

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY17 January 2018Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2017/25ERECTION OF TWO STOREY SIDE EXTENSION INCLUDING INCREASE IN RIDGE
HEIGHT AT 2 WEAVER 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:- 2017/0551/TP).
- Applicant: Mr and Mrs Taylor.
- Proposal: Erection of two storey side extension including increase in ridge height.
- Location: 2 Weaver Avenue, Newton Mearns.
- Council Area/Ward: Newton Mearns North and Neilston (Ward 2).

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 (Major Programmes and Projects).

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

NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW

8. The applicants in submitting the review have stated the reasons for requiring the review of the determination of their application. A copy of the applicants’ Notice of Review and Statement of Reasons is attached as Appendix 5.

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, one or more hearing sessions, and a site visit.

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 followed 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, an unaccompanied site inspection will be carried out immediately before the meeting of the Local Review Body on Wednesday, 17 January 2018 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 commentary and photographs of 35 other properties; Scottish Water 'Standard advice note and process guidance: Surface Water Policy'; Extracts from Scottish Planning Policy, 2014; an East Renfrewshire Council quote from November 1999 (source unidentified); and 'Extracts from Newton Mearns Flood Prevention Group' although this last piece of information was not enclosed with the 'Notice of Review' form.

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 have stated that they were not aware that the additional information that they submitted was required at the time the application for planning permission was being considered. Furthermore, they did not think that the information would be considered as new evidence given that they were simply following the instructions on the 'Notice of Review' form to enclose all documents that they wished the Local Review Body to consider as part of their review.

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 and the objector 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 9 - 14);
- (b) Copies of objections/representations – Appendix 2 (Pages 15 - 22);
- (c) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 23 - 30);
- (d) Decision notice and reasons for refusal - Appendix 4 (Pages 31 - 34); and
- (e) A copy of the applicants' Notice of Review and Statement of Reasons - Appendix 5 (Pages 35 - 44).

21. The applicants have 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 6 (Pages 45 - 58).

- (a) Refused – Location Plan;
- (b) Refused – Block Plan;
- (c) Refused – Existing/Proposed Elevations – Drawing No 1A;
- (d) Refused – Existing/Proposed Ground Floor Plans – Drawing No 2A;
- (e) Refused – Existing/Proposed First Floor Plans – Drawing No 3A; and
- (f) Refused - Existing Roof Plan and Proposed Loft Plans – Drawing No 4.

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:- December 2017

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**APPLICATION
FOR
PLANNING PERMISSION**

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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 201710551/TF		2. Agent's Details (if any)	
Title	MR + MRS	Ref No.	
Forename	PAUL	Forename	JOHN
Surname	TAYLOR	Surname	HUSTON
Company Name		Company Name	
Building No./Name	2	Building No./Name	FAR 0/1, 69
Address Line 1	WEATHER AVE	Address Line 1	MILBURN ROAD
Address Line 2	THE	Address Line 2	LANGSIDE
Town/City	NORTH MEANS	Town/City	GLASGOW.
Postcode		Postcode	G42 9UT
Telephone		Telephone	07773 209204
Mobile		Mobile	
Fax		Fax	
Email		Email	

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

2 WEATHER AVE, NORTH MEANS

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:

1ST STOREY EXTENSION ABOVE EXISTING SINGLE STOREY & RAISING OF ROOF.

Have the works already been started or completed Yes No

If yes, please state date of completion, or if not completed, the start date:

Date started: Date completed:

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

5. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes No

If yes, please provide details about the advice below:

In what format was the advice given? Meeting Telephone call Letter Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No

Please provide a description of the advice you were given and who you received the advice from:

Name: Date: Ref No.:

6. Trees

Are there any trees on or adjacent to the application site? Yes No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

7. Changes to Vehicle Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes No

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes No

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangement for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total of existing and any new spaces or reduced number of spaces)

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.

8. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes No

If you have answered yes please provide details:

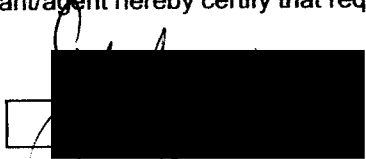
DECLARATION

I, the applicant / agent certify that this is an application for planning permission and that accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes No N/A

Signature:



Name:

John A Hurford

Date:

16/8/17

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
 Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself *Mrs P. Taylor* 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:

Date:

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:

COPIES OF OBJECTIONS/REPRESENTATIONS

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Mary
McNulty

From: Mary McNulty
Sent: 25 Aug 2017 10:11:30 +0100
To: Planning
Subject: 2017/0551/TP

Dear sir/madam

As the neighbouring property I have concerns regarding the implications to my property in terms of the level of overshadowing given the proximity and length of the proposed structure.

Regards
Mary McNulty
4 weaver avenue
G776as



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O'Neil, Paul [CE]

From: Mary McNulty [REDACTED]
Sent: 09 December 2017 15:03
To: O'Neil, Paul [CE]
Subject: REVIEW/2017/25 proposed extension 2 Weaver Avenue

Dear sir,

Further to your letter, I would add the following comments; in addition to the comments previously submitted, the proximity, length and height of the proposed extension would not only be detrimental aesthetically, but would have a negative impact on the marketability and value of my property.

I appreciate that my neighbour wishes to increase the size of his house, hence why I raised no objection to the recently agreed single storey extension, however, I feel that the second storey extension would have an unreasonable level of impact on my property, especially when there is the option to extend in other directions, that do not border any other property.

Also, as there is already a solid, brick wall extending from the adjoining rear of the neighbouring property on the other side, the proposed extension would cause my property to feel very boxed in.

M McNulty
4 Weaver Avenue

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Mr & Mrs Taylor
2 Weaver Avenue
Newton Mearns
G77 6AS

18/12/17

Paul O'Neil
Corporate & Community Services
Council HQ Eastwood Park
Rouken Glen Road
Giffnock
G46 6UG

Dear Sir/Madam

Further to your letter dated 11/12/17 advising that Mary McNulty had submitted comments in response to our proposed extension (REF NO: 2017/0551/TP), we would like to respond to these comments made.

