

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY7 August 2019Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2019/09ERECTION OF TWO AND A HALF STOREY REAR EXTENSION WITH BALCONYAT REAR AT 65 AYR ROAD, NEWTON MEARNES**PURPOSE OF REPORT**

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

DETAILS OF APPLICATION

2. Application type: Full Planning Permission (Ref No:- 2018/0744/TP).
- Applicant: Mrs Aline Dervaney.
- Proposal: Erection of two and a half storey rear extension with balcony at rear.
- Location: 65 Ayr Road, Newton Mearns.
- Council Area/Ward: Newton Mearns South and Eaglesham (Ward 5).

REASON FOR REQUESTING REVIEW

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

RECOMMENDATIONS

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

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

BACKGROUND

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

6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the “local development” category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an “appointed officer”. In the Council’s case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (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 which came into effect on 3 August 2009 all appeals against decisions made in respect of local developments under delegated powers would be heard by a Local Review Body. The Local Review Body would also deal with cases where the appointed officer had failed to determine an application within two months from the date it was lodged.

NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW

8. The applicant in submitting the review has stated the reasons for requiring the review of the determination of 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 her stated preference is the assessment of the review documents only, with no further procedure.

10. The Local Review Body is not bound to accede to the applicant’s request as to how it will determine the review and will itself decide what procedure will be used in this regard.

11. However, at the meeting of the Local Review Body on 10 August 2016, it was decided that the Local Review Body would carry out unaccompanied site inspections for every review case it received prior to the cases being given initial consideration at a meeting of the Local Review Body.

12. In accordance with the above decision, the Local Review Body will carry out an unaccompanied site inspection on Wednesday, 7 August 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. 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 195 - 202);
- (b) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 2 (Pages 203 - 212);
- (c) Decision notice and reasons for refusal - Appendix 3 (Pages 213 - 216); and
- (d) A copy of the applicant's Notice of Review and Statement of Reasons - Appendix 4 (Pages 217 - 226).

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 227 - 232).

- (a) Plans and Elevations as Existing – Ref No:- AR11064(BW) 001 B;
- (b) Refused – Location Plan - Ref No:- AR11064(LP) 001 A;
- (c) Refused – Plans as Proposed – Ref No:- AR11064(BW) 002 K; and
- (d) Refused – Proposed Attic Floor Plans and Elevations - Ref No:- AR11064(BW) 003 E.

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 www.eastrenfrewshire.gov.uk with the exception of any representations that have been made to the application.

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:- July 2019

**APPLICATION
FOR
PLANNING PERMISSION**

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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 100145828-001

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

Description of Proposal

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

Two storey rear extension and attic conversion

Has the work already been started and/ or completed? *

No Yes - Started Yes – Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Bare Architecture		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Ronald	Building Name:	<input type="text"/>
Last Name: *	Gellan	Building Number:	4
Telephone Number: *	07833252202	Address 1 (Street): *	Rannoch Avenue
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Hamilton
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	ML3 8UD
Email Address: *	ronnie@barearchitecture.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	c/o
First Name: *	Aline	Building Number:	4
Last Name: *	Dervaney	Address 1 (Street): *	Rannoch Avenue
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Hamilton
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	ML3 8UD
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

65 AYR ROAD

Address 2:

NEWTON MEARNES

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G46 6SR

Please identify/describe the location of the site or sites

Northing

656963

Easting

255100

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Ronald Gellan

On behalf of: Mrs Aline Dervaney

Date: 04/12/2018

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Ronald Gellan

Declaration Date: 04/12/2018

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REPORT OF HANDLING

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REPORT OF HANDLING

Reference: 2018/0744/TP

Date Registered: 8th March 2019

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 255100/:656963

Applicant/Agent:

Applicant:

Mrs Aline Dervaney

c/o

4 Rannoch Avenue

Hamilton

Scotland

ML3 8UD

Agent:

Ronald Gellan

4 Rannoch Avenue

Hamilton

Scotland

ML3 8UD

Proposal: Erection of two and a half storey rear extension with balcony at rear

Location: 65 Ayr Road

Newton Mearns

East Renfrewshire

G46 6SR

CONSULTATIONS/COMMENTS: None.**PUBLICITY:**05.04.2019 Glasgow and Southside Expiry date 26.04.2019
Extra18.01.2019 Glasgow and Southside Expiry date 08.02.2019
Extra**SITE NOTICES:**

Development within a Conservation Area Date posted 05.04.2019 Expiry date 26.04.2019

Development within a Conservation Area Date posted 18.01.2019 Expiry date 08.02.2019

SITE HISTORY:2009/0286/TPO Fell:- 1 Spruce tree, Approved Subject 10.06.2009
Limited ht. reduction:- 1 to Conditions
Cypress tree2009/0484/TPO Fell:- 1 Norway Spruce (in Granted 09.09.2009
retrospect)

2013/0452/TP	Erection of two storey rear extension with raised terrace	Withdrawn	22.11.2013
2014/0655/TP	Erection of two storey rear extension and single storey rear extension with roof terrace above and installation of new window and door openings .	Approved Subject to Conditions	25.03.2015

REPRESENTATIONS: No representations have been received.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

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

ASSESSMENT:

The application site comprises a detached bungalow which is characterised by a pyramidal hipped roof. The dwelling is externally finished in sandstone along the front, wet dash painted render along the sides and rear, a mix of timber and upvc window/door frames and slates. The topography of the site slopes down from the front to the rear to the effect that the property is two storeys in height at the rear. A small, two storey mono pitch extension with a balcony (on the upper floor) exists along the rear elevation. A driveway extends along the side (west) of the property. The site also contains a car parking area along the front and a generous rear garden which is enclosed by approx. 2m high hedging.

The surrounding area is residential in nature and sits within Upper Whitecraigs conservation area. The particular street frontage which the subject site forms part of is characterised by bungalows of a similar style. It is noted that 2 out of 7 of the properties along this particular section of Ayr Road have been substantially altered and extended.

Planning permission is sought for the erection of a two and a half storey rear extension with a balcony at the main floor level. In terms of the design, the proposed extension is set off centre from the existing house such that its southern roof plane will be continuous with the roof plane of the existing house. It is 5.6m deep and 12.6m wide. The extension will have a ridgeline lower than the high point of the pyramidal roof and be finished with a gable end with a small hip at its upper portion.

The balcony is proposed with 1.8m high side screening. The finishes are to comprise painted wet dash render and slate effect roof tiles. The finishes of the windows/doors have not been detailed.

