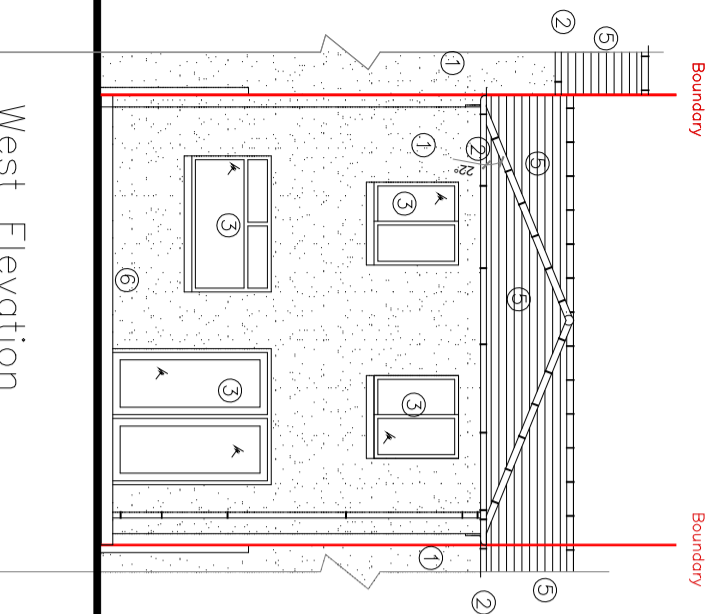
25, Lochlibo Crescent, Barrhead, East Renfrewshire, G78 1LT



Block Plan shows area bounded by: 249118.15, 658246.17 249208.15, 658336.17 (at a scale of 1:500), OSGridRef: NS49165829. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

