**AGENDA ITEM No.4** 

#### EAST RENFREWSHIRE COUNCIL

#### LOCAL REVIEW BODY

#### 4 December 2019

#### Report by Deputy Chief Executive

#### REVIEW OF CASE - REVIEW/2019/22

#### INSTALLATION OF DORMER WINDOW AT SIDE; ENLARGEMENT AND LINKING OF EXISTING SIDE AND REAR DORMER WINDOWS AT 51 NETHERHILL AVENUE, NETHERLEE

#### 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:- 2019/0404/TP).
	Applicant:	Mr Scott Macleod.
	Proposal:	Installation of dormer window at side; enlargement and linking of existing side and rear dormer windows.
	Location:	51 Netherhill Avenue, Netherlee.
	Council Area/Ward:	Clarkston, Netherlee and Williamwood (Ward 4).

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

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

#### RECOMMENDATIONS

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

- (b) In the event that further procedure is required to allow it to determine the review, consider:-
  - 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 applicant in submitting the review has stated the reasons for requiring the review of the determination of the application. A copy of the applicant's Notice of Review and Statement of Reasons is attached as Appendix 4.

9. The applicant is entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and has indicated that his stated preference is the assessment of the review documents only, with no further procedure.

**10.** The Local Review Body is not bound to accede to the 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, 4 December 2019 immediately before the meeting of the Local Review Body which begins at 2.30pm.

#### INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

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

**14.** However, the applicant has submitted new information which was not available to the Appointed Officer at the time the determination of the application was made. The new information relates to photographs including an aerial photograph.

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

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

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

17. In reply, the applicants' agent has advised that there were many such extensions in the local area and almost every property has had an extension. The agent did not speak to a Planning Officer as the number of other properties with similar type extensions in the roof supported the proposal being put forward. The photographs simply show other properties in the area with similar extensions.

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

**19.** Members should note that the new information has been excluded from the applicants' submission.

**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 51 60);
- (b) Report of Handling by the planning officer under the Scheme of Delegation Appendix 2 (Pages 61 68);
- (c) Decision notice and reasons for refusal Appendix 3 (Pages 69 72); and

(d) A copy of the applicant's Notice of Review and Statement of Reasons - Appendix 4 (Pages 73 - 86).

**21.** The applicant has also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and these are attached as Appendix 5 (Pages 87 - 94).

- (a) Review Document A05 Elevations;
- (b) Review Document A06 First Floor Plan;
- (c) Review Document A07 Section;
- (d) Review Document A08 Section;
- (e) Review Document A09 Elevation;
- (f) Refused Location Plan;
- (g) Refused Elevations; and
- (h) Refused Proposed Floor Plans;

**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 <u>www.eastrenfrewshire.gov.uk</u>.

#### 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:-
    - 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:- November 2019



**APPENDIX 1** 

## APPLICATION

### FOR

## **PLANNING PERMISSION**





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 100171599-001

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.

## **Type of Application**

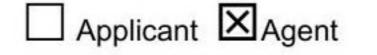
What is this application for? Please select one of the following: \*

Application for planning permission (including changes of use and surface mineral working).

Application for planning permission in principle

Description of Proposal	
Please describe the proposal including any change of use: * (Max 500 characters)	
Form new dormer at first floor for shower room and connect two small existing dormers to side first floor.	e and rear to form one bedroom at
s this a temporary permission? *	🗌 Yes 🔀 No
f a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) *	🗌 Yes 🔀 No
Has the work already been started and/or completed? *	

on behalf of the applicant in connection with this application)



Page 1 of 7

#### **Agent Details** Please enter Agent details Keith Edwards Architect Company/Organisation: Ref. Number: You must enter a Building Name or Number, or both: \* 0/2 Keith First Name: \* Building Name: 2 Edwards Last Name: \* **Building Number:** Address 1 (Street): \* 01413410694 Caledon Street Telephone Number: \* Address 2: Extension Number: Glasgow Town/City: \* Mobile Number: Scotland Fax Number: Country: \* G12 9DX Postcode: \* keith@ke-architect.com Email Address: \* Is the applicant an individual or an organisation/corporate entity? \* Individual Organisation/Corporate entity **Applicant Details** Please enter Applicant details Mr Title: You must enter a Building Name or Number, or both: \* Other Title: **Building Name:** Scott 51 First Name: \* Building Number: Address 1 Macleod Netherhill Avenue Last Name: \* (Street): \* Address 2: Company/Organisation Glasgow Telephone Number: \* Town/City: \* Scotland Extension Number: Country: \* G44 3XF Mobile Number: Postcode: \* Fax Number:

Email Address: \*

Site Address [	Details					
Planning Authority:	East Renfrewshire C	Council				
Full postal address of the s	ite (including postcode	where availab	le):			
Address 1:	51 NETHERHILL A	VENUE				
Address 2:	NETHERLEE					
Address 3:						
Address 4:						
Address 5:						
Town/City/Settlement:	GLASGOW					
Post Code:	G44 3XF					
Please identify/describe the	e location of the site or	sites				
Northing 6	58445		Easting		258115	
Pre-Applicatio	n Discussio	n				
Have you discussed your p	proposal with the plann	ing authority? *	ŧ			Yes 🛛 No
Site Area						
Please state the site area:		477.00				
Please state the measuren	nent type used:	Hectares	(ha) 🛛 Square Me	etres (sq.ı	m)	
Existing Use						
Please describe the curren	t or most recent use: *	(Max 500 cha	racters)			
House						
Access and Pa	arking					
Are you proposing a new a	ltered vehicle access t	o or from a put	blic road? *			Yes X No
If Yes please describe and you propose to make. You	show on your drawing should also show exist	s the position o ting footpaths a	of any existing. Altere and note if there will b	d or new be any im	access points, pact on these.	highlighting the changes

