

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY12 June 2019Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2019/08ERECTION OF ONE AND HALF STOREY REAR EXTENSION WITH INSTALLATION OF DORMER WINDOW AT SIDE; INSTALLATION OF HIPPED ROOF OVER DORMER WINDOW AT FRONT AT 73 BEECH AVENUE, NEWTON MEARNES**PURPOSE OF REPORT**

1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 in respect of the application detailed below.

DETAILS OF APPLICATION

2. Application type: Full Planning Permission (Ref No:- 2019/0152/TP).
- Applicant: Mr and Mrs J Fitzpatrick.
- Proposal: Erection of one and a half storey rear extension with installation of dormer window at side; installation of hipped roof over dormer window at front.
- Location: 73 Beech Avenue, Newton Mearns.
- Council Area/Ward: Newton Mearns South and Eaglesham (Ward 5).

REASON FOR REQUESTING REVIEW

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

RECOMMENDATIONS

4. The Local Review Body is asked to:-
- (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
 - (i) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied; and
 - (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed.

- (b) In the event that further procedure is required to allow it to determine the review, consider:-
 - (i) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;
 - (ii) what procedure or combination of procedures are to be followed in determining the review.

BACKGROUND

5. At the meeting of the Council on 29 April 2009, consideration was given to a report by the Director of Environment seeking the adoption of a new Scheme of Delegation in terms of the new Section 43A of the Town and Country Planning (Scotland) Act 1997, subject to approval of the scheme by Scottish Ministers.

6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the “local development” category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an “appointed officer”. In the Council’s case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (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 the application. A copy of the applicants’ Notice of Review and Statement of Reasons is attached as Appendix 4.

9. The applicants are entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and have indicated that their stated preferences are further written submissions and 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, 12 June 2019 immediately before the meeting of the Local Review Body which begins at 2.00pm.

INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

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

14. However, the applicants have submitted new information which was not available to the Appointed Officer at the time the determination of the application was made. The new information relates to photographs of other properties.

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

“43B Matters which may be raised in a review under section 43A(8)

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

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

17. In reply, the applicants’ agent has advised that his clients thought the photographs were relevant to their case and that is why they were submitted with the ‘Notice of Review’ form.

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

19. Members should note that the new information has been excluded from the applicant’s ‘Notice of Review’ form.

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

- (a) Application for planning permission – Appendix 1 (Pages 47 - 52);
- (b) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 2 (Pages 53 - 60);
- (c) Decision notice and reasons for refusal - Appendix 3 (Pages 61 - 66); and
- (d) A copy of the applicants’ Notice of Review and Statement of Reasons - Appendix 4 (Pages 67 - 76).

21. The applicant has also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and these are attached as Appendix 5 (Pages 77 - 84).

- (a) Refused - Location Plan;
- (b) Refused – Block Plan;
- (c) Refused - Existing Proposed Front Elevation;
- (d) Refused - Existing Proposed Side and Rear Elevations;
- (e) Refused - Existing Proposed Ground Floor Plan; and
- (f) Refused - Existing Proposed First Floor Plan.

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

23. All the documents referred to in this report can be viewed online on the Council's website at www.eastrenfrewshire.gov.uk with the exception of any representations that have been made to the application.

RECOMMENDATIONS

24. The Local Review Body is asked to:-

- (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
 - (i) it proceeds to determine whether the decisions taken in respect of the application under review should be upheld, reversed or varied; and
 - (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed.
- (b) In the event that further procedure is required to allow it to determine the review, consider:-
 - (i) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;
 - (ii) what procedure or combination of procedures are to be followed in determining the review.

Report Author: Paul O'Neil

Director - Caroline Innes, Deputy Chief Executive

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

Date:- June 2019

**APPLICATION
FOR
PLANNING PERMISSION**

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2019/015249P

RECEIVED

- 8 MAR 2019

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR & MRS	Ref No.	
Forename	J.	Forename	J.A.
Surname	FITZPATRICK	Surname	HUTTON
Company Name		Company Name	
Building No./Name	73	Building No./Name	Flat 0/1, 69
Address Line 1	BEECH AVE,	Address Line 1	MILBOATE ROAD,
Address Line 2	NEWTON MEANS	Address Line 2	LANSHIDE
Town/City	GLASGOW	Town/City	GLASGOW
Postcode	G77	Postcode	G42 9UT
Telephone		Telephone	07773 209204
Mobile		Mobile	
Fax		Fax	
Email		Email	Jhplanning@gmail.com
3. Address or Location of Proposed Development (please include postcode)			
73, BEECH AVE, NEWTON MEANS G77			
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:			
REAR 1 1/2 STOREY EXTENSION & DORMERS TO LOFT CONVR			
Have the works already been started or completed Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, please state date of completion, or if not completed, the start date:			
Date started:	<input type="text"/>	Date completed:	<input type="text"/>

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. Hurkin

Date: 7/3/19

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.

* WHEN CONSIDERING OUR APPLICATION WE WOULD LIKE YOU TO TAKE INTO ACCOUNT OTHER SIMILAR EXTENSIONS CARRIED OUT IN CLOSE PROXIMITY TO US. NOS 79, 80, 81 AND 91 BEECH AVE. NO 77 BEECH AVE NEXT DOOR WAS A DETACHED BUNGALOW & IS NOW A DETACHED 2 STOREY VILLA. NOS 40, 52 & 54 HAZELWOOD AVE AND NOS 42, 58 & 64 LARCHFIELD AVE. *

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 Michael Fitzpatrick 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:



On behalf of:

Michael Fitzpatrick

Date:

7/3/19.

