#### EAST RENFREWSHIRE COUNCIL

#### LOCAL REVIEW BODY

2 October 2019

#### Report by Deputy Chief Executive

#### REVIEW OF CASE - REVIEW/2019/16

#### ERECTION OF ONE AND A HALF STOREY REAR EXTENSION

#### INCORPORATING DORMER WINDOW AT REAR; INSTALLATION OF DORMER

#### WINDOWS AT FRONT AND SIDE AT 83 BEECH AVENUE, NEWTON MEARNS

#### **PURPOSE OF REPORT**

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

#### **DETAILS OF APPLICATION**

**2.** Application type: Full Planning Permission (Ref No:- 2019/0284/TP).

Applicant: Mr and Mrs Ali.

Proposal: Erection of one and a half storey rear extension incorporating

dormer window at rear; installation of dormer windows at front

and rear.

Location: 83 Beech Avenue, Newton Mearns.

Council Area/Ward: Newton Mearns South and Eaglesham (Ward 5).

#### **REASON FOR REQUESTING REVIEW**

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

#### **RECOMMENDATIONS**

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

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

#### **BACKGROUND**

- 5. At the meeting of the Council on 29 April 2009, consideration was given to a report by the Director of Environment seeking the adoption of a new Scheme of Delegation in terms of the new Section 43A of the Town and Country Planning (Scotland) Act 1997, subject to approval of the scheme by Scottish Ministers.
- 6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the "local development" category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an "appointed officer". In the Council's case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (Operations).
- 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 with came into effect on 3 August 2009 all appeals against decisions made in respect of local developments under delegated powers would be heard by a Local Review Body. The Local Review Body would also deal with cases where the appointed officer had failed to determine an application within two months from the date it was lodged.

#### NOTICE OF REVIEW - STATEMENT OF REASONS FOR REQUIRING THE REVIEW

- **8.** The applicants in submitting the review have stated the reasons for requiring the review of the determination of the application. A copy of the applicants' Notice of Review and Statement of Reasons is attached as Appendix 4.
- **9.** The applicants are entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and has indicated that their 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 applicants' request as to how it will determine the review and will itself decide what procedure will be used in this regard.
- **11.** However, at the meeting of the Local Review Body on 10 August 2016, it was decided that the Local Review Body would carry out unaccompanied site inspections for every review case it received prior to the cases being given initial consideration at a meeting of the Local Review Body.
- **12.** In accordance with the above decision, the Local Review Body will carry out an unaccompanied site inspection on Wednesday, 2 October 2019 immediately before the meeting of the Local Review Body which begins at 2.00pm.

#### INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

- **13.** Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The Local Review Body is advised that the focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.
- **14.** 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 135 140);
  - (b) Report of Handling by the planning officer under the Scheme of Delegation Appendix 2 (Pages 141 148);
  - (c) Decision notice and reasons for refusal Appendix 3 (Pages 149 152); and
  - (d) A copy of the applicant's Notice of Review and Statement of Reasons Appendix 4 (Pages 153 166).
- **15.** The applicant has also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and these are attached as Appendix 5 (Pages 167 180).
  - (a) Previous Refused Elevations Ref No:- 2018/0113/TP;
  - (b) Previous Approved Elevations Ref No:- 2019/0349/TP;
  - (c) Previous Approved Elevations Ref No:- 2019/0349/TP;
  - (d) Existing Elevations;
  - (e) Existing Floor Plans;
  - (f) Refused Location Plan;
  - (g) Refused Existing and Proposed Site;
  - (h) Refused Proposed Elevations;
  - (i) Refused Proposed First Floor Plan;
  - (j) Review Document Photo 1;
  - (k) Review Document Photo 2; and
  - (I) Review Document Photo 3;
- **16.** The Local Review Body is advised that initial consultation responses and representations received if any, relating to the application will be listed in the planning officer's Report of Handling.
- **17.** All the documents referred to in this report can be viewed online on the Council's website at <a href="https://www.eastrenfrewshire.gov.uk">www.eastrenfrewshire.gov.uk</a>.

#### **RECOMMENDATIONS**

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

Report Author: Paul O'Neil

Director - Caroline Innes, Deputy Chief Executive

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

Tel: 0141 577 3011

Date:- September 2019

**APPENDIX 1** 

# APPLICATION FOR PLANNING PERMISSION



RECEIVED
09 MAY 2019

# HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

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

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
FLECTRONICALLY VIA https://eplanning.scotland.gov.uk

1. Applicant's Details 2. Agent's Details (if any)			if any)		
Title	MR + MRS	Ref No.	<del></del>		
Forename	IIIC + MICT	Forename	Jona		
Surname	ALI	Surname	WHYTE		
	XC,		**************************************		
Company Name		Company Name	AROS OFSKN		
Building No./Name	63	Building No./Name	9		
Address Line 1	BEECH AVENUE	Address Line 1	KELVIN WAY		
Address Line 2		Address Line 2			
Town/City	NEWTON MEARNS	Town/City	KILSYTH		
Postcode	477 5&R	Postcode	GBS 9UN		
Telephone		Telephone			
Mobile		Mobile	0798 410 1639		
Fax		Fax			
Email		Email arosclesic	nehotmail-co-vk		
3. Address or Lo	cation of Proposed Develop	nent ( <i>please includ</i> e	postcode)		
	43 BEECH ALEWE				
	NEWTON MEARNS				
	977 5QR				
	'1/' 3%'				
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 P	Proposed Works				
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<del> </del>	curately the work proposed:	Ab- 1-1/ - A- 1	<del></del>		
1.1	OF ONE AND HALF		· · · · · · · · · · · · · · · · · · ·		
DORMER WILLOW AT KEAR, INSTALLATION OF DORMER WINDOWS					
AT FRONT AND SIDE					
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: AV4V5T 2017 Date completed:					

If yes, please explain why work has already taken place in advance of making this application.	
PLANNEL PERMISSION LRANTED ON 15 JULY 2016 (2016 0349 TP) WITH CHANGES MADE DURING CONSTRUCTION.	$\sqcap$
WITH CHANGES MADE DURING CONSTRUCTION.	
E Due Application Discussion	
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.:	
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A T	
6. Trees	
Are there any trees on or adjacent to the application site?  Yes \( \subseteq \text{No } \subseteq \)	
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 the	y relate
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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?				
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.				
l, 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: Sour WHYTE Date: 08.05.2019				
Any personal data that you have been asked to provide on this from 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.