Are you proposing any change to public paths, public rights of way or affecting any public right of acce	ss? * 🗌 Yes 🛛 No
If Yes please show on your drawings the position of any affected areas highlighting the changes you p arrangements for continuing or alternative public access.	ropose to make, including
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	3
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 a reduced number of spaces)? *	3
Please show on your drawings the position of existing and proposed parking spaces and identify if the types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	se are for the use of particular
Water Supply and Drainage Arrangements	
Will your proposal require new or altered water supply or drainage arrangements? *	🗌 Yes 🛛 No
Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *	Ves 🛛 No
Note:-	
Please include details of SUDS arrangements on your plans	
Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	
Are you proposing to connect to the public water supply network? *	
Yes	
<ul> <li>☑ No, using a private water supply</li> <li>☑ No connection required</li> </ul>	
If No, using a private water supply, please show on plans the supply and all works needed to provide it	t (on or off site).
Assessment of Flood Risk	
Is the site within an area of known risk of flooding? *	🗌 Yes 🛛 No 🗌 Don't Know
If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment determined. You may wish to contact your Planning Authority or SEPA for advice on what information	
Do you think your proposal may increase the flood risk elsewhere? *	🗌 Yes 🛛 No 🗌 Don't Know
Trees	
Are there any trees on or adjacent to the application site? *	Yes X No
If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close any are to be cut back or felled.	to the proposal site and indicate if
Waste Storage and Collection	
Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *	Yes 🛛 No

If Yes or No, please provide further details: * (Max 500 characters)	
The clients will use the existing waste bins for the property	
Residential Units Including Conversion	
Does your proposal include new or additional houses and/or flats? *	🗌 Yes 🛛 No
All Types of Non Housing Development – Proposed New F	loorspace
Does your proposal alter or create non-residential floorspace? *	🗌 Yes 🗶 No
Schedule 3 Development	
Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *	s 🛛 No 🗌 Don't Know
If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the develo authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for fee and add this to your planning fee.	
If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the notes before contacting your planning authority.	e Help Text and Guidance
Planning Service Employee/Elected Member Interest	
Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *	🗌 Yes 🛛 No
Certificates and Notices	
CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPM PROCEDURE) (SCOTLAND) REGULATION 2013	ENT MANAGEMENT
One Certificate must be completed and submitted along with the application form. This is most usually Certific Certificate B, Certificate C or Certificate E.	ate A, Form 1,
Are you/the applicant the sole owner of ALL the land? *	🗙 Yes 🗌 No
Is any of the land part of an agricultural holding? *	Yes 🛛 No
Certificate Required	
The following Land Ownership Certificate is required to complete this section of the proposal:	

57

Certificate A

### Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

58

Certificate A

I hereby certify that -

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Keith Edwards

On behalf of: Mr Scott Macleod

Date: 26/06/2019

Please tick here to certify this Certificate. \*

#### **Checklist – Application for Planning Permission**

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes No X Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes 🗌 No 🗵 Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes 🗌 No 🗵 Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes 🗌 No 🗵 Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes No X Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration?\*

」Yes └──No └──Not applicable to this application

	planning permission, planning permiss or mineral development, have you pro		
Site Layout Plan or Bloc	k plan.		
Elevations.			
Floor plans.			
Cross sections.			
Roof plan.			
Master Plan/Framework	Plan.		
Landscape plan.			
Photographs and/or pho	tomontages.		
Uther.			
If Other, please specify: * (M	ax 500 characters)		
Provide copies of the following	g documents if applicable:		
A copy of an Environmental \$	Statement. *		🗌 Yes 🔀 N/A
A Design Statement or Desig	n and Access Statement. *		🗙 Yes 🗌 N/A
A Flood Risk Assessment. *			🗌 Yes 🗶 N/A
A Drainage Impact Assessme	ent (including proposals for Sustainabl	e Drainage Systems). *	🗌 Yes 🔀 N/A
Drainage/SUDS layout. *			🗌 Yes 🔀 N/A
A Transport Assessment or 1	ravel Plan		Yes 🛛 N/A
Contaminated Land Assessm	ient. *		Yes 🛛 N/A
Habitat Survey. *			Yes 🛛 N/A
A Processing Agreement. *			🗌 Yes 🔀 N/A
Other Statements (please sp	ecify). (Max 500 characters)		
Declare – For A	pplication to Plannir	ng Authority	
	hat this is an application to the plannir al information are provided as a part of		The accompanying
Declaration Name:	Mr Keith Edwards		
Declaration Date:	26/06/2019		
Payment Detail	S		
			Created: 26/06/2019 20:52



**APPENDIX 2** 

## **REPORT OF HANDLING**



## **REPORT OF HANDLING**

Reference: 2019/0404/TP

Date Registered: 27th June 2019

Application Type: Full Planning Permission

This application is a Local Development

Ward: Co-ordinates:	4 -Clarkston, Netherlee And Williamwoo 258115/:658445	od
Applicant/Agent:	Applicant:	Agent:
	Mr Scott Macleod	Keith Edwards
	51 Netherhill Avenue	0/2
	Glasgow	2 Caledon Street
	Scotland	Glasgow
	G44 3XF	Scotland
		G12 9DX

 Proposal:
 Installation of dormer window at side; enlargement and linking of existing side and rear dormer windows

 Location:
 51 Netherhill Avenue

 Netherlee
 East Renfrewshire

 G44 3XF

CONSULTATIONS/COMMENTS: None.

- PUBLICITY: None.
- SITE NOTICES: None.
- SITE HISTORY: None.

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

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

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

#### ASSESSMENT:

The site comprises a detached one and a half storey property that is situated within an established residential area surrounded by similar detached and semi-detached house types. The property has previously been extended into the roof space and to the rear and side.

The proposal is for the installation of a flat roofed dormer window on the side elevation of the property to accommodate a bathroom and the enlargement and integration of an existing side and rear dormer window to provide a bedroom. The dormer window on the side elevation will have a width of approximately 3m and the enlarged dormer window will have a width of approximately 4m at the side extending over and around the roof hip to 5m at the rear. The proposed external materials are to match the existing.

The proposal requires to be assessed with regard to Policies D1 and D14 of the adopted East Renfrewshire Local Development Plan.

Policy D1 and D14 require that all development should not result in a significant loss of character or amenity to the surrounding area; the proposal should be of a size, scale and massing in keeping with the buildings in the locality and should respect local architecture, building form, design and materials; dormer windows should not dominate the existing roof, nor rise above or break the existing ridge line or hip of the roof. The amenity of neighbouring properties should not be adversely affected.