It is worth noting that in terms of planning history as summarised above planning permission 2014/0655/TP was approved in March 2015 for an extension of similar proportions set centrally off the existing house but with a full hipped roof.

This new application requires to be assessed against Policies D1, D11 and D14 of the adopted East Renfrewshire Local Development Plan. Policy D1 requires that all development should not

result in a significant loss of character to the surrounding area and not adversely affect neighbouring amenity.

Policy D11 states that the Council will safeguard the special character of conservation areas and the Netherlee Article 4 Direction Area.

Policy D14 requires that extensions should complement the character of the existing building in terms of its style, form and materials. The adopted Supplementary Planning Guidance: Householder Design Guide and Management and Protection of the Built Heritage Supplementary Planning Guidance (SPG) are also of relevance.

In this case the existing property is of a bungalow design characterised by its pyramidal roof. In this instance the extension is finished with a gable to the rear. This introduces a significant and new feature effectively three storeys high which alters the existing profile of the house. It is a significant gable feature with no reference to the existing design of the house and would thus be considered to be incongruous with the character and appearance of the property.

Noting the above it is considered that the proposal does not comply with terms of the development plan and therefore planning permission should be refused unless material considerations indicate otherwise.

In that regard the application site is the southernmost property in a block of 7 houses. The two northernmost properties No's 53 and 55 have been extended by utilising a gable design. However the most recent of these is in excess of ten years ago, substantially predating the publication of current LDP and supporting the SPG. They do not demonstrate a pattern of this type of extension. Indeed Nos 57 and 59 have been extended with a hipped roof design.

During assessment of the application it was advised that the extension was contrary to policy and a full hipped roof was suggested. Broadly to accord with the previous approval as outlined above however, the opportunity to change the design was resisted

The proposed extension would not give rise to significant additional overshadowing or loss of light on neighbouring properties given its proposed sitting and orientation in relation to them. It would also sit a good distance away from neighbouring sites as well as those in the development granted on the former Whitecraigs Bowling Club which would further negate adverse overshadowing. Windows relating to habitable rooms already exist along the first floor of the west side elevation; as such there would be no significant additional overlooking into the future properties at Whitecraigs Bowling Club than that which already exists. The proposed ground floor windows would be screened by the existing garden hedge. High screening (1.8m high) is also proposed along the side boundaries of the balcony which is considered sufficient to block direct overlooking into the neighbouring sites. Notwithstanding, the overall design of the extension is unacceptable and the comments relating to amenity do not in their own justify approval of the application.

In conclusion, the proposed extension is not considered to raise significant issues in respect of policy D11. However it is considered principally in respect of the proposed gable roof design to dominate and detract from the character of the property. 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 the policies.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None.

REASON(S):

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as the proposed extension with its gable style roof fails to respect the architectural style and form of the property and character of the surrounding conservation area.
2. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as the rear extension with its gable wall and elongated ridge would detract from, dominate and overwhelm the character and appearance of the hip roofed bungalow.
3. The proposal is contrary to the terms of the adopted Supplementary Planning Guidance: Householder Design Guide and Management and Protection of the Built Heritage as it would introduce a roof form that is incongruous to the existing, dominate the appearance of the property and create a negative feature that would be diminish the character and appearance of the conservation area.

ADDITIONAL NOTES: None

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mrs Zara Foster.

Ref. No.: 2018/0744/TP
(ZAFO)

DATE: 9th May 2019

DIRECTOR OF ENVIRONMENT

Reference: 2018/0744/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

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

Adopted East Renfrewshire Local Development Plan

Policy D1

Detailed Guidance for all Development

Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In

some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways soliums 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 D11

Management and Protection of the Built Heritage

The Council will safeguard the special character of conservation areas and the Netherlee Article 4 Direction Area; sites included on the Inventory of Gardens and Designed Landscapes; scheduled monuments and archaeological sites; and listed buildings and their settings. Development likely to adversely affect these assets will be resisted.

Further detailed information and guidance is provided in the Management and Protection of the Built Heritage Supplementary Planning Guidance.

The Council will seek to secure the implementation of the environmental protection projects shown on the Proposals Map and listed in Schedule 5

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:

Scottish Planning Policy on Conservation Areas indicates that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution

the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

Finalised 09/05/2019.AC.

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**DECISION NOTICE
AND
REASONS FOR REFUSAL**

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

REFUSAL OF PLANNING PERMISSION

Ref. No. **2018/0744/TP**

Applicant:

Mrs Aline Dervaney
c/o 4 Rannoch Avenue
Hamilton
ML3 8UD

Agent:

Ronald Gellan
4 Rannoch Avenue
Hamilton
ML3 8UD

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

Erection of two and a half storey rear extension with balcony at rear

at: 65 Ayr Road Newton Meams East Renfrewshire G46 6SR

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

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

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as the proposed extension with its gable style roof fails to respect the architectural style and form of the property
2. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as the rear extension with its gable wall and elongated ridge would detract from, dominate and overwhelm the character and appearance of the hip roofed bungalow.
3. The proposal is contrary to the terms of the adopted Supplementary Planning Guidance: Householder Design Guide as it would introduce a roof form that is incongruous to the existing, dominate the appearance of the property.

Dated 9th May 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	AR11064(LP)001A		
Elevations Proposed	AR11064(BW)003E		
Proposed floor plans	AR11064(BW)002K		

GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS

REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY

1. If the applicant is aggrieved by a decision to refuse permission (or by an approval subject to conditions), the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review can be submitted online at www.eplanning.scotland.gov.uk. Please note that beyond the content of the appeal or review forms, **you cannot normally raise new matters** in support of an appeal or review, unless you can demonstrate that the matter could not have been raised before, or that its not being raised before is a consequence of exceptional circumstances. Following submission of the notice, you will receive an acknowledgement letter informing you of the date of the Local Review Body meeting or whether further information is required.

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

CONTACT DETAILS

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

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

**NOTICE OF REVIEW
AND
STATEMENT OF REASONS**

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

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 100173005-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

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

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Aline"/>	Building Number:	<input type="text" value="4"/>
Last Name: *	<input type="text" value="Devaney"/>	Address 1 (Street): *	<input type="text" value="Rannoch Avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Hamilton"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="ML3 8UD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing	<input type="text" value="656963"/>	Easting	<input type="text" value="255100"/>
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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 two and a half storey rear extension with balcony at rear

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

We disagree with the recent refusal decision, especially considering the clients comments, attached to this application and also the fact that a property at 54 Melford Avenue, Newton Mearns - 2017/0843/TP, have received approval for a very similar roof type and we don't understand why our proposal has been refused.

