

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY8 August 2018Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2018/09ERECTION OF SINGLE STOREYSIDE EXTENSION  
AT 37 AYR ROAD, GIFFNOCK**PURPOSE OF REPORT**

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

**DETAILS OF APPLICATION**

2. Application type: Full Planning Permission (Ref No:- 2018/0036/TP).  
Applicant: Mr Paul Millar.  
Proposal: Erection of Single Storey Side Extension.  
Location: 37 Ayr Road, Giffnock.  
Council Area/Ward: Giffnock and Thornliebank (Ward 3).

**REASON FOR REQUESTING REVIEW**

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

**RECOMMENDATIONS**

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

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

## **BACKGROUND**

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

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

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, 8 August 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.** However, the applicant has submitted new information which was not available to the Appointed Officer at the time the determination of the application was made. The new information relates to '3D Images' of the property which were not in the application file.

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

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

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

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

**17.** The applicant's agent has explained that the '3D images' are simply another medium to illustrate the proposed extension which in his opinion would greatly assist the Local Review Body in fully visualising the proposed extension and its relationship with the existing house and garden.

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

**19.** Members should note that the new information has been excluded from the applicant's submission with his '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 57-64);
- (b) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 2 (Pages 65-70);
- (c) Decision notice and reasons for refusal - Appendix 3 (Pages 71-74); and
- (e) A copy of the applicant's Notice of Review and Statement of Reasons - Appendix 4 (Pages 75-86).

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 are attached as Appendix 5 (Pages 87-98).

- (a) Location and Block Plans;
- (b) Front and Rear Elevations as Existing;
- (c) Side Elevations as Existing;
- (d) Section;
- (e) Ground Floor Plan as Existing;
- (f) First Floor Plan as Existing;
- (g) Refused – Location Plan;
- (h) Refused – Elevations as Proposed;
- (i) Refused – Ground Floor as Proposed; and
- (j) Refused – First Floor as Proposed.

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](http://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:- July 2018

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**APPLICATION  
FOR  
PLANNING PERMISSION**

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2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: [planning@eastrenfrewshire.gov.uk](mailto: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      100081908-001

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

## Description of Proposal

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

Single storey side extension to form lounge and games room

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:	Bare Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ronald	Building Name:	
Last Name: *	Gellan	Building Number:	4
Telephone Number: *	07833252202	Address 1 (Street): *	Rannoch Avenue
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Hamilton
Fax Number:		Country: *	Scotland
		Postcode: *	ML3 8UD
Email Address: *	ronnie@barearchitecture.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: *	Paul	Building Number:	37
Last Name: *	Millar	Address 1 (Street): *	Ayr Road
Company/Organisation		Address 2:	Giffnock
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G46 6SB
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

37 AYR ROAD

Address 2:

GIFFNOCK

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G46 6SB

Please identify/describe the location of the site or sites

Northing

657704

Easting

255393

## 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: Ronald Gellan

On behalf of: Mr Paul Millar

Date: 23/01/2018

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 Ronald Gellan

Declaration Date: 23/01/2018

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**REPORT OF HANDLING**

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# REPORT OF HANDLING

Reference: 2018/0036/TP

Date Registered: 24th January 2018

Application Type: Full Planning Permission

This application is a Local Development

Ward: 3 -Giffnock And Thornliebank

Co-ordinates: 255393/657704

Applicant/Agent:

Applicant:

Mr Paul Millar

37 Ayr Road

Giffnock

Glasgow

Scotland

G46 6SB

Agent:

Ronald Gellan

4 Rannoch Avenue

Hamilton

Scotland

ML3 8UD

Proposal: Erection of single storey side extension

Location: 37 Ayr Road

Giffnock

East Renfrewshire

G46 6SB

**CONSULTATIONS/COMMENTS:** None.

**PUBLICITY:** None.

**SITE NOTICES:** None.

**SITE HISTORY:** No recent applications

**REPRESENTATIONS:** No representations have been received.

**DEVELOPMENT PLAN & GOVERNMENT GUIDANCE:** See Appendix 1

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

## **ASSESSMENT:**

The application site comprises a detached two storey hip roofed dwelling and its curtilage and lies within a residential area on the south east side of Ayr Road. A railway line and a golf course lie to the rear and another residential property lies to the north east. The dwelling is externally finished in white render and grey roofing tiles. The front, side and rear boundaries are characterised by masonry walls and timber fencing.

The ground levels fall from Ayr road towards the railway to the rear. Much of the rear garden between the rear of the dwelling and the railway is steeply sloping. A deck/patio provides level outdoor amenity space to the rear. Most of the useable level garden space lies to the side of the dwelling. This garden area tapers to a point at the south west corner of the site where the railway intersects the line of Ayr Road.

Planning permission is sought for the erection of a single storey side extension. The proposed extension measures 12 metres wide by 10 metres deep by 5.3 metres high to the ridge. It comprises gable features and is proposed to be finished in smooth render and concrete roofing tiles. The extension is not set back from the principal front building line, although an existing attached front garage projects forward of both the existing dwelling and the proposed extension.

The application requires to be assessed against Policies D1 and D14 of the adopted East Renfrewshire Local Development Plan. Policy D1 requires that all development should not result in a significant loss of character to the surrounding area. Policy D14 requires that extensions should complement the character of the existing building in terms of its style, form and materials and should not result in a significant loss of garden ground. The adopted Supplementary Planning Guidance: Householder Design Guide (SPG) that forms part of the Local Development Plan is also relevant. The SPG states that side extensions should be set back at least 0.5m from the front building line and not exceed 50% of the width of the existing house.

The proposed extension is considered to dominate and detract from the character and design of the existing hip roofed dwelling by virtue of its excessive width, lack of a set back and gable ended design. Given its large footprint and that it would be located on the only level undeveloped part of the curtilage, the extension would give rise to a significant loss of private garden ground. The proposal is therefore contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan.

It is noted that the proposal exceeds 50% of the width of the original dwelling and does not comprise a set back from the principal building line, detracting from the character and design of the dwelling. This is contrary to the general and specific terms of the SPG.

In conclusion, the proposal is contrary to the terms of the adopted LDP. There are no material considerations that outweigh the terms of the development plan.

**RECOMMENDATION:** Refuse

**PLANNING OBLIGATIONS:** None

**REASONS FOR REFUSAL:**

1. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as the extension would detract from the character and design of the existing dwelling by virtue of its size and design.
2. The proposal is contrary to the general and specific terms of the adopted Supplementary Planning Guidance: Householder Design Guide as the extension would not respect the character and design of the existing dwelling, would exceed 50% of the width of the original house and would not comprise a set back from the principal front building line.

**ADDITIONAL NOTES:** None.

**ADDED VALUE:** None

**BACKGROUND PAPERS:**

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

Ref. No.: 2018/0036/TP

(DESC)

DATE: 22nd March 2018

**DIRECTOR OF ENVIRONMENT**

**Reference: 2018/0036/TP - Appendix 1**

**DEVELOPMENT PLAN:**

**Strategic Development Plan**

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

**Adopted East Renfrewshire Local Development Plan**

Policy D1

Detailed Guidance for all Development

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

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

development. Development should take account of the principles set out in 'Designing Streets';

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

#### Policy D14

##### Extensions to Existing Buildings and Erection of Outbuildings and Garages

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

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

Side extensions should not create an unbroken or terraced appearance.

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

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

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

**GOVERNMENT GUIDANCE:** None

**Finalised 22/03/18 AC(3)**

**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.           **2018/0036/TP**

**Applicant**

Mr Paul Millar  
37 Ayr Road  
Giffnock  
Glasgow  
Scotland  
G46 6SB

**Agent:**

Ronald Gellan  
4 Rannoch Avenue  
Hamilton  
Scotland  
ML3 8UD

With reference to your application which was registered on 24th January 2018 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

**Erection of single storey side extension**

**at: 37 Ayr Road, Giffnock, East Renfrewshire, G46 6SB**

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 D14 of the adopted East Renfrewshire Local Development Plan as the extension would detract from the character and design of the existing dwelling by virtue of its size and design.
2. The proposal is contrary to the general and specific terms of the adopted Supplementary Planning Guidance: Householder Design Guide as the extension would not respect the character and design of the existing dwelling, would exceed 50% of the width of the original house and would not comprise a set back from the principal front building line.