Firstly, we would like to note that we have not been informed of any comments previously made in regards to the original planning application for the two storey extension. Therefore we were unable to address any such comments. We would however like to state that we do not feel that the length or height proposed would be detrimental aesthetically as there are numerous examples of similar developments in our immediate area. We have shown this by means of photographic evidence in our statement of review. Even with the extended ridge height which we have requested, the overall height of our dwelling would not exceed the overall height of Ms McNulty's property due to the nature of our position downhill from Ms McNulty's property.

As far as the negative impact on the marketability and value of said property, we feel the opposite is more likely to be the case. A well-executed development of a neighbouring property shows that it is an area in which the householder is happy to remain living in due to the fact that they have invested time, effort and money doing so and also shows potential buyers the possibilities for development of the neighbouring property. In the 10 years that we have lived here we have seen numerous extensions being built without having any negative impact on their neighbouring properties or the area as a whole. This was in fact one of the reasons we ourselves were attracted to this area.

Secondly, Ms McNulty states and I quote: "I feel the second storey extension would have an unreasonable level of impact on my property". However, she does not state the nature of this impact. We feel that she has grasped at a generalisation without substance.

With reference to extending in other directions, due to the layout of the existing dwelling it makes good sense to use the existing stair and landing to give access to further bedrooms which would happen to be orientated to this particular area of the plot. To build two further upstairs bedrooms anywhere else in the plot would require much more development, cost and environmental impact with regard to surface water run-off and heat loss as already mentioned in our statement of review. Hence the natural and common-sense way we have proposed to extend the existing dwelling is to build on top of the already approved side extension.

Lastly, Ms McNulty states that there is already a solid brick wall extending from the adjoining rear of the neighbour on the opposite side. This wall extends from the rear build line rearwards. Our property falls forward of the rear build line of Ms McNulty's house. Therefore only a two storey extension to the rear of our property, not to the side as proposed, would cause the 'boxed in' effect Ms McNulty is referring to.

The fact that she herself has erected a fence between us that is almost 3 metres high might also contribute to her impression of feeling she may be 'boxed in' already before any development has even gone ahead. We strongly believe it may well be her own large solid fence extending the full length of the side and rear of her property that is giving her a false sense of the position that our side extension would be in.

In closing, we appreciate that both houses in question are different in size, style and orientation and we have tried our best to contain our proposed development to as small a footprint as possible that is why we have chosen not to extend in any other direction, rather remain true to the natural flow of the house.

Sincerely

A large black rectangular redaction box covering the signature of the sender.

Mr & Mrs Taylor

REPORT OF HANDLING

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REPORT OF HANDLING

Reference: 2017/0551/TP

Date Registered: 16th August 2017

Application Type: Full Planning Permission

This application is a Local Development

Ward: 2 -Newton Mearns North And Neilston

Co-ordinates: 253508/:657085

Applicant/Agent:

Applicant:
Mr. and Ms. Taylor
2 Weaver Avenue
Newton Mearns
East Renfrewshire
G77 6AS

Agent:
Mr John Hutton
Flat 0/1
69 Millbrae Road
Langside
Glasgow
G42 9UT

Proposal: Erection of two storey side extension including increase in ridge height

Location: 2 Weaver Avenue
Newton Mearns
East Renfrewshire
G77 6AS

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

2016/0111/TP	Erection of single storey side extension	Granted	20.04.2016
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REPRESENTATIONS: 1 representation has been received: Representations can be summarised as follows:

Overshadowing

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 two storey detached dwelling and its curtilage and lies within an established residential area. The dwelling is externally finished in white painted render and concrete roofing tiles. The site boundaries are characterised by a variety of fencing and established planting. The existing plans submitted with the planning application show a small side extension, however this has recently been demolished. Foundations have also recently been formed adjacent to the south west elevation. Those may relate to an earlier planning

permission 2016/0111/TP that was granted on 20 April 2014. The dwelling sits forward of the dwelling that sits immediately adjacent to the south west.

Planning permission is sought for the erection of a two storey side extension and for alterations to the roof of the dwelling to form an increased ridge height. The proposed side extension is on the south west elevation. The extension comprises no set-back from the front or rear building lines and rises to the height of the increased ridge on the existing dwelling. It is proposed to be set 600mm from the side boundary. The increase ridge height is to provide accommodation in the attic space. The submitted drawings suggest that the proposed external materials will match the existing materials.

The application requires to be assessed with regard to Policies D1 and D14 of the adopted East Renfrewshire Local Development Plan. Policy D1 requires that any development should not result in a loss of amenity to the surrounding area. Policy D14 relates to extensions and requires that the size, scale and height of the development must be appropriate to the existing building. The adopted Supplementary Planning Guidance: Householder Design Guide (SPG) supports and forms part of Policy D14 and provides that extensions should not dominate or overwhelm the original form or appearance of the dwelling and should be subordinate in appearance. It further states that side extensions should not exceed more than 50% of the width of the existing dwelling, should have a set-back of at least 0.5 metres from the front building line and comprise a corresponding drop in the ridge line, and be set at least 1 metre from the side boundary.

It is accepted that the character and form of the proposed two storey pitched roof side extension is generally in keeping with that of the existing dwelling. However, in this instance the proposed development, by virtue of the increase in the ridge height and the size and scale of the proposed extension and lack of set-back from the front building line, is considered to dominate and overwhelm the appearance of the existing dwelling. As such, the proposed extension is not considered to be an appropriate addition to the existing building and is therefore contrary to the terms of Policy D14 of the adopted East Renfrewshire Local Development Plan and the adopted Supplementary Planning Guidance: Householder Design Guide.

It is also noted that the applicant's dwelling sits forward of the adjacent dwelling to the south west. However, any impact at present on the adjacent dwelling is mitigated by the generous separation distance. The development nevertheless proposes the erection of the two storey side extension 600mm from the side boundary with no set-back from the front building line. This would result in a significant loss of amenity to the occupants of the adjacent dwelling by giving rise to a sense of enclosure. As such, the proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan and the adopted Supplementary Planning Guidance: Householder Design Guide.

The points of objection are noted, however, as the applicant's dwelling lies to north east of the closest adjacent dwellings, it would not give rise to a significant degree of additional overshadowing.

It is accepted that the earlier planning application 2016/0111/TP that was approved on 20 April 2014 did not include a set-back from the front building line and exceeded 50% of the width of the dwelling. However, the impact of that extension on the character of the dwelling and on the amenity of the wider area would have been mitigated as it was proposed to be single storey.