1 here	by certify	that -			
(1)	(1) No person other than myself APPLICANT 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 agricultur	he land to which the application relates o	onstitutes or forms part of		
Signe	d:				
On be	half of:	MR I MPS ALI			
Date:		08.05.2019			
appli	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 applicat	Date of Service o		
	Name	Address	Notice Notice	'' 	
	_				
(2)	None of agricultu		elates constitutes or forms part of		
(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:					

APPENDIX 2

## **REPORT OF HANDLING**



### REPORT OF HANDLING

Reference: 2019/0284/TP Date Registered: 21st May 2019

Application Type: Full Planning Permission This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 254199/:655787

Applicant/Agent: Applicant: Agent:

Mr & Mrs Ali Aros Design
83 Beech Avenue John Whyte
Newton Mearns 9 Kelvin Way

East Renfrewshire Kilsyth G77 5QR G65 9UN

Proposal: Erection of one and a half storey rear extension incorporating dormer window

at rear; installation of dormer windows at front and side

Location: 83 Beech Avenue

Newton Mearns East Renfrewshire

G77 5QR

**CONSULTATIONS/COMMENTS:** None.

PUBLICITY: None.

SITE NOTICES: None.

**SITE HISTORY:** 

1989/0177/TP ERECTION OF REAR Approved Subject 23.05.1989

EXTENSIONS TO to Conditions

DWELLING HOUSE

2016/0163/TP Erection of one and half Withdrawn 28.04.2016

storey rear extension incorporating dormer windows at rear with installation of hipped roof

over existing rear

extensions; installation of dormer windows at front

and side

2016/0349/TP Erection of one and a half Approved Subject 15.07.2016

storey rear extension to Conditions

incorporating dormer

window at rear; installation of dormer

windows at front and side

2018/0113/TP Erection of one and a half Refused 24.10.2018

storey rear extension incorporating dormer window at rear; installation of dormer

installation of dormer windows at front and side

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

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

#### **SUPPORTING REPORTS:**

Supporting Statement – The statement explains the planning history and the background to the proposal. Makes a brief assessment against policy and concludes that with minor amendments, the development will be acceptable.

#### ASSESSMENT:

The application site comprises of a detached single storey dwellinghouse located on the south side of Beech Avenue within the established residential area of Newton Mearns.

Retrospective planning permission is sought for the erection of one and a half storey rear extension incorporating dormer windows at the front, rear and two dormers on each side elevation. The extension projects approx. 5.5m from the rear elevation, approx. 10.1m in width and 6.3 in height. It projects over two pre-existing single storey rear extensions. The front dormer projects approx. 2.8m from the roof plane, approx. 3.2m in width and approx. 2.4m in height. The rear dormer projects approx. 1.3m from the roof plane, approx. 4.8m in width and approx. 2.8m in height. Both the front and rear dormers as built maintain the ridge and hip lines of the roof. The proposal includes two side dormers per each side of the roof, each dormer projects approx. 3m from the roof plane and approx. 2.2m in height respectively. The two front-most side-facing dormers are approx. 2.7m in width, with the dormers to towards the rear of the roof approx. 3.4m in width. Each of the dormers have hipped roofs. The extension is externally finished in render with concrete roofing tiles, including on the dormer fronts, sides and roofs.

Previous planning consent (2016/0349/TP) was granted for the erection of one and a half storey rear extension incorporating dormer windows to the front, rear and one on each side elevation which were contained within the roof plane and did not dominate the roof and building. This followed extensive pre-application discussions including the withdrawal of an earlier planning application (2016/0163/TP).

The current application is in part retrospective with respect to the number, size and design of the dormer windows, which have been built without the benefit of planning permission. The front dormer as built is proposed to be altered to sit marginally below the ridge. It follows the refusal of an earlier identical application 2018/0113/TP on 24 October 2018. The only changes relate to the solid to void ratio on some of the dormer windows. On three of the four side-facing dormers the solid area is reduced whilst on the rear it has increased. The position of the dormers on the roof has not changed. It should be noted that the unauthorised development is now completed.

The proposal is required to be assessed against the Local Development Plan (LDP), in particular Policies D1 and D14, and the Supplementary Planning Guidance (SPG) on Householder Design Guide. The policies seek to ensure that proposals are in keeping in terms of scale, size, massing and design with the original building, and are sympathetic to the local character and built form and do not adversely impact on neighbouring properties by loss of privacy or overshadowing. In particular the SPG states that dormers should be wholly contained within the roof slope and set below the roof/ridge and off the side ridge/hip, and not built up from the wallhead and be well set back from the eaves. Furthermore, it states that dormers should have a high proportion of glazing.

The front and rear dormers impinge on the hips and ridge lines of the roof, with the rear dormer located on the wallhead, contrary to the requirements of the SPG. The Supporting Statement explains that the front dormer is to be altered such that it will sit marginally below the ridge and pulled in marginally from the side hips. The Statement also explains that alterations will be made to the rear roof to ensure the rear dormer sits within the roof plane. However, this is to be achieved by extending the roof overhang and not by reducing the size of the dormer window. The side dormers are also only marginally set down from the ridge. All the proposed dormers occupy a large proportion of the roof area and have prominent hipped roofs which make them individually and collectively heavy and clumsy in appearance. Consequently, due to their size, design and position the proposed dormers are incongruous on the building, and dominate and detract from the original integrity of the original dwellinghouse, to the detriment of the visual character and amenity of the area. The proposed alterations to the front dormer and rear roof, are not considered sufficient to lessen the impact of the dormers.

It is acknowledged that the adjacent dwelling (81 Beech Avenue) has similar dormers to the current proposal, however notably these are set wholly within the roof plane and have a higher proportion of glazing thereby lessening their visual impact when compared to this application. There are very few other similar examples of this type of development in the immediate area and therefore it is considered that this form of dormer extension is not an established characteristic of the area.