Dated               22nd March 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

<b>Plan Description</b>	<b>Drawing Number</b>	<b>Drawing Version</b>	<b>Date on Plan</b>
Block Plan and Location Plan Proposed	005		
Elevations Proposed	008		
Plans Proposed	006	A	
Plans Proposed	007		

**GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS****REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY**

- 1. If the applicant is aggrieved by a decision to refuse permission (or by an approval subject to conditions), the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review can be submitted online at [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk). Alternatively, you can download a Notice of Review form (along with notes for guidance) from [www.eastrenfrewshire.gov.uk/planning-appeals-reviews](http://www.eastrenfrewshire.gov.uk/planning-appeals-reviews) which should be returned to The Planning Service, 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, East Renfrewshire G46 8NA. You may also call the Council on 0141 577 3001 to request the Notice of Review Form. Please note that beyond the content of the appeal or review forms, you cannot normally raise new matters in support of an appeal or review, unless you can demonstrate that the matter could not have been raised before, or that its not being raised before is a consequence of exceptional circumstances. Following submission of the notice, you will receive an acknowledgement letter informing you of the date of the Local Review Body meeting or whether further information is required.**
- 2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.**

**CONTACT DETAILS**

**East Renfrewshire Council  
Development Management Service  
2 Spiersbridge Way,  
Spiersbridge Business Park,  
Thornliebank,  
G46 8NG**

**General Inquiry lines 0141 577 3895 or 0141 577 3878  
Email [planning@eastrenfrewshire.gov.uk](mailto: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](mailto: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 100124938-001

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Bare Architecture Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Barry	Building Name:	
Last Name: *	McMullan	Building Number:	6
Telephone Number: *	07833 252202	Address 1 (Street): *	6 Golf View
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Strathaven
Fax Number:		Country: *	United Kingdom
		Postcode: *	ML10 6AZ
Email Address: *	barry@barearchitecture.com		

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"/>
First Name: *	<input type="text" value="Paul"/>	Building Number:	<input type="text" value="37"/>
Last Name: *	<input type="text" value="Miller"/>	Address 1 (Street): *	<input type="text" value="Ayr Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Giffnock"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G46 6SB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## 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="37 AYR ROAD"/>
Address 2:	<input type="text" value="GIFFNOCK"/>
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="G46 6SB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="657704"/>	Easting	<input type="text" value="255393"/>
----------	-------------------------------------	---------	-------------------------------------

## 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)

Application for Local Review following a planning permission application refusal.

## 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.

Please refer to the email attached in the Supporting Documents in response to Derek Scott's email dated 29th May 2018.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please refer to the email attached in the Supporting Documents in response to Derek Scott's email dated 29th May 2018.

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)

Proposed & Existing Drawings Please refer to the email attached in the Supporting Documents in response to Derek Scott's email dated 29th May 2018.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

2018/0036/TP

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

23/01/2018

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

04/04/2018

## 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 Barry McMullan

Declaration Date: 14/06/2018

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**From:** Bare Architecture [mailto:info@barearchitecture.com]

**Sent:** 01 June 2018 15:04

**To:** Scott, Derek; PAUL Millar; Millar, Paul

**Subject:** Re: PREAPP/2018/0143 - Erection of single storey side extension at 37 Ayr Road, Giffnock

Dear Derek,

Thanks for your recent email, however we do not agree and challenge your current opinion and feel you have not provided adequate, specific evidence from either the East Renfrewshire Local Development Plan or Householder Design Guide to support the refusal decision. As a result, we now wish to pursue this matter higher within East Renfrewshire Council and would like to appeal based on the following points below.

In response to your previous email, please see the following response:

***Policy D14 of the adopted East Renfrewshire Local Development Plan states:***

***“Any extensions must complement the existing character of the property in terms of style, form and materials” and “the size, scale and height of any development must be appropriate to the existing building”.***

***Given the width of the proposed extension and its dominant gable feature (and gabled dormer in its latest version), I consider that the proposal is contrary to the terms of Policy D14.***

The above response does not justify or clearly explain why the proposed extension is contrary to this policy in anyway. The proposed extension has been very carefully considered to ensure the character of the original house has be maintained. The style, form and materials of the new extension all compliment the existing house extremely well. The size, scale and height of the extension are very appropriate to the existing wide plot and there will remain 23.845m of garden from the end of the extension to the side boundary, which is more than adequate useable garden space.

The side extension has been limited to single storey, to ensure it remains subserviant to the existing house. Furthermore, the width of the new extension does not exceed 50% of the existing house frontage, ensuring the width of the extension is compliant with Householder Design Guide. Therefore, the width of the extension should not be referred to when trying to justify a refusal decision.

The existing house already has two dominate, double storey gable features, that face directly onto the Ayr Road. Therefore, it is very much in keeping with the original house to include a new gable elevation to the side extension, especially when the gable elevation does not even face onto the Ayr Road, instead facing directly onto the private side garden and trainlines below. The new extension side gable elevation, is not an overly dominant feature and is very complimentary to the existing house. As mentioned previously, the existing house main roof is purely an attic storage space therefore, the hipped roof is appropriate. In contrast, the new extension is a vibrant, entertainment room, with raised ceilings and Velux rooflights therefore, the gable end with feature glazing, is a very appropriate option. Form follows Function.

***Para 2.1.1 of the SPG states:***

***“Extensions, dormer windows and garages should respect the character of the original house in terms of design, scale and materials;”***

***“Developments should have the same roof design as the house, particularly when visible from public view”.***

The above response does not clearly explain or justify the refusal decision. That statement "same roof design" is extremely vague and has been intepreted too literally. We argue that the extension does have the same roof design as the original house, we are proposing roof trusses and concrete roof tiles. The

above statement does not provide any specific evidence that clearly states a gable elevation would not be permitted in this instance. Furthermore, Illustration 1, in the Householder Design Guide, simply states the side extension roof should have the same roof pitch as house.

**Para 2.2.1 states:**

***“Side extensions should be no more than 50% of the frontage of the original house”.***

***With regard to your latest proposed amendment, if we are to accept the additional width of the extension, then any elements that add to its mass and therefore increase its dominance should be removed. This is why I stand by my earlier comments that the roof should be hipped and that a gabled dormer would not be appropriate.***

The proposed side extension does not exceed 50% of the house frontage. The existing frontage combines both the existing house and garage, as there is nothing stated in the Householder Design Guide that specifically suggests that wouldn't be the case. Therefore, the above comment is irrelevant and again does not clearly explain or justify the refusal decision. The remaining comments have been addressed in our responses above.

Having obtaining planning approval for a large number of house extensions throughout Scotland over the past ten years, we are confident that had this property been located in any other local authority, approval for this proposed extension would have been granted.

To conclude, we strongly oppose the refusal decision and have not received adequate specific evidence to support the decision. We feel our proposal is wholly compliant with the various planning policies and are extremely confused and concerned about the refusal decision, the manner in which this application has been processed and the literal interpretation of a very vague and general set of planning policies. You have also highlighted during our communications that each case is assessed against policy on its own merits (strengths vs weaknesses) and there are many examples where we believe certain developments have been approved that are not consistent with the certain sections within this policy. We have provided a few examples and case studies of recent approvals to support this point.

We therefore feel that we have no other option and wish to pursue this matter higher within East Renfrewshire Council and will proceed with a Local Review, if required.

I would appreciate if you can advise on the next steps to pursue our complaint.

Regards,

Barry

Please consider the environment before printing this email and attachments

**Bare Architecture Ltd**

6 Golf View  
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South Lanarkshire  
ML10 6AZ

Tel: 01698 209659

Mobile: 07827 854222

Email: [barry@barearchitecture.com](mailto:barry@barearchitecture.com)

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On 29/05/2018 10:41, Scott, Derek wrote:

Barry,

This is matter of how the proposed extension impacts on the character and design of the original dwelling.

Policy D14 of the adopted East Renfrewshire Local Development Plan states:

“Any extensions must complement the existing character of the property in terms of style, form and materials” and “the size, scale and height of any development must be appropriate to the existing building”.

Given the width of the proposed extension and its dominant gable feature (and gabled dormer in its latest version), I consider that the proposal is contrary to the terms of Policy D14.

Further policy guidance is contained within the adopted Supplementary Planning Guidance: Householder Design Guide (SPG) that supports and forms part of Policy D14.

Para 2.1.1 of the SPG states:

“Extensions, dormer windows and garages should respect the character of the original house in terms of design, scale and materials;” and

“Developments should have the same roof design as the house, particularly when visible from public view”.

Para 2.2.1 states:

“Side extensions should be no more than 50% of the frontage of the original house”.

With regard to your latest proposed amendment, if we are to accept the additional width of the extension, then any elements that add to its mass and therefore increase its dominance should be removed. This is why I stand by my earlier comments that the roof should be hipped and that a gabled dormer would not be appropriate.

If you still feel strongly that your proposal does not conflict with Policy D14 or the SPG, then the option of a local review is still open to your client.

I note your comments about planning permission 2017/0675/TP for the erection of one and a half storey rear extension, including raised deck; installation of dormer windows to front and rear 25 Greenhill Avenue. Every planning application is considered on its own merits and precedent is not a material planning consideration. Nevertheless, that proposal relates to a proportionate rear extension with front and rear dormer windows. The issue of the width of the side extension and the need to carefully control its mass and dominance do not therefore apply at 25 Greenhill Avenue.