The integration of the side and rear dormer windows would significantly change the profile and design of the property to the detriment of the character and visual amenity of the surrounding area. The dormer windows breach the roof hips resulting in a dominant feature that is disproportionate to the house and the residential area. While it is noted that there are similar examples of development in the area however these examples predate the adopted East Renfrewshire Local Development Plan and their limited frequency is not considered to define the built character of the area.

The adopted Supplementary Planning Guidance: Householder Design Guide (SPG) is also of relevance. The SPG states that dormer windows should be;

- Wholly contained within the roof slope and set below the roof ridge and off the side ridge/hip;
- Be aligned vertically with windows and doors below;
- Not built up from wallhead and be well set back from the eaves.
- Be positioned centrally within a hipped roof.

The proposed development by combination of scale, massing and siting on the house conflicts significantly with the criteria set out above and in essence it actually goes beyond what could be considered as a dormer window addition. The result is an incongruous addition that will have a dominant and detrimental impact on the appearance of the original house. Furthermore the proposal is out of keeping with the predominant built form of the area and would significantly detract from its visual integrity due to its excessive and sting massing and design.

In conclusion, the proposed dormer windows are considered to over dominate and detract from the character and appearance of the property and the surrounding area. It is therefore contrary to Policies D1 and D14 of the adopted East Renfrewshire Local Development Plan and to the terms of the SPG. There are no material considerations that outweigh the terms of these policies. It is therefore recommended that the application is refused.

#### **RECOMMENDATION:** Refuse

#### PLANNING OBLIGATIONS: None.

Reason: The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as the proposal would be a dominant and incongruous addition to the property by way of its form, massing and design features to the detriment of the character and amenity of the area.

Reason: The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan and the Supplementary Planning Guidance - Householder

Design Guide as the dormer windows due to their size, scale and design would breach the roof hips which would have a dominant and detrimental impact on the appearance of the original house.

#### ADDITIONAL NOTES: None.

#### ADDED VALUE: None.

#### **BACKGROUND PAPERS:**

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

Ref. No.: 2019/0404/TP (FIMO)

DATE: 11th September 2019

#### DIRECTOR OF ENVIRONMENT

Reference: 2019/0404/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 11/09/2019. AC.



**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. 2019/0404/TP

#### Applicant:

Mr Scott Macleod 51 Netherhill Avenue Glasgow Scotland G44 3XF Agent: Keith Edwards 0/2 2 Caledon Street Glasgow Scotland G12 9DX

With reference to your application which was registered on 27th June 2019 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

## Installation of dormer window at side; enlargement and linking of existing side and rear dormer windows

#### at: 51 Netherhill Avenue Netherlee East Renfrewshire G44 3XF

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 proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as the proposal would be a dominant and incongruous addition to the property by way of its form, massing and design features to the detriment of the character and amenity of the area.
- The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan and the Supplementary Planning Guidance - Householder Design Guide as the dormer windows due to their size, scale and location would breach the roof hips which would have a dominant and detrimental impact on the appearance of the original house.

Dated 11th September 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	A1371.19.01		
Proposed floor plans	A1371.1906		
Elevations Proposed	A1371.19.09		

#### 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 <u>www.eplanning.scotland.gov.uk</u>. 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

**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** 100201105-001

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)

# **Agent Details**

Company/Organisation:	Keith Edwards Architect		
Ref. Number:		You must enter a B	uilding Name or Number, or both: *
First Name: *	Keith	Building Name:	0/2
Last Name: *	Edwards	Building Number:	2
Telephone Number: *	01413410694	Address 1 (Street): *	Caledon Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G12 9DX
Email Address: *	keith@ke-architect.com		



Page 1 of 5

	etails		
Please enter Applicant de	Mr	You must enter a Bu	uilding Name or Number, or both: *
Other Title:		Building Name:	
First Name: *	Scott	Building Number:	51
Last Name: *	Mcleod	Address 1 (Street): *	Netherhill Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G44 3XF
Fax Number:			
Email Address: *			
Site Address	Details		
Planning Authority:	East Renfrewshire Council		
Full postal address of the	site (including postcode where ava	ilable):	
Address 1:	51 NETHERHILL AVENUE		
Address 2:	NETHERLEE		
Address 2: Address 3:	NETHERLEE		
Address 3:			
Address 3: Address 4:	NETHERLEE		
Address 3: Address 4: Address 5:			
Address 3: Address 4: Address 5: Town/City/Settlement: Post Code:	GLASGOW		
Address 3: Address 4: Address 5: Town/City/Settlement: Post Code:	GLASGOW G44 3XF		
Address 3: Address 4: Address 5: Town/City/Settlement: Post Code:	GLASGOW G44 3XF		

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)
Installation of dormer window at side; enlargement and linking of existing side and rear dormer windows
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 statemen 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.
There are several similar situations in the local area where loft conversion/extensions have been constructed connecting the side and rear dormer of the roof which crosses over the hipped roof of original house design. This submission was based on the fact that that the neighbouring houses had similar dormer constructions which breached the hipped roof structure thereby changing the original shape of the roof although the hipped roof can be seen at the top and bottom of the proposed dormer.
Have you raised any matters which were not before the appointed officer at the time the Section Wes Section Wes Testermination on your application was made? *
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

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) Plans A05 ELEVATIONS, A06 FF PLAN, A07 SECTION, A08 SECTION, A09 ELEVATIONS, A10 LOCATION PLAN, NOTICE OF REFUSAL, ERC03 PLANNING ACKNOWLEDGEMENT OF SUBMISSION, ERC07 DECISION NOTICE, LO6 PLANNING APPEAL 8 PHOTOGRAPHS OF LOCAL EXTENSIONS SIMILAR TO PROPOSED. **Application Details** Please provide details of the application and decision. 2019/0404/TP What is the application reference number? \* What date was the application submitted to the planning authority? \* 26/06/2019 What date was the decision issued by the planning authority? \* 11/09/2019 **Review Procedure** The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case. Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. X Yes No In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion: X Yes No Can the site be clearly seen from a road or public land? \* Is it possible for the site to be accessed safely and without barriers to entry? \* Checklist – Application for Notice of Review Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid. Have you provided the name and address of the applicant?. \* X Yes No Have you provided the date and reference number of the application which is the subject of this review? \* If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \* X Yes No 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? \* 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. X Yes No 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 \* 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 Keith Edwards

Declaration Date: 08/11/2019





# **Keith Edwards Architect**

2 Caledon Street, Dowanhill, Glasgow...G12 9DX tel : 0141 341 0694 e-mail...keith@ke-architect.com

# PLANNING APPEAL...

- Client Mr S & L Macleod
- Premises 51 Netherhill Avenue, Glasgow

Date 08.10.19

## PROPOSAL...

The clients require additional facilities at first floor with the birth of their first child. There are no toilet provisions at first floor and the rear bedrooms are small and both have coomb ceilings starting 300m up from floor level.