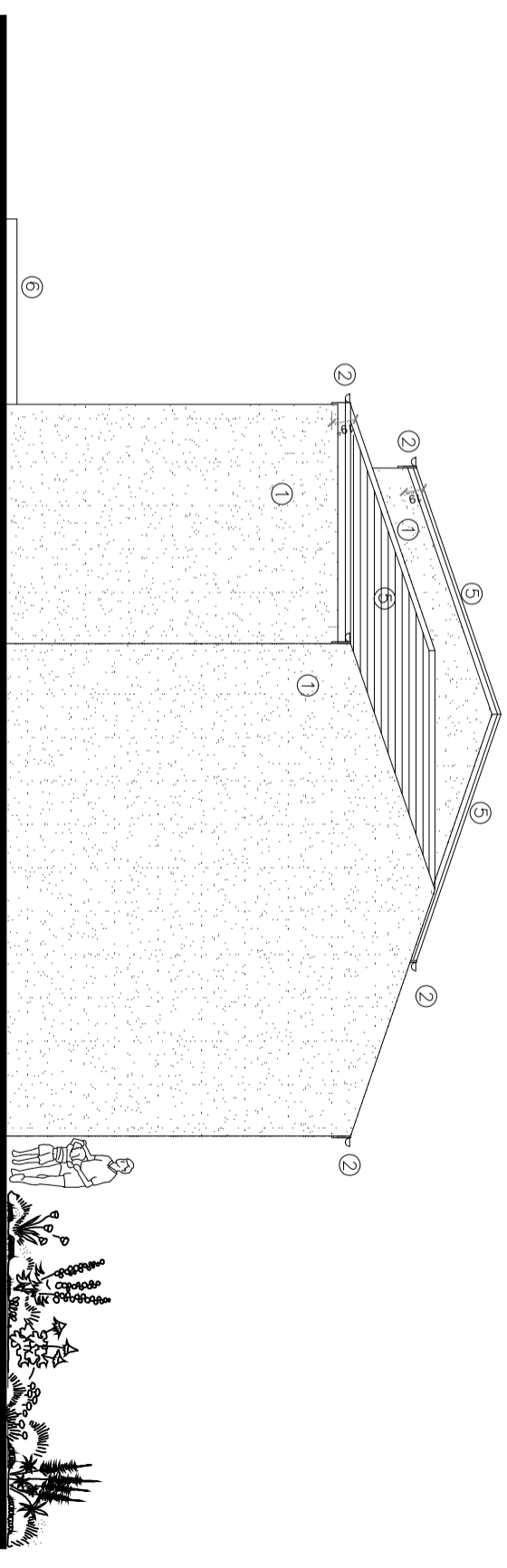
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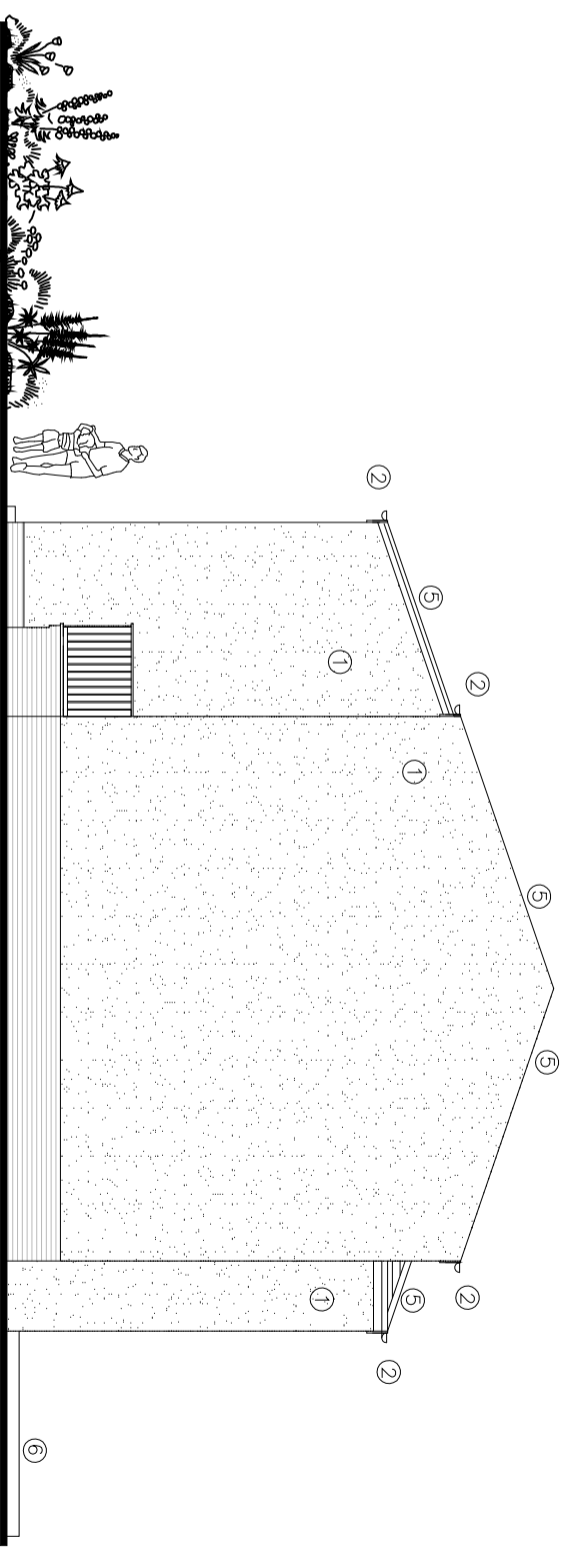