I hope this clarifies my position.

Kind regards,

**Derek Scott**  
**Planning Officer**

Environment (Development Management)  
East Renfrewshire Council

Tel: 0141 577 3034

Fax: 0141 577 3885

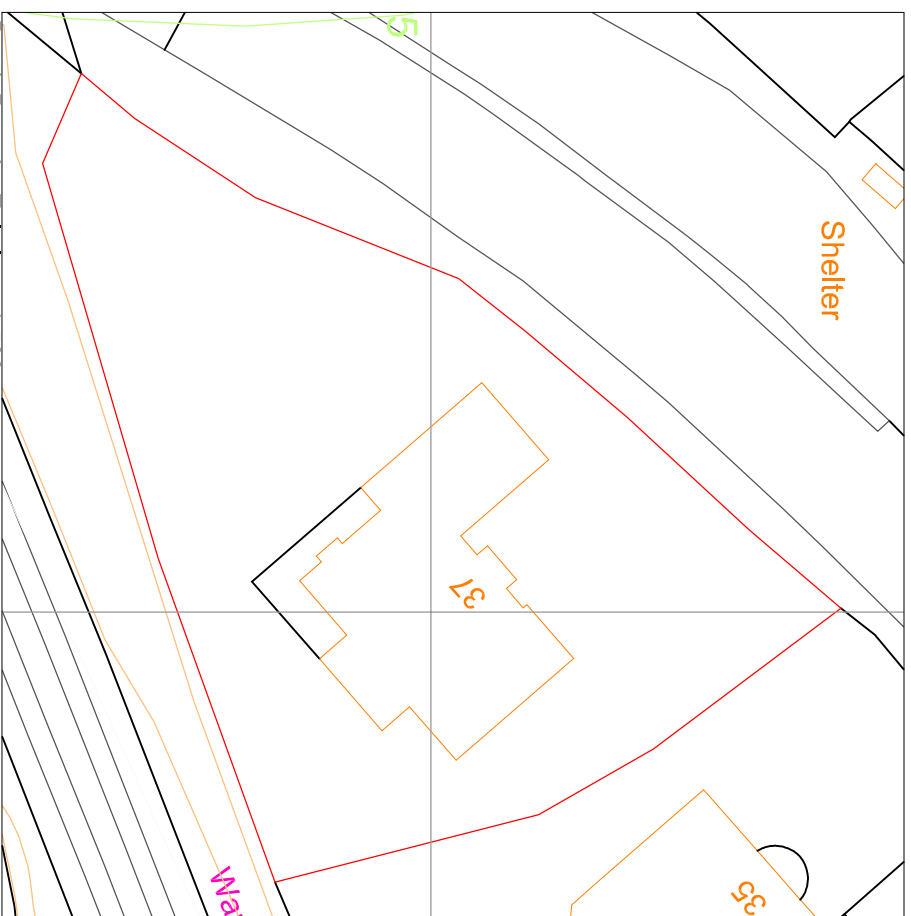
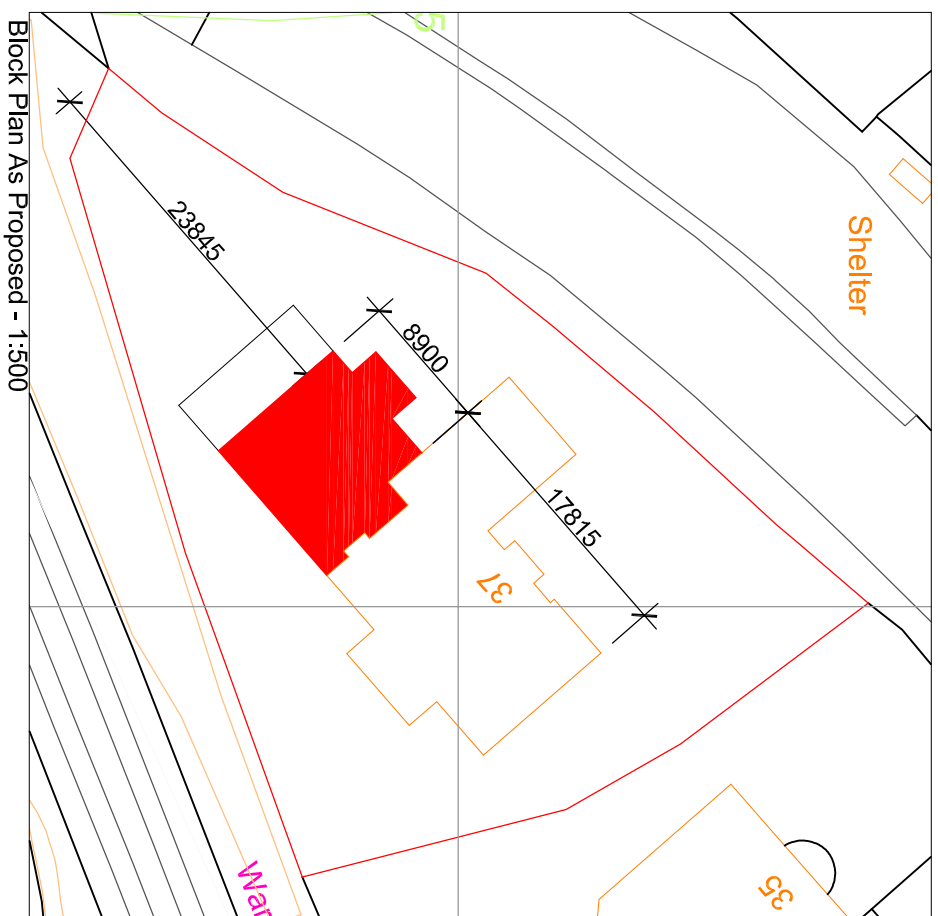
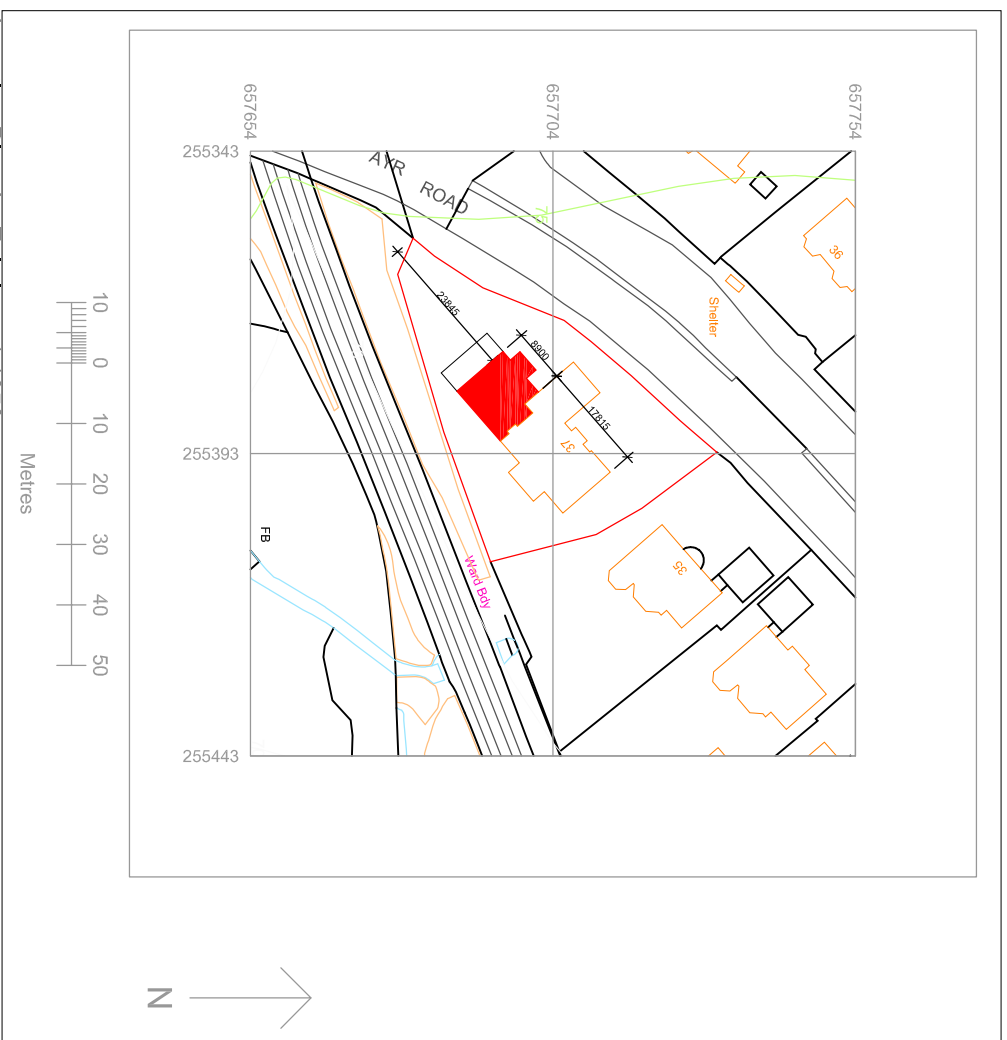
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**PLANS/PHOTOGRAPHS/DRAWINGS**

