

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY1 November 2017Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2017/24ERECTION OF UPPER STOREY EXTENSION ABOVE EXISTING EXTENSION AT SIDE AND REAR; ERECTION OF SINGLE STOREY REAR EXTENSION AT 32 MOORBURN AVENUE, GIFFNOCK**PURPOSE OF REPORT**

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

**DETAILS OF APPLICATION**

2. Application type: Full Planning Permission (Ref No:- 2017/0470/TP).
- Applicant: Mrs Khan.
- Proposal: Erection of upper storey extension above existing extension at side and rear; erection of single storey rear extension.
- Location: 32 Moorburn Avenue, Giffnock.
- Council Area/Ward: Giffnock and Thornliebank (Ward 3).

**REASON FOR REQUESTING REVIEW**

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

**RECOMMENDATIONS**

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

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

## **BACKGROUND**

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

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

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

## **NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW**

8. The 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 5.

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 preferences are further written submissions, one or more hearing sessions, and a site inspection.

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, an unaccompanied site inspection will be carried out immediately before the meeting of the Local Review Body on Wednesday, 1 November 2017 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 79 - 86);
- (b) Copies of objections/representations – Appendix 2 (Pages 87 - 100);
- (c) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 101 - 108);
- (d) Decision notice and reasons for refusal - Appendix 4 (Pages 109 - 114); and
- (e) A copy of the applicant's Notice of Review and Statement of Reasons - Appendix 5 (Pages 115 - 122).

**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 are attached as Appendix 6 (Pages 123 - 136).

- (a) Refused – Location Plan;
- (b) Refused – Block Plan;
- (c) Refused – Proposed Elevations;
- (d) Refused – Proposed Elevations from Neighbours;
- (e) Refused – Proposed Ground Floor Plan; and
- (f) Refused – Proposed First Floor Plan.

**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](http://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:- October 2017

**APPLICATION  
FOR  
PLANNING PERMISSION**

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2017/0470/TP

# HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

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

Please refer to the accompanying Guidance Notes when completing this application  
 PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="MRS"/>	Ref No.	<input type="text"/>
Forename	<input type="text"/>	Forename	<input type="text" value="John A"/>
Surname	<input type="text" value="KHAN"/>	Surname	<input type="text" value="HUTTON"/>
Company Name	<input type="text"/>	Company Name	<input type="text"/>
Building No./Name	<input type="text" value="32"/>	Building No./Name	<input type="text" value="Flat 0/1, 69"/>
Address Line 1	<input type="text" value="MOORBURN AVE"/>	Address Line 1	<input type="text" value="MILBRAE ROAD"/>
Address Line 2	<input type="text" value="Giffnock"/>	Address Line 2	<input type="text" value="LANGSIDE"/>
Town/City	<input type="text" value="GLASGOW"/>	Town/City	<input type="text" value="GLASGOW"/>
Postcode	<input type="text"/>	Postcode	<input type="text" value="G14 2 9UT."/>
Telephone	<input type="text"/>	Telephone	<input type="text" value="01773 209204"/>
Mobile	<input type="text"/>	Mobile	<input type="text" value=""/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text"/>
<b>3. Address or Location of Proposed Development (please include postcode)</b>			
<input style="width: 100%; height: 80px;" type="text" value="32 MOORBURN AVE, GIFFNOCK."/>			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
<b>4. Describe the Proposed Works</b>			
Please describe accurately the work proposed:			
<input style="width: 100%; height: 60px;" type="text" value="REAR 1ST STOREY EXTN ABOVE EXISTING &amp; REAR SINGLE STOREY EXTENSION."/>			
Have the works already been started or completed Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, please state date of completion, or if not completed, the start date:			
Date started:	<input type="text"/>	Date completed:	<input type="text"/>

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

### 5. Pre-Application Discussion

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

If yes, please provide details about the advice below:

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

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

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

Name:  Date:  Ref No.:

### 6. Trees

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

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

### 7. Changes to Vehicle Access and Parking

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

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

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

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

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

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

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



**8. Planning Service Employee/Elected Member Interest**

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

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

If you have answered yes please provide details:

**DECLARATION**

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

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

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

Signature:



Name:

John Altuson

Date:

3/7/17

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

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# LAND OWNERSHIP CERTIFICATES

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

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

### CERTIFICATE A

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

**I hereby certify that -**

- (1) No person other than myself MRS KHAN was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:

On behalf of:

Date:

[Redacted Signature]

MRS KHAN

3/7/17

### CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

**I hereby certify that -**

- (1) I have \_\_\_\_\_ served notice on every person other than myself \_\_\_\_\_ who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

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

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have \_\_\_\_\_ served notice on every person other than myself \_\_\_\_\_ who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

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## COPIES OF OBJECTIONS/REPRESENTATIONS

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Aex 27/7/17 - 2017/0470/TF  
(DS)

89

Nada Mooney  
34 Moorburn Avenue  
Giffnock  
GLASGOW  
G46 7AL

REC'D

27 JUL 2017

22nd July 2017

Dear Sir,

I am the owner of 34 Moorburn Avenue  
where I have lived for fifty years.