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: 2019/0152/TP

Date Registered: 8th March 2019

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 254243/655831

Applicant/Agent:

Applicant:
Mr & Mrs J Fitzpartick
73 Beech Avenue
Newton Mearns
East Renfrewshire
G77 5QR

Agent:

J.A Hutton
Flat 0/1
69 Millbrae Road
Langside
Glasgow
G42 9UT

Proposal: Erection of one and a half storey rear extension with installation of dormer window at side; installation of hipped roof over dormer window at front

Location: 73 Beech Avenue
Newton Mearns
East Renfrewshire
G77 5QR

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 site is on an established residential street that is predominantly comprised of bungalows and contains some two storey properties. Many of the properties in the vicinity of the site have been altered and extended. The site contains a detached bungalow with a pyramidal roof. There is a flat roofed dormer window on its principal elevation. The dwelling is finished in a combination of brick, render and concrete roof tiles.

The proposal is to erect a one and a half storey rear extension, install of a side dormer window with a hipped roof and install of a hipped roof over the existing front dormer window. The extension would introduce a 7.9 metre long roof ridgeline that would form a clipped gable at the rear. The footprint of the extension would be the width of the dwelling and project 4 metres from the current rear elevation. No information has been provided on materials.

The proposal must be assessed against Policies D1 and D14 of the adopted Local Development Plan and Supplementary Planning Guidance on Householder Design (SPG). The proposal should complement the existing character of the dwelling and not result in a significant loss of character to the surrounding area. It should be of a size, scale and massing that is in keeping with the dwelling and surrounding built form. Dormer windows should be contained wholly within the roof slope and be set below the roof ridge. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting sunlight or privacy.

The half hipped roof at the rear of the extension would be a different roof design from the front of the dwelling. It is considered that the design of the roof would significantly increase the scale and massing and the dwelling, particularly when combined with the side dormer window and extended ridgeline. It is considered that the extent of the increase would overwhelm the original form of the dwelling to the detriment of its existing visual character and appearance.

It is acknowledged that there are nearby examples of rear extensions which are of a similar design to the proposal. However, it is not considered that these examples are numerous enough to define the built character of the area. Furthermore, these extensions were built before the adoption of the SPG. The proposal is of a scale and massing that is out of keeping with most of the bungalows on the street and introduces a roof type that is not typical of the surrounding area. For these reasons, it is not considered that the proposal respects the existing character of the area.

The dormer windows would be wholly contained within the roof slope and set below the roof ridge. However, as explained above, it is considered that the combination of the side dormer window with the scale of the extension would dominate the original form of the dwelling.

Due to the size and orientation of the extension and the size of the site and adjacent plots, it is not considered that the extension would have an adverse impact on the amenity of neighbouring properties. It is not considered that the proposed side dormer window would result in an adverse increase in overlooking due to its proposed use for non-habitable rooms.

It should be noted that an email was sent to the agent explaining that the half hipped roof would not be supported and that a hipped roof would be considered more appropriate. The agent requested that the proposal be determined without any amendments.

To conclude, it is considered that the proposed extension combined with the side dormer window would be dominant and not of a scale or massing that is in keeping with the original dwelling or the predominant surrounding built form. It is therefore considered that the proposal is contrary to policy and that there are no material considerations that outweigh the Local Development Plan.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None.

REASONS:

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it would significantly detract from the character of the surrounding area as its scale and massing would be out of keeping with the predominant surrounding built form.
2. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as it would be dominant and not of a scale or massing that complements the existing visual character or appearance of the dwelling.

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

ADDITIONAL NOTES: None.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr David Haney on 0141 5773854.

Ref. No.: 2019/0152/TP
(DAHA)

DATE: 7th May 2019

DIRECTOR OF ENVIRONMENT

Reference: 2019/0152/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

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

Adopted East Renfrewshire Local Development Plan

Policy D1 - Detailed Guidance for all Development

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

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset

of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;

6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Policy D14 - Extensions to Existing Buildings and Erection of Outbuildings and Garages

Any extensions must complement the existing character of the property, particularly in terms of style, form and materials.

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

Side extensions should not create an unbroken or terraced appearance.

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

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

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

GOVERNMENT GUIDANCE:

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

Finalised 7th May 2019 – AC(1)

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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. **2019/0152/TP**

Applicant:

Mr & Mrs J Fitzpartick
73 Beech Avenue
Newton Mearns
East Renfrewshire
G77 5QR

Agent:

J A Hutton
Flat 0/1
69 Millbrae Road
Langside
Glasgow
G42 9UT

With reference to your application which was registered on 8th March 2019 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of one and a half storey rear extension with installation of dormer window at side; installation of hipped roof over dormer window at front

at: 73 Beech Avenue Newton Mearns East Renfrewshire G77 5QR

The Council in exercise of their powers under the abovementioned Act and Regulations hereby refuse planning permission for the said development.

The reason(s) for the Council's decision are:-

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it would significantly detract from the character of the surrounding area as its scale and massing would be out of keeping with the predominant surrounding built form.
2. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as it would be dominant and not of a scale or massing that complements the existing visual character or appearance of the dwelling.
3. The proposal is contrary to the Supplementary Planning Guidance on Householder Design as the extension would introduce a new roof type that, in combination with the proposed side dormer, would significantly increase the scale and massing of the dwelling to the detriment of the appearance of the dwelling and surrounding area.