West Elevation

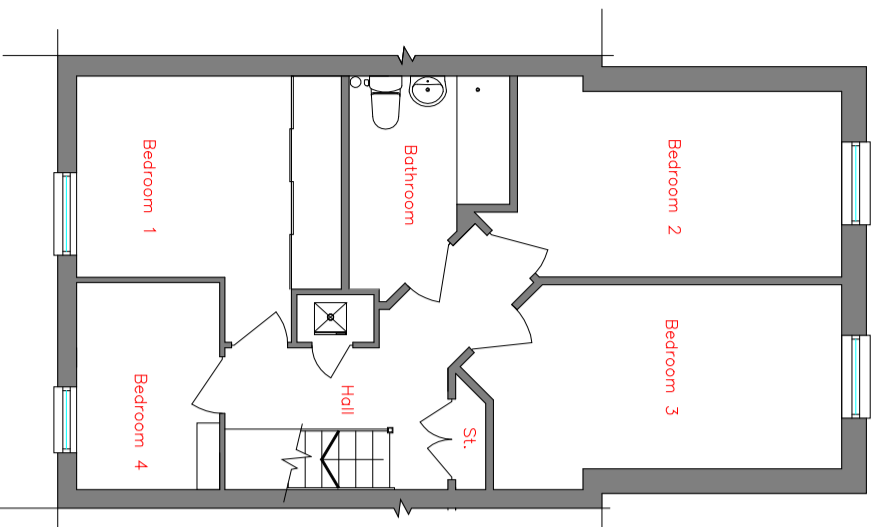
N.B. No Changes to the East Elevation



North Elevation



South Elevation



Proposed First Floor Plan

MATERIAL LEGEND:

- 1 – Roughcast (white)
- 2 – Plastic Rainwater Goods (black)
- 3 – UPVC Glazing (white)
- 4 – UPVC Frosted Glazed Unit (white)
- 5 – Brown/Red Marley Wessex
- 6 – Timber Decking

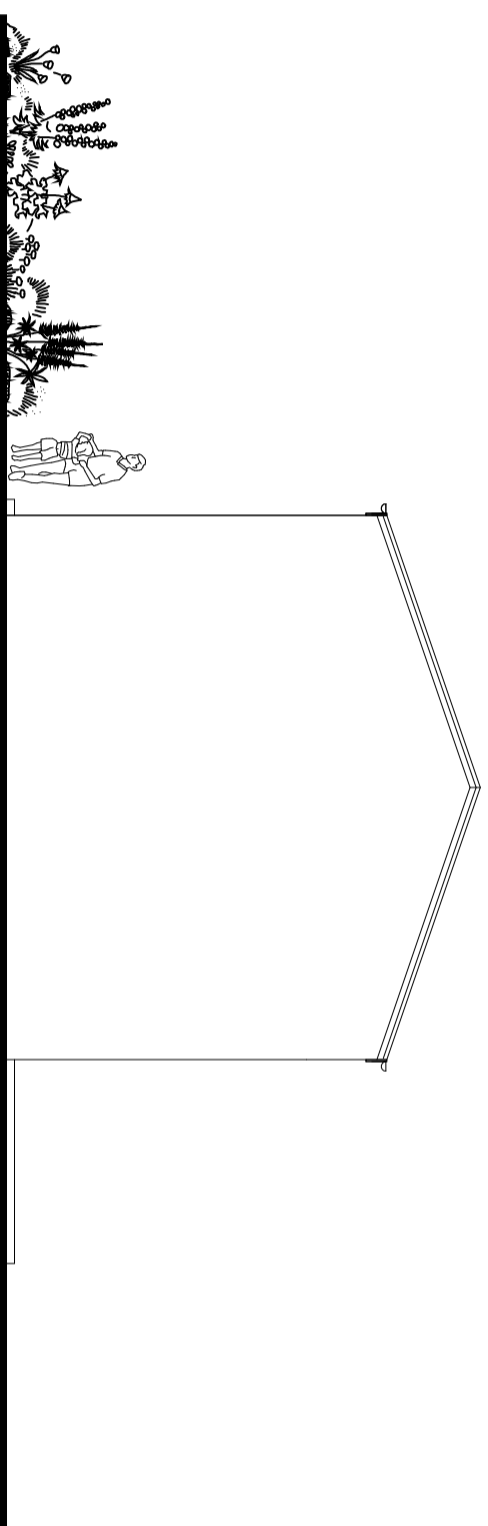
Note:
All new materials to match existing as close as practically possible.