My neighbour, Mrs. Khan has applied for  
permission to build a further extension on her  
property.

While I sympathise with the need for extra  
space in a three generation family, I feel that what  
they propose is going to overshadow my property  
to an unacceptable degree and I consider it would  
also jeopardise the value of my own property in the  
future.

I therefore must raise an objection to their  
proposal.

Yours faithfully



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ACK. 1108/17-DS-91  
MRS. M. D. TRUNDLE  
36 MOORBURN AVE.  
GLASGOW G46 7AL

EASTWOOD COUNCIL  
PLANNING DEPT.

28/7/17.

2017/0470/HP

RE. 32 MOORBURN AVE.  
MRS. KHAN.

RECEIVED  
31 JUL 2017

We object to the above  
extensions proposed at the  
above address, which would  
affect the value of our house  
The open outlook, that is  
such a lovely feature of this  
area will be lost, especially  
as they have this week also  
erected a large building at the  
bottom of their garden.  
Yours faithfully



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O'Neil, Paul [CE]

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**From:** stuart mooney [REDACTED]  
**Sent:** 01 August 2017 19:56  
**To:** Planning  
**Subject:** 32 Moorburn avenue

Stuart Mooney  
34 Moorburn Avenue  
Giffnock  
Glasgow G46-7AL

1st August 2017

Dear Sir/Madam,

I am writing to object to the planning application 2017/0470/TP.

Having had a quick look online at the plans submitted by Mr Hutton , I feel that the sheer size and sub-sequential view and light blocking that would occur to my mothers house as a result would be unacceptable.

I would also say that I would only be in favour of anything that could be guaranteed to be mirrored in my mothers own house ,including the 5 m existing extension.

I feel that the general area and houses were built for the parents and 2.2 kids of the era and subsequently other issues such as parking and schooling become greater issues if planning would allow such builds .

Already the ground floor extension is 5m and my mother was told that she may only be able to build out 4m .

As the house stands the main view from my mothers dining room has had its light blocked by this not particularly pleasant looking extension for approximately the last fifteen years .

The same occurring at the first floor level would be even more overwhelming.

Also my mother is 85 years old and been in her home for 50 years ; change ,disruption excessive dust and noise is upsetting for her in her condition.

I will be up very soon and will be in touch .

I am down in London just now due to a premature birth of my second daughter and as you can imagine been very preoccupied.

So apologies for a delay and brief reply .

Regards ,

Stuart Mooney  
Sent from my iPad

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**CONFIDENTIAL REPRESENTATION**

**FROM**

**HEALTH AND SOCIAL CARE PARTNERSHIP**

**COPIES WITH BE TABLED AT MEETING**

**TO MEMBERS OF THE LOCAL REVIEW BODY ONLY**

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MR. MICHAEL TRUNDLE  
 MRS. MURIEL TAUNDE

Mr. Paul O'Neil.

36 MOORBURN AVE. G46 7AL. 17/10/17

Dear Sir we very much object to the new building, and, planned building, at no. 32.

A new house has already been built, this summer, with no notice, at the rear of the garden. - Were you informed of this?

The planned extension will completely overshadow the back door area of our house.

Yours Sincerely M. Trundle.

PLANNING

APPLICATION NO: 2017/0470/TP

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**O'Neil, Paul [CE]**

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**From:** Faheem Khan [REDACTED]  
**Sent:** 23 October 2017 17:25  
**To:** O'Neil, Paul [CE]  
**Cc:** jhplanning@gmail.com  
**Subject:** Re: Local Review Body - Review 2017/24 - 32 Moorburn Avenue, Giffnock - Protect

Dear Paul

Thank you for giving me the opportunity to respond to the objection.

Number 36 is not my immediate neighbour but a few doors down.

The garden/gym room at the end of the garden they refer to in their letter is not a house and is within permitted development rules (which is being discussed with the council and building warrants team separately).

The proposed extension will not impact the sun light to number 36 property due to the direction of the sun, the length of any shadows and the distance to number 36, but I will let the planners decide this for sure. As I've previously communicated the proposed extension will seek to have a minimum impact on my neighbours with e.g. the pitch of the roof being minimal gradient/pitch. Further more there are many examples of double story extension in my street (same side of street even) without undue impact on neighbours.