The rear-most, side-facing dormer on the north-east elevation (which is a bedroom window) directly overlooks a dormer window serving a dressing room on the adjacent dwelling at number 81. This window on number 81 is clear glazed and the neighbours have installed blinds which at the time of a recent site inspection were drawn. Whilst a dressing room is not habitable, the activities carried out in the room are such that any overlooking would give rise to a significant and severe overlooking issue. This is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan. If the application is otherwise acceptable, the side-facing secondary bedroom window should be opaque glazed. This can be secured by condition.

The dormers will result in some overlooking of the gardens of neighbouring properties, particularly the properties to the south (85 & 87 Beech Avenue). However given the adjacent extension, boundary treatment, distance and oblique angle of view, any resulting overlooking of gardens will be restricted. The proposal will not result in significant overshadowing of neighbouring properties.

The extension to the rear is predominantly as per the previously approved application (2016/0349/TP) and therefore in itself would raise no significant issues in terms of the Local Development Plan.

The application has been made for the extension and dormers and therefore the application is required to be determined as a whole. Consequently, it is considered that the proposed dormers are poorly designed and incongruous in appearance; would be out of keeping with the character of the building and the area to the detriment of the visual amenity of the area; and would give rise to overlooking. Accordingly, it is considered that the proposal is contrary to Policies D1 and D14

of the LDP and the requirements of the SPG, and there are no material considerations that outweigh these policies, it is recommended that planning permission is refused.

**RECOMMENDATION:** Refuse

PLANNING OBLIGATIONS: None.

#### **REASONS FOR REFUSAL:**

- 1. The development is contrary to Policies D1 and D14 of the East Renfrewshire Local Development Plan and the Supplementary Planning Guidance: Householder Design Guidance as, due to their size, massing and design, the dormer windows dominate the roof planes; are dominant and incongruous with the design and integrity of the original dwellinghouse; and as a result are out of keeping with the surrounding area, to the detriment of the visual amenity and character of the area.
- 2. The development is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it would give rise to a significant degree of overlooking to the detriment of the amenity of the residents of the adjacent 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.: 2019/0284/TP

(DESC)

DATE: 9th July 2019

#### **DIRECTOR OF ENVIRONMENT**

Reference: 2019/0284/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;
- 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 9<sup>th</sup> July 2019 – AC(1)

**APPENDIX 3** 

# DECISION NOTICE AND REASONS FOR REFUSAL



# TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

#### REFUSAL OF PLANNING PERMISSION

Ref. No. **2019/0284/TP** 

 Applicant:
 Agent:

 Mr & Mrs Ali
 Aros Design

 83 Beech Avenue
 John Whyte

 Newton Mearns
 9 Kelvin Way

 East Renfrewshire
 Kilsyth

 G77 5QR
 G65 9UN

With reference to your application which was registered on 21st May 2019 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of one and a half storey rear extension incorporating dormer window at rear; installation of dormer windows at front and side

#### at: 83 Beech Avenue Newton Mearns East Renfrewshire G77 5QR

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

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

- The development is contrary to Policies D1 and D14 of the East Renfrewshire Local Development Plan and the Supplementary Planning Guidance: Householder Design Guidance as, due to their size, massing and design, the dormer windows dominate the roof planes; are dominant and incongruous with the design and integrity of the original dwellinghouse; and as a result are out of keeping with the surrounding area, to the detriment of the visual amenity and character of the area.
- The development is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it would give rise to a significant degree of overlooking to the detriment of the amenity of the residents of the adjacent dwelling.

Dated 9th July 2019



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/GROUND		
Plans Proposed	4	R4	
Elevations Proposed	ELEVATIONS	R5	

## 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 <a href="www.eplanning.scotland.gov.uk">www.eplanning.scotland.gov.uk</a>. Please note that beyond the content of the appeal or review forms, <a href="you cannot normally raise new matters">you cannot normally raise new matters</a> 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.

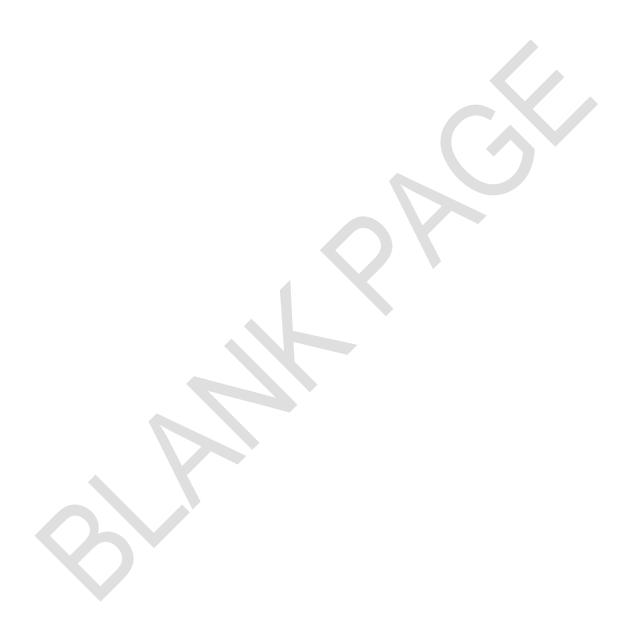
#### CONTACT DETAILS

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

**APPENDIX 4** 

# NOTICE OF REVIEW AND STATEMENT OF REASONS





2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: planning@eastrenfrewshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE

100180117-001

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 Applicant				
Agent Details				
Please enter Agent details	6			
Company/Organisation:	bennett developments and consulting			
Ref. Number:		You must enter a Building Name or Number, or both: *		
First Name: *	Don	Building Name:		
Last Name: *	Bennett	Building Number:	10	
Telephone Number: *	01415715432	Address 1 (Street): *	Park Court	
Extension Number:		Address 2:		
Mobile Number:	07989417307	Town/City: *	Glasgow	
Fax Number:		Country: *	United Kingdom	
		Postcode: *	G46 7PB	
Email Address: *	don@bennettgroup.co.uk			
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: *	Uqmar	Building Number:	83		
Last Name: *	Ali	Address 1 (Street): *	Beech Avenue		
Company/Organisation		Address 2:			
Telephone Number: *		Town/City: *	Glasgow		
Extension Number:		Country: *	United KIngdom		
Mobile Number:		Postcode: *	G77 5QR		
Fax Number:					
Email Address: *					
Site Address	Details				
Planning Authority:	East Renfrewshire Council				
Full postal address of the	e site (including postcode where available):				
Address 1:	83 BEECH AVENUE				
Address 2:	NEWTON MEARNS				
Address 3:					
Address 4:					
Address 5:					
Town/City/Settlement:	GLASGOW				
Post Code:	G77 5QR				
Please identify/describe the location of the site or sites					
Northing	655776	Easting	254188		