This proposal will provide the required toilet facility to the upper floor along with one decent sized bedroom and nursery for their child. The existing house has pitched roof all round with dormers on three of these. This proposal connects the two small dormers to north and west into one which provide a good sized room and on the east side a new dormer for the proposed toilet facility.

This application was refused on the basis of the following points...

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as the proposal would be a dominant and incongruous addition to the property by way of its form, massing and design features to the detriment of the character and amenity of the area.

2. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan and the Supplementary Planning Guidance - Householder Design Guide as the dormer windows due to their size, scale and location would breach the roof hips which would have a dominant and detrimental impact on the appearance of the original house.

## APPEAL...

This appeal is to put forward a case against the above 2 points which in the local area has seen many similar examples of the type of loft extension being proposed under this application.

Both points relate to the fact that the roof hip on the rear roof would be breached. The proposal put forward was similar to many in the local area and in fact one on either side of the applicants house. This was noticed at the initial meeting and although not recent there were other properties in the local area which had the same alteration undertaken to their properties. These are listed at end of appeal letter along with a copy map of the area with properties outlined which are similar in proposal if not scale. Based on the fact that several extensions of the kind proposed were evident in the area it seemed that this was an acceptable alteration and the reason why the Planning Authority were not contacted prior to the detailed application. The position of the the planning Authority is to retain the character of the original house with all four hipped roofs and generally a centre dormer on the front roof. The statements above state that the size and scale of this proposal would have a dominant impact on the house character and amenity of the area. This area is one where there are many houses which have undergone some form of extension whether at ground or roof level which have altered the street appearance of the original houses. Those who have extended to the rear have been done over

the years and have had little effect on the areas character. Those that have been carried out as rear loft conversions have had little or no impact on the street frontages including those which have been carried round the corner to the sides. My clients are looking to extend their house with a view to the long term future in this area where they and their children will grow up.

The position of the alteration on the rear and side roof would not be immediately evident when seen from the road or footpath level as you pass through Netherhill Avenue and would only be evident if you took the time to stand and look at the roof extension. The proposal is similar to many of this type of house in the immediate area and would not be out of scale or character in its location or placement on the rear roof.

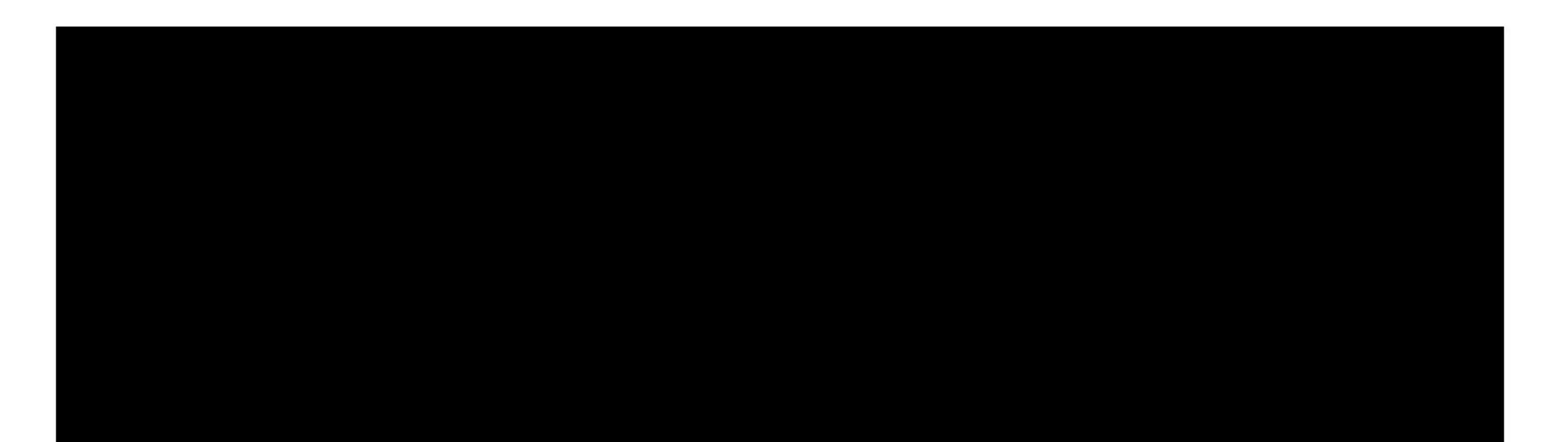
Attached to this letter are the actual detailed proposals along with a location plan indicating altered roofs similar to the design being put forward. Structurally the roof can be formed which is again evidenced by the number of similar projects in the area. Also enclosed are photographs of local house with this type of alteration.

I trust that with the attached proposal the appeal can be upheld to allow my client to progress with the alteration. This would of course allow for the shower room being approved on the east roof.

## Yours sincerely



Keith Edwards Architect



## Keith Edwards Architect

Caledon Street, Dowanhill, Glasgow...G12 9DX tel: 0141 341 0694 e-mail...keith@ke-architect.com

### PLANNING REPORT...

Client Mr S & L Macleod

Premises 51 Netherhill Avenue, Glasgow

Date 18.06.19

#### PROPOSAL ...

The clients require additional facilities at first floor with the birth of their first child. There are no toilet provisions at first floor and the rear bedrooms are small and both have coomb ceilings starting 300m up from floor level.

This proposal will provide the required toilet facility to the upper floor along with one decent sized bedroom and nursery for their child. The existing house has pitched roof all round with dormers on three of these. This proposal connect the two small dormers to north and west into one which provide a good sized room and on the east side a new dormer for the proposed toilet facility. The proposal is similar to many of this type of house in the immediate area and would not be out of scale or character in the its location.