Many thanks

Mrs Khan

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## REPORT OF HANDLING

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# REPORT OF HANDLING

Reference: 2017/0470/TP

Date Registered: 10th July 2017

Application Type: Full Planning Permission

This application is a Local Development

Ward: 3 -Giffnock And Thornliebank

Co-ordinates: 255604/:659272

Applicant/Agent:

Applicant:  
Mrs Khan  
32 Moorburn Avenue  
Giffnock  
East Renfrewshire  
G46 7AL

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

Proposal: Erection of upper storey extension above existing extension at side and rear;  
erection of single storey rear extension

Location: 32 Moorburn Avenue  
Giffnock  
East Renfrewshire  
G46 7AL

**CONSULTATIONS/COMMENTS:** None.

**PUBLICITY:** None.

**SITE NOTICES:** None.

**SITE HISTORY:**

2006/0235/TP	Erection of single storey rear and side extension	Approved Subject to Conditions	27.04.2006
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**REPRESENTATIONS:** Three representations have been received objecting to the proposal and can be summarised as follows:

- Overshadowing
- Loss of daylight
- Loss of outlook
- Disruption during the construction phase
- Impact on parking and school provision
- Reduction in property values

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

**SUPPORTING REPORTS:**

The applicant has submitted a letter from the Community Occupational Therapist in support of the application. The letter describes the particular mobility difficulties experienced by a family

member and the specialist equipment and additional space required to assist with those difficulties.

**ASSESSMENT:**

The application site comprises a two storey semi-detached dwelling and its curtilage and lies within an established residential area. The dwelling is externally finished in tiles and render and the side boundaries are characterised by established hedges up to approximately 1.6 metres high. The rear boundary is obscured by an outbuilding that is currently under construction at the top of the rear garden. The street is characterised by modest dwellings set within repeating semi-detached blocks.

The property has an existing 5 metres deep side and rear extension approved under planning permission 2006/0235/TP. This has a hipped roof.

Planning permission is sought for the erection of a first floor extension above the existing 5 metres deep side/rear extension and for the erection of a further 5 metres deep single storey rear extension. The first floor extension would comprise a hipped roof and a ridge line lower than that of the existing house and the single storey extension would also comprise a hipped roof. The width of both extensions would be 7.5 metres which is the entire width of the dwelling plus the width of the side extension. The cumulative effect would be of a two storey side/rear extension projecting 5 metres down the common boundary from the rear of the existing dwelling and of a single storey rear extension projecting a further 5 metres along the common boundary. The cumulative effect of the whole development needs to be assessed in this instance.

The proposal requires to be assessed against Policies D1 and D14 of the adopted East Renfrewshire Local Development Plan and the adopted Supplementary Planning Guidance: Householder Design Guide (SPG) which supports and forms part of Policy D14.

Policy D1 requires that all development should not result in a loss of amenity to the surrounding area and that proposals should be of a size, scale and massing in keeping with the buildings in the locality. Policy D14 states that extensions to dwellings should be appropriate in size and scale to the existing building and that extensions should complement the existing building in terms of form.

The SPG requires that two storey rear extensions should not project more than 4 metres from the rear of the existing house and that they should not lie within 2 metres of the common boundary in a terraced or semi-detached house. It further states that single storey rear extensions should not project more than 4 metres along a rear common boundary and that extensions should not exceed more than 100% of the footprint of the existing house.

The proposed extensions are considered to dominate and detract from the character of the existing modest semi-detached dwelling as a result of their form and scale. The proposal results in a large two storey side/rear extension with a partial front gable and further 5 metres deep rear extension that is at odds with the character and design of this modest hip roofed semi-detached unit. The proposal is therefore contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan.

The resulting two storey rear extension and single storey rear extension would have a cumulative depth of 10 metres down the common rear boundary. This would have a significant visual impact on the attached house at 34 Moorburn Avenue. It would also result in a significant degree of additional overshadowing and loss of light to the adjacent properties given the size and depth of the extension and the orientation to the north of the dwelling. The proposal is therefore contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan.

The proposal is also contrary to the SPG as it will result in a two storey rear extension that is 5 metres deep and lies within 2 metres of the common boundary; would introduce a rear extension of a further 5 metres deep, giving a total depth of 10 metres down the common rear boundary. It would also result in extensions that have a footprint in excess of 100% of the original dwelling. As noted above, this would have a detrimental impact on the amenity of the adjacent dwellings in terms of overshadowing, loss of light and loss of outlook and would dominate and detract from the character and design of the modest semi-detached dwelling.

In terms of the points of objection not specifically addressed the following comments are made.

If the application were to be approved, it is not considered that there would be such an impact on adjacent properties during the construction phase that would require further control as the proposal is domestic in nature. The scale of the proposal would not be considered to have such an impact on parking and school provision as would justify a refusal of the application on those grounds. Impact on property values is not a material planning consideration.