Description of Proposal
Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)
Erection of one and half storey rear extension incorporating dormer windows at rear: installation of dormer windows at front and side
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 a 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.
Failure to properly apply the appropriate policies as they would affect this proposal
Have you raised any matters which were not before the appointed officer at the time the
Have you raised any matters which were not before the appointed officer at the time the  Determination on your application was made? *
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)

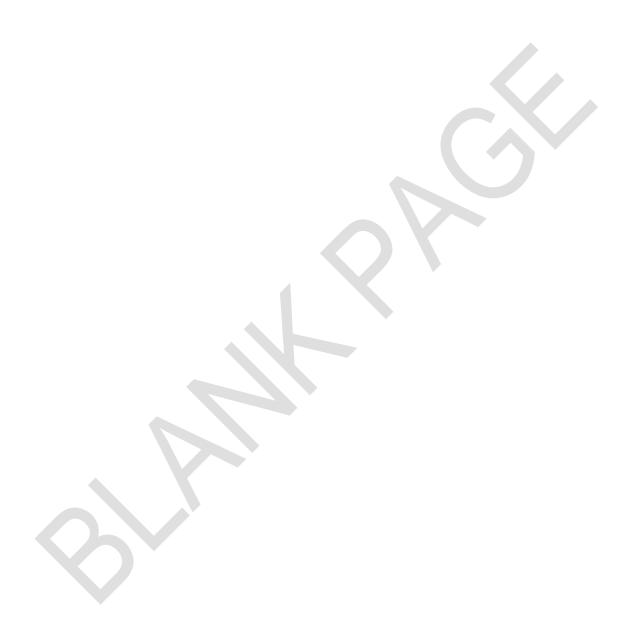
Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)				
Statement of Appeal Photographs Application form Planning Statement Drawings Decision Notice				
Application Details				
Please provide details of the application and decision.				
What is the application reference number? *	2019/0284/TP	019/0284/TP		
What date was the application submitted to the planning authority? *	21/05/2019	05/2019		
What date was the decision issued by the planning authority? *	09/07/2019			
Review Procedure				
The Local Review Body will decide on the procedure to be used to determine your review an process require that further information or representations be made to enable them to determ required by one or a combination of procedures, such as: written submissions; the holding of inspecting the land which is the subject of the review case.	nine the review. Further	information r		
Can this review continue to a conclusion, in your opinion, based on a review of the relevant it parties only, without any further procedures? For example, written submission, hearing sess of Yes No		yourself and	other	
In the event that the Local Review Body appointed to consider your application decides to ins	spect the site, in your op	oinion:		
Can the site be clearly seen from a road or public land? *	X	Yes 🗌 No		
Is it possible for the site to be accessed safely and without barriers to entry? $^{\star}$	$\boxtimes$	Yes 🗌 No	)	
Checklist – Application for Notice of Review				
Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid.	formation in support of	your appeal.	Failure	
Have you provided the name and address of the applicant?. *				
Have you provided the date and reference number of the application which is the subject of treview? $^{\star}$	his 🛛 Yes 🗌 N	No		
If you are the agent, acting on behalf of the applicant, have you provided details of your nam and address and indicated whether any notice or correspondence required in connection with review should be sent to you or the applicant? *		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? *		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 □ N	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 Don Bennett

Declaration Date: 13/09/2019



bennett Developments and Consulting,

10 Park Court, Glasgow, G46 7PB don@bennettgroup.co.uk

#### **PLANNING STATEMENT**

15.4.2019

#### 83 BEECH AVENUE, NEWTON MEARNS, G77 5QR

ERECTION OF ONE AND A HALF STOREY REAR EXTENSION INCORPORATING DORMER WINDOW AT REAR, INSTALLATION OF DORMER WINDOWS AT FRONT AND SIDE

#### **Background:**

develop the building, as per the above.

The site sits on the south side of Beech Avenue in the popular residential area of Newton Mearns, and comprises of a one and a half storey dwelling with dormers to front, rear and to the side.

Originally a single storey bungalow, planning consent(2016/0349/TP) was given for the works to

It is a matter of much regret that the implementation of that consent did not faithfully comply with the approved plans. Whilst that is unacceptable the applicants innocently but mistakenly assumed that as they were effectively copying the building immediately adjacent at 81 Beech Avenue, there would be no problem.

They are now fully aware of the circumstances and wish to lodge this application to regularise the unauthorised works and gain a valid planning consent .

#### **Proposal:**

\_\_\_\_\_

The proposed development is part retrospective and part for a series of alterations to the property, which in the main were approved but improperly carried out and for a number of small amendments to comply with the Development Plan policies.

In particular, detail amendments to the front dormer such that it no longer impinges on the pitched roof and to the rear roof which is to be extended to match that part of the roof already extended and which will place the rear dormer within the pitch of the roof and not on the gutter edge as was illustrated.

#### **Assessment against policy**

In determining any application it is necessary for a proposal to be assessed against the current approved and adopted local plan, in this case the East Renfrewshire Local Development Plan. Within that plan the pertinent policies/guidance is:

Policy D1: Detailed Guidance for all Developments

**Policy D14:** Extensions to Existing Buildings and Erection of Outbuildings and Garages

Supplementary Planning Guidance(SPG) on Householder Design Guide.

Collectively these policies seek to ensure that any new buildings are compatible with the character and ambience of the area, in particular scale and massing and relationship to the overall plot size.