#### Environment Department Head of Operations : Andrew Corry

2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, G46 8NG Phone: 0141 577 3001 Fax: 0141 577 3781 DX: 501601 GIFFNOCK

 Our Ref:
 2019/0404/TP

 Your Ref:
 2019/0404/TP

 Date:
 2nd July 2019

 When calling Please ask for: Ms Fiona Morrison fiona.morrison2@eastrenfrewshire.gov.uk

 Telephone No:
 0141 577 3895

Keith Edwards Keith Edwards Architect 0/2 2 Caledon Street Glasgow Scotland G12 9DX

Dear Sir/Madam,

#### Town and Country Planning (Scotland) Act 1997 Acknowledge Receipt of Application for Local Development

Ref No: 2019/0404/TP
Type: Full Planning Permission
Location: 51 Netherhill Avenue Netherlee East Renfrewshire G44 3XF
Proposal: Installation of dormer window at side; enlargement and linking of existing side and rear dormer windows.

I acknowledge receipt of your application, which was registered on 27th June 2019. The reference number should be quoted in any subsequent enquiry or correspondence relating to your proposal. The case officer assigned to your application is Ms Fiona Morrison, who can be contacted direct on 0141 577 3895.

Under the terms of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 the Council has two months to determine your application. If you have not received a decision within the two month period, you have the right to require the Council's Local Review Body to review the case.

Notice of Review must be made to the Local Review Body within three months from the expiry of the two months allowed for determination, on a form which can be obtained from the Council or from the Council's website <u>www.eastrenfrewshire.gov.uk</u>.

If you require clarification please do not hesitate to contact Ms Fiona Morrison, who can be contacted direct on 0141 577 3895.

Yours faithfully

Ms Fiona Morrison Planning Officer



Please note that we have now adopted more electronic processes for dealing with planning applications.

If you submitted your planning application online via the national portal, then updated plans and additional information should be submitted via the portal as well.

If you submitted your application on paper, then note that the paper plans will now be disposed of once scanned, so if you need to update plans, you will need to submit new plans to us as there will no longer be paper plans to amend by hand.

You will also be aware that all decision notices contain a schedule of the plans (and the plan numbers) that were the subject of the decision. The online planning system displays online the plans that were the subject of the decision for four years. So please note that we will no longer be sending 'stamped' paper plans back to applicants/agents once the application has been decided, nor will we electronically 'stamp' plans for online display

Ways to pay:

Online:	www.eastrenfrewshire.gov.uk/doitonline
	Click on the Pay for Planning Applications and Planning Adverts link, then
	select the Planning Services link from the right hand side, select the service
	you wish to pay for and enter the following reference number <b>2019/0404/TP</b>
By phone:	Payment Contact Centre 0141 577 3008, Monday to Friday, 9am - 4.15pm.
	by quoting the following reference number 2019/0404/TP
In person:	Payment Contact Centre, Monday to Friday, 9am - 4.15pm,
•	with credit/debit card payments only between 1pm and 2pm at
	Council Headquarters, Eastwood Park, Rouken Glen Road, Giffnock G46
	6UG or Barrhead Offices, 211 Main Street, Barrhead G78 1SY by quoting
	the following reference number 2019/0404/TP

#### East Renfrewshire Council Town and Country Planning (Scotland) Act 1997

### Fees Form Section 1 To be returned to Agent/Applicant on receipt of fee

Reference: 2019/0404/TP

Applicant: Mr Scott Macleod 51 Netherhill Avenue Glasgow G44 3XF Agent: Keith Edwards 0/2 2 Caledon Street Glasgow G12 9DX

#### With reference to your application to the Planning Service

**In respect of** Installation of dormer window at side; enlargement and linking of existing side and rear dormer windows **Situated at** 51 Netherhill Avenue Netherlee East Renfrewshire G44 3XF

In terms of the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 1997 **Fee received** £ 202 **Date:** 26th June 2019