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

Yes No

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

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Proposed & Existing Drawings Clients Comments

Application Details

Please provide details of the application and decision.

What is the application reference number? *

2018/0744/TP

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

09/12/2018

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

22/05/2019

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. *

Yes No

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Ronald Gellan

Declaration Date: 09/07/2019

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From: Murdoch Mactaggart [REDACTED]
Sent: 08 March 2019 00:02
To: Barry McMullan
Cc: Devaney, Aline; Aline
Subject: Re: Plans for 65 Ayr Road, NM 2018/0744/TP

Thanks Barry

It is unfortunate that Zara has not answered all the points raised in our last note.

She appears to simply repeat some rehearsed phrases which do not address the issues.

Our application has to be seen in the context of the immediate and wider area.

There are two houses in the same row which have gable roof extensions. One in particular has several elements to the extended roof structure and does not by any means follow a traditional design.

The immediately surrounding area includes blocks of flats across the road, a tennis club with licensed bar and function suite behind us and a modern development of new houses (which are not traditional in any way) about to be built to the side of us.

Elsewhere on Ayr Road there are a wide variety of buildings of various styles including many extended properties which do not comply with the quoted guidelines and a number of modern concrete and glass houses - some of which are sprawling multi storey affairs.

In the wider area around Whitecraigs traditional buildings have been demolished in recent years and have been replaced by hideous modern structures that frankly jar with the neighbouring houses.

How can the council reconcile their policy of allowing the complete destruction of period houses and their replacement with out of character modern boxes with their refusal (in our case) to allow a sympathetic extension which largely retains the traditional period appearance of our house? Presumably if we wanted to knock the house down and build a 4 storey modern house (like the one recently built opposite the duck

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pond in Broompark Drive) then this would be approved going by current precedent.

The planning department must surely recognise the need to adapt older houses to meet the needs of modern family life. If older houses are to be preserved rather than knocked down and replaced then the council has to allow realistic development of existing houses.

I note that Zara has not commented on the various extensions to properties elsewhere on Ayr Road and in streets such as Crookfur Road - which I specifically referred to in our previous note. There are several examples of houses identical to ours which have extended significantly and have full gable ends. Can I suggest that viewing the local area on Apple maps - which allows 3D views - will be highly instructive on the state of existing extensions. The council's claimed policy is honoured more in the breach than the observance.

We appear to be getting treated in an arbitrary and unfair way which cannot be justified by this rather unconvincing reference to council policy.

I confirm that we wish to proceed with the latest plans including a full gable.

Regards

Murdoch

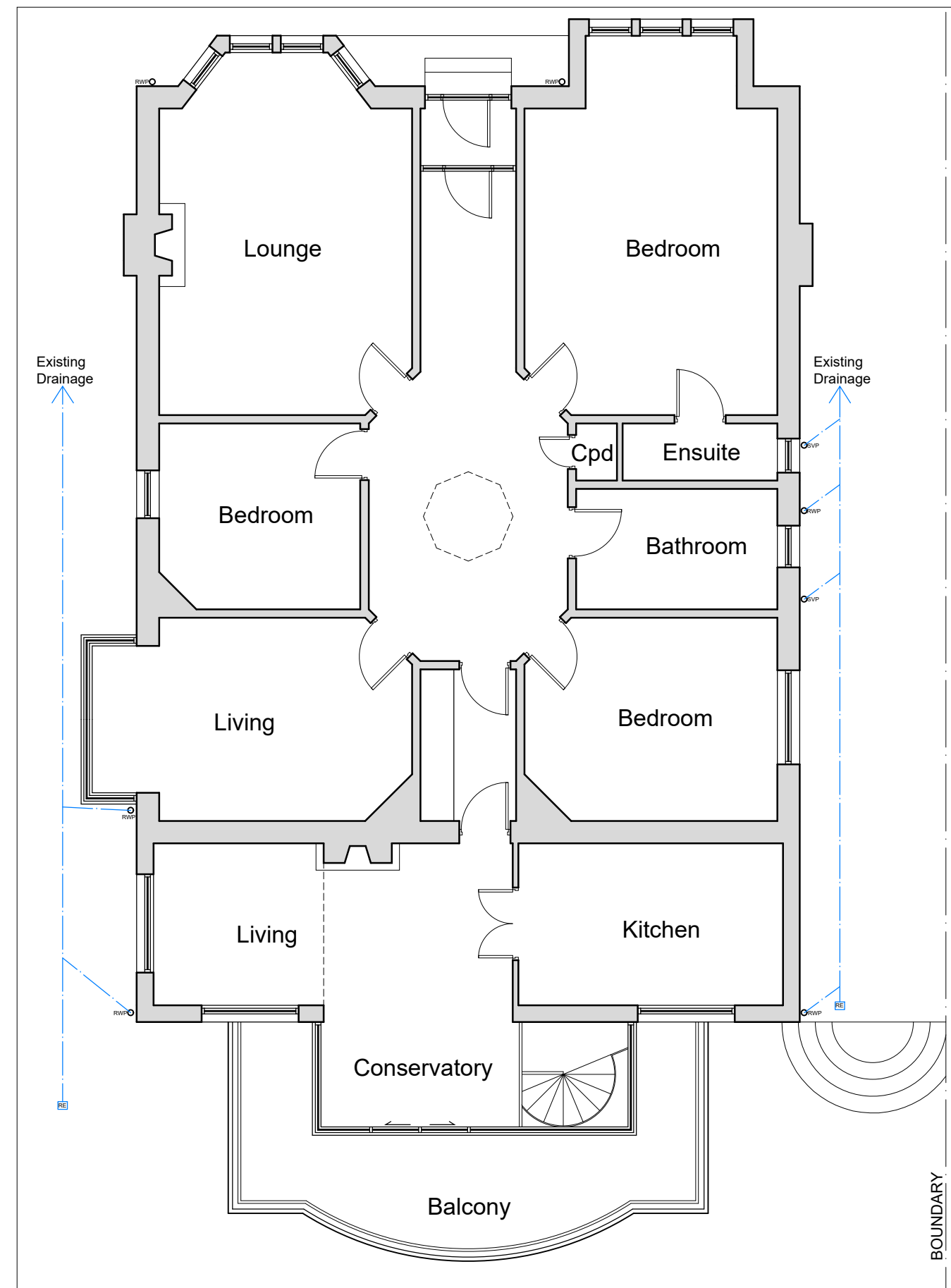
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PLANS/PHOTOGRAPHS/DRAWINGS