In the Report of Handling for planning application 2018/0113/TP it was observed by the planning officer that elements of the application were in fact retrospective as a body of works had already been implemented, but in the main these were acceptable though there was specific aspects of the design which were felt to be at odds with the design guidance contained within the Supplementary Guidance Guide(SPG).

These are referred to above and relate to the design and positioning of the front dormer, the rear dormer and to the level of glazing within these structures and in particular the fact that the rear dormer is positioned too low on the roof plane and abuts the gutter.

Reference to the attached drawings will illustrate that the front dormer has now been lowered away from the ridge line as required, and the rear roof plane has been extended such that the rear dormer is seen to be located within the roof plane as opposed to on the gutter line.

In terms of the overall mass and scale of the building it now reflects the adjacent dwelling at 83 Beech Avenue and in addition now meets the design criteria expressed in the SPG Householder Design Guide. In that respect we believe that it now respects and reflects the character of the area. It is worth recording that the character of an area is defined by so many factors, some physical and some emotional, it is how the area presents to the senses. It is not about policies or guidance or about responding to nuances in the wording it is about how the area feels. In this respect the proposed alterations to this property embody those qualities and properties which define the character of the area and as such meet the requirements of the policy/guidance both in the actuality but also in spirit.

#### **Summary:**

It is accepted that some of the works to the property were carried out without the benefit of a planning consent but that also that the majority complied with policy. Those aspects which did not have been incorporated into this application in order to regularise the position and to effect a consent which fully reflects that which is there. The result is a building which respects the surrounding area and which can legitimately contribute to the areas character.

### bennett Developments and Consulting

10 Park Court, Glasgow G46 7PB don@bennettgroup.co.uk

APPEAL TO THE EAST RENFREWSHIRE LOCAL REVIEW BODY AGAINST THE DECISION BY EAST RENFREWSHIRE COUNCIL TO REFUSE THE ERECTION OF A ONE AND A HALF STOREY REAR EXTENSION INCORPORATING DORMER WINDOW AT REAR, INSTALLATION OF DORMER WINDOWS AT FRONT AND SIDE, AT 83 BEECH AVENUE, NEWTON MEARNS G77 5QR APP REF 2018/0113/TP

13.9.2019

#### **Background:**

The property at 83 Beech Avenue is located in a highly sought after part of Newton Mearns, and is characterised by large detached and semi detached dwellings the vast majority of which have been substantially extended and enlarged over the last few years.

In 2016( Application Ref 2016/0349/TP) was granted for the erection of a one and a half storey rear extension incorporating dormer windows to the front, rear and one on each side elevation which were contained within the roof pane and did not dominate the roof and building.

This was subsequently implemented though there were a number of additional features and modifications which accordingly did not have the benefit of planning consent and became the subject of enforcement action.

In 2018 (Application Ref 2018/0113/TP) was lodged. This was part retrospective in regard to the number, size and design of the dormer windows which have been constructed without the benefit of planning permission. In October 2018 this application was refused on the basis that the scale, size and design of the aforementioned dormers failed to meet the design guidance set out in Policies D1, D14 and the Supplementary Planning Guidance(SPG) on Householder Design Guide.

In response to the above refusal the applicant sought to amend the elements which were at variance with the policies and to this end submitted the current application, the subject of this appeal.

In progressing the above applications and whilst conceding that the major works to the property were carried out without the benefit of planning consent, in defence of the applicant, the proposed design was an identical copy of the adjacent property at 81 Beech Avenue, and as such the applicant was of the view that the design would be acceptable. Whilst that does not excuse the fact that the applicant carried out a considerable body of structural work to the property without the benefit of a planning consent, he was none the less concerned and alarmed that the application had been

refused seemingly in respect of the very features and details highly visible on the adjacent property, the works to which do have the benefit of planning permission.

#### **Assessment against policy**

In determining any application, the planning service is required to assess it in the context of the approved and adopted Local Development Plan, and in that context the relevant policies /guidance are cited as Policy D1 and D14 of the East Renfrewshire Local Development Plan and the Supplementary Planning Guidance: Householder Design Guidance.

It is a further requirement that the planning service prepare a Report of Handling(ROH) which sets out the basis for the decision taken, the justification and supporting material which has been used to justify the determination having regard to all of the appropriate policies.

In the ROH, the planning officer is at great pains to explain the minor differences between the built structure and that which was applied for and subsequently refused. Whilst it is not disputed that:

- a) the appellant did carry out a body of unapproved works and, that
- b) the lodged application which sought to remedy both the retrospective works and the new works, has been refused

However, the design matters raised are all very modest and it is felt, were properly addressed in the application. Indeed the ROH appears to concede as much.

It is important to note that a number of the items raised as failing to comply with the policies are in essence simply matters of design and whilst the design is important, it is essential that any observation/objection is set in the context of the building and its presentation on the site. In particular the ROH notes that the rear dormer has been built off the wall head which is contrary to the householder guidance. This is purely a matter of aesthetics as in structural terms constructing the dormer as a vertical extension to the rear wall is structurally the most secure of doing this. In addressing this issue the application extended the slope of the rear roof such that the dormer no longer appears to be rising from the wallhead but is set within the pitch of the roof, yet this was deemed unacceptable. Given that the issue is one of aesthetics and the resultant design is visually the same as others in the area, and is on the rear elevation out of sight, it is difficult to understand why the fact that it still springs from the wallhead is relevant.

On the issue of the design of the dormers, these were modified to clear the main roof pitch and to include more glazing as it was accepted that those constructed without planning permission could be visually improved.

Over all it is difficult to understand the decision to refuse this application as it clearly reflects if not copies the adjacent property at 81 Beech Avenue.

To then claim that the decision to refuse was based on the fact that "the dormers due to their size and massing ... are out of keeping with the surrounding area to the detriment of the visual amenity and character of the area."

It is difficult to understand how a building which is identical to the one adjacent can be deemed to be out of character when the adjacent building to which it is identical, is part of that character.

#### **Summary**

In the circumstances we would argue that whilst accepting that the applicant was foolhardy in not seeking planning permission before commencing any works , the fact that the works which have been carried out have resulted in a building identical to its neighbour must surely refute any suggestion that it will be to the detriment of the visual amenity and character of the area, which appears to be the sole reason for the refusal.