The proposal is contrary to Policies D1 and D14 of the adopted East Renfrewshire Local Development Plan and the terms of the adopted Supplementary Planning Guidance: Householder Design Guide which forms part of the Local Development Plan. There are no material considerations that outweigh the provisions of the Local Development Plan.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None

REASONS FOR REFUSAL:

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as the proposed extension, by virtue of its size and proximity to the side boundary will give rise to a significant sense of enclosure that would have an unacceptable impact on the amenity of the occupants of the adjacent dwelling.
2. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan at the proposed extension, including the raised ridge, would dominate and detract from the character and design of the existing dwelling by virtue of its increased height, size and scale.
3. The proposal is contrary to the terms of the adopted Supplementary Planning Guidance: Householder Design Guide, as the proposed extension would dominate and overwhelm the character of the existing dwelling by virtue of it having no set-back from the front building line, the increased ridge height, the proximity to the side boundary and the width of the proposed extension exceeding 50% of the width of the original dwelling.

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.: 2017/0551/TP
(DESC)

DATE: 15th September 2017

DIRECTOR OF ENVIRONMENT

Reference: 2017/0551/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 15/09/2017.IM.

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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 PERMISSIONRef. No. **2017/0551/TP****Applicant**

Mr. and Ms. Taylor
2 Weaver Avenue
Newton Mearns
East Renfrewshire
G77 6AS

Agent:

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

With reference to your application which was registered on 16th August 2017 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of two storey side extension including increase in ridge height**at: 2 Weaver Avenue, Newton Mearns, East Renfrewshire, G77 6AS**

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 the proposed extension, by virtue of its size and proximity to the side boundary will give rise to a significant sense of enclosure that would have an unacceptable impact on the amenity of the occupants of the adjacent dwelling.
2. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan at the proposed extension, including the raised ridge, would dominate and detract from the character and design of the existing dwelling by virtue of its increased height, size and scale.
3. The proposal is contrary to the terms of the adopted Supplementary Planning Guidance: Householder Design Guide, as the proposed extension would dominate and overwhelm the character of the existing dwelling by virtue of it having no set-back from the front building line, the increased ridge height, the proximity to the side boundary and the width of the proposed extension exceeding 50% of the width of the original dwelling.

Dated 15th September 2017

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

The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	LOCATION		
Block Plan	BLOCK		
Elevations Proposed	1	A	
Plans Proposed	2	A	
Plans Proposed	3	A	
Plans Proposed	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. Alternatively, you can download a Notice of Review form (along with notes for guidance) from www.eastrenfrewshire.gov.uk/planning-appeals-reviews which should be returned to The Planning Service, 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, East Renfrewshire G46 8NA. You may also call the Council on 0141 577 3001 to request the Notice of Review Form. Please note that beyond the content of the appeal or review forms, you cannot normally raise new matters in support of an appeal or review, unless you can demonstrate that the matter could not have been raised before, or that its not being raised before is a consequence of exceptional circumstances. Following submission of the notice, you will receive an acknowledgement letter informing you of the date of the Local Review Body meeting or whether further information is required.**

- 2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.**

CONTACT DETAILS

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

**General Inquiry lines 0141 577 3895 or 0141 577 3878
Email planning@eastrenfrewshire.gov.uk**

**NOTICE OF REVIEW
AND
STATEMENT OF REASONS**

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NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

Rather than completing this form, you may submit your review online at <https://www.eplanning.scot>

**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.**

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name **MR & MRS TAYLOR**

Address **2 WEAVER AVENUE
NEWTON MEARNS
GLASGOW**

Postcode **G77 6AS**

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

Agent (if any)

Name **JOHN HUTTON**

Address **FLAT 0/1
69 MILLBRAE RD
LANGSIDE**

Postcode **G42 9UT**

Contact Telephone 1 **07773209204**

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* **JHPLANNING@GMAIL.COM**

Mark this box to confirm all contact should be
through this representative:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

EAST RENFREWSHIRE COUNCIL

Planning authority's application reference number

2017/0551/TP

Site address

**2 WEAVER AVENUE
NEWTON MEARNS G77 6AS**

Description of proposed
development

**ADDITION OF UPSTAIRS EXTENSION TO PREVIOUSLY
PASSED SIDE EXTENSION**

Date of application

16-AUG-2017

Date of decision (if any)

15-SEPT-2017

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

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. 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)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

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. However, please note that the Local Review Body is not bound to accede to your request(s) and will decide what procedure will be used to determine your review.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, 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 are necessary:

WE FEEL IT NECESSARY TO BE GIVEN THE OPPORTUNITY TO JUSTIFY OUR APPLICATION AND EXPLAIN WHY WE WANT TO EXTEND AS PER OUR PLANS ALSO THE FACT THAT THE PLANNING POLICY APPEARS TO CONTRADICT BUILDING CONTROL POLICY.

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

NO REASON

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 ENCLOSED SHEET

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

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 and intend to rely on in support of your review.

- 35 PHOTOS OF OTHER PROPERTIES IN THE IMMEDIATE AREA SHOWING THE SAME OR SIMILAR ALTERATIONS TO WHAT WE HAVE PROPOSED .
- COPY OF SURFACE WATER POLICY AS WRITTEN BY SCOTTISH WATER
- EXTRACTS FROM NEWTON MEARN'S RESIDENTS FLOOD PREVENTION GROUP
- HOUSE PLANS
- SITE MAP

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. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm 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 requiring 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 [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

Data Protection Act 1998

East Renfrewshire Council is the Data Controller for the purposes of the Data Protection Act 1998. Please note that the information provided with this application will appear in the public register of applications and will also be published on the Council's website. Personal details such as signatures, personal phone numbers and personal email addresses will not be published on-line. If you wish any further personal information to be excluded from publication, please request this in writing and the Council will consider your request.