The reason for the application is noted however this does not outweigh the policy considerations. The scale of development sought is not considered capable of being accommodated within the site without serious detriment to the amenity of the occupants of the adjacent dwellings.

The proposal is therefore contrary to Policies D1 and D14 of the adopted East Renfrewshire Local Development Plan and the adopted Supplementary Planning Guidance. There are no material planning considerations that outweigh the terms of the Local Development Plan.

It should be noted that the applicant has approached the Council on three separate occasions with this proposal, making use of the pre-application advice service each time. On each occasion, the applicant was advised that the proposal would be unlikely to be acceptable.

**RECOMMENDATION:** Refuse

**PLANNING OBLIGATIONS:** None

**REASONS FOR REFUSAL:**

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it would give rise to a significant degree of additional overshadowing, loss of daylight and be visually dominant to the adjacent properties by virtue of its massing and design in proximity to the side boundaries.
2. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as the resulting two storey rear extension and further single storey rear extension would dominate and detract from the character of this modest semi-detached dwelling by virtue of their size and massing.
3. The proposal is contrary to the adopted Supplementary Planning Guidance: Householder Design Guide as it would result in extensions measuring a total of 10 metres deep contiguous with the common boundary and an increase in the footprint of the original dwelling by over 100%, all to the detriment of the amenity of the occupants of the adjacent dwellings and to the detriment of the character of the original dwelling.

**ADDITIONAL NOTES:** None

**ADDED VALUE:** None

**BACKGROUND PAPERS:**

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

Ref. No.: 2017/0470/TP  
(DESC)

DATE: 21st August 2017

**DIRECTOR OF ENVIRONMENT**

**Reference: 2017/0470/TP - Appendix 1**

**DEVELOPMENT PLAN:**

**Strategic Development Plan**

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

**Adopted East Renfrewshire Local Development Plan**

Policy D1

Detailed Guidance for all Development

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

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;



7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

#### Policy D14

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

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

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

Side extensions should not create an unbroken or terraced appearance.

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

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

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

**GOVERNMENT GUIDANCE:** None

**Finalised 21/08/17 IM(1)**

**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.        **2017/0470/TP**

**Applicant**

Mrs Khan  
32 Moorburn Avenue  
Giffnock  
East Renfrewshire  
G46 7AL

**Agent:**

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

With reference to your application which was registered on 10th July 2017 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

**Erection of upper storey extension above existing extension at side and rear; erection of single storey rear extension**

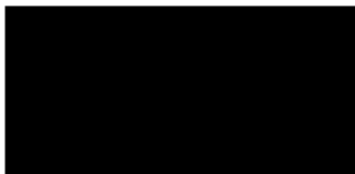
**at: 32 Moorburn Avenue, Giffnock, East Renfrewshire, G46 7AL**

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 it would give rise to a significant degree of additional overshadowing, loss of daylight and be visually dominant to the adjacent properties by virtue of its massing and design in proximity to the side boundaries.
2. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as the resulting two storey rear extension and further single storey rear extension would dominate and detract from the character of this modest semi-detached dwelling by virtue of their size and massing.
3. The proposal is contrary to the adopted Supplementary Planning Guidance: Householder Design Guide as it would result in extensions measuring a total of 10 metres deep contiguous with the common boundary and an increase in the footprint of the original dwelling by over 100%, all to the detriment of the amenity of the occupants of the adjacent dwellings and to the detriment of the character of the original dwelling.

Dated            21st August 2017



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

The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	LOCATION		

**112**

Block Plan Proposed	BLOCK		
Elevations Proposed	1		
Plans Proposed	4		
Plans Proposed	3		
Elevations Proposed	2		

**GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS**

**REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY**

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

**CONTACT DETAILS**

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

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

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**NOTICE OF REVIEW  
AND  
STATEMENT OF REASONS**

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RECORDED  
17/07/17

## NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (AS AMENDED) in respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MRS	Ref No.	2017/0470/TP
Forename	MUSROF	Forename	JOHN
Surname	BEGUM/KHAN	Surname	HUTTON
Company Name	-	Company Name	
Building No./Name	32	Building No./Name	FLAT 0/1
Address Line 1	MOORBURN AVE	Address Line 1	69 Milbrae Road
Address Line 2	GIFFNOCK	Address Line 2	Largside
Town/City	GLASGOW	Town/City	Glasgow
Postcode	G46 7AL	Postcode	G42 9UT
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	JhPlanny@gmail.com
3. Application Details			
Planning authority	EAST DUNFREMESHIRE		
Planning authority's application reference number	2017/0470/TP.		
Site address	<p>SAME AS ABOVE 32 MOORBURN AVE. GIFFNOCK G46 7AL.</p>		
Description of proposed development	<p>PROPOSED 1ST STOREY EXTENSION ABOVE EXISTING &amp; SINGLE STOREY EXTENSION TO REAR.</p>		

Date of application

10/07/2017

Date of decision (if any)

22/08/2017

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

**4. Nature of Application**

- Application for planning permission (including householder application)
- Application for planning permission in principle
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)
- Application for approval of matters specified in conditions

**5. Reasons for seeking review**

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

**6. Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

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

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

PLEASE SEE ENCLOSED DOCUMENTS.