Dated 7th May 2019



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

64

The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan			
Block Plan Proposed			
Elevations Existing and Proposed	4248/1		
Elevations Existing and Proposed	4248/2		
Existing and proposed floor plans	4248/3		
Existing and proposed floor plans	4248/4		

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**

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**NOTICE OF REVIEW
AND
STATEMENT OF REASONS**

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20 MAY 2019

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County 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	MR & MRS	Ref No.	
Forename	JOHN	Forename	JOHN
Surname	FITZPATRICK	Surname	HUTTON
Company Name		Company Name	
Building No./Name	73	Building No./Name	FAT 0/1, 69
Address Line 1	BEECH AVE	Address Line 1	MILLBRAE ROAD
Address Line 2	NEWTON MEADOWS	Address Line 2	LANGSIDE
Town/City	GLASGOW	Town/City	GLASGOW
Postcode		Postcode	G42 9UT
Telephone		Telephone	
Mobile		Mobile	07773 209204
Fax		Fax	
Email		Email	jkplanning@gmail.com
3. Application Details			
Planning authority	EAST RENFREW SHIRE COUNCIL		
Planning authority's application reference number	2019/0152/TP		
Site address	73, BEECH AVE, NEWTON MEADOWS		
Description of proposed development	PROPOSED 1/2 STOREY EXTENSION TO REAR		

Date of application 7/3/19

Date of decision (if any) 7/5/19

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.

WHEN APPLICATION WAS SUBMITTED, WE GAVE SEVERAL ADDRESSES OF SIMILAR PROPERTIES IN CLOSE PROXIMITY TO OURS, HAD THE SAME EXTENSION!

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? GATE TO LHS WILL BE OPEN FOR ACCESS TO REAR.

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

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.

PLEASE SEE ATTACHED LETTER ! + PICURES.
FROM CLIENT.

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 your 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

DRGS SHOWING EXISTING & PROPOSED PLANS &
ELEVATIONS.
BLOCK & LOCATION PLANS
PHOTOGRAPHS
LETTERS FROM CLIENTS.

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 HUTTENDate: 17/5/19

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

8

WE ASKED WHEN CONSIDERING OUR APPLICATION THE PLANNER SHOULD TAKE INTO ACCOUNT THE SIMILAR EXTENSIONS CARRIED OUT IN CLOSE PROXIMITY!

WE FEEL OUR PROPOSAL WOULD NOT LOOK OUT OF PLACE WITH VARIOUS EXTENSIONS CARRIED OUT ALREADY.

WE HAVE ENCLOSED PHOTOGRAPHS OF EXTENSIONS MENTIONED IN OUR PLANNING APPLICATION & REVIEW.

PHOTOS/PICTURES ENCLOSED :



WE FEEL THAT AS THERE IS NO CHANGE TO THE VIEW ON FRONT ELEVATION OUR PROPOSAL WOULD NOT BE DETRIMENTAL TO THE STREET SCAPE.

OUR NEIGHBOUR'S HOUSE WAS A BUNGALOW & NOW IS A 2 STOREY DETACHED DWELLING !?

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73 Beech Avenue
Newton Mears
G77 5QR

19th May 2019

Dear Councillors

Appeal of planning decision for 73 Beech Avenue

We write to appeal the planning decision for 73 Beech Avenue, Newton Mearns. It is our understanding that the planning application was refused on the basis that we proposed a gable end at the back of the house.

Within the surrounding area, there have been numerous developments to traditional bungalows. The bungalow next door to ours was demolished and a 2 storey home built in its place. Our neighbours 3 doors down have a gable end as well as raising the roof height, and multiple side dormers. From our back garden, we can see four gable ends and there are many other examples in our street and the two streets either side – we have provided some pictures to illustrate.

It is our genuine intention to sympathetically improve the size and provision of our home which does not impose on our neighbours, whilst still producing a house that is in-keeping with the street and the surrounding area. It is with this in mind that we worked with our architect to design a gable end to maximise the accommodation upstairs, without the need for numerous side dormers. Indeed, only one side dormer has been proposed for bathrooms, with obscured glass windows, which we deliberately faced towards the double storey house beside us so it would not affect either of our neighbours' privacy.

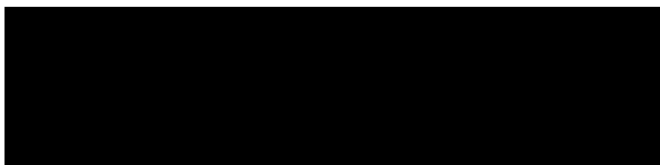
We have designed the gable end at the back with a semi-pitched roof at the top, which matches our neighbour's design, and gives the illusion of a pitched roof from the roadside. Indeed, this will only be slightly visible from one side of our house as our neighbour's double storey house obscures the view of the back from the other side.

We have discussed our development with both our immediate neighbours who are fully in support of our plans.

We would urge you to consider our appeal on the basis that we are not asking for any radical changes to the house in comparison to other developments taking place, and have tried our best to maximise our home's potential with having the least impact to the design.