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



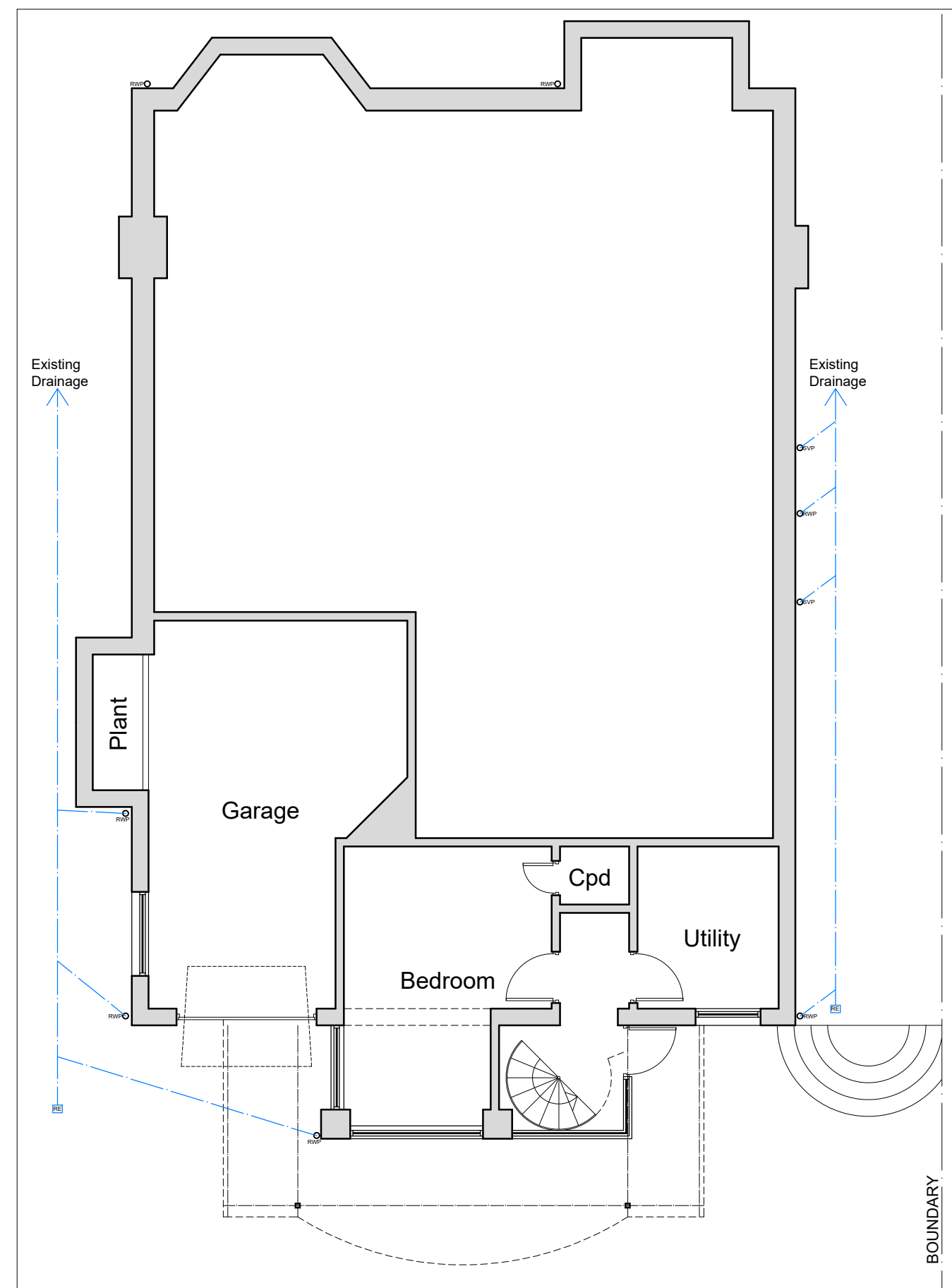
EXISTING GROUND FLOOR PLAN 1:100



EXISTING SIDE ELEVATION 1:100



EXISTING REAR ELEVATION 1:100



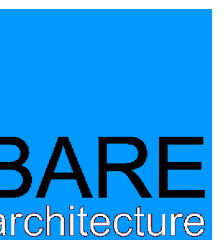
EXISTING LOWER GROUND FLOOR PLAN 1:100



EXISTING SIDE ELEVATION 1:100

Date	Rev.

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 w: www.barearchitecture.com



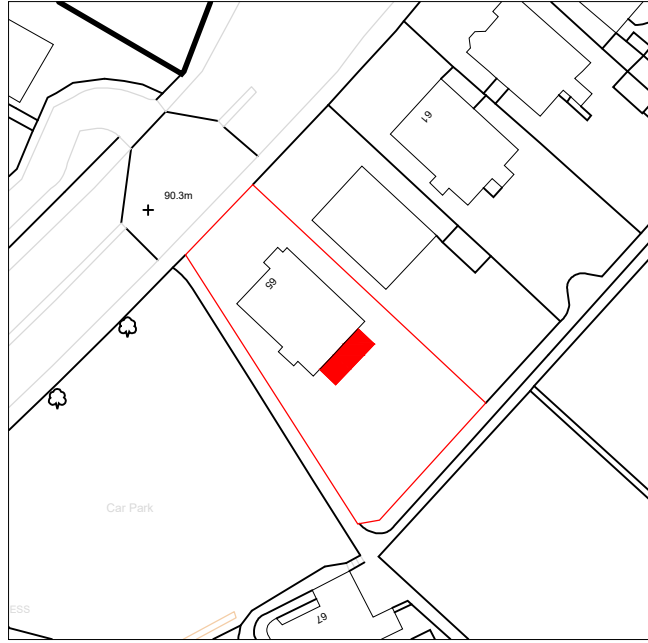
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Devanney Project
 65 Ayr Road
 Newton Meams