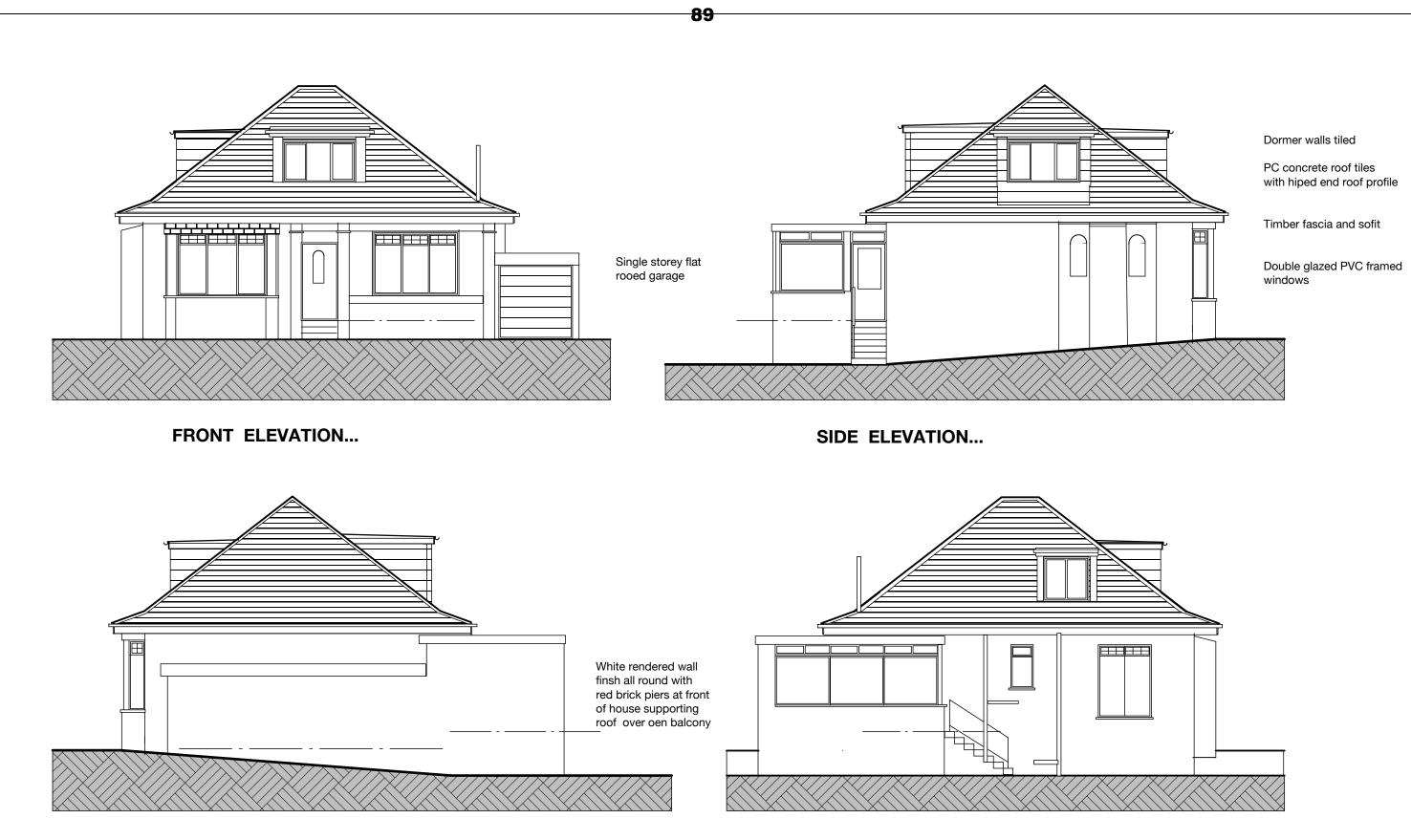
Purpose of fee - Payment



**APPENDIX 5** 

## PLANS/PHOTOGRAPHS/DRAWINGS

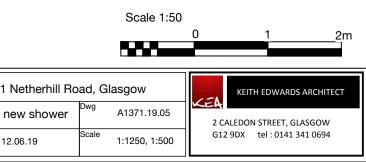


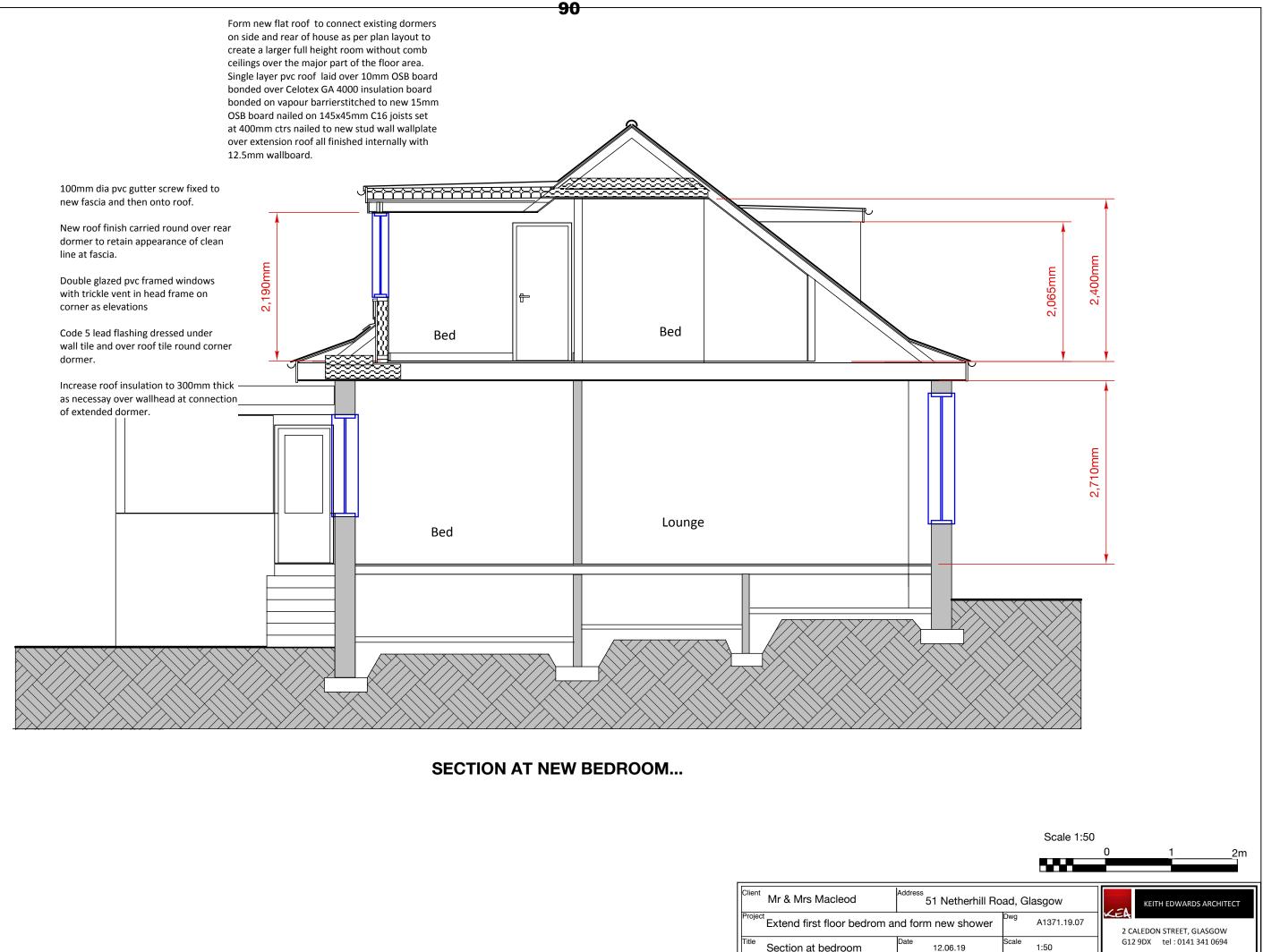


SIDE ELEVATION...