Equally it has not been established that overlooking would be an issue and this would appear to be supported by the fact that none of the neighbours, who would be the subject of any supposed overlooking, lodged an objections.

It is apparent from the foregoing that the proposed development was in compliance with the policies D1 and D14, and as such should have had the benefit of planning permission.

If further evidence was needed to refute the arguments advanced in the ROH, the attached photograph of the building and the property adjacent must surely demonstrate that far from detracting, this building respects and reflects the area and will make a major contribution to the visual amenity.

Having regard to all of the foregoing we would ask that the Review Board overturn the planning decision to refuse, and approve this application.

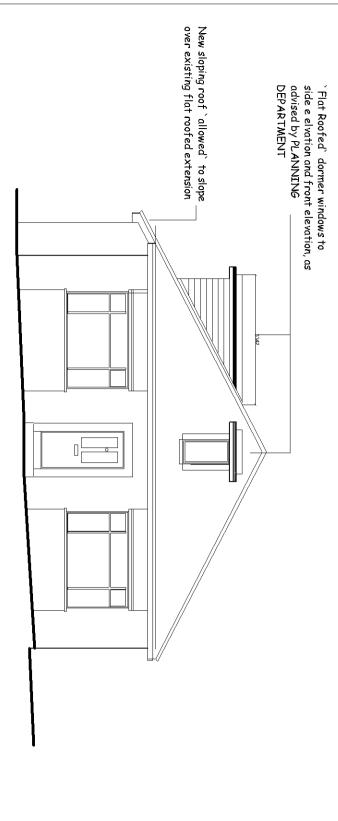
**bennett** *Developments and Consulting* 13/9/2019



**APPENDIX 5** 

### PLANS/PHOTOGRAPHS/DRAWINGS

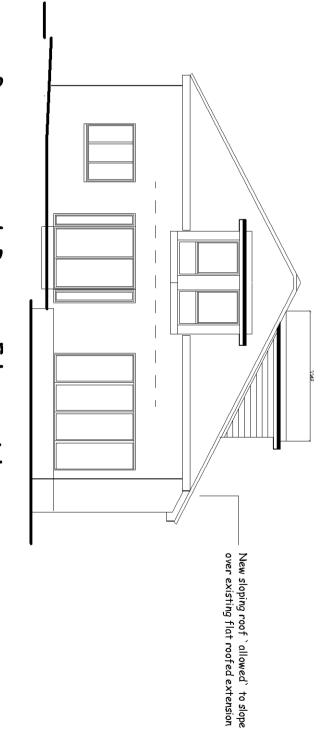




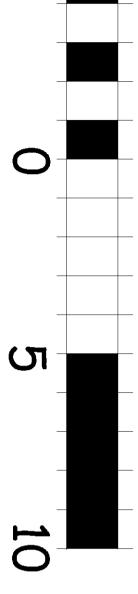
#### Z o ב ב 0 Q 0 S ≪ e 0 <u>α</u> S ת 3 0 Ω Ω 3 n g Ш 0 < ation

Roof of proposed extension stepped down from ridge level of existing house

`Flat Roofed` dormer windows to side e elvation and Rear elevation, as advised by PLANNING DEPARTMENT



### 0 Q 0 S 0 S 0 Ω 0 3 Ш 3 9 0 < Ω + i o



**U** 

Do Not scale from this

- 2. All dimensions to be confirmed by the Contractor prior to work commencing or ordering of any components.

- 3.In the case of any discrepancy refer to es - G architects ltd.
- 4. The purpose of this drawing is solely for the purposes of obtaining either Planning Permission or Building Warrant Approval. The drawing may be suitable for Construction purposes but it may be necessary to augment / and or amend this information for this

## Client :

construction purposes.

purpose.

No liability will be accepted for any omission on this drawing should the drawing be used for

# Mr and Mrs C Ali

Project :

83 Beech Avenue Re-modelling **House Extension** Internal to Rear

Project No:

**Newton Mearns** 

582 - 16

Drawing Title: **Rear Elevations Proposed Front and** 

Drawing No: PL-09

Scale: 1:100

Revisions : Revision : ш

Proposals reduced in size

Dormers changed to flat roofed

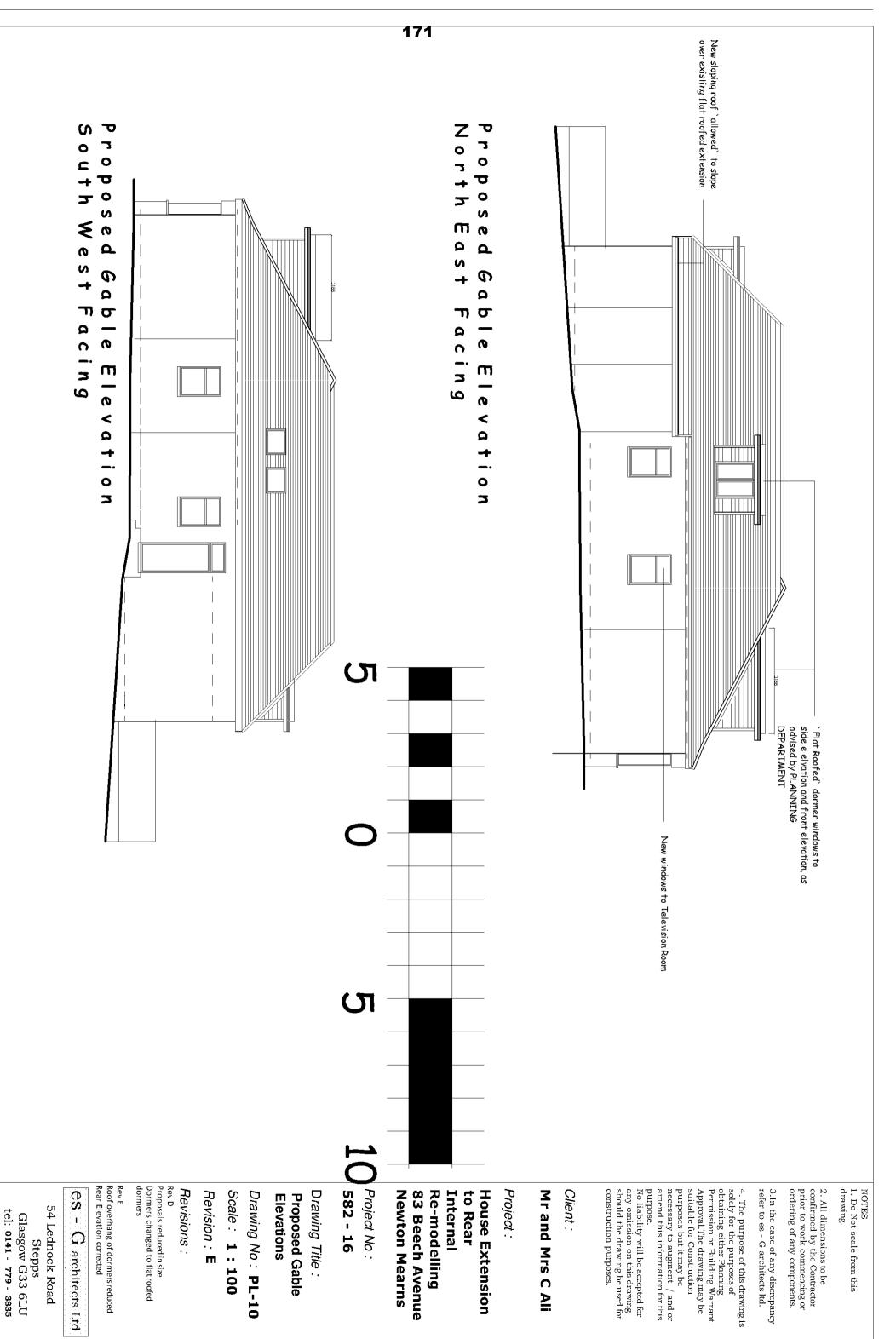
Roof overhang of dormers reduced Rear Elevation corrected