Your completed notice of review should now be returned to: East Renfrewshire Council, 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, East Renfrewshire G46 8NG. Alternatively, you can e-mail your notice of review to planning@eastrenfrewshire.gov.uk

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Further to the refusal of permission Ref no. 2017/0551/TP for the application of planning permission registered on Aug 16th 2017, we would like to submit the notice of renewal and make the following points:

Firstly, we would like to state that we have read fully and appreciate the guidelines set out in the local development plan and acknowledge the reasoning behind it, however, as you will see from the enclosed photographs there are numerous examples of extensions to existing properties in our immediate area that fall outside these guidelines on many counts. Whilst we appreciate that some of these alterations may have been done before regulations changed, it does not change the fact they have been done and alter the character of our immediate area. We therefore feel that what we have applied for certainly will not now be out of character in our local area. There are also many extensions in the area that complement the existing dwellings without looking out of place and contribute to the overall look of the area by adding interest through being slightly different and varied and that in itself is one of the reasons that attracted us to move here.

To address your first rejection point:

There have been 2 planning applications for building work in the area proposed adjacent to the neighbour and we have had no concerns lodged with us or the council. Our neighbour has no objection to the work we are proposing at all and has been consulted on all matters.

Secondly with regards to the ridge height, at present we look onto a house across the road that has been built in the garden of the original dwelling to a much larger scale than the houses around it with an increased ridge height (see photo 1, 6A Warnock Rd). There are also 2 other properties in the immediate area with increased ridge heights (photo 2- 69 Rodger Ave & photo 3- 216 Harvie Ave).

We have already been granted permission on 20th Apr 2016 for a side extension to the property. However, after starting the building work it was discovered that some of the roof timbers in the existing house had become rotten through due to multiple inadequate repairs in the past before we purchased the property. Due to the nature of the structure of the roof, the best and most efficient course of rectification would be to completely replace the roof structure and covering. The entire roof including the structure now requires replacing. It would therefore be sensible as well as financially sound to have this work completed whilst the builders are already carrying out work on the extension as it would be less of an upheaval to have the work done at the same time. Apart from this the environmental impact on developing a loft space is far less as there is no increase on the footprint of the existing building. Therefore, no increase in surface water run off as outlined in East Renfrewshire council's local development plan policy D1:5. This avoids increase in demand for the existing overstretched sewer system. Rain water is managed more naturally close to source mimicking natural systems, so surface water can soak into the ground or evaporate, slowing down the flow of water before it enters rivers or streams, decreasing the risk of flooding. Please see enclosed extracts from the Newton Mearns Residents flood prevention group and a copy of the surface water policy by Scottish Water as to the importance of these issues in this area.

Contrary to popular belief the area of the house that loses the most heat is the walls. Not the loft, which is easy and cheap to insulate properly. The government 'room in a roof' scheme launched in 2013 reflects this and encourages the roof to be insulated instead of the loft. They regard this as a much more efficient and environmentally sound way to increase the usable area of a home. We are conscious of making changes to our home that have the least environmental impact on our surrounding area.



Due to the fact a completely new roof structure has been recommended for the original dwelling, to increase the ridge height by an almost unnoticeable height at the same time would negate the need to add extra space at a later date that would never be able to be as thermally efficient as a room in the roof.

As mentioned above the building work has already commenced on the approved single storey extension. At no time were we made aware that setback from the build line was a necessity especially with the amount of extensions around us with no set back. Please see photos 2,4- number 33. Within the photographs enclosed, almost all of the extensions exceed 50% width of the original dwelling. Further to this, photograph numbers 26-35 are all multiple developments on the original dwelling. This further confirms that us making the same changes is not going to dominate or overwhelm the character of the existing dwelling or the surrounding area.

To finish we would like to draw your attention to item 12 of the local development plan D1- "where possible all waste material arising from the development should be retained on site as part of the new development". All the brick from the utility room that was demolished has been dressed and has been used or will be used in the extension. All of the floor timbers are able to be reused in their original positions and the roof structure was used as shuttering for the foundations before being recycled. No skips have been used so far in this development. The soil dug out was used to level ours and a neighbour's garden. We are trying to carry out the whole project as sensitively as we can as regards our surroundings, neighbours and the environment.

PLANS/PHOTOGRAPHS/DRAWINGS

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 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	30145 22/10/1997	REN308
 ORDNANCE SURVEY NATIONAL GRID REFERENCE	Scale	1/1250
	Survey Scale	1/1250
NS5356NW NS5356NE NS5357SW NS5357SE		

CROWN COPYRIGHT © - This copy has been produced from the ROS Digital Mapping System on 29/03/2007 and was made with the authority of Ordnance Survey pursuant to Section 47 of the Copyright, Designs and Patents Act 1988. Unless that act provides a relevant exception to copyright, the copy must not be copied without the prior permission of the copyright owner.

THE BOUNDARIES INDICATED HEREON ARE MORE FULLY DEFINED IN THE TITLE SHEET



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PROPOSED SINGLE STOREY EXTENSION
AT 2, WEAVER AVE, N. MEARNS
PER MR & MRS P. TAYLOR.

--- EX. EXTN TO BE
REMOVED SHOWN
HATCHED.



WARNOCK
ROAD.