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Existing Plot Area: 1403sqm  
 Existing House G.I.F.A (Ground Floor): 213sqm  
 Proposed Extension G.I.F.A (Ground Floor): 97sqm  
 Plot to Development Ratio: 78:22



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Job Title  
 Paul Miller  
 37 Ayr Road  
 Giffnock

Drawing Title  
 Existing Drawings

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AS INDICATED	A3	BMCM	05.05.17

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 Drawing number  
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Rear Elevation As Existing - 1:100



Front Elevation As Existing - 1:100

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Side Elevation As Existing - 1:100

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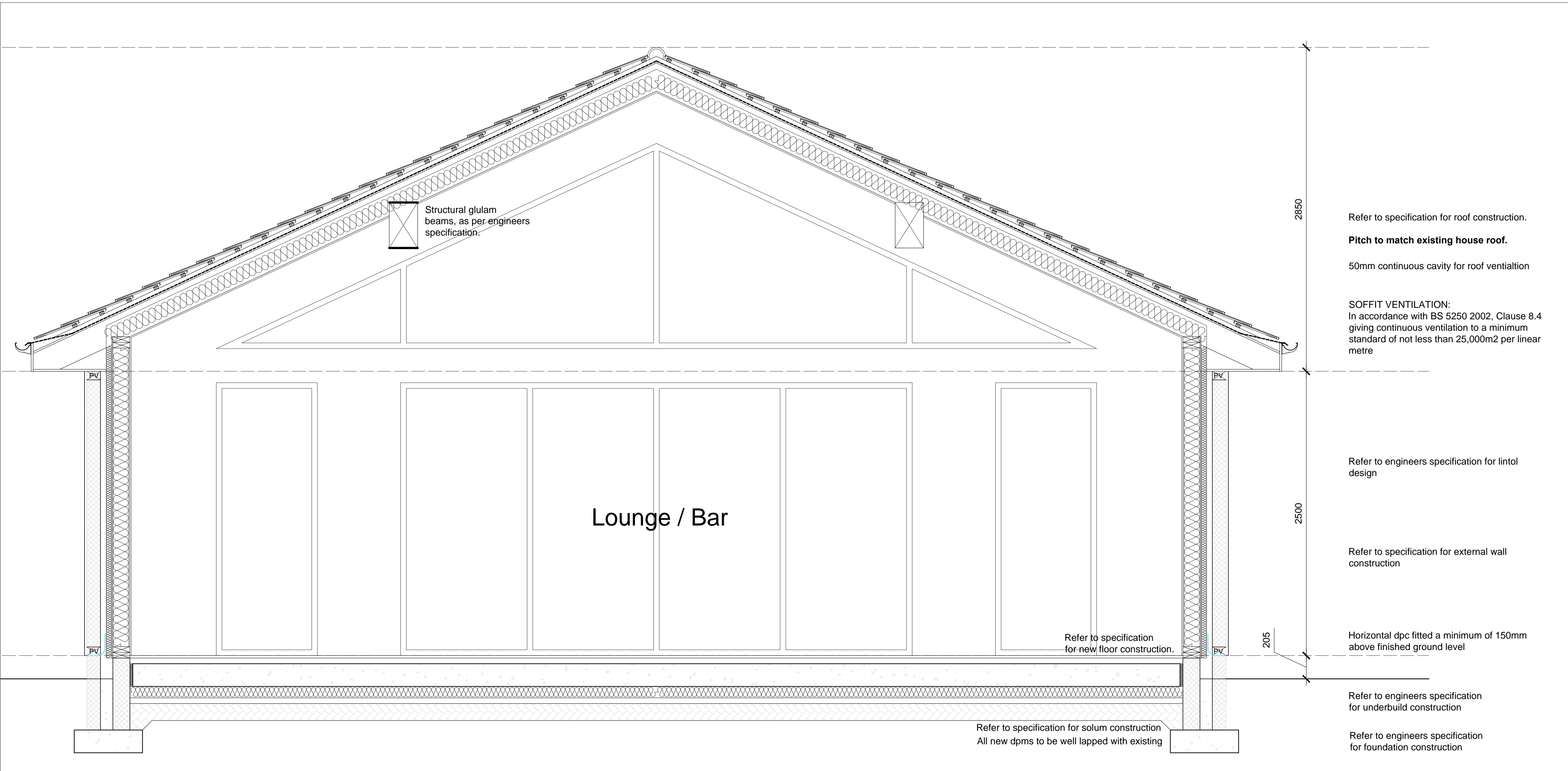
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As Indicated	A1	BMcM	14.12.17

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Drawing number  
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Section A-A As Proposed - 1:20 @ A1

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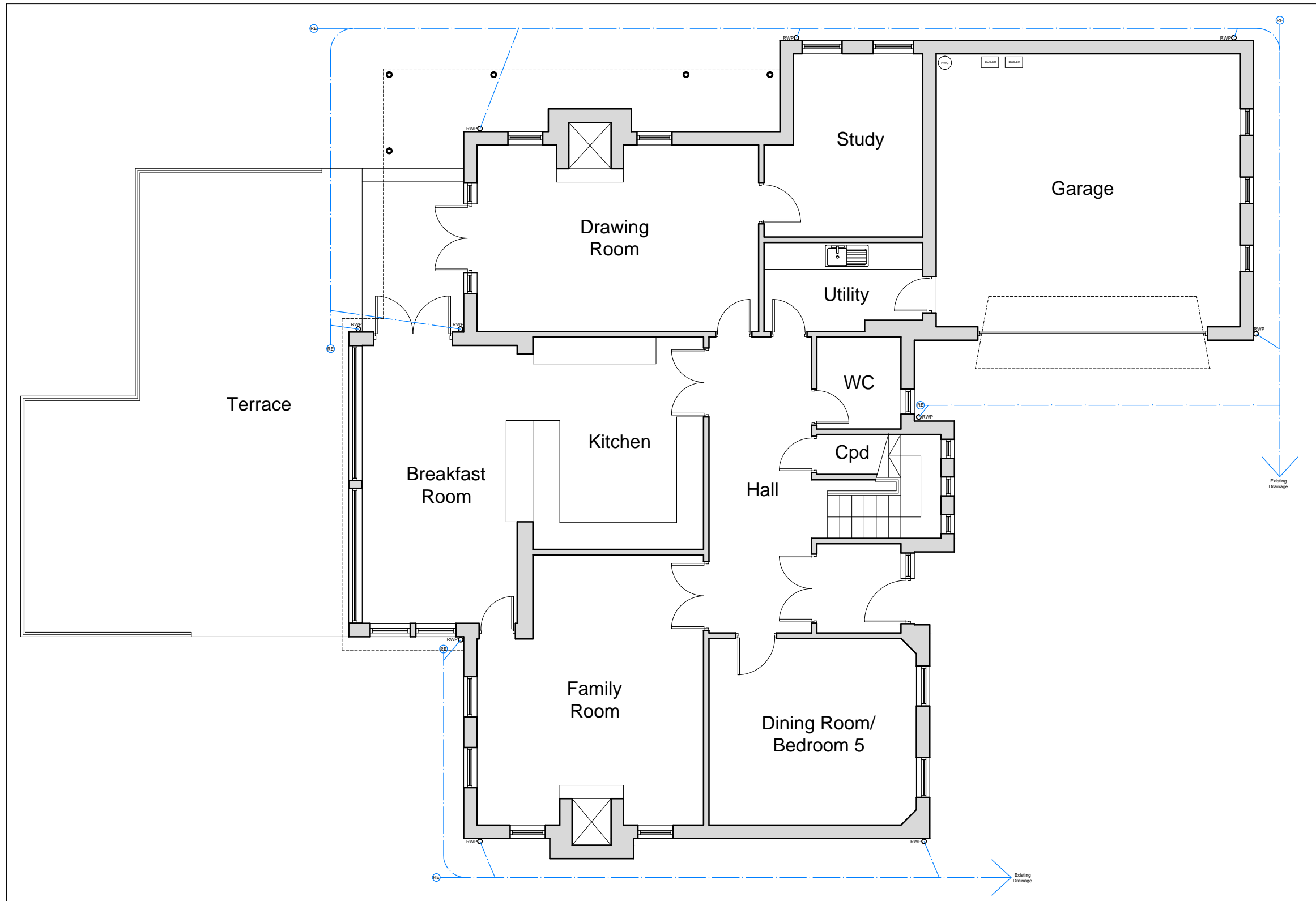
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Ground Floor Plan As Existing - 1:100