# es -G architects Ltd

54 Lednock Road

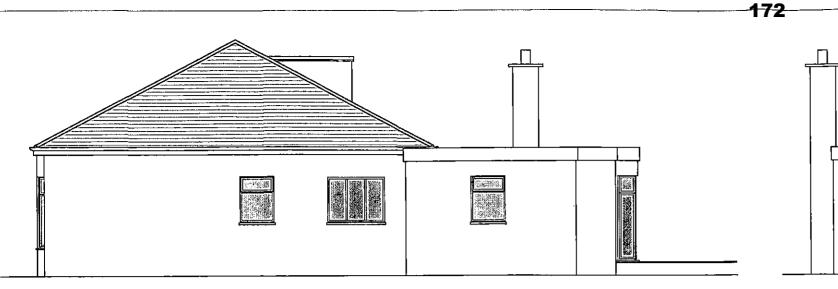
tel: 0141 - 779 - 3835 Stepps Glasgow G33 6LU

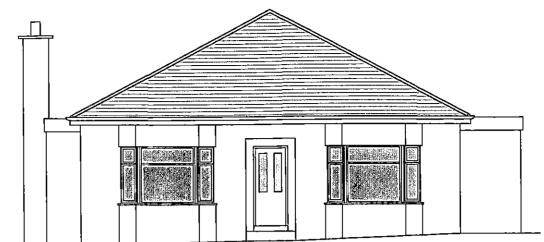
Copyright of es - G architects e: sgordonstepps@aol.com