Many thanks

Yours sincerely



Danni and John Fitzpatrick

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PLANS/PHOTOGRAPHS/DRAWINGS

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LAND REGISTER
OF SCOTLAND

Officer's ID / Date

7840
5/11/2018

TITLE NUMBER

REN148836



ORDNANCE SURVEY
NATIONAL GRID REFERENCE

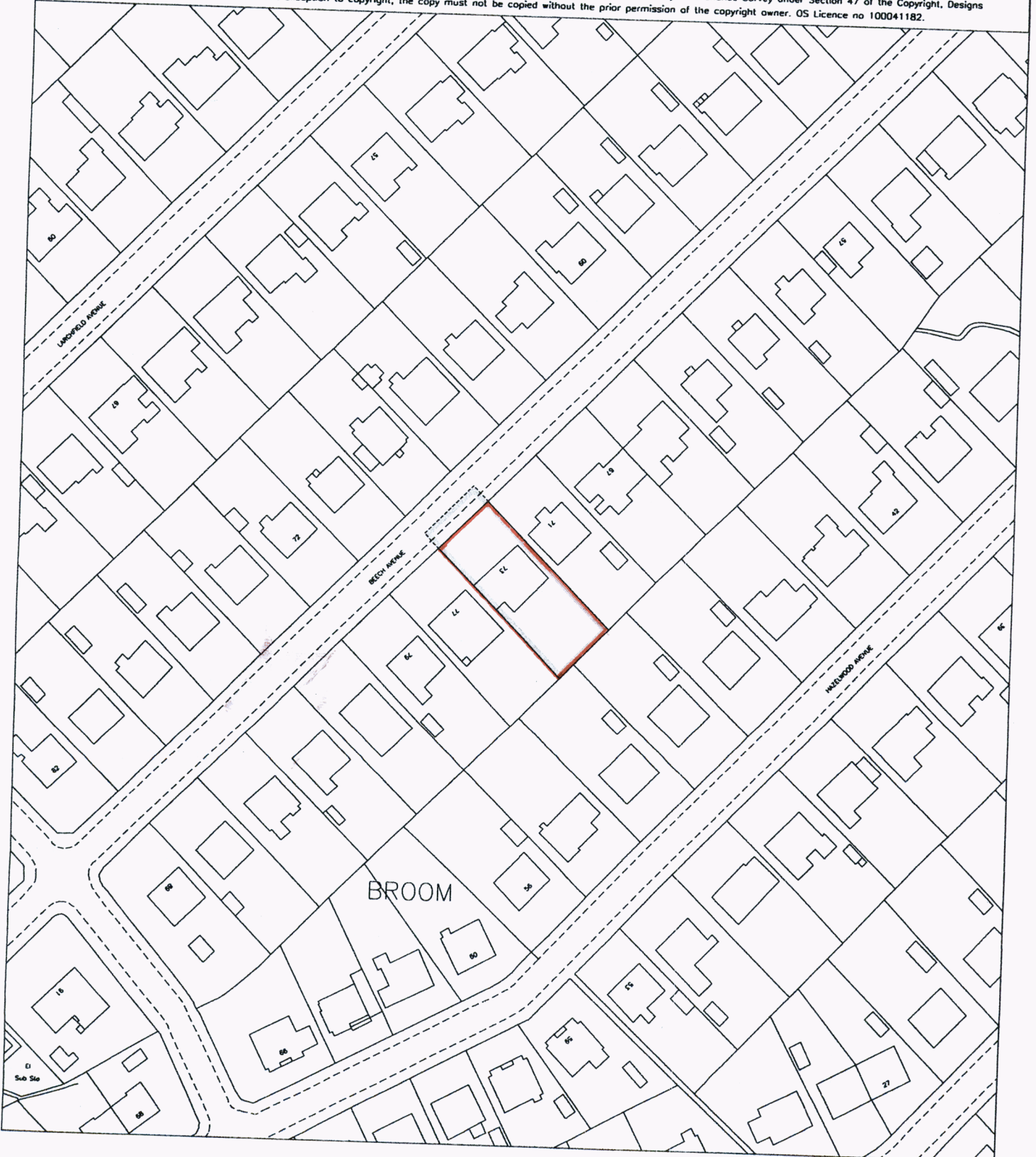
70m

NS5455NW NS5456SW

Survey Scale

1/1250

CROWN COPYRIGHT © - This copy has been produced from the RQS Digital Mapping System on 19/11/2018 with the authority of Ordnance Survey under Section 47 of the Copyright, Designs and Patents Act 1988. Unless there is a relevant exception to copyright, the copy must not be copied without the prior permission of the copyright owner. OS Licence no 100041182.



2019/0152/TP

80

BEECH AVENUE

71

73.

PROPOSED EXTENSION.

* 2m *

77

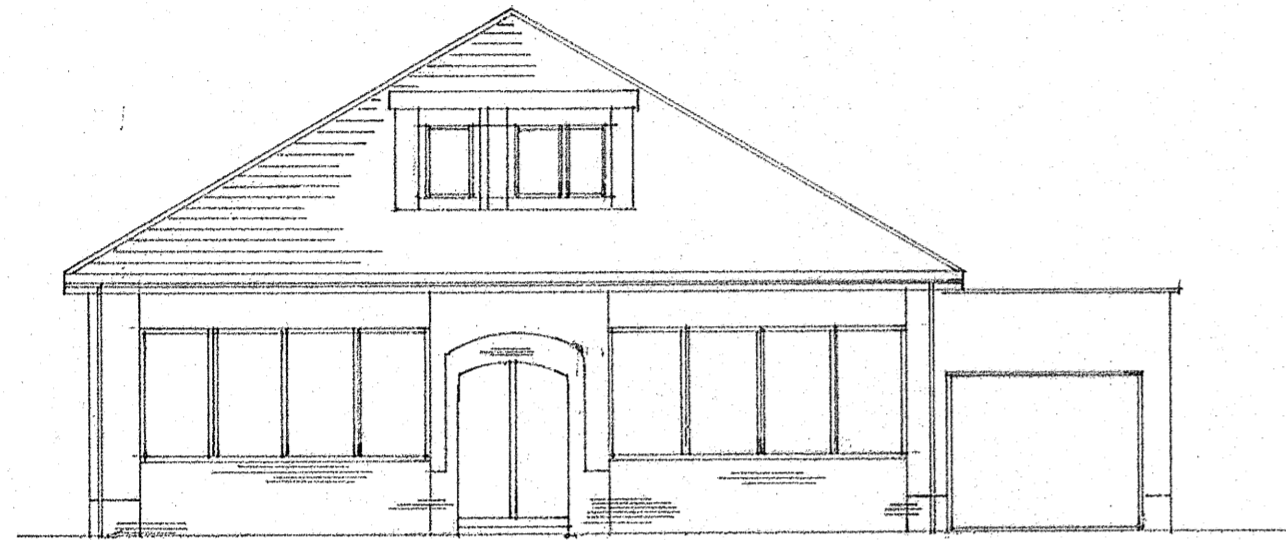
* 2.9 *

BLOCK PLAN 1-200.