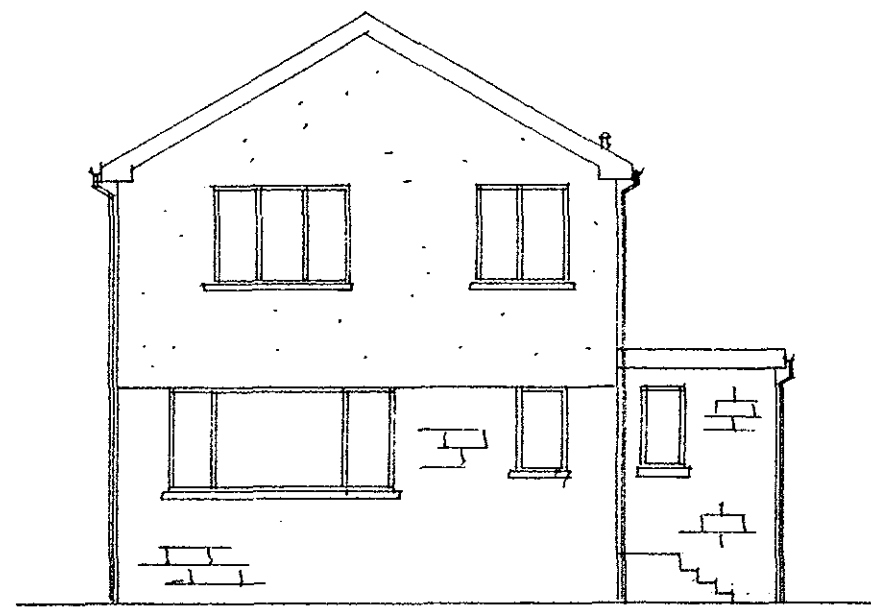


BLOCK PLAN 1:200

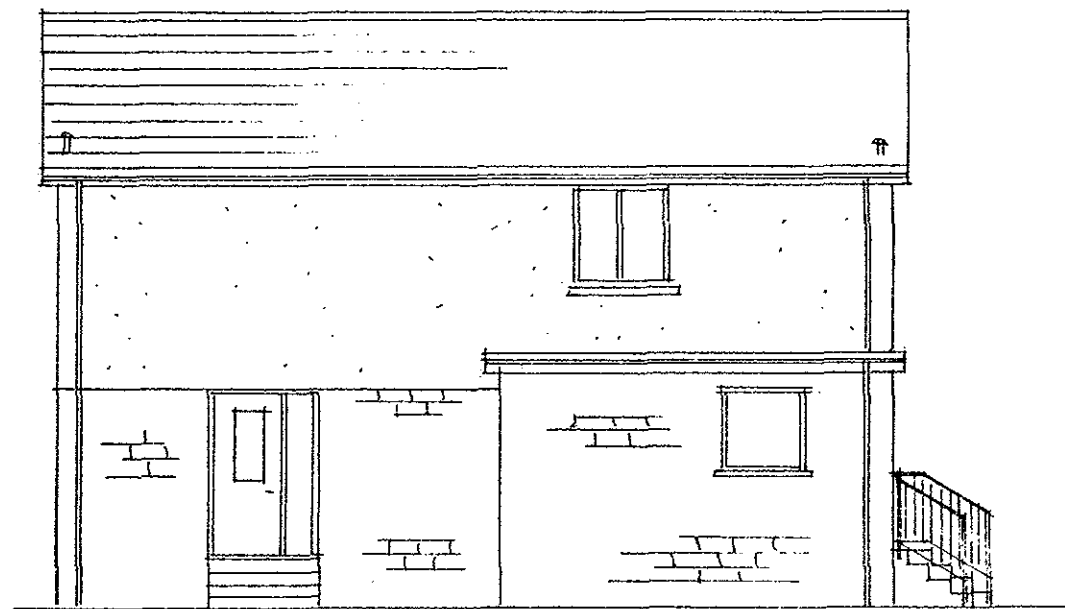
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PROPOSED TWO STOREY SIDE EXTENSION + RAISING OF ROOF.
AT 2, WEAVER AVE, NEWTON MEARNES.
PER MR & MRS P. TAYLOR.

SCALE: 1:100.
DRGN: 4099/1A.
DATE: JULY 2017



EXISTING FRONT ELEVATION.



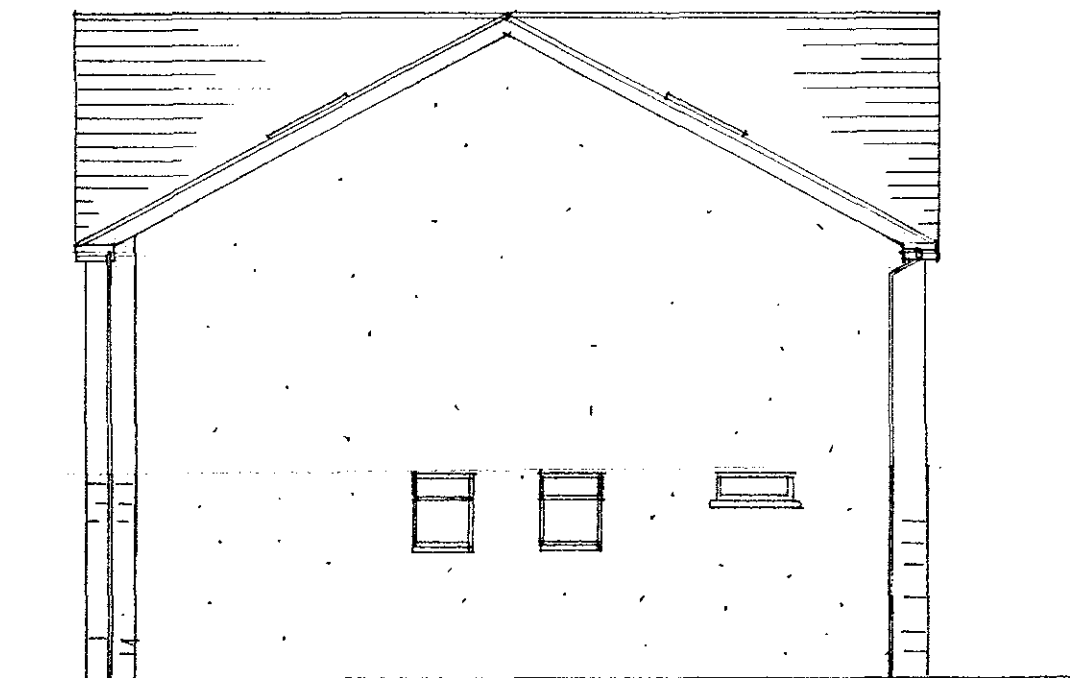
EXISTING SIDE ELEVATION.



EXISTING REAR ELEVATION.



PROPOSED FRONT ELEVATION.



PROPOSED SIDE ELEVATION.