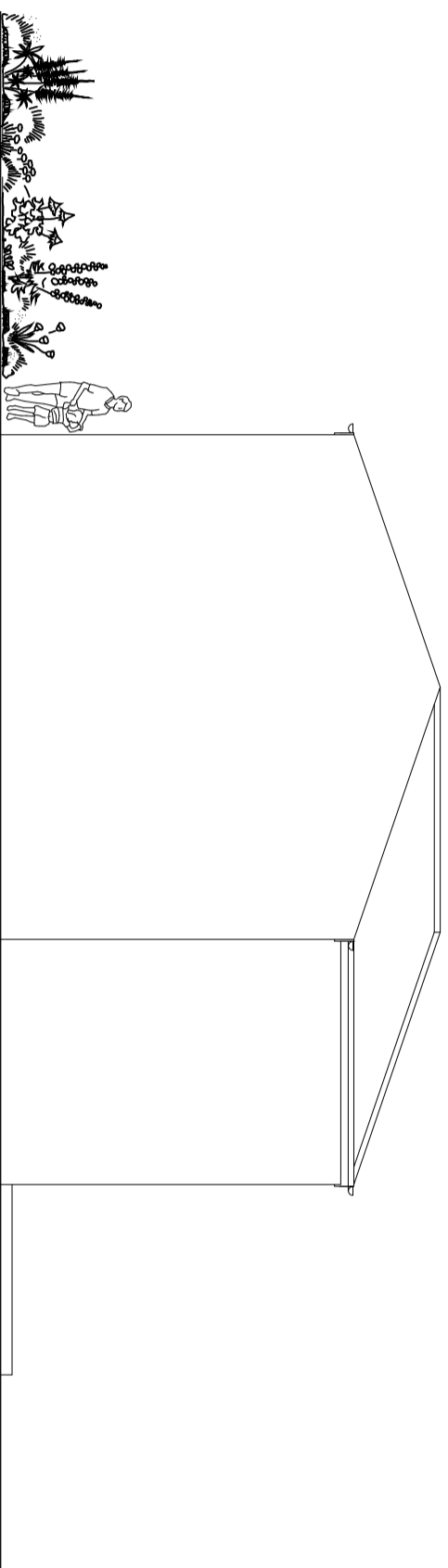
SCALE METERS (1:100)



dmac.orc@gmail.com 07530 591 447	
Address:-	25 Lochlipo Terrace, Barrhead G78 1LL
Project:-	Two Storey Rear Extension
Title:-	Proposed Elevations
Drawing No.	BW 003
Rev:-	A
Scale:-	1/100

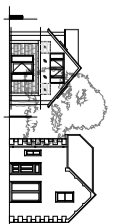


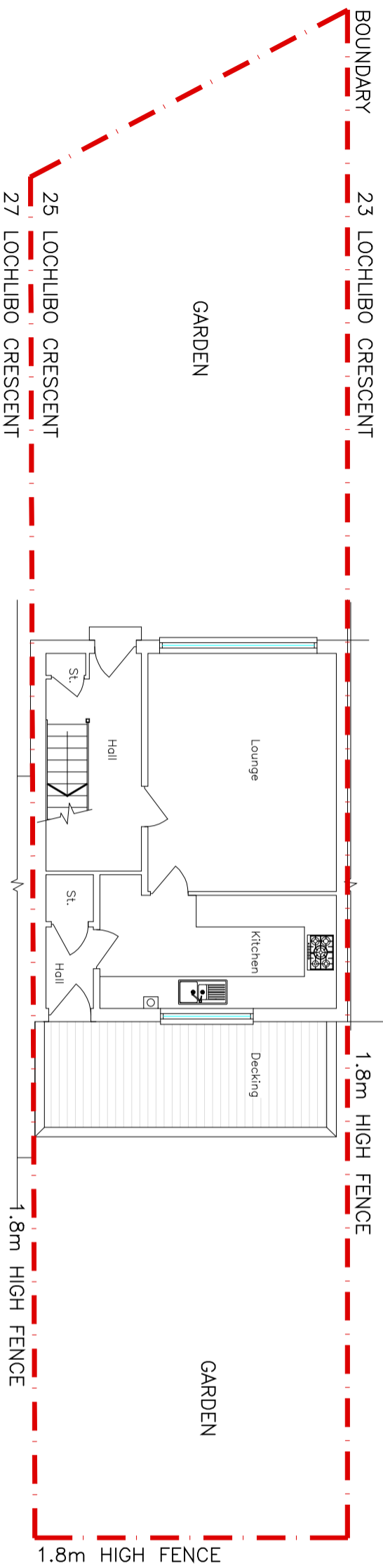
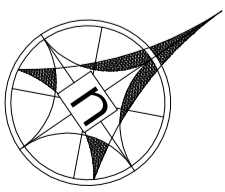
Existing South Elevation
(neighbours gable wall omitted for clarity)