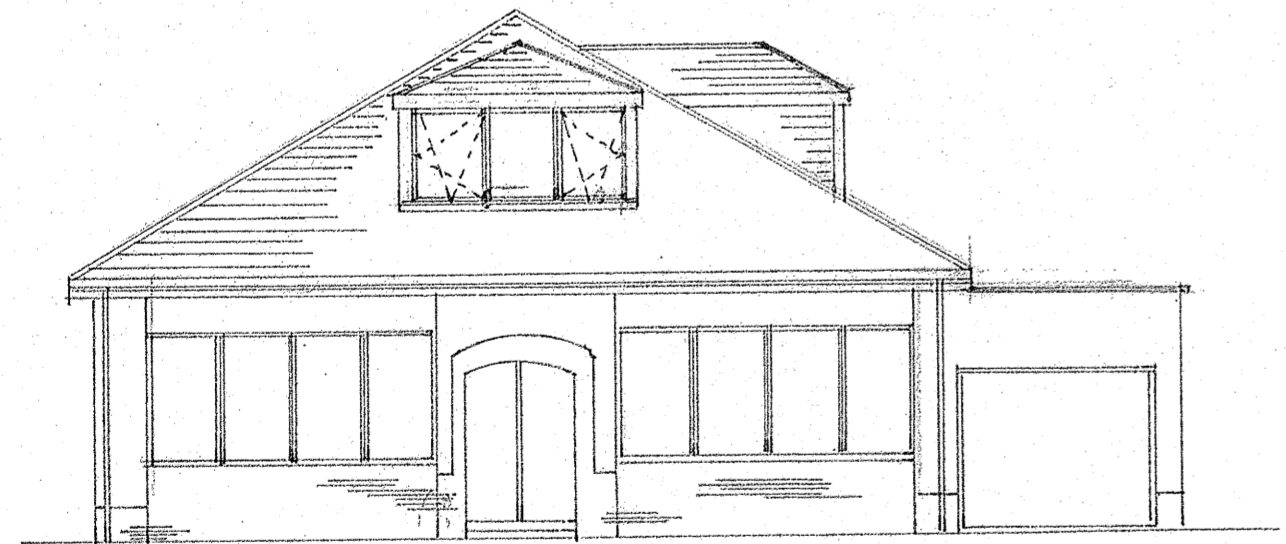


PROPOSED REAR 1/2 STOREY EXTENSION
AT 73, BEECH AVE, NEWTON MEARNS
PER MR & MRS FITZPATRICK

SCALE : 1:100
DRG NO : 4248/2
DATE : JAN 2015



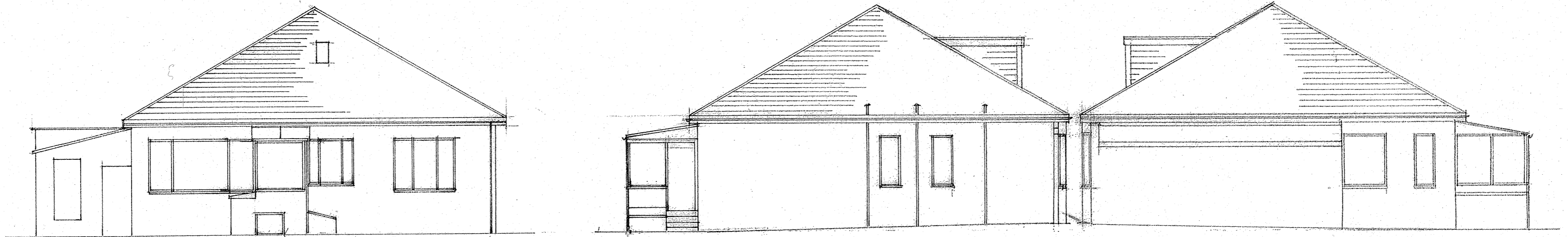
EXISTING FRONT ELEVATION



PROPOSED FRONT ELEVATION

PROPOSED REAR 1/2 STOREY EXTENSION
AT 73, BEECH AVE, NEWTON MEARNS.
PER MR & MRS FITZPATRICK.

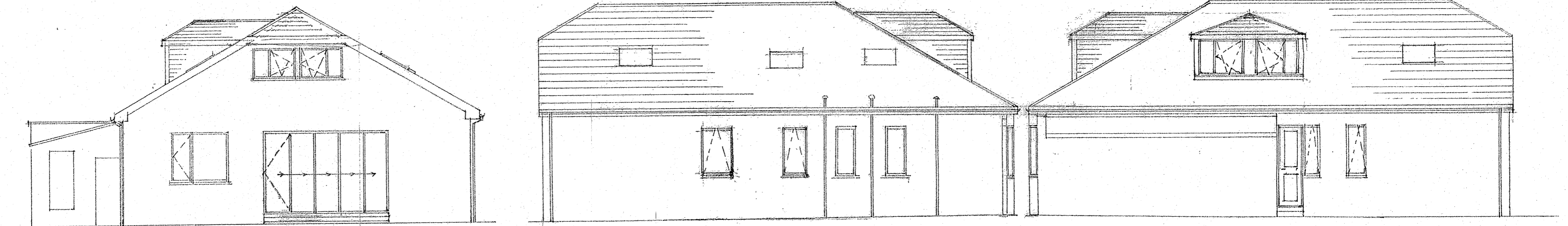
SCALE : 1:100.
DRG NO : 4248/L.
DATE : JAN 2019.