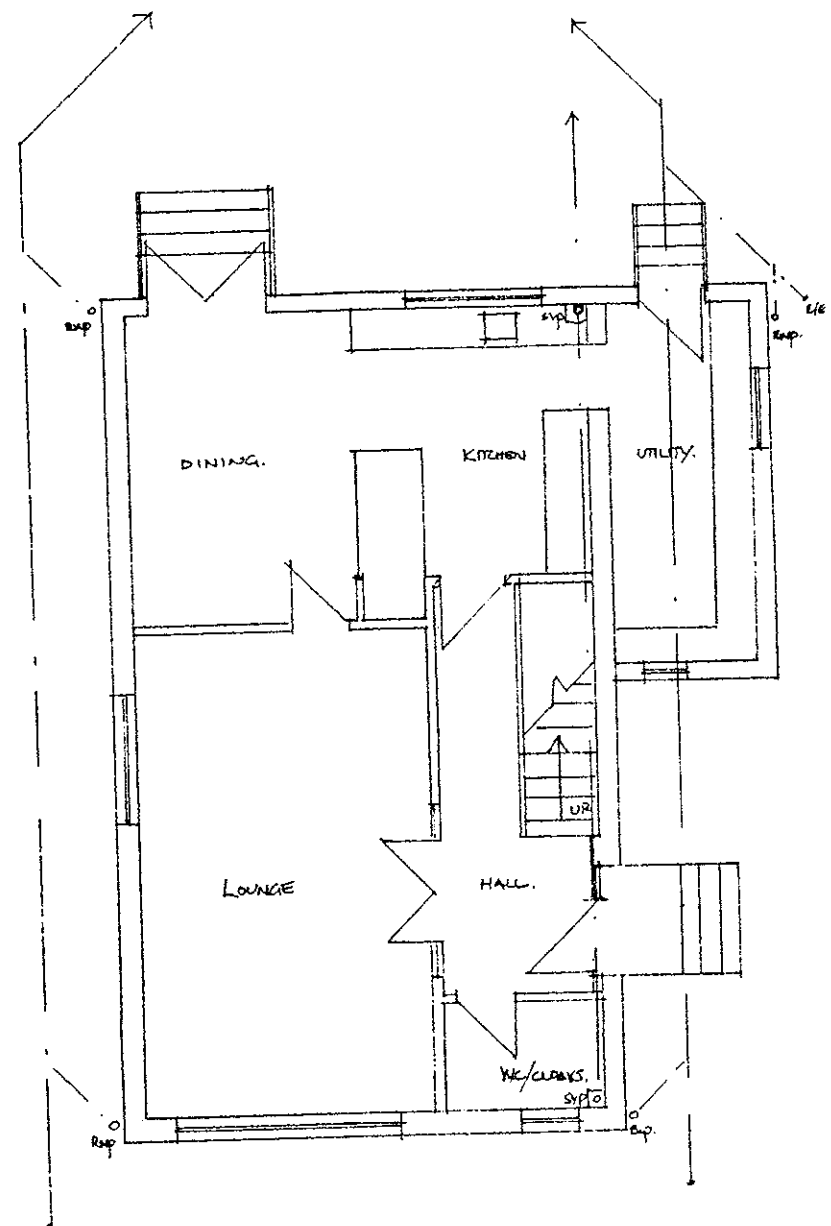


PROPOSED REAR ELEVATION.

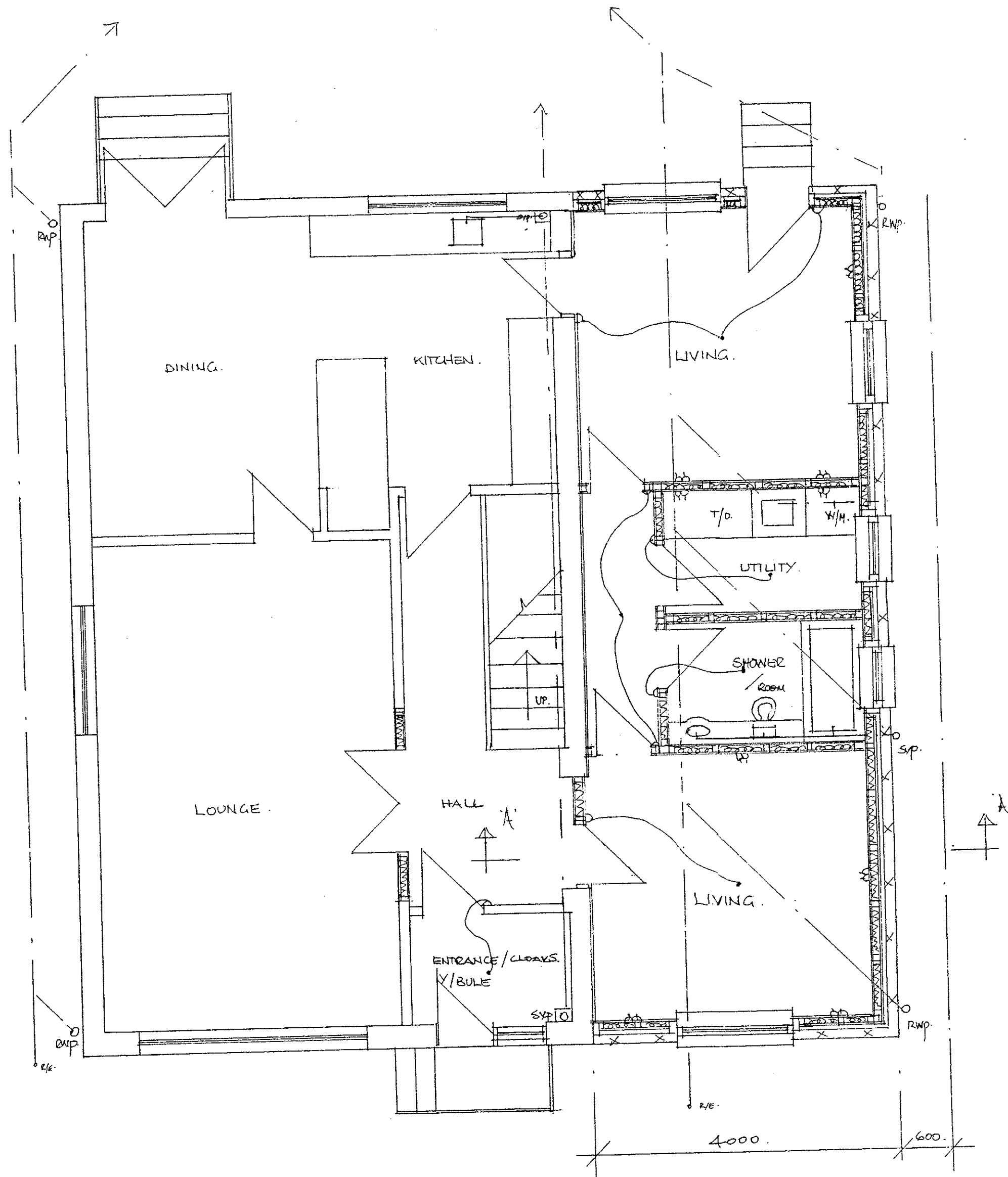
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PROPOSED TWO STOREY SIDE EXTENSION & RAISING OF ROOF.
AT 2, WEAVER AVE, NEWTON MEARNIS.
PER MR & MRS P. TAYLOR.