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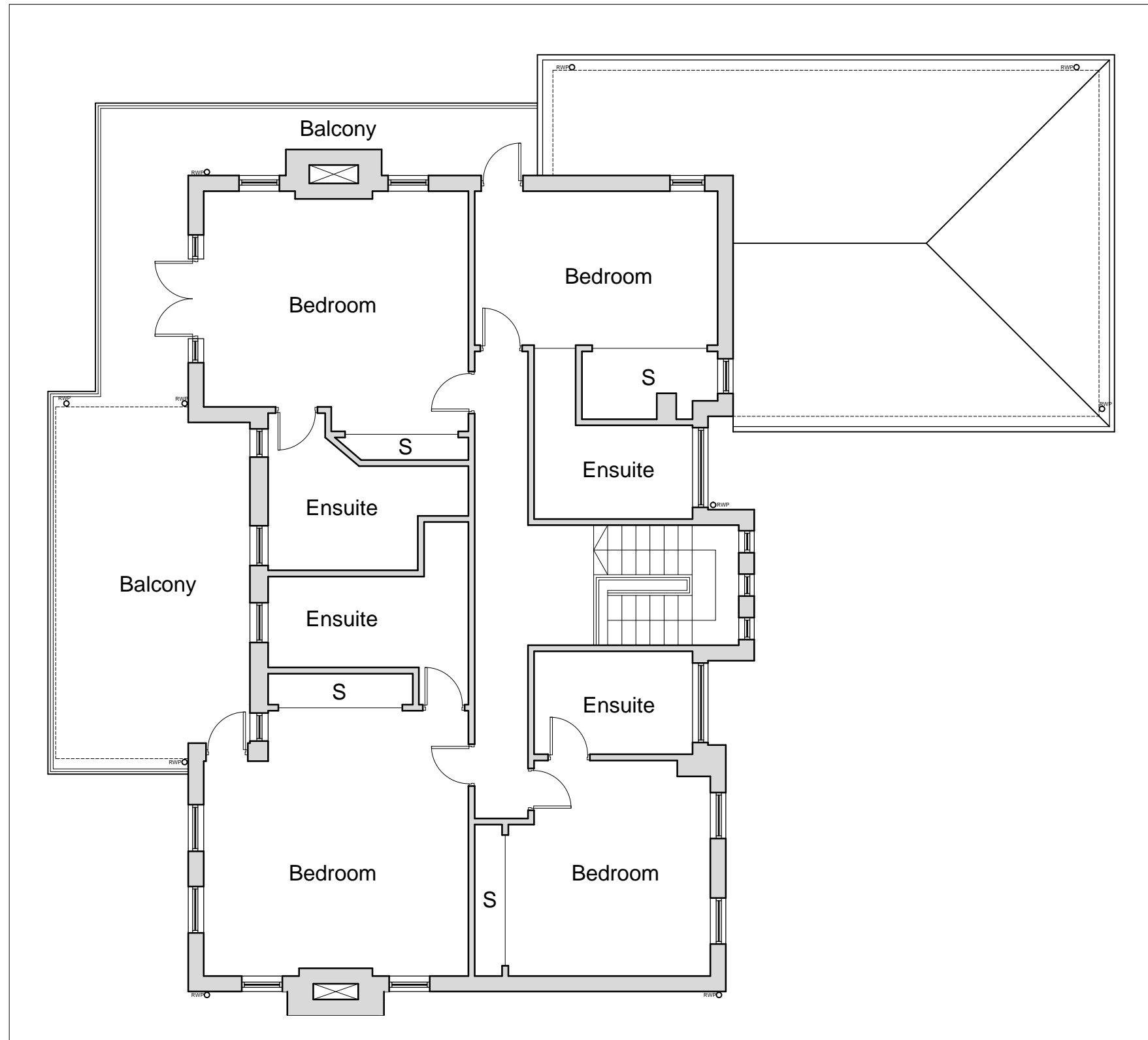
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First Floor Plan As Existing - 1:100