EXISTING REAR ELEVATION.

EXISTING SIDE ELEVATION.

EXISTING SIDE ELEVATION.



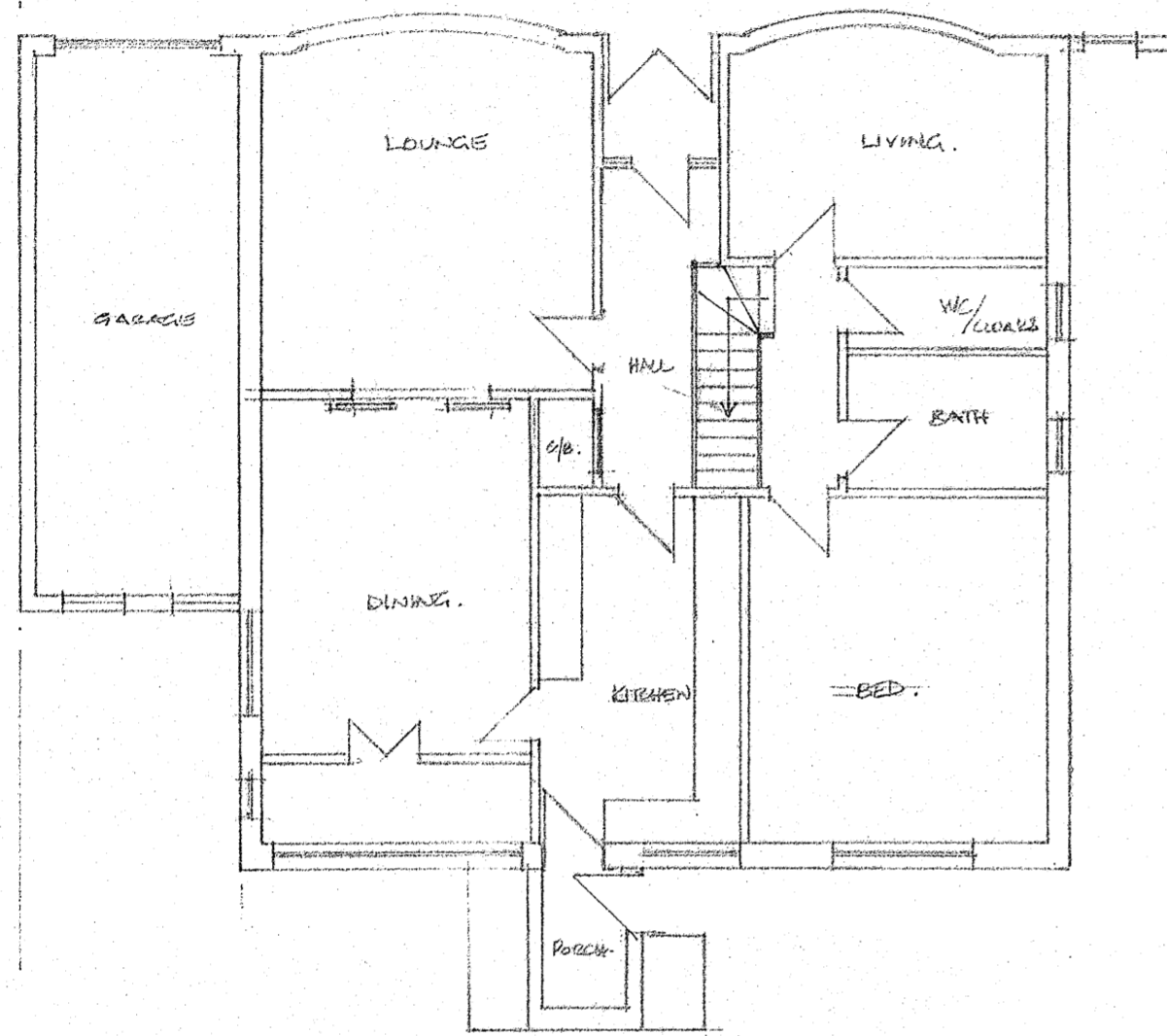
PROPOSED REAR ELEVATION.

PROPOSED SIDE ELEVATION.