SCALE : 1:50, 1:100.
DRG NO : 4099/2A.
DATE : APRIL 2017



EXISTING G.F. PLAN.

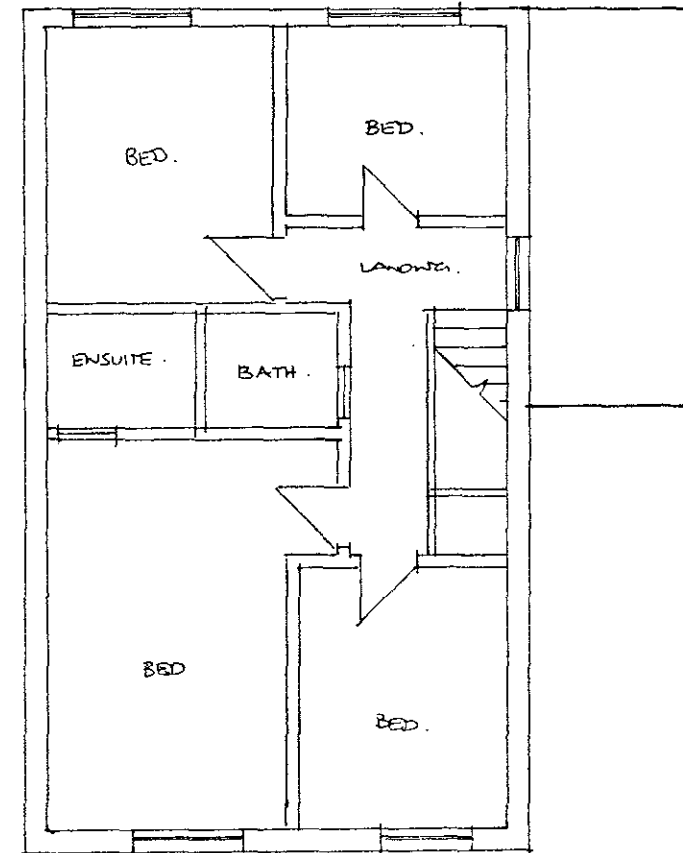


PROPOSED G.F. PLAN.

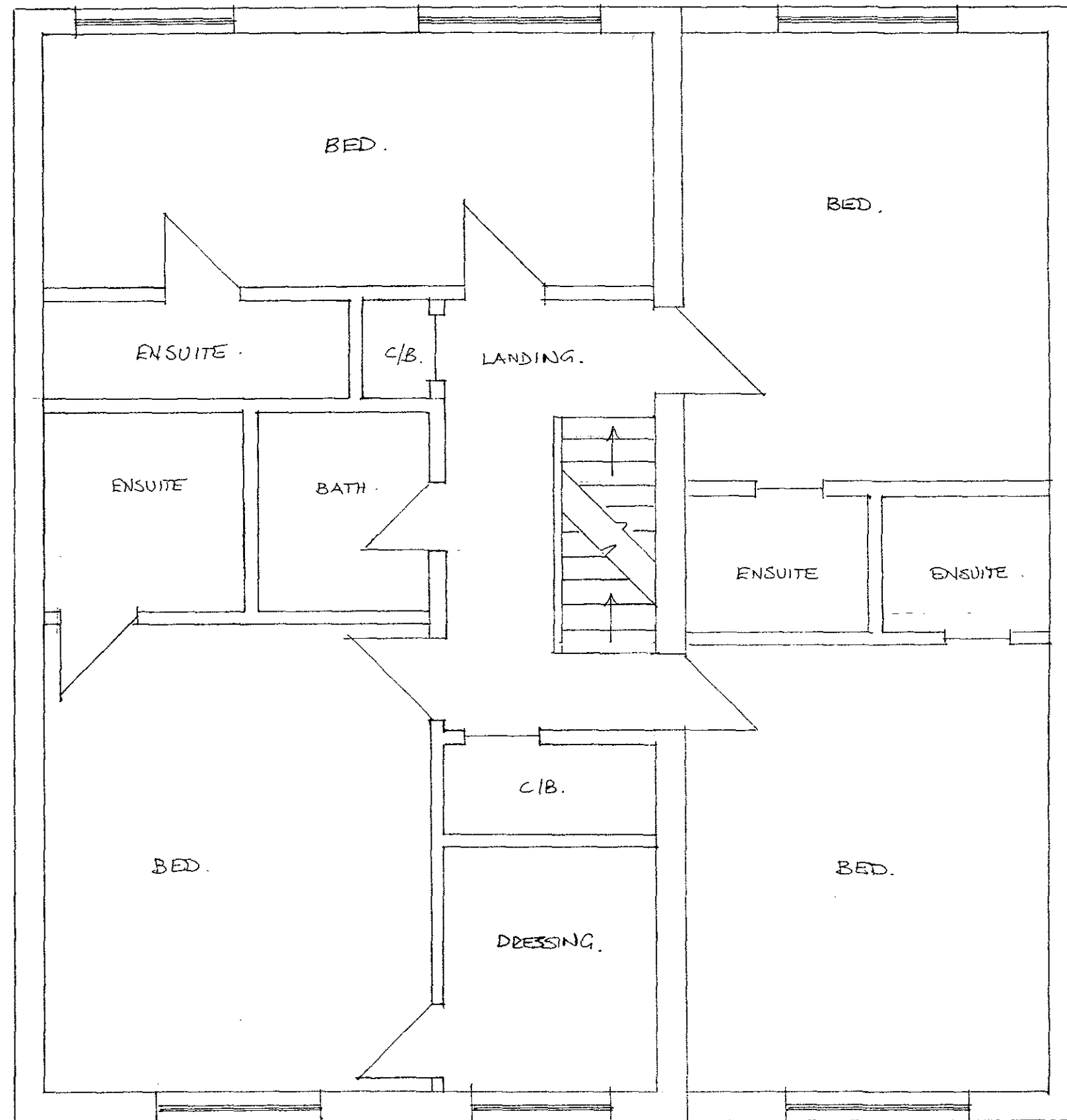
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PROPOSED TWO STOREY EXTENSION + RAISING OF ROOF.
AT 2, WEAVER AVE, NEWTON MEARNIS.
PER MR + MRS P. TAYLOR.