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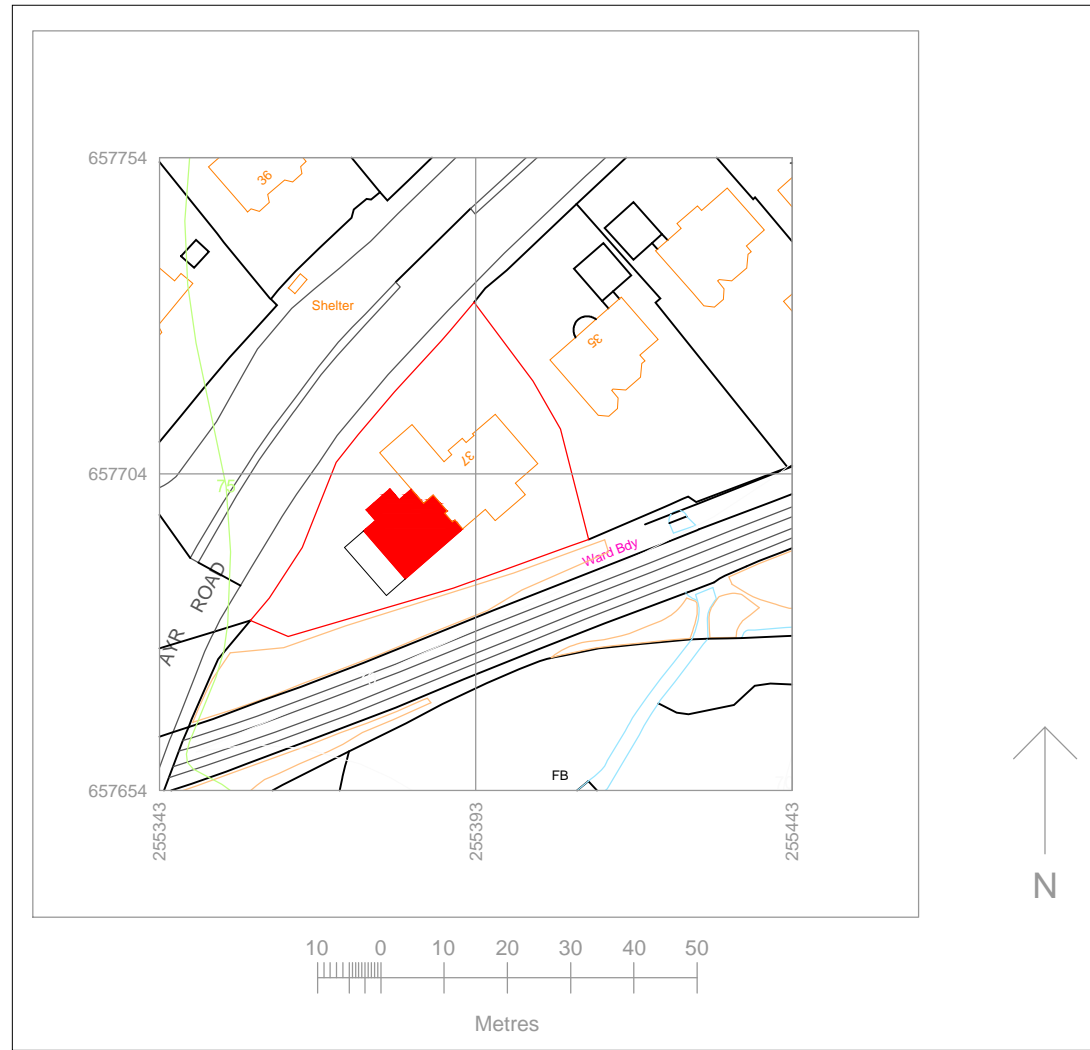
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Drawing Title  
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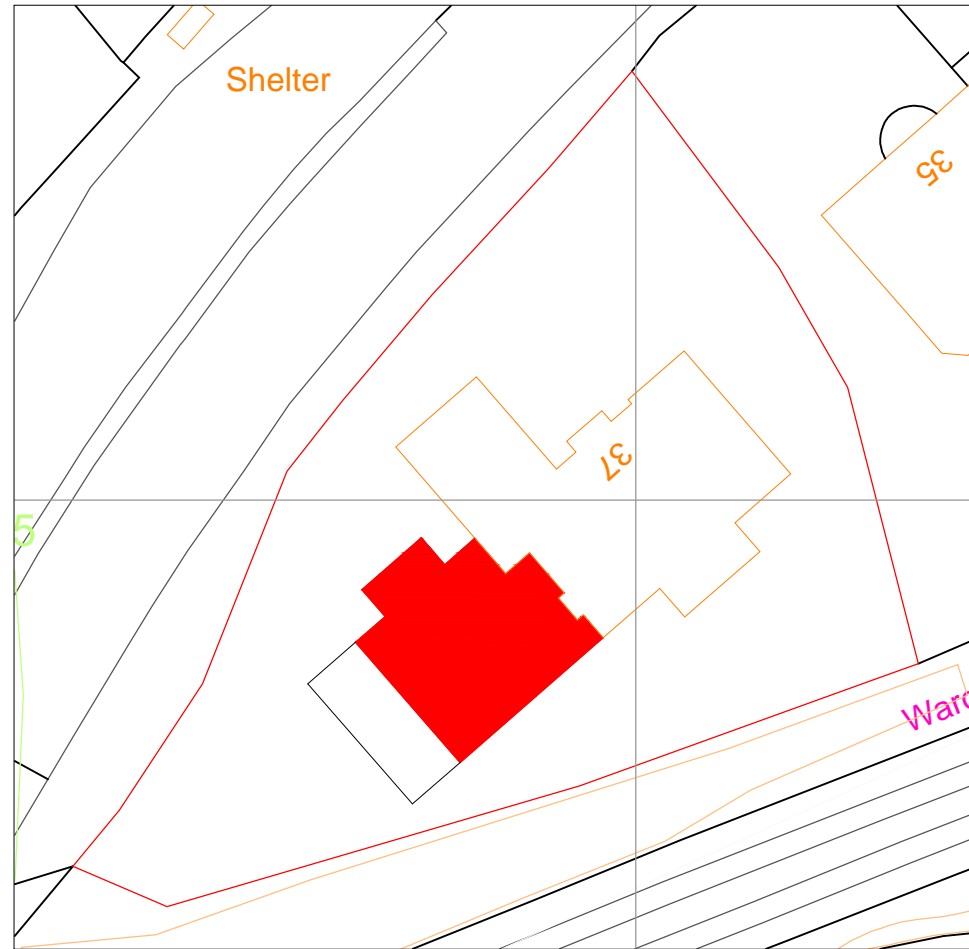
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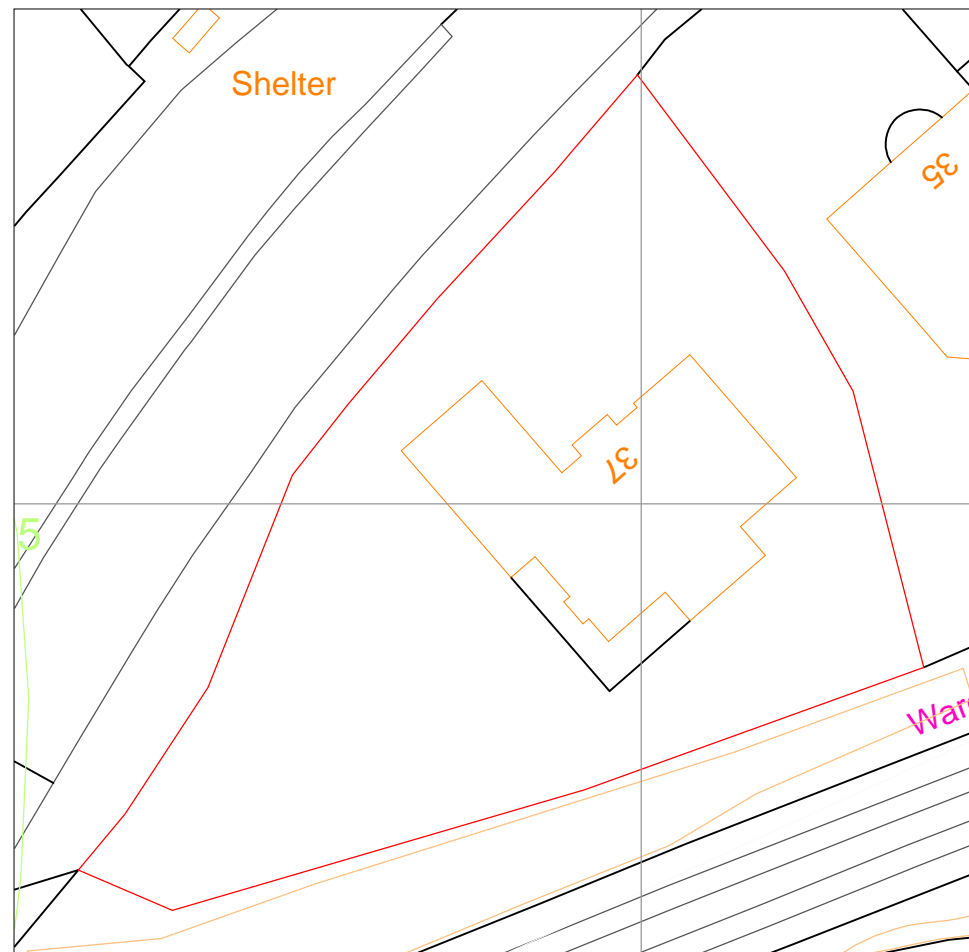
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Location Plan As Existing - 1:1250