Copyright of es - G architects

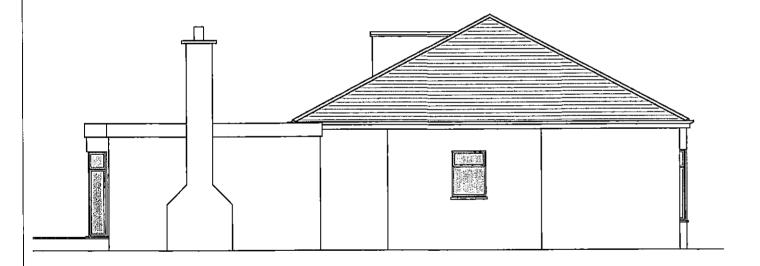
e: sgordonstepps@aol.com

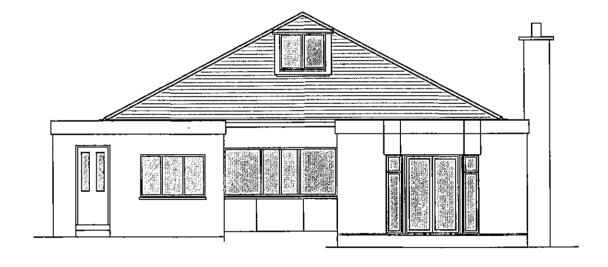




Existing Side Elevation Scale 1:100

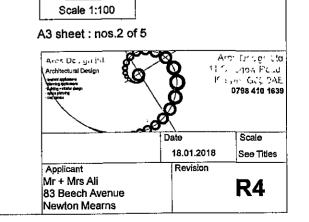
Existing Front Elevation Scale 1: 100



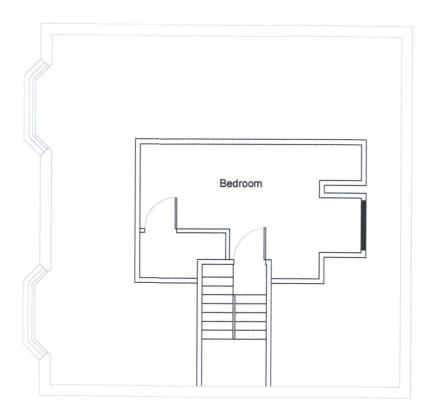


Existing Side Elevation Scale 1:100

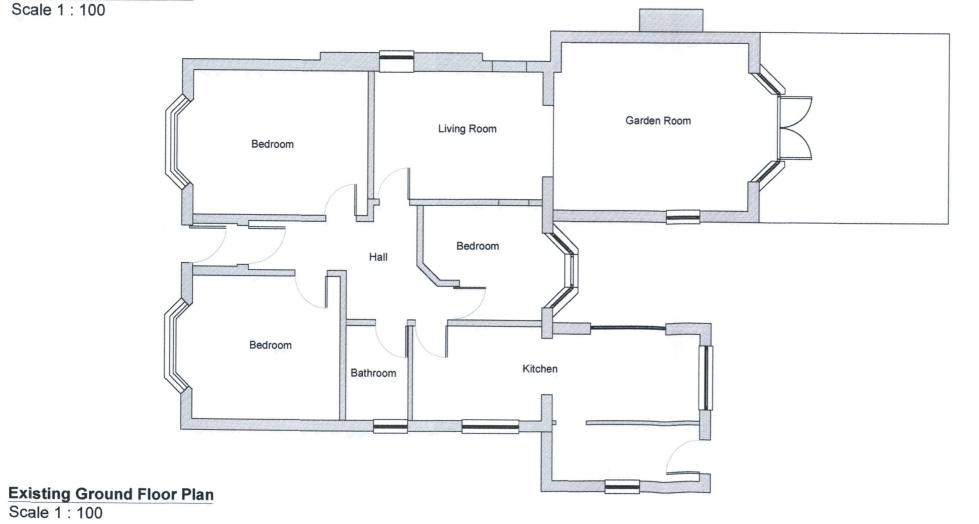
Existing Rear Elevation Scale 1: 100



0 1m



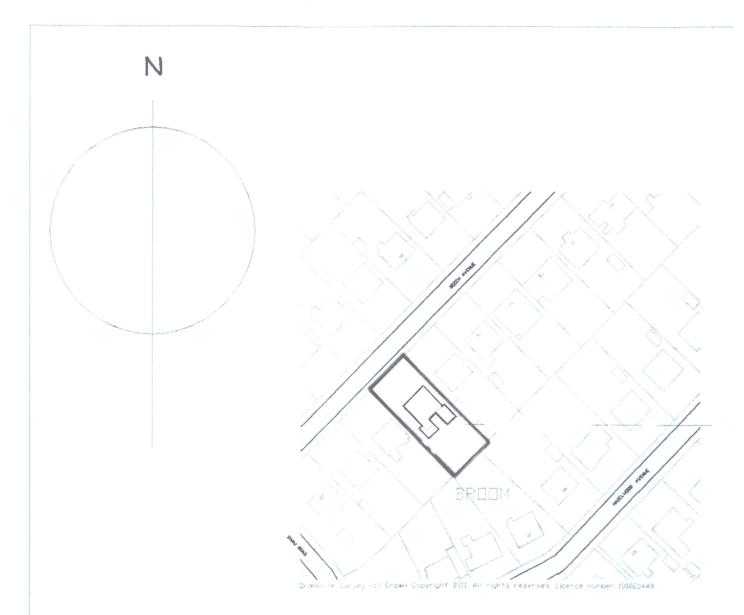
## Existing First Floor Plan Scale 1: 100



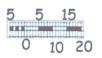
Scale 1:100

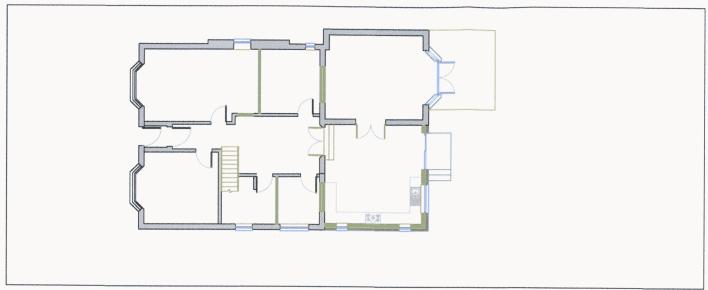
A3 sheet: nos.1 of 5





LOCATION PLAN SCALE 1:1250

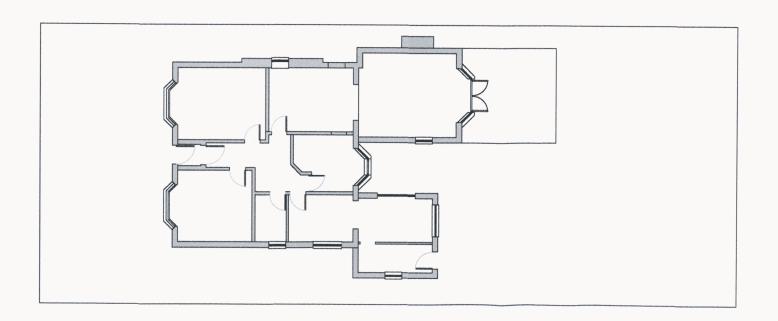




### Proposed Site / Block Plan Scale 1 : 200

0 2m Scale 1:200



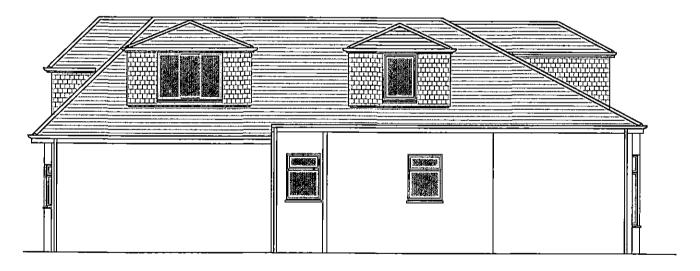


Existing Site / Block Plan Scale 1 : 200

0 2m Scale 1:200



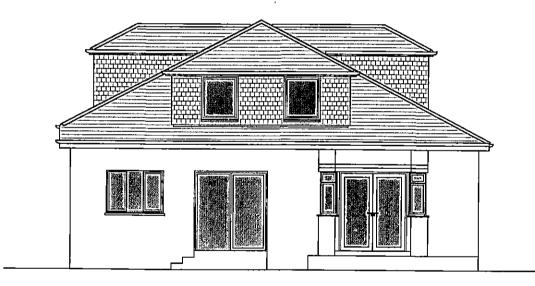
**Proposed Side Elevation** Scale 1: 100



Proposed Side Elevation Scale 1:100



Proposed Front Elevation Scale 1: 100



**Proposed Rear Elevation Scale 1: 100** 