SCALE : 1:50, 1:100.
DRG N° : 4099/3A
DATE : APRIL 2017.



EXISTING 1st FLOOR PLAN.

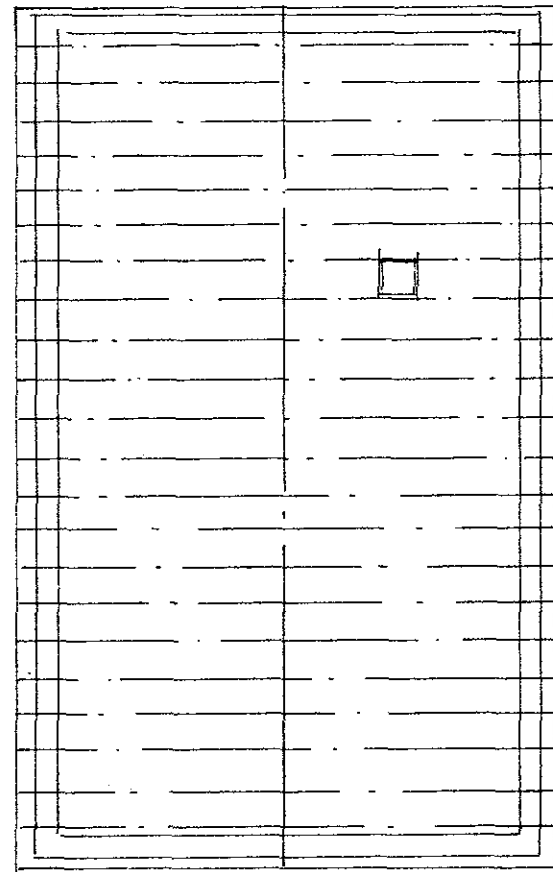


PROPOSED 1st FLOOR PLAN.

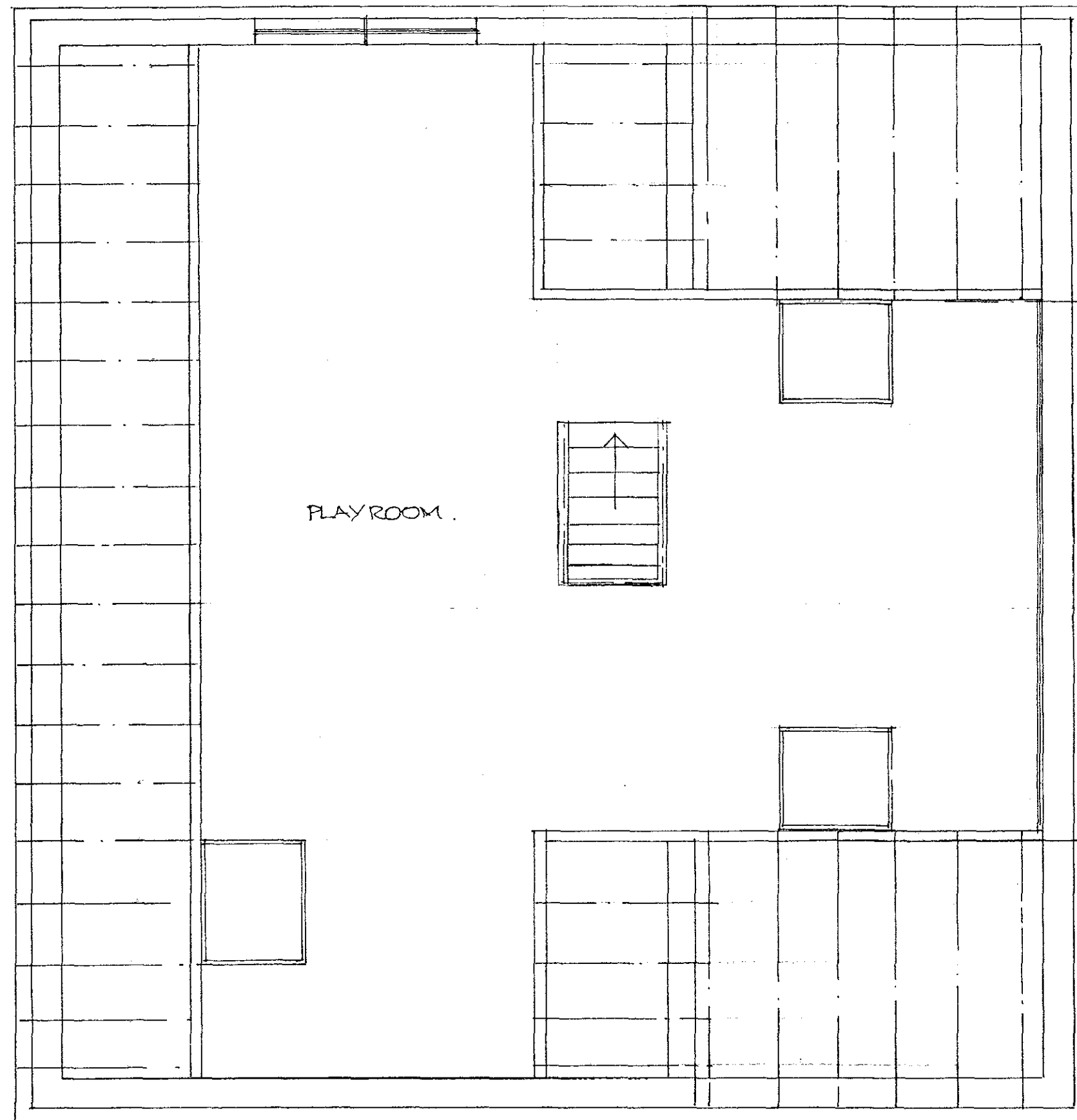
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PROPOSED TWO STOREY EXTENSION & RAISING OF ROOF.
AT 2, WEAVER AVE, NEWTON MEARNES.
PER MR & MRS P. TAYLOR.

SCALE : 1:50, 1:100
DRG NO : 4099/4
DATE : APRIL 2017.



EXISTING ROOF FLOOR PLAN.



PROPOSED LOFT FLOOR PLAN.

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