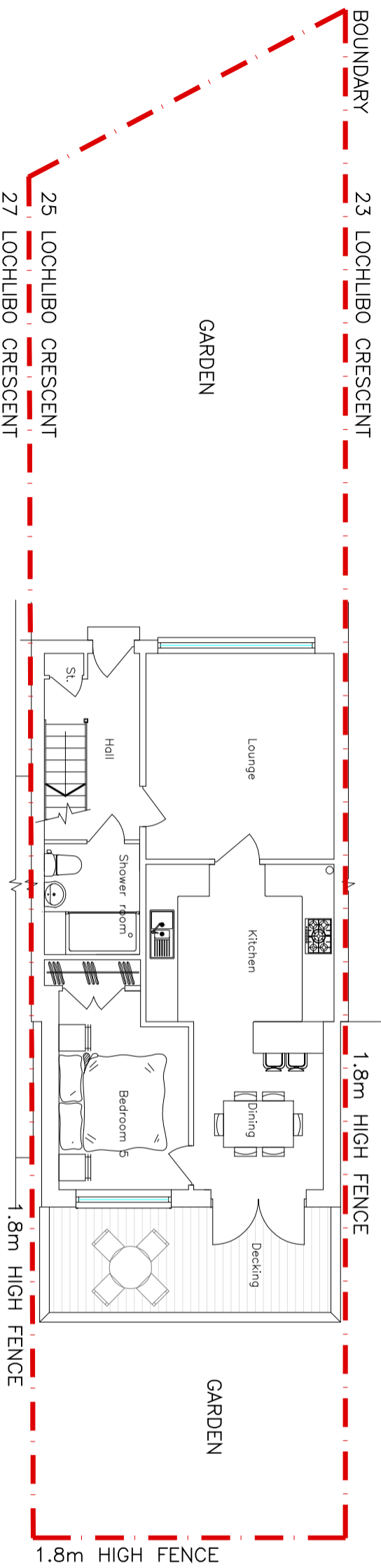
Proposed South Elevation
(neighbours gable wall omitted for clarity)



dmac.orc@gmail.com 07530 591 447			
Address:-	25 Lochilbo Terrace, Barnhead G78 1LL		
Project:-	Two Storey Rear Extension		
Title:-	Existing and Proposed South Elevation		
Drawing No.	BW 006	Rev:-	
Scale:-	1/100		