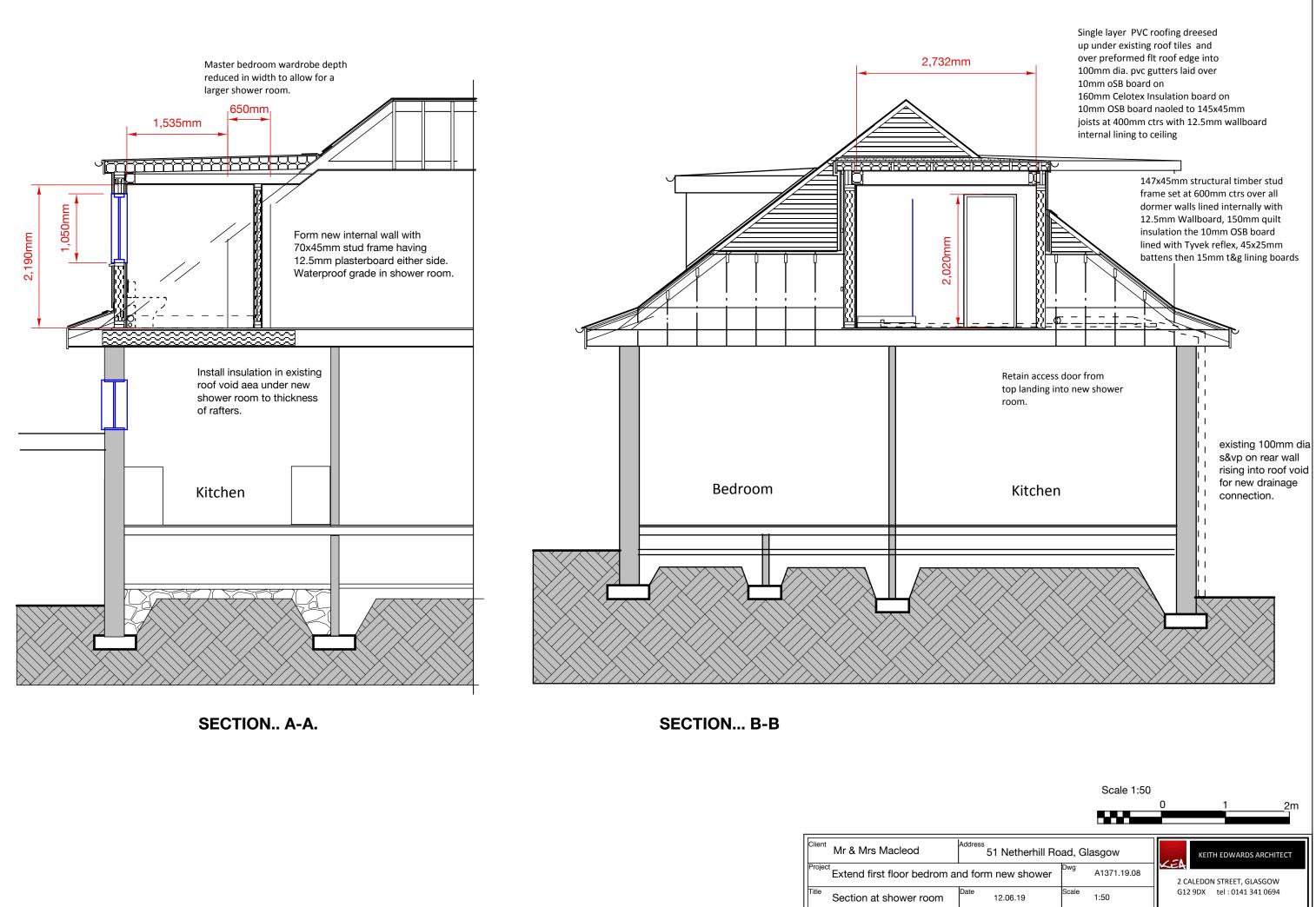
**REAR ELEVATION...** 

Client	Mr & Mrs Macleod	Address 51
Project	Extend first floor bedrom ar	nd form n
Title	Ground Floor Plan	Date 12