Drawing Title
Existing Drawings

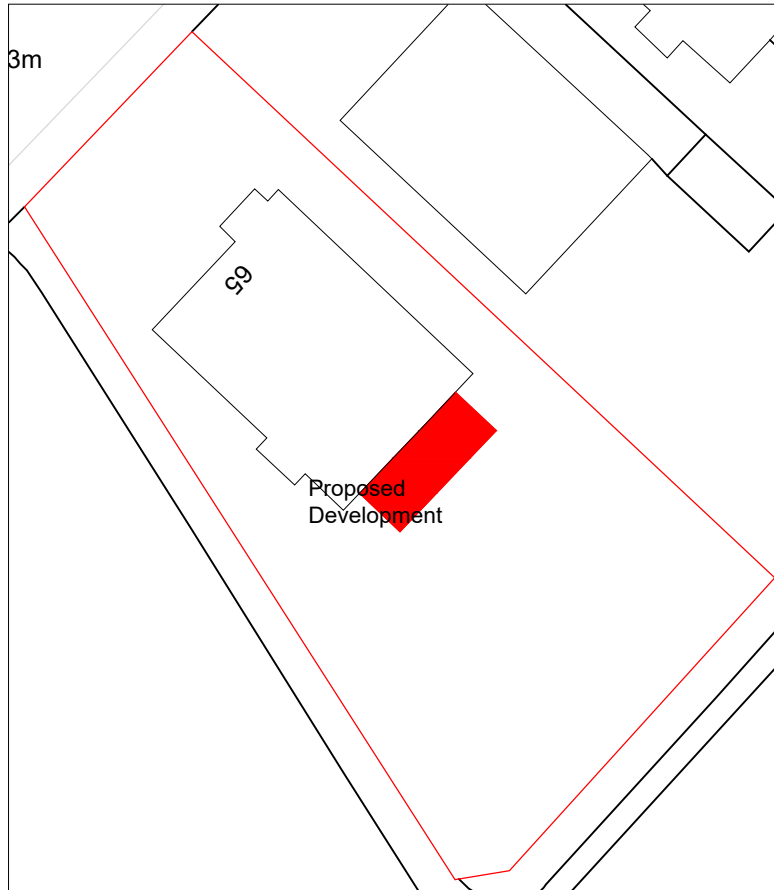
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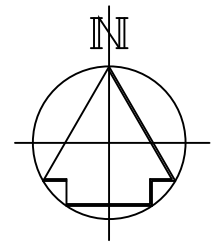
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LOCATION PLAN 1:1250



BLOCK PLAN 1:500



Drawing Number:

AR11064 (LP)001A

Job Title:

**Devaney Project
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File: AR11064

Date: 01.07.13

Drawn by: BM

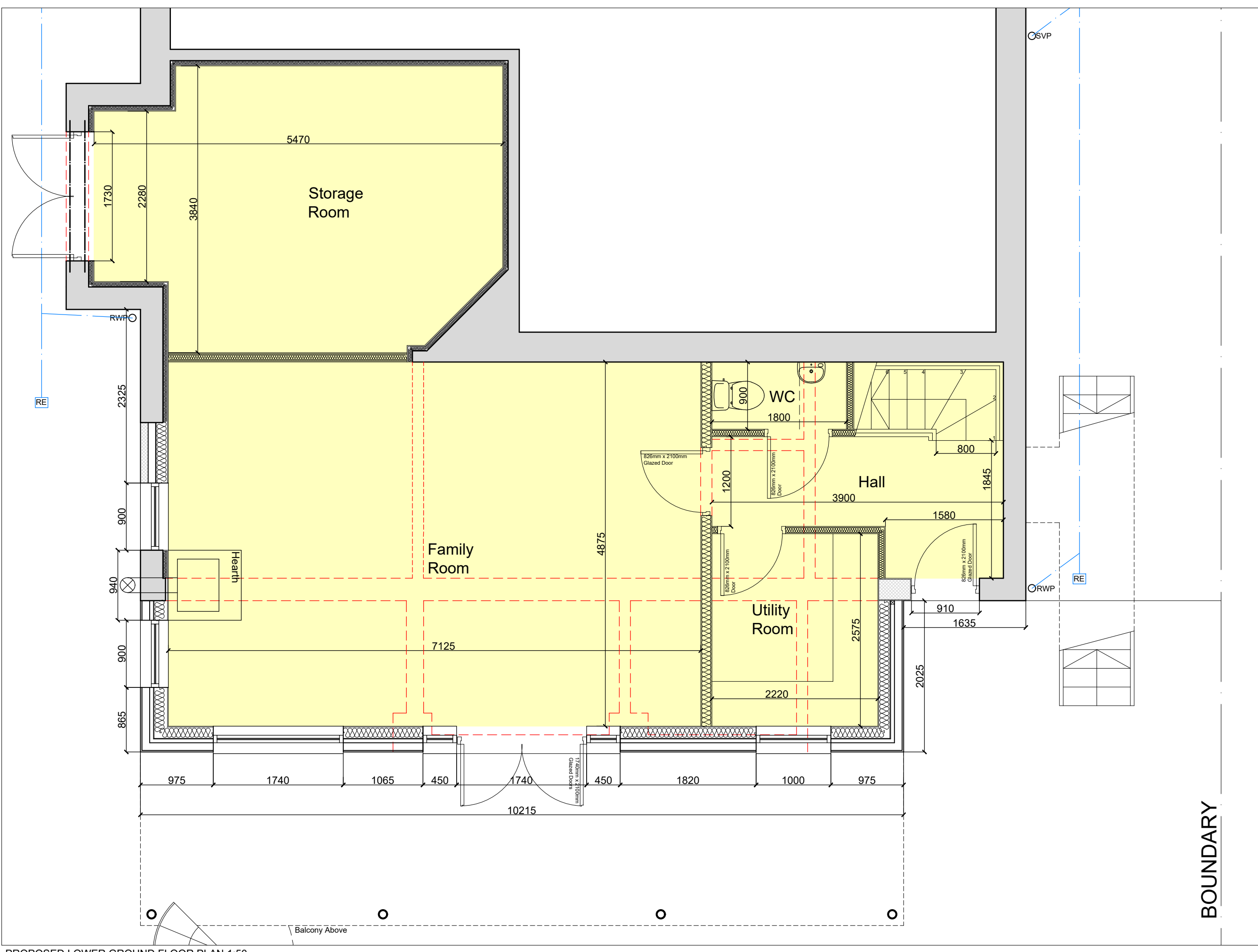
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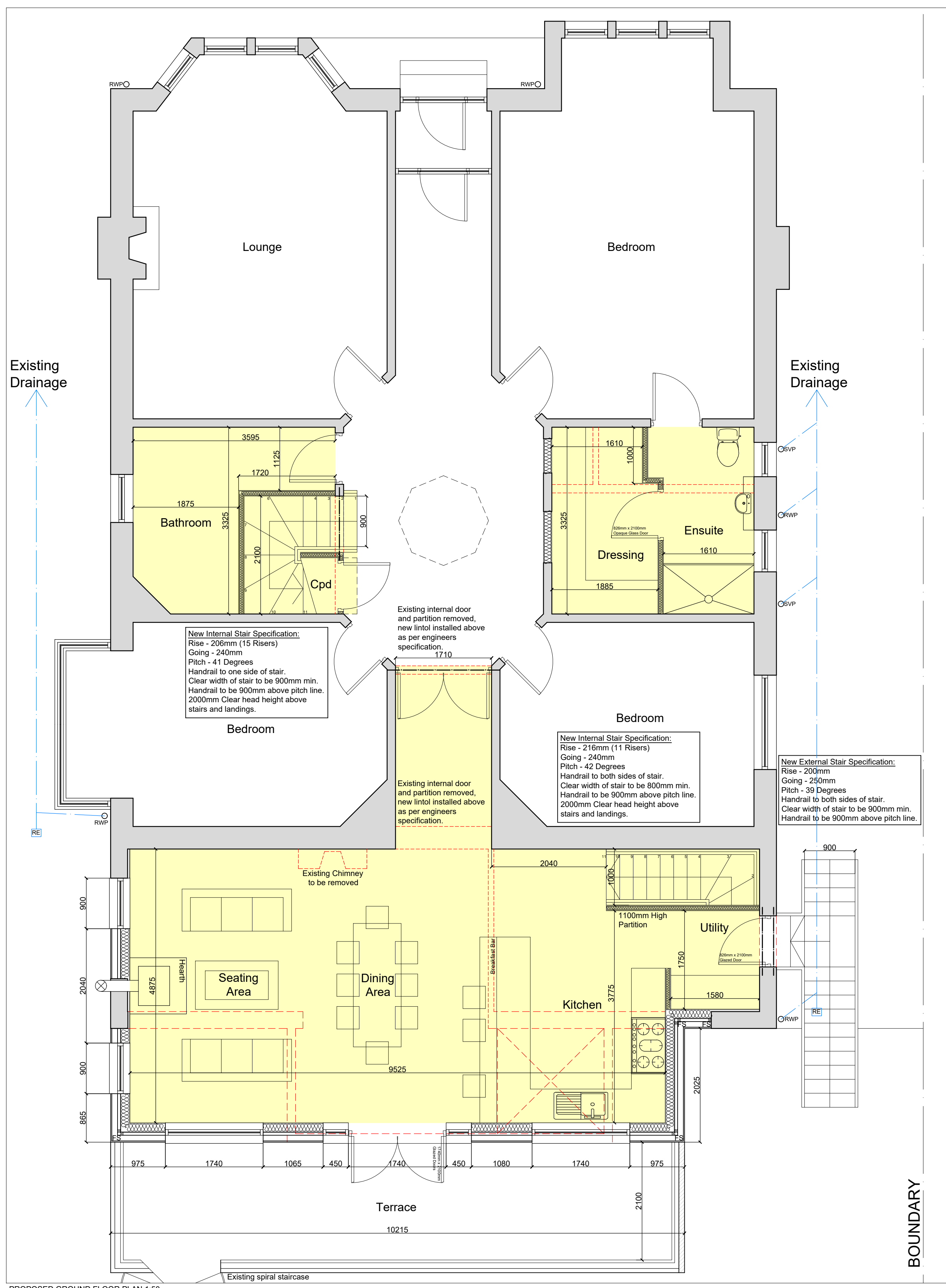
Location & Block Plan