Block Plan As Proposed - 1:500



Block Plan As Existing - 1:500

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Job Title  
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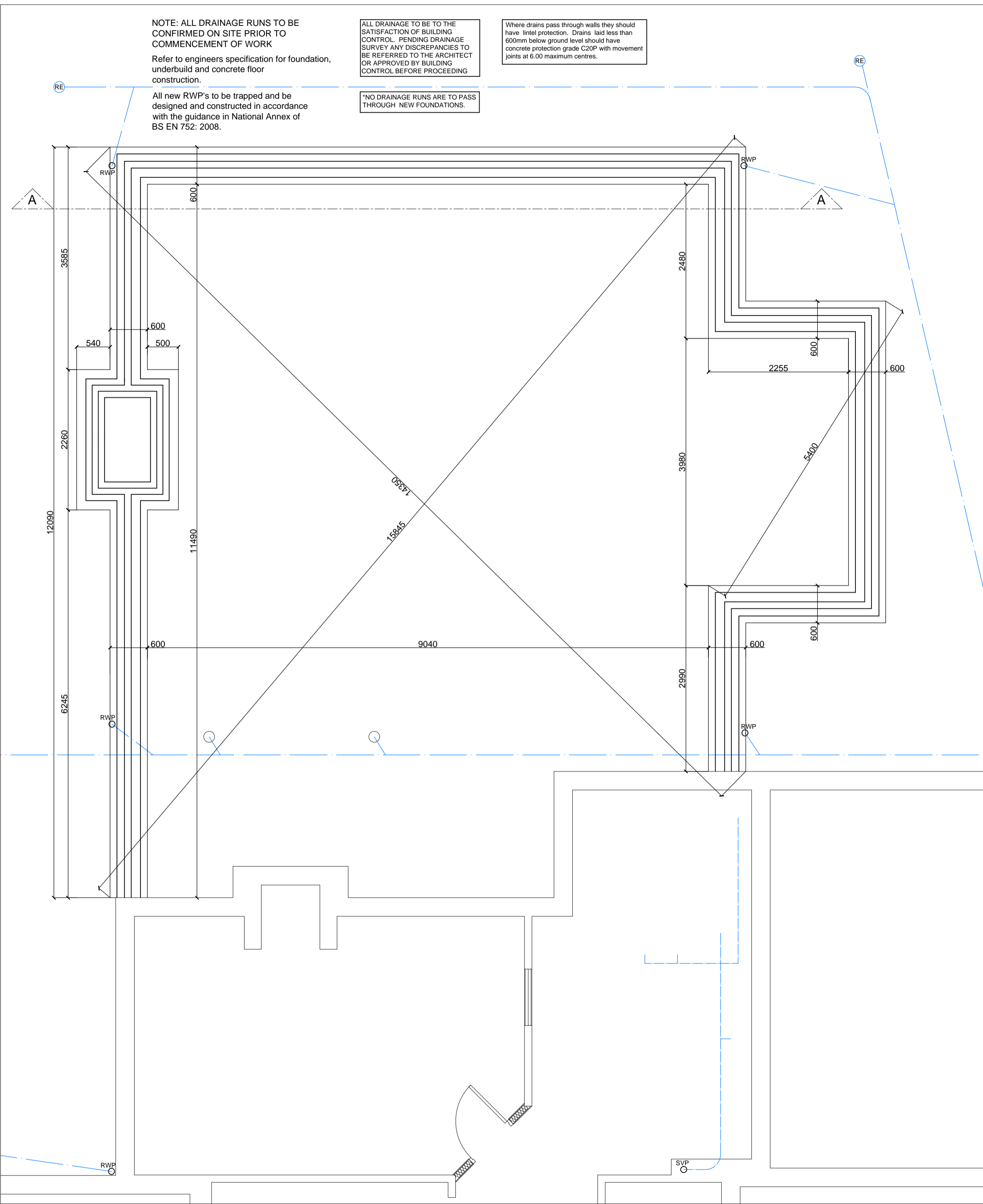
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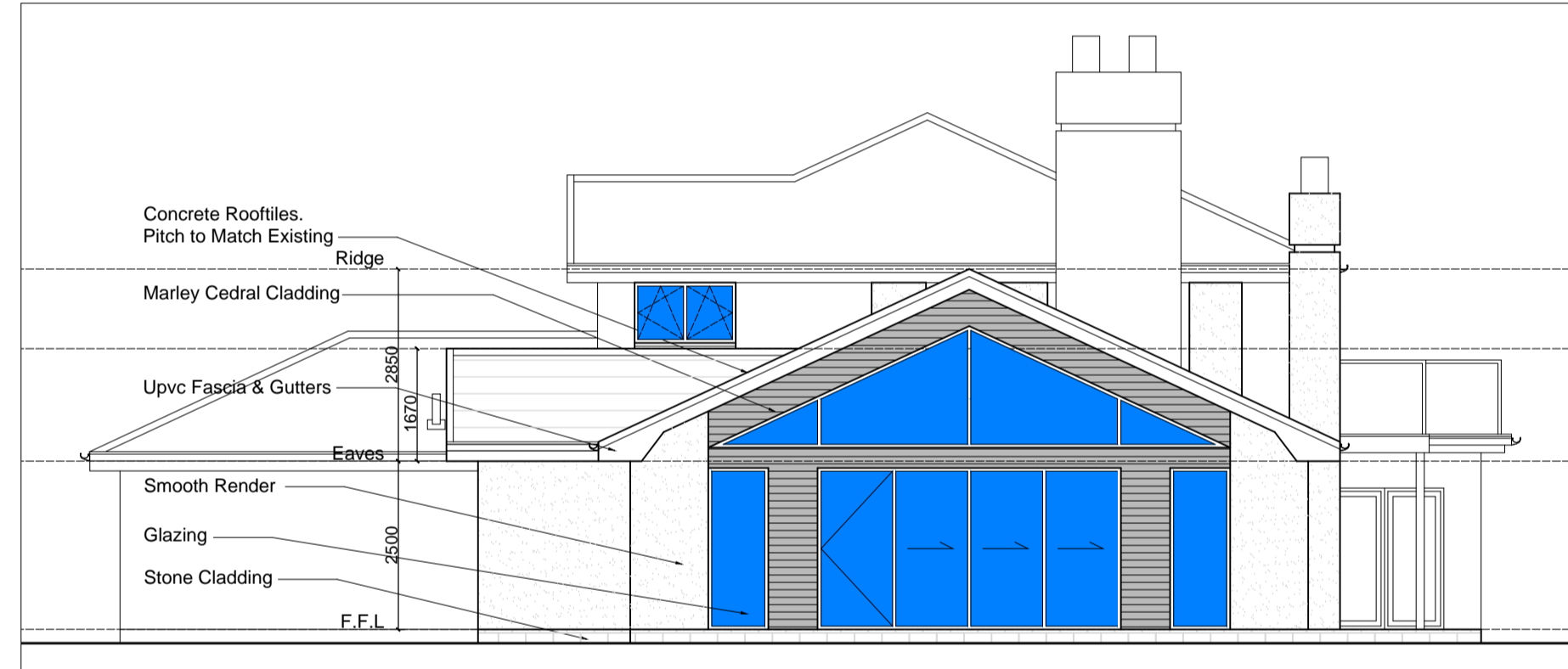
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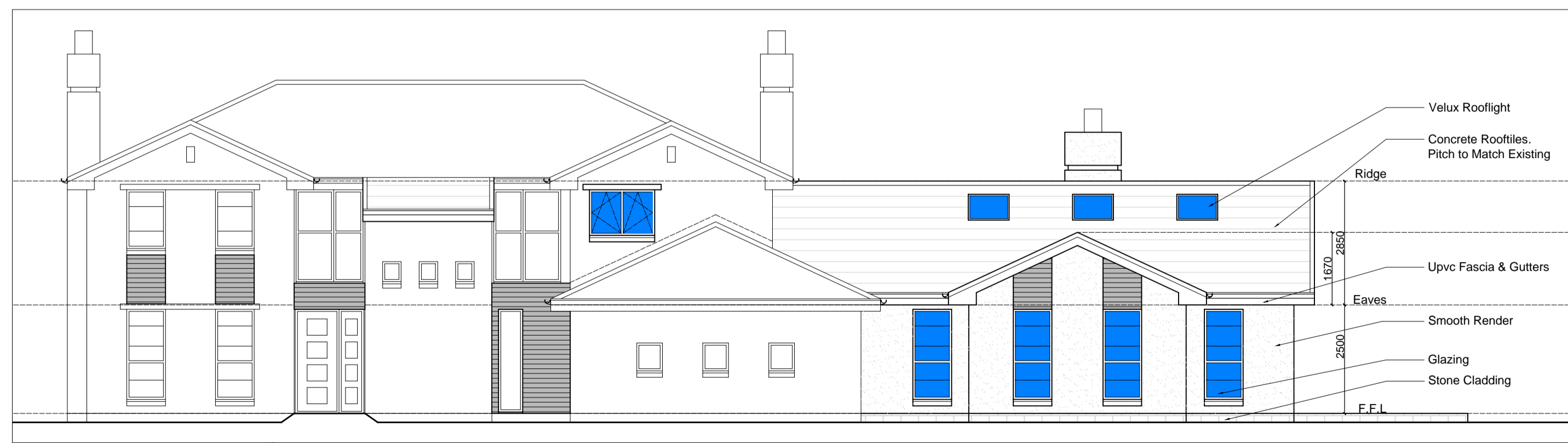
Foundation Plan As Proposed - 1:50 @ A1



Rear Elevation As Proposed - 1:100 @ A1



Side Elevation As Proposed - 1:100 @ A1



Front Elevation As Proposed - 1:100 @ A1

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Drawing Title  
**Proposed Drawings**

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Electrical Fixtures:  
Outlets and controls of electrical fixtures and systems should be positioned at least 350 mm from any internal corner, projecting wall or similar obstruction and, unless the need for a higher location can be demonstrated, not more than 1.2 m above floor level. This would include fixtures such as sockets, switches, fire alarm call points and timer controls or programmers. Within this height range:  
-light switches should be positioned at a height of between 900 mm and 1.1 m above floor level.

-standard switched or unswitched socket outlets and outlets for other services such as telephone or television should be positioned at least 400 mm above floor level. Above an obstruction, such as a worktop, fixtures should be at least 150 mm above the projecting surface.

Where socket outlets are concealed, such as to the rear of white goods in a kitchen, separate switching should be provided in an accessible position, to allow appliances to be isolated.

No part of proposed extension to encroach neighbours boundary.

Refer to Engineers specification for tying new extension into existing building

Refer to Engineers drawings and specification for details of structural design

Refer to specification for external wall construction.

Refer to specification for window construction

Refer to specification for external wall construction.

Refer to specification for internal wall construction.

New internal doors, facings, skirtings & cills to clients specification

All doors to have a minimum clear opening of 800mm

All wall, ceiling & floor finishes to clients specification

Alterations to heating and plumbing services and electrical installations as necessary

Proposed sanitaryware to be connected to existing SVP, refer to specification.

Proposed shower room & ensuite to be mechanically vented, refer to specification.