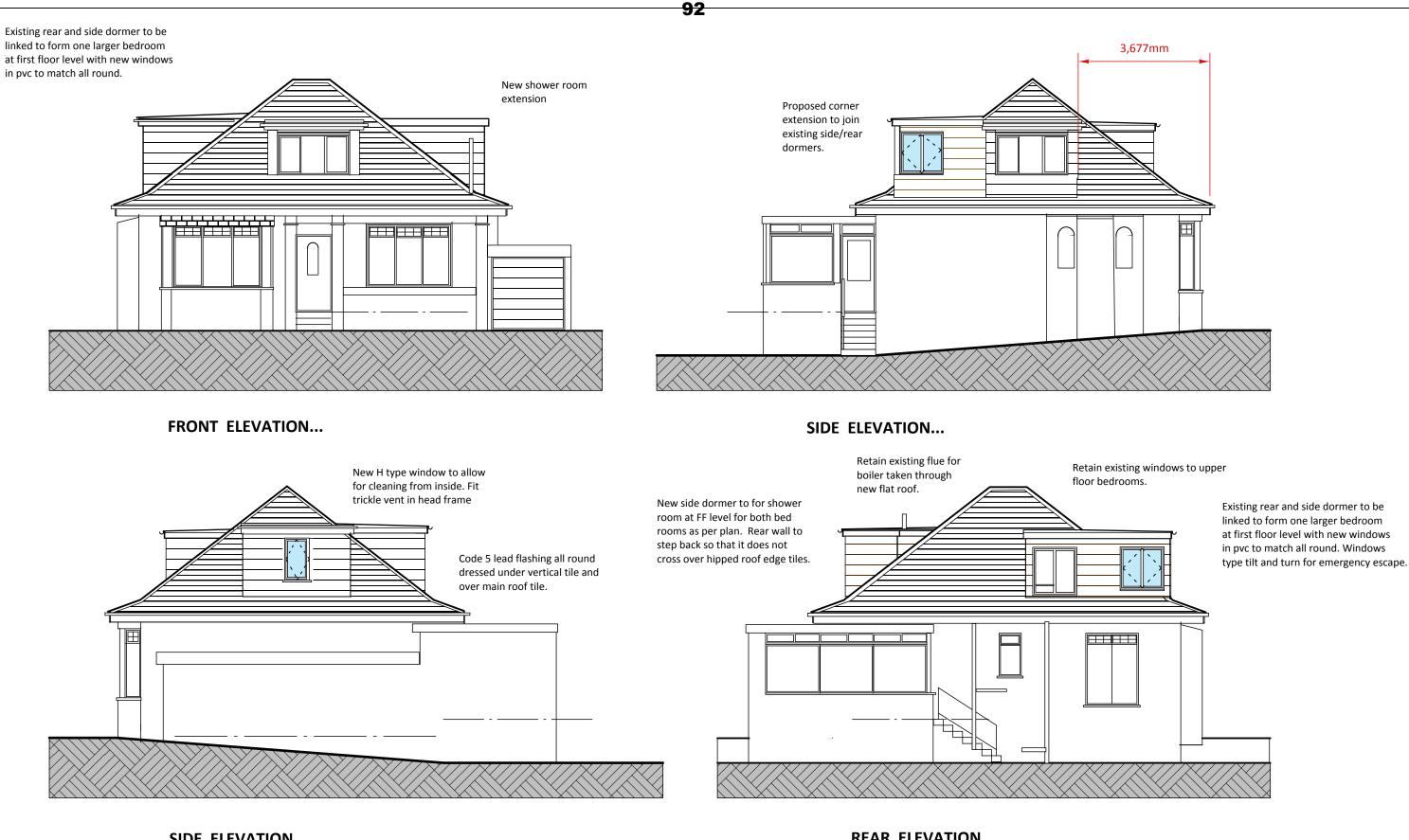


Client	Mr & Mrs Macleod	Address 51
Project	Extend first floor bedrom ar	nd form r
Title	Section at bedroom	Date 1



<del>91</del>

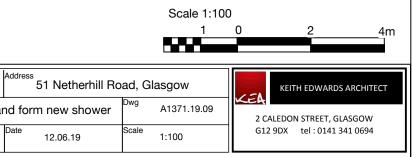


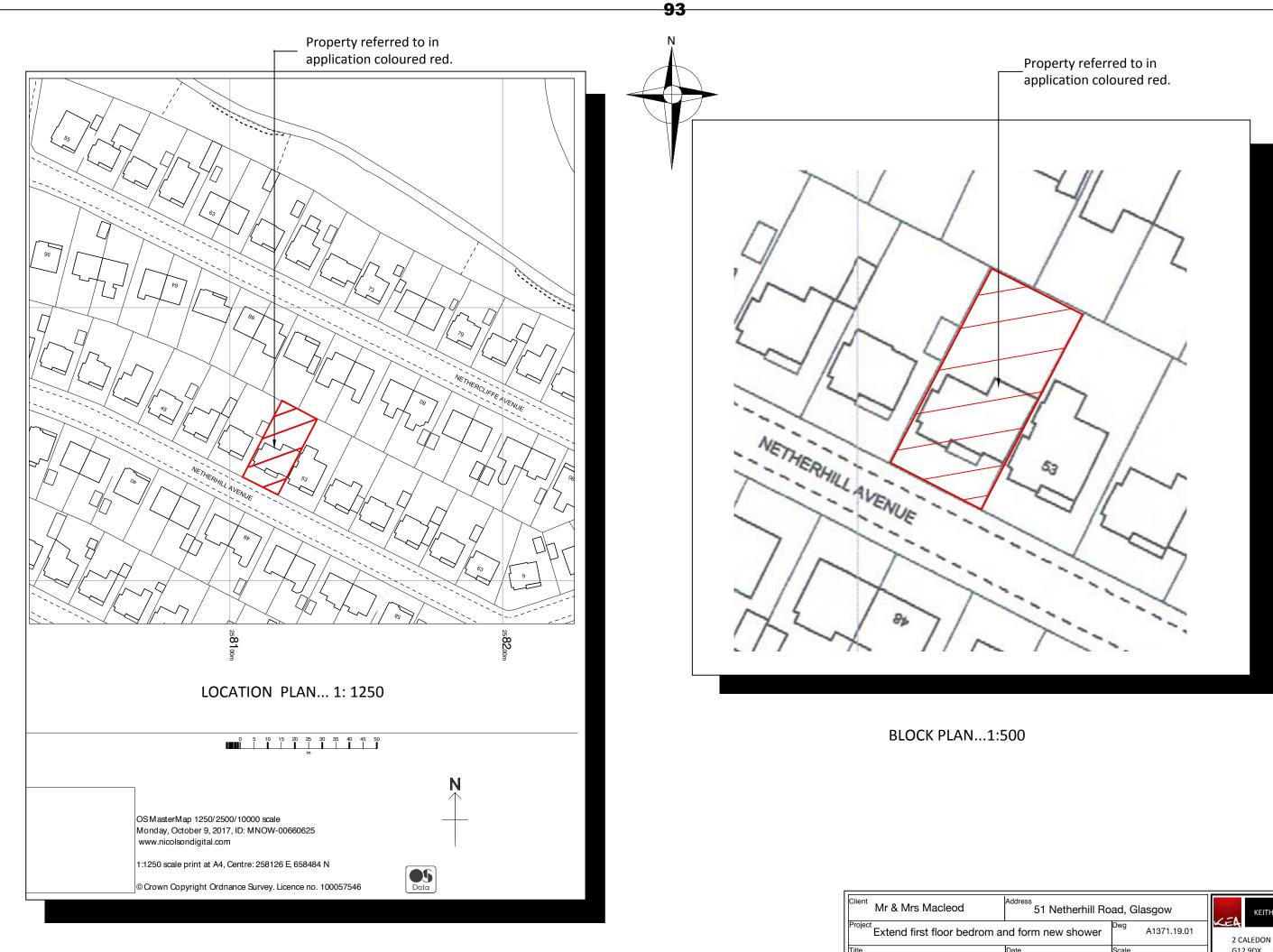


SIDE ELEVATION...

**REAR ELEVATION...** 

Mr & Mrs Macleod <sup>1</sup> Extend first floor bedrom and form new shower Date Elevations





Location / Block Plans
------------------------

KEITH EDWARDS ARCHITECT

new shower	Dwg	A1371.19.01
12.06.19	Scale	1:1250, 1:500

2 CALEDON STREET, GLASGOW G12 9DX tel : 0141 341 0694