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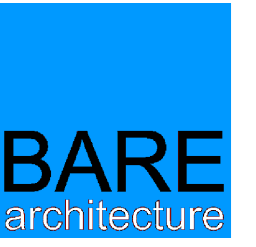
PROPOSED LOWER GROUND FLOOR PLAN 1:50



PROPOSED GROUND FLOOR PLAN 1:50

Date	Rev.

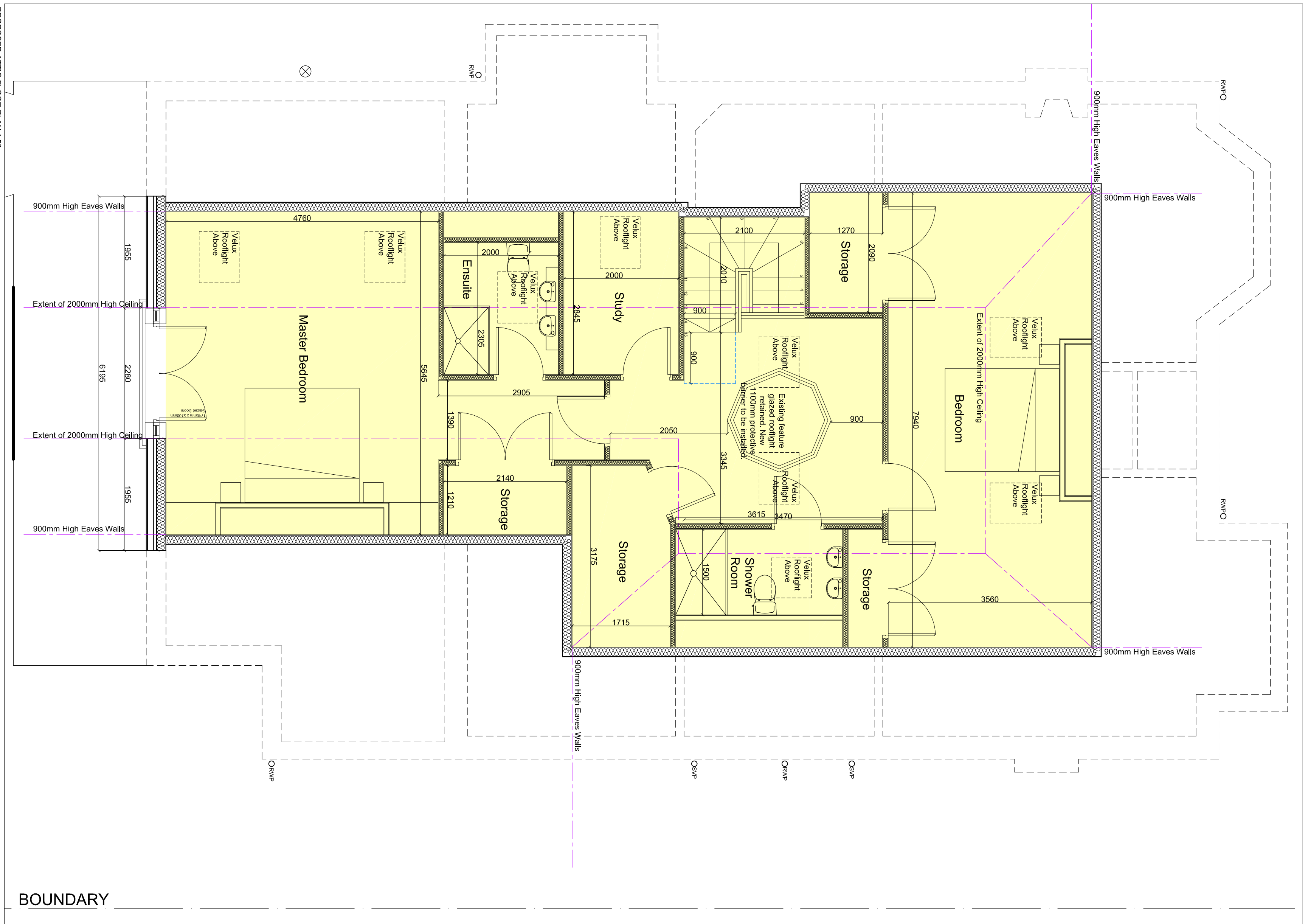
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 w: www.barearchitecture.com