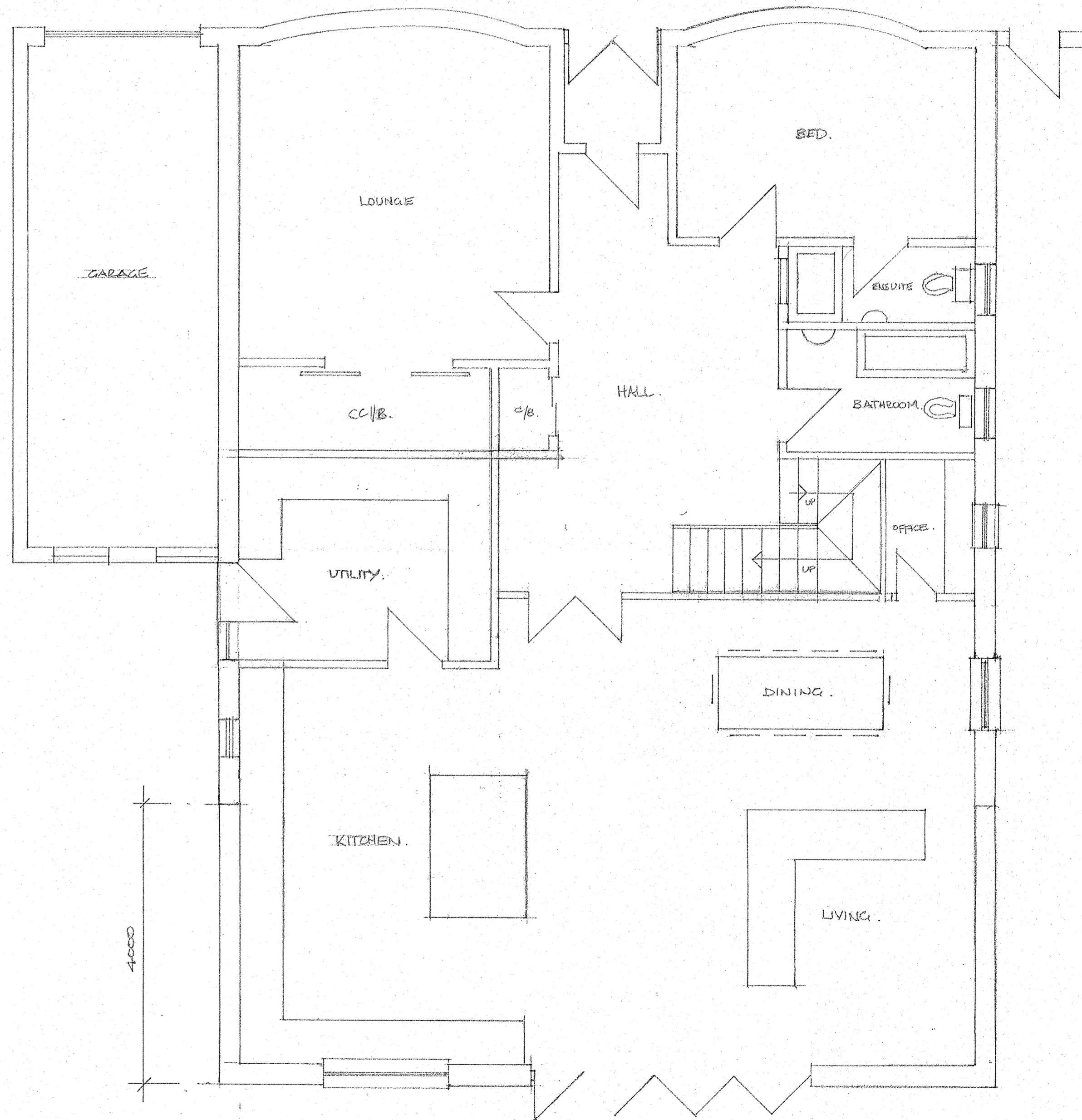
PROPOSED SIDE ELEVATION.

PROPOSED REAR 1/2 STOREY EXTENSION
AT 73, BEECH AVE, NEWTON MEARNS
PER MR & MRS FITZPATRICK.

SCALE : 1:50, 1:100.
DRGN# : 4248/3
DATE : JAN 2010.



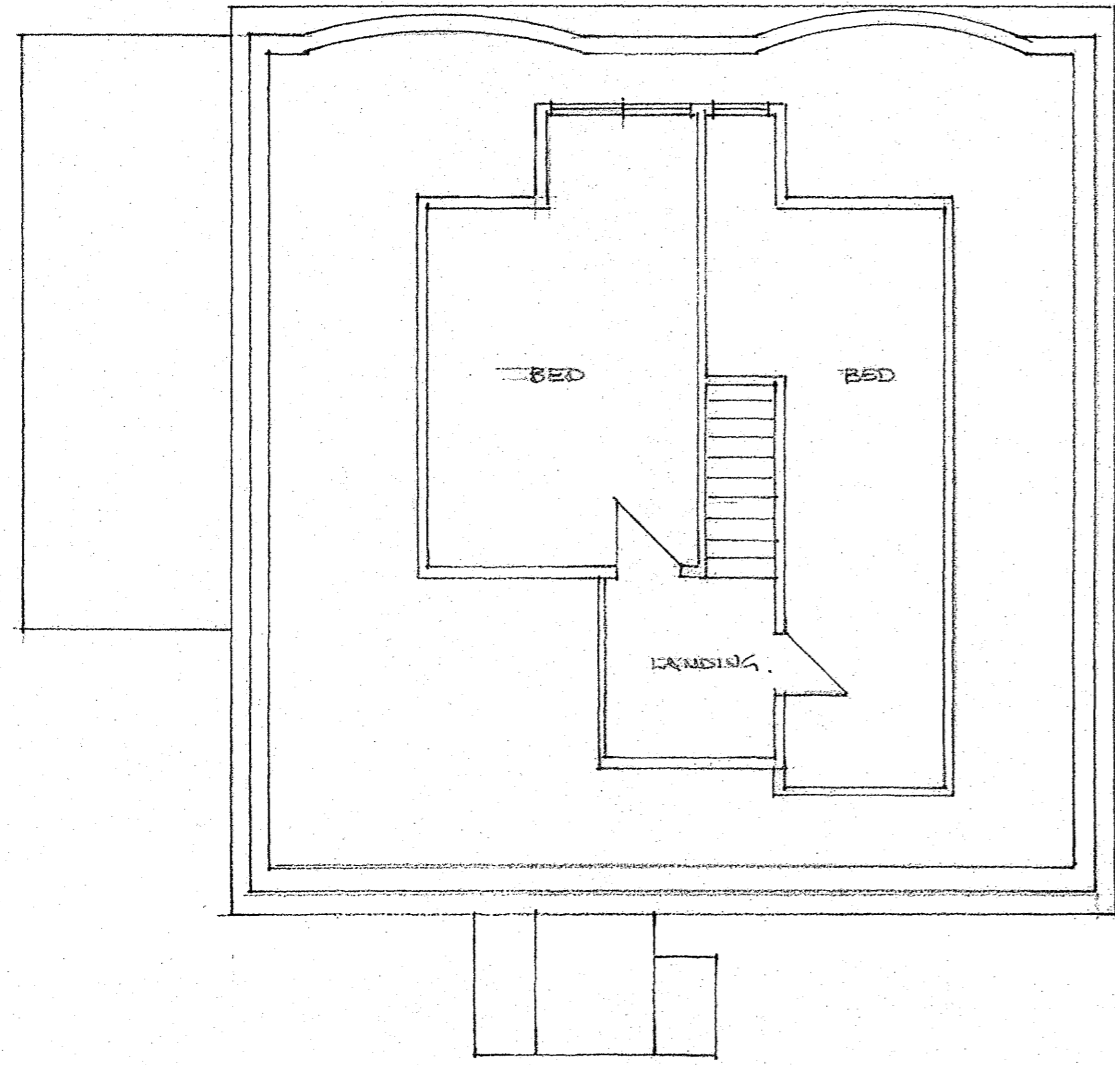
EXISTIN G.F. PLAN.