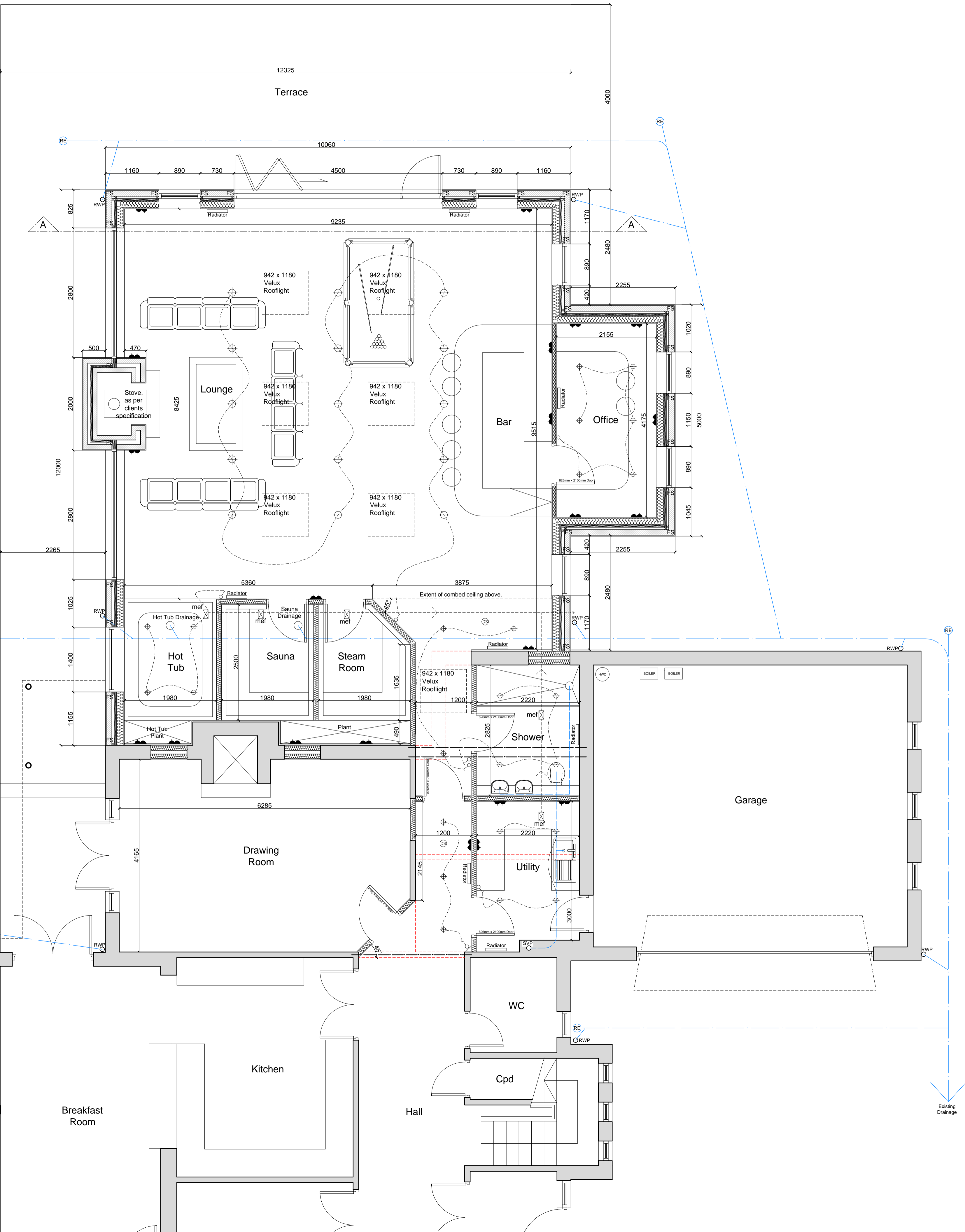
NOTE: FINAL RADIATOR POSITIONS TO BE CONFIRMED ON SITE.

NOTE: ALL FINAL ELECTRICAL POSITIONS AND FIXTURES TO BE APPROVED BY CLIENT ON SITE.

ELECTRICAL CERTIFICATE REQUIRED UPON COMPLETION OF WORKS FOR BUILDING CONTROL

Hot Tub & Sauna to be installed, as per manufacturers specification.

Hot Tub & Sauna to be mechanically extracted as per manufacturers specification.



ELECTRICAL LEGEND: A list of symbols for electrical components including switches, power points, lights, and controls. Includes a note about fixture positioning and a revision table.

Table with 2 columns: Date, Rev.

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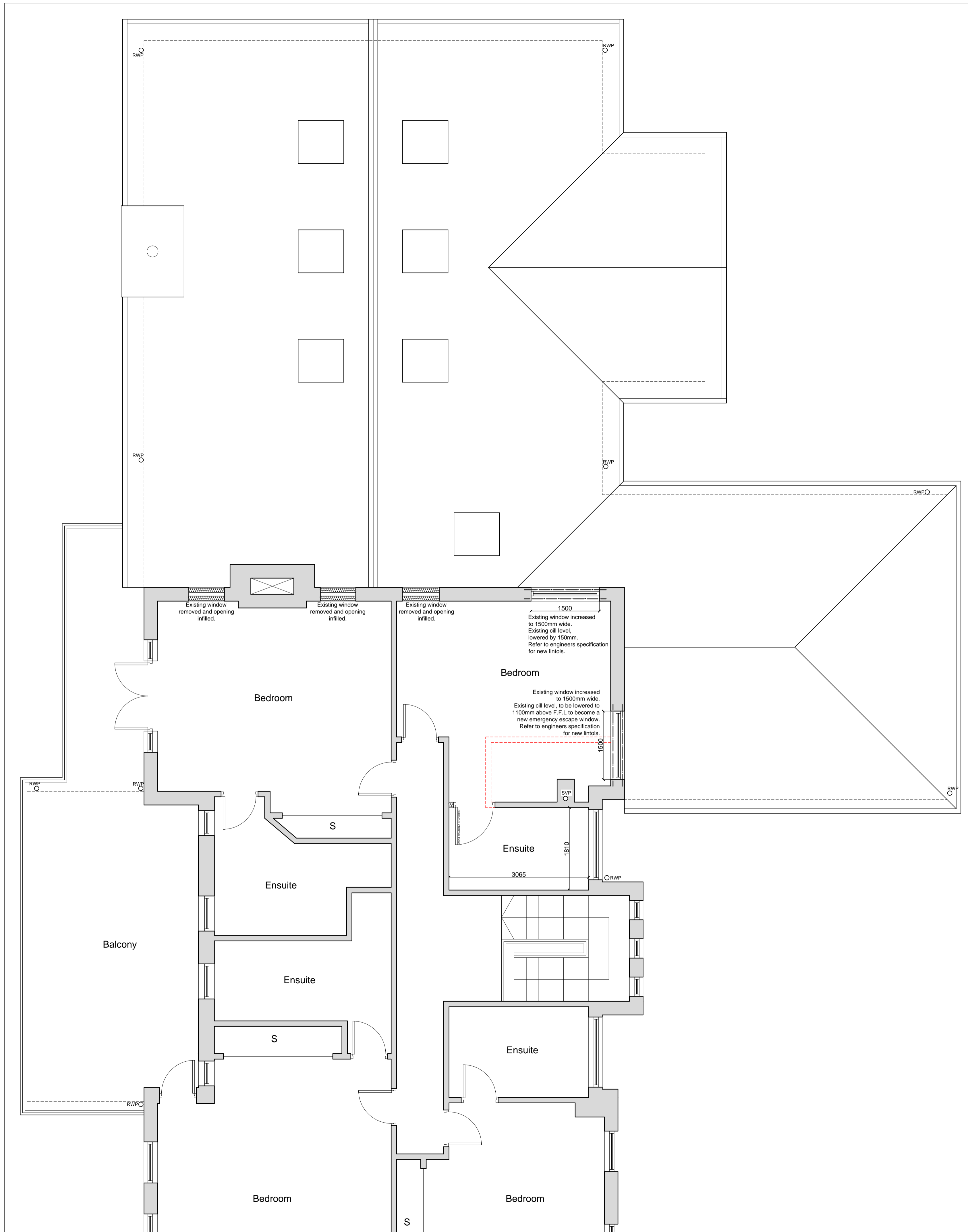
Job Title  
Paul Miller  
37 Ayr Road  
Giffnock

Drawing Title  
Proposed Drawings

Table with 4 columns: Scale, Sheet size, Drawn by, Date

File name  
AR17020

Drawing number  
AR17020 (BW) 006 A



First Floor Plan As Proposed - 1:50 @ A1

Copyright of Bare Architecture. © All Rights Reserved.  
 Do not scale dimensions from this drawing all dimensions to be verified on site.  
 Any discrepancies in printed drawings to be brought to Bare Architecture's attention for clarification.  
 All variations to construction works carried out on site to be brought to our attention prior to carrying out work.

THIS DRAWING IS SOLELY FOR THE PURPOSES OF OBTAINING PLANNING PERMISSION AND BUILDING WARRANT APPROVAL. ADDITIONAL INFORMATION MAY BE REQUIRED FOR CONSTRUCTION PURPOSES. NO LIABILITY WILL BE ACCEPTED FOR ANY OMISSION FROM THIS DRAWING SHOULD THE DRAWING BE USED FOR CONSTRUCTION PURPOSES.

The contractor will be held to have examined the site and checked all dimensions and levels before commencing construction work. Any discrepancies must be brought to the attention of the architect. No dimensions should be scaled from this drawing.

Date	Rev.

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Job Title  
**Paul Miller**  
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Drawing Title  
**Proposed Drawings**

Scale	Sheet size	Drawn by	Date
As Indicated	A1	BMcM	14.12.17

File name  
**AR17020**  
 Drawing number  
**AR17020 (BW) 007 -**  
 Revision