**7. Site inspection**

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

- Can the site be viewed entirely from public land?  No.
- Is it possible for the site to be accessed safely, and without barriers to entry?  Yes.

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

No, Although I would suggest to meet me so you can assess my needs objectively.

**8. Statement**

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

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE ENCLOSED DOCUMENTS

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes  No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

N/A.

**9. List of Documents and Evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

- COVERING LETTER.
- PROPOSED SET DRAWINGS
- LETTER FROM OCCUPATIONAL THERAPIST.

**Note.** The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**10. Checklist**

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

**DECLARATION**

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: 

Name: MUSROF BEGUM/KHAN

Date: 26/09/2017

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

FAHEEM KHAN

32 Moorburn Avenue, Giffnock, Glasgow, G46 7AL.

Tel: 0141 577 0229

Email: faheemkhan6@icloud.com

Reference: 2017/0470/TP

SEPTEMBER 26, 2017

**East Renfrewshire Council – Planning Department**

Dear Sir/Madam,

I write to appeal against the recent council decision not to grant planning permission for an extension to my home in order to accommodate mine and my family's needs.

As the council and the planning officer Derek Scott, dealing with the case, is well aware I am a heavy set lady and use a wide wheelchair due to my permanent disability (I am paralyzed waist below due to a spinal injury since 2005), and live with my family including 3 young grandchildren at the above said property, and am reliant on carers to assist with activities of daily living. As a widow I have lived in East Renfrewshire most of my life and my family and I are well knitted in the fabric of the local community. My 3 grandchildren (all under the age of 6) are in the local schools and nursery's and I live an active life.

The extension plans that had been submitted (attached herein again) are necessary to accommodate my independent living as much as possible and the reasons provided in the council decision not to give consent, do not consider any impact on my needs. For example, the existing kitchen which is very narrow does not provide any turning space for the wheelchair, and is potentially a safety hazard in the event of a fire while there is no suitable alternative to accommodate the kitchen in the existing footprint of the house other than to incorporate my current bedroom into the existing kitchen. This will allow me to regain some of my lost independence by cooking, which I enjoy in a safe environment. Furthermore, in order to comply with the moving and handling guidelines of the council, my existing bedroom (5m x 5m) is a suitable size to accommodate a profiling bed, wheelchair and a shower/commode chair, along with a hoist and 2 carers that are needed to operate this, and therefore the proposed plans seek to replicate the existing bedroom dimensions in the new extension. The point I'm trying to make is that these bedroom dimensions in the proposed extension are not nice to have but essential for my safety and of those that care for me at my home and therefore need to be replicated. The existing bathroom is suitable and adapted to my disability needs and will be incorporated into the new proposed ground floor extension (please also refer to the previously provided letter from East Renfrewshire Health and Social Care in support of these dimensions/needs).

My home sits on a large plot with the rear garden being extremely long and not overlooked (rear garden is over 50 meters long after the proposed extension is completed). I am very fortunate to live in a community neighborhood and we all look after each other. I have discussed the plans in detail with my immediate neighbor, who is supportive of the proposed extension as it does not impact her property.

My request to seek this extension is also in line with my basic human rights to an independent living and I wish the council to respect these rights. The proposed plans cater for both my current and future needs.

Furthermore there are examples in the immediate local area where the council has permitted development out with what is per its guidance policy, for instance 15 Torburn avenue (mid terrace house with an 8m deep rear extension along both common boundaries) and the corner house at the junction of Ravenscliff and Clifton Avenue (2 Clifton Ave - double side and back extension for a disabled person, doubling the floor space of the original house). Similarly, the Jewish disabled home on Arnside Avenue, which received special planning permission due to its specific needs.

I enjoy my surroundings, my neighbors and my home and would request the council to reconsider their decision as a special case created due to my special needs. I have been a long standing resident of the council and have no plans of leaving my home. The East Renfrewshire council promotes itself as a listening and caring council and I would like to test this notion in this appeal process.

I am happy to answer any questions you might have, provide any additional support and would also welcome any visit from a senior planning officer or council representatives to review my living arrangements at my home to get firsthand experience of the space requirements created mainly due to my disability.

Thank you for considering my appeal and warm regards,



A large black rectangular redaction box covering the signature area.