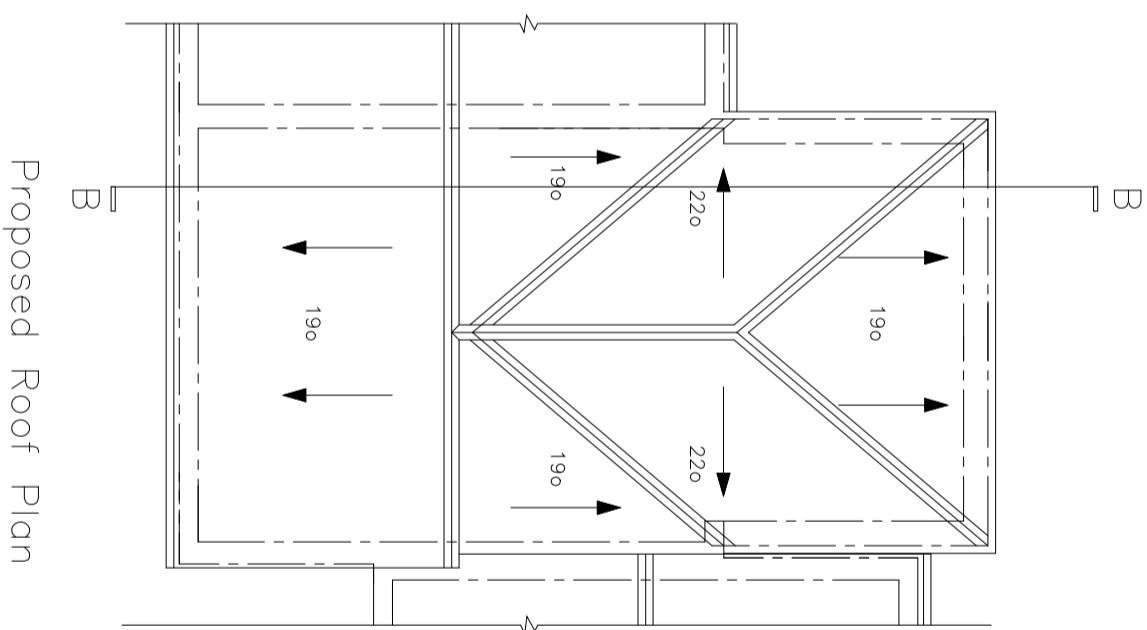
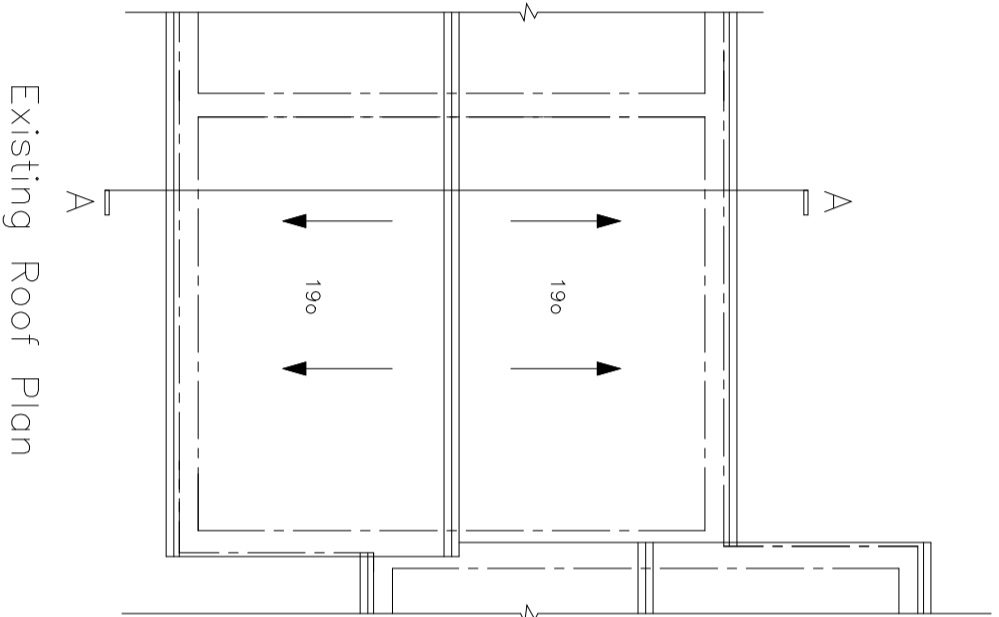
EXISTING GROUND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN

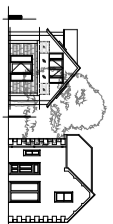


dmqc.orc@gmail.com 07530 591 447			
Address:-	25 Lochlibo Terrace, Barrhead G78 1LL		
Project:-	Two Storey Rear Extension		
Title:-	Existing and Proposed Floor Plans		
Drawing No.	BW 001	Rev:-	A
Scale:-	1/100		



N.B No part of the extension will project over the boundary line



	
dmqc.orc@gmail.com 07530 591 447	
Address:-	25 Lochlibo Terrace, Barrhead G78 1LL
Project:-	Two Storey Rear Extension
Title:-	Existing and Proposed Roof Plans
Drawing No.	BW 004 Rev:- A
Scale:-	1/100

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