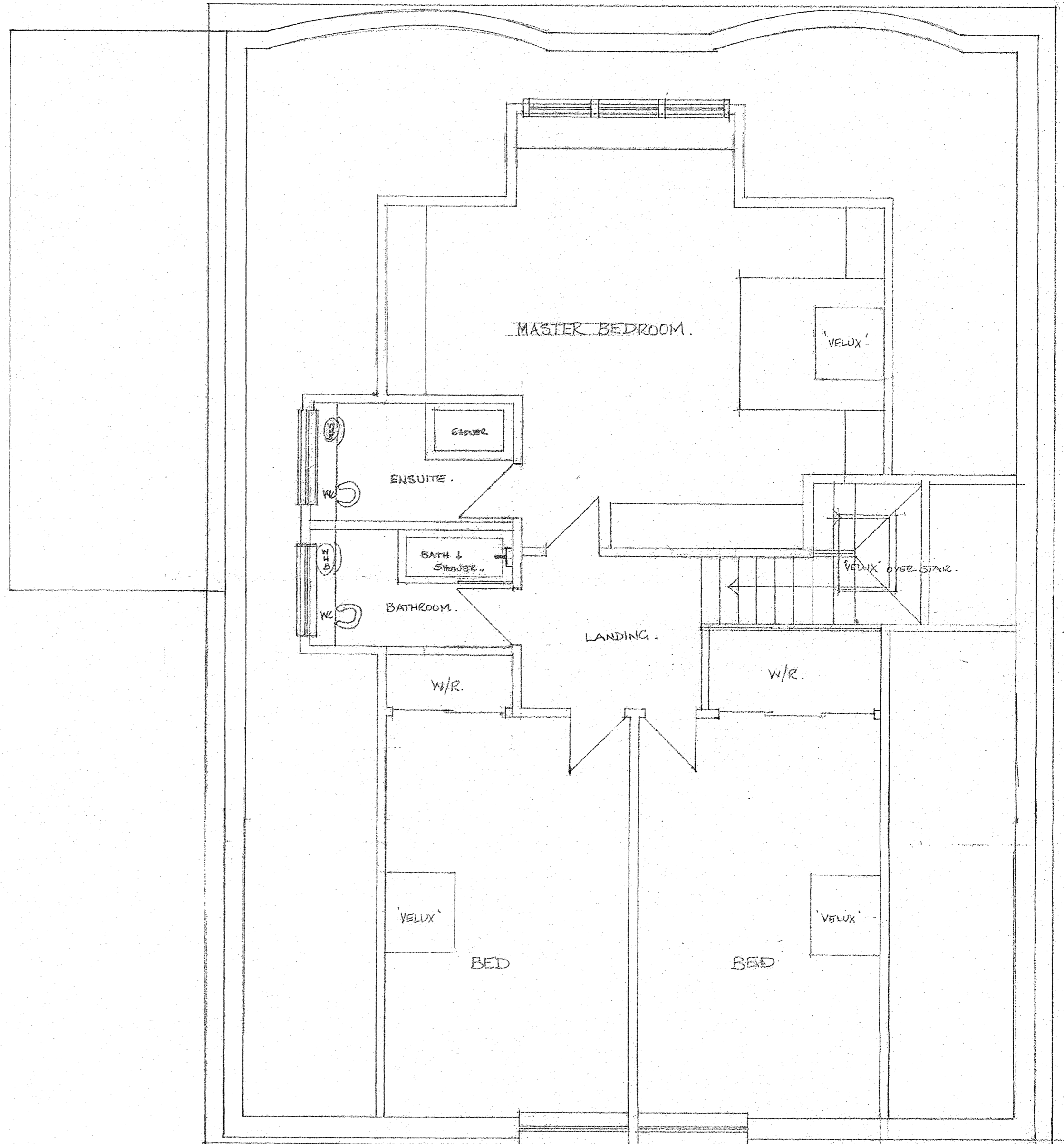
PROPOSED G.F. PLAN.

PROPOSED REAR 1/2 STOREY EXTENSION
AT 73, BEECH AVE, NEWTON MEADNS.
PER MR & MRS FITZPATRICK.

SCALE : 1:50 & 1:100
DRGNO : 4248/4
DATE : JAN 2019



EXISTING 1ST FLOOR PLAN



PROPOSED 1ST FLOOR PLAN