Job Title
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 65 Ayr Road
 Newton Meams
 Drawing Title
 Proposed Drawings

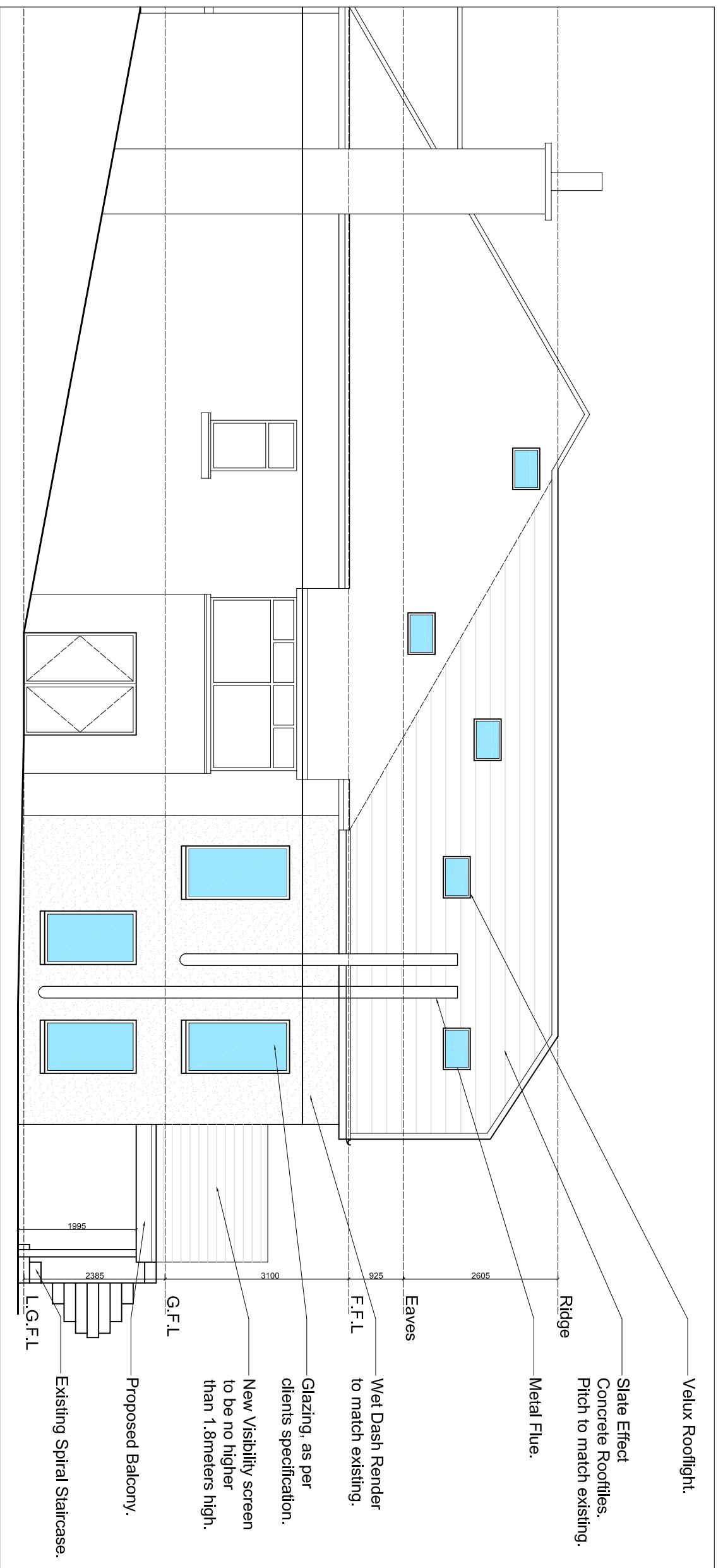
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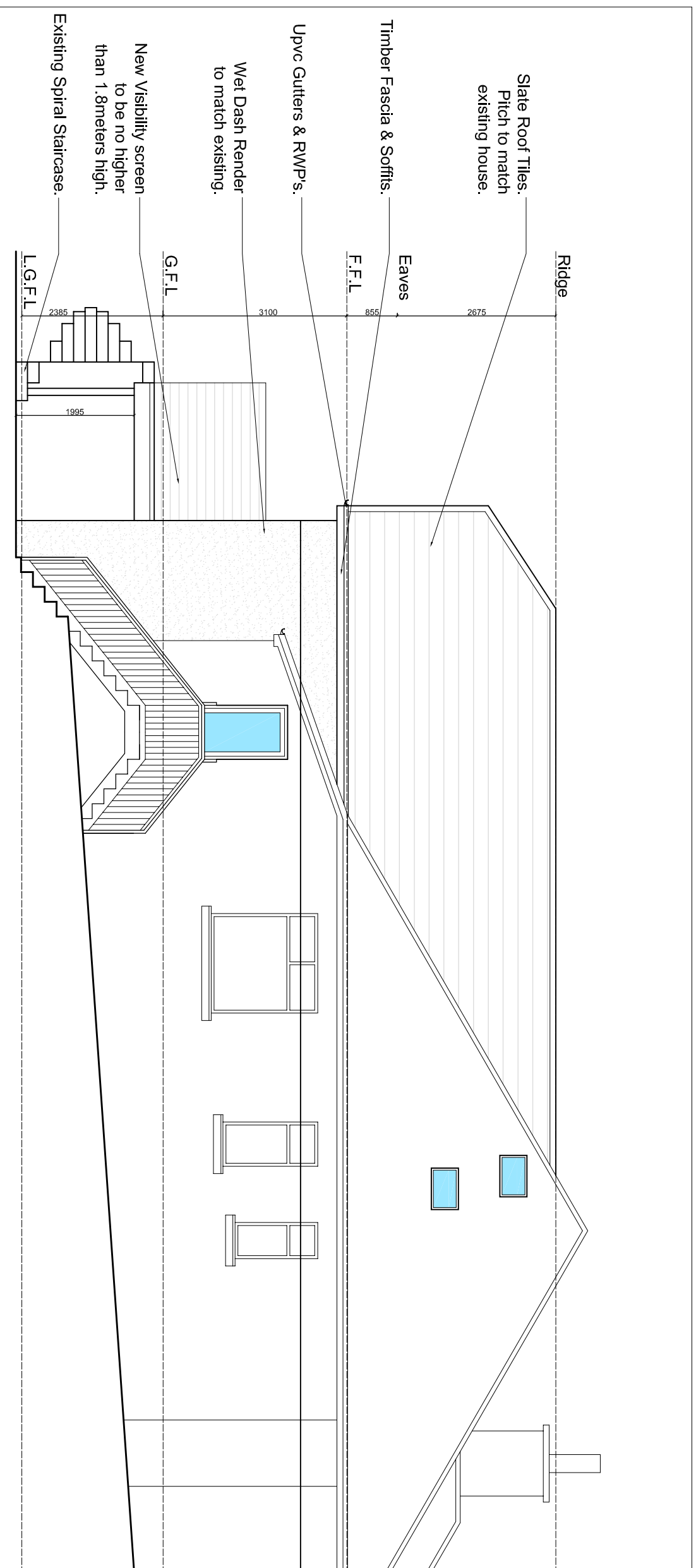