Musrof Begum

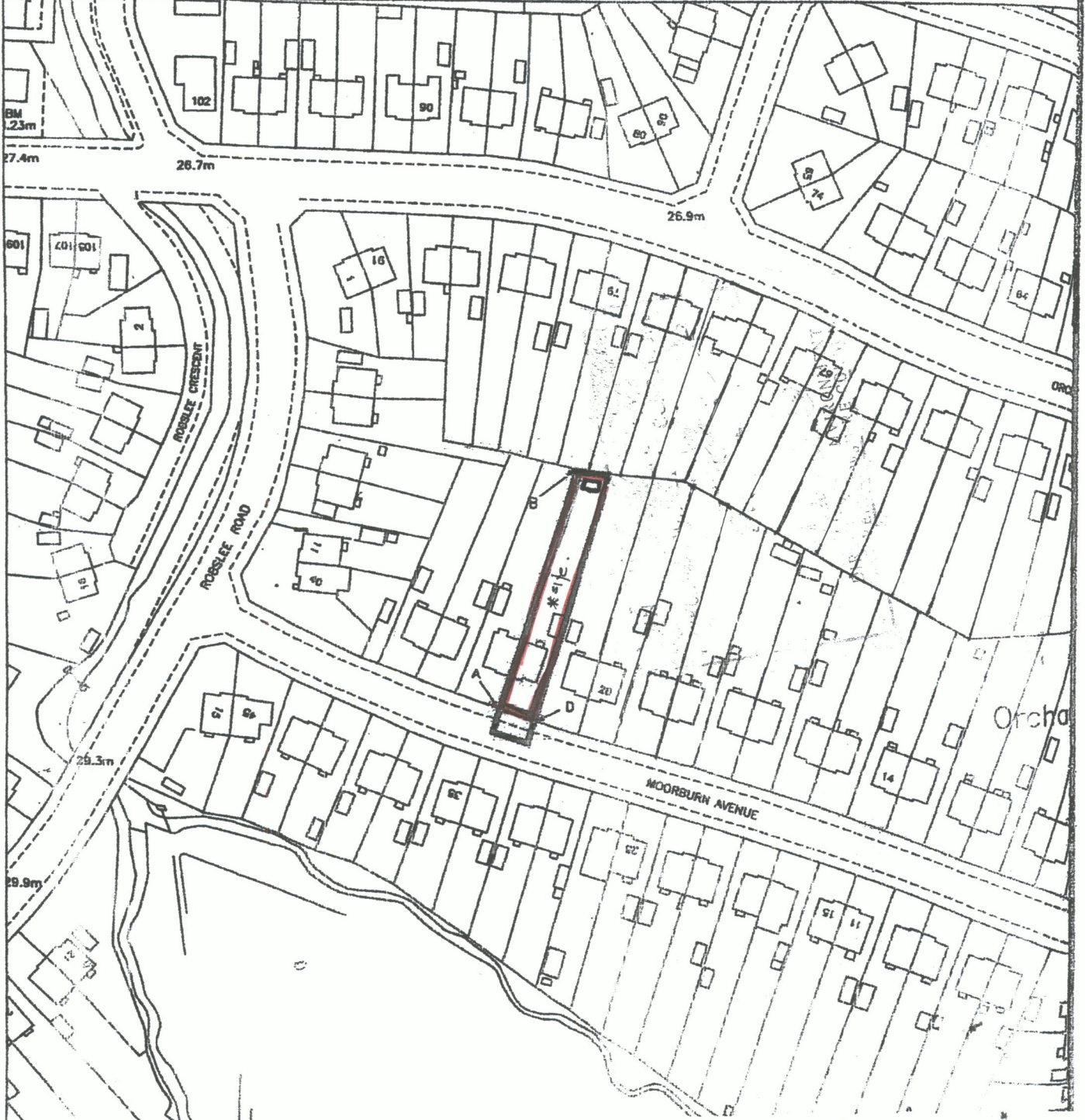


**PLANS/PHOTOGRAPHS/DRAWINGS**

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 <b>LAND REGISTER OF SCOTLAND</b>	Officer's ID / Date	TITLE NUMBER
	30209 20/10/1997	<b>REN79292</b>
 <b>ORDNANCE SURVEY NATIONAL GRID REFERENCE</b>	Scale	
	1/1250	
<b>NS5559SW NS5559SE</b>	Survey Scale	
	1/1250	

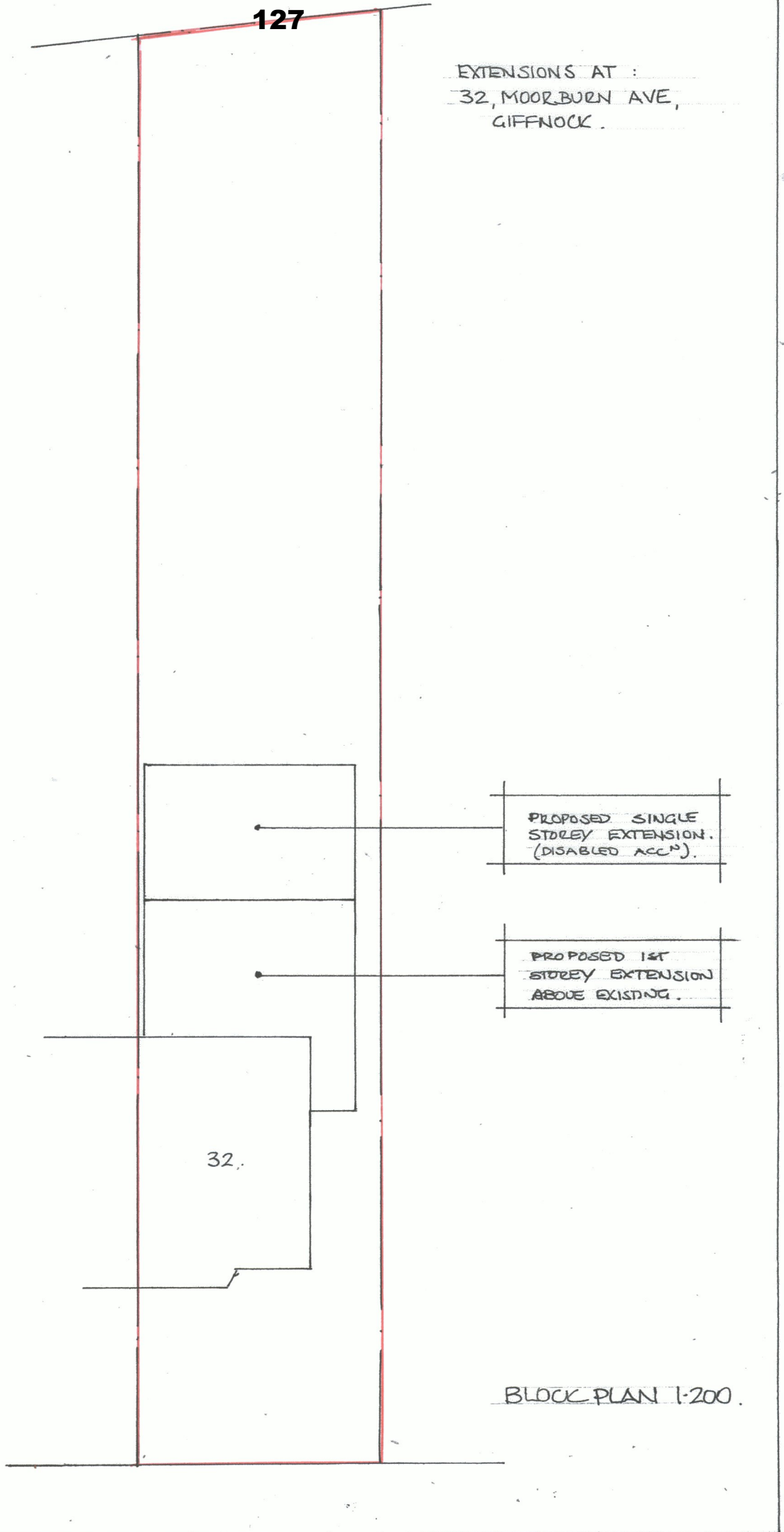
CROWN COPYRIGHT © - This copy has been produced from the ROS Digital Mapping System on 13/06/2000 and was made with the authority of Ordnance Survey pursuant to Section 47 of the Copyright, Designs and Patents Act 1988. Unless that act provides a relevant exception to copyright, the copy must not be copied without the prior permission of the copyright owner.



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EXTENSIONS AT :  
32, MOORBURN AVE,  
GIFFNOCK .



PROPOSED SINGLE  
STOREY EXTENSION.  
(DISABLED ACC<sup>n</sup>).

PROPOSED 1<sup>st</sup>  
STOREY EXTENSION  
ABOVE EXISTING.

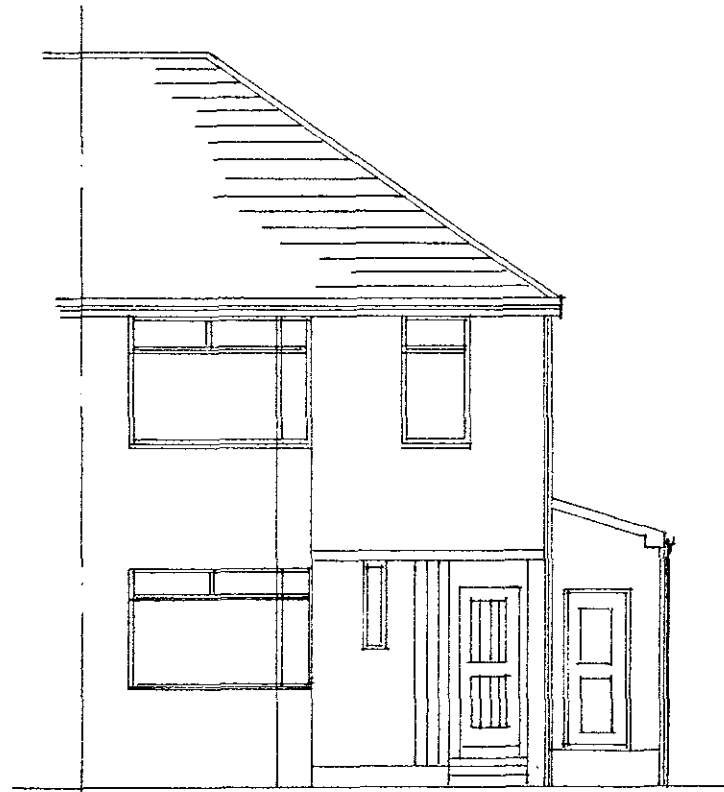
32.

BLOCK PLAN 1:200 .

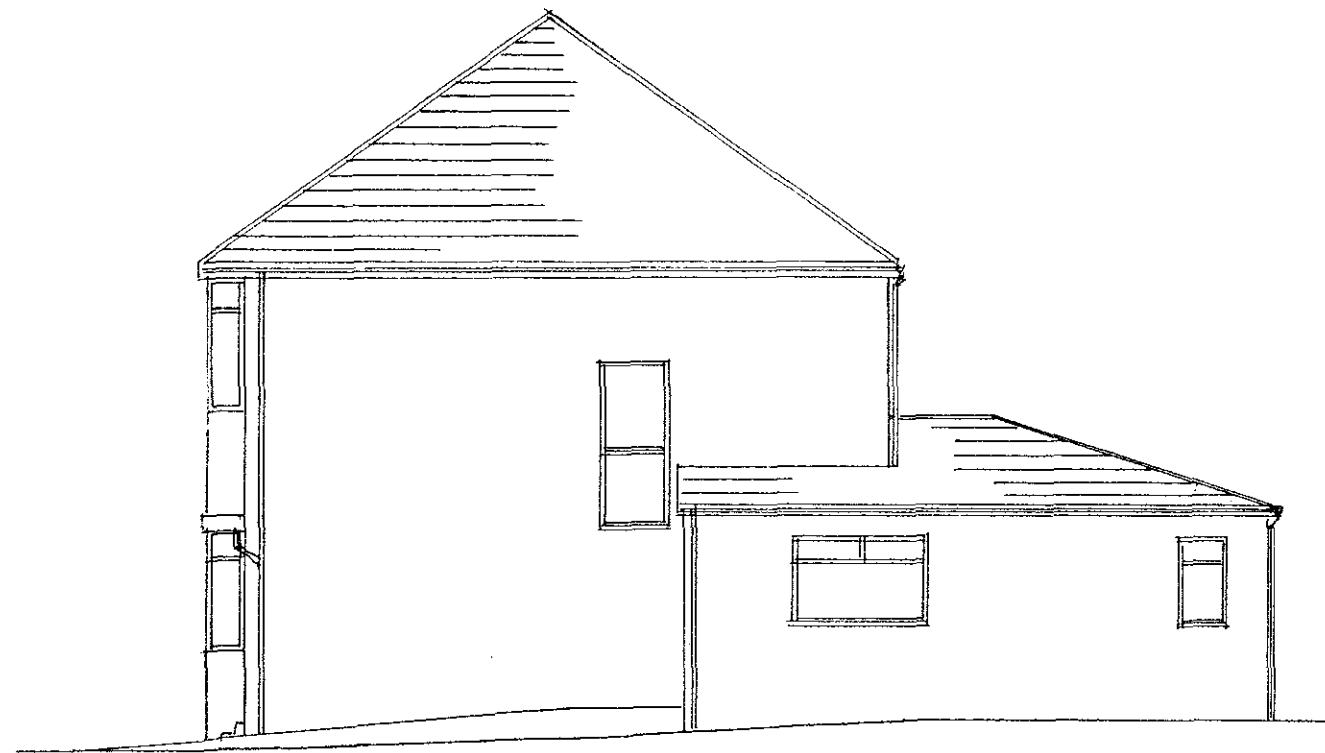
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PROPOSED 1ST STOREY EXTENSION ABOVE EXISTING + SINGLE STOREY EXTENSION TO REAR.  
AT 32, MOORBURN AVE, GIFFNOCK.  
PER MRS KHAN.