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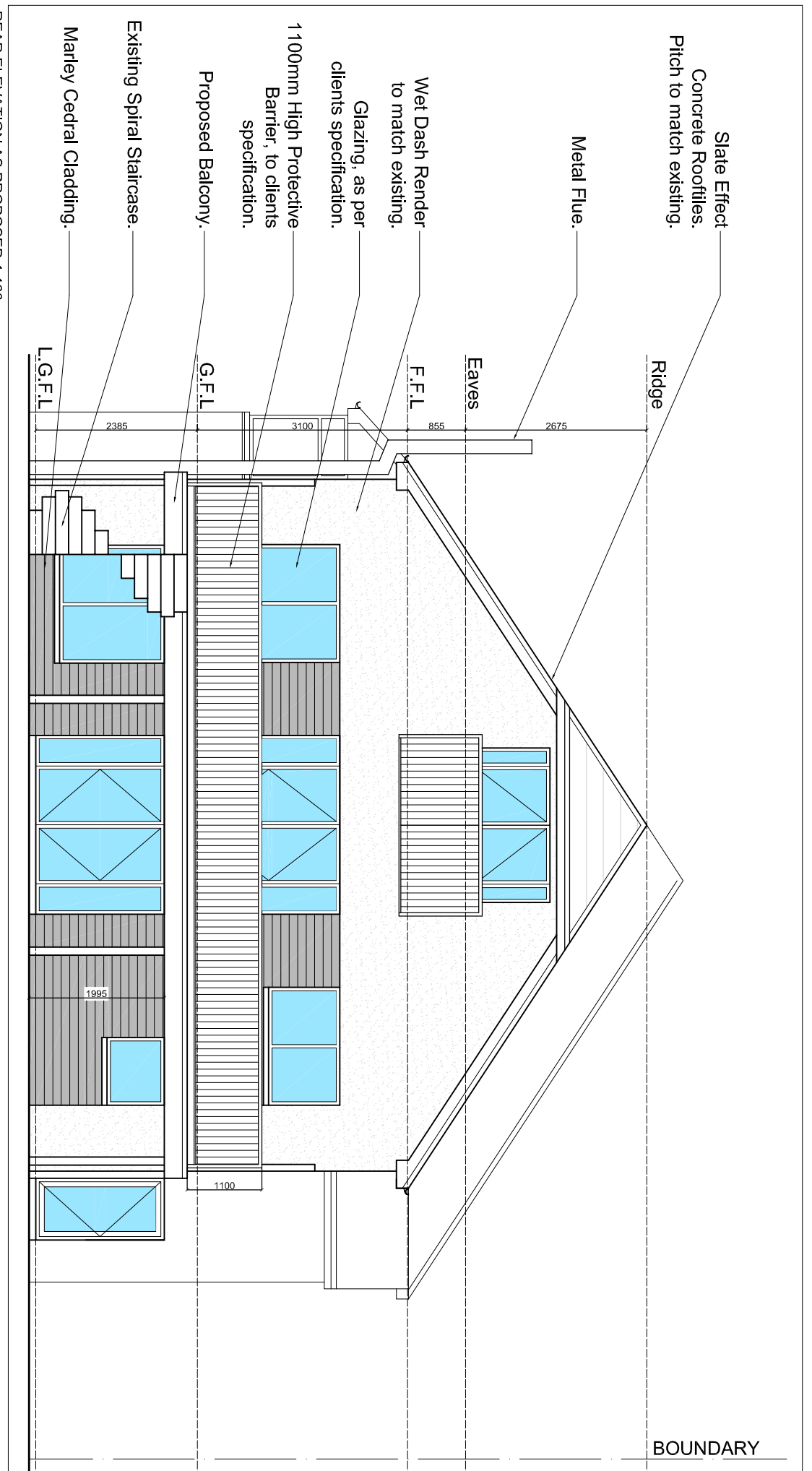
PROPOSED ATTIC FLOOR PLAN 130



SIDE ELEVATION AS PROPOSED 1:100

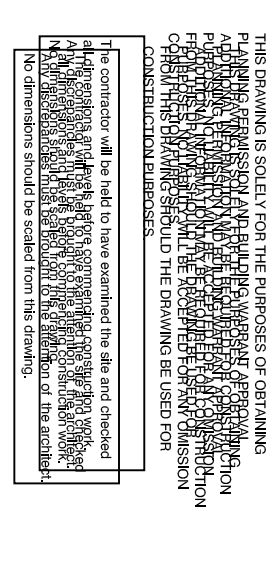


SIDE ELEVATION AS PROPOSED 1:100



REAR ELEVATION AS PROPOSED 1:100

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



BARE
architecture

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Job Title
Devantrey Project
65 Ayr Road
Newton Means

Drawing Title
Proposed Drawings

Scale
As Indicated A1

Client Ref
AR11064

Drawn
22.02.18

Checked
22.02.18

Drawn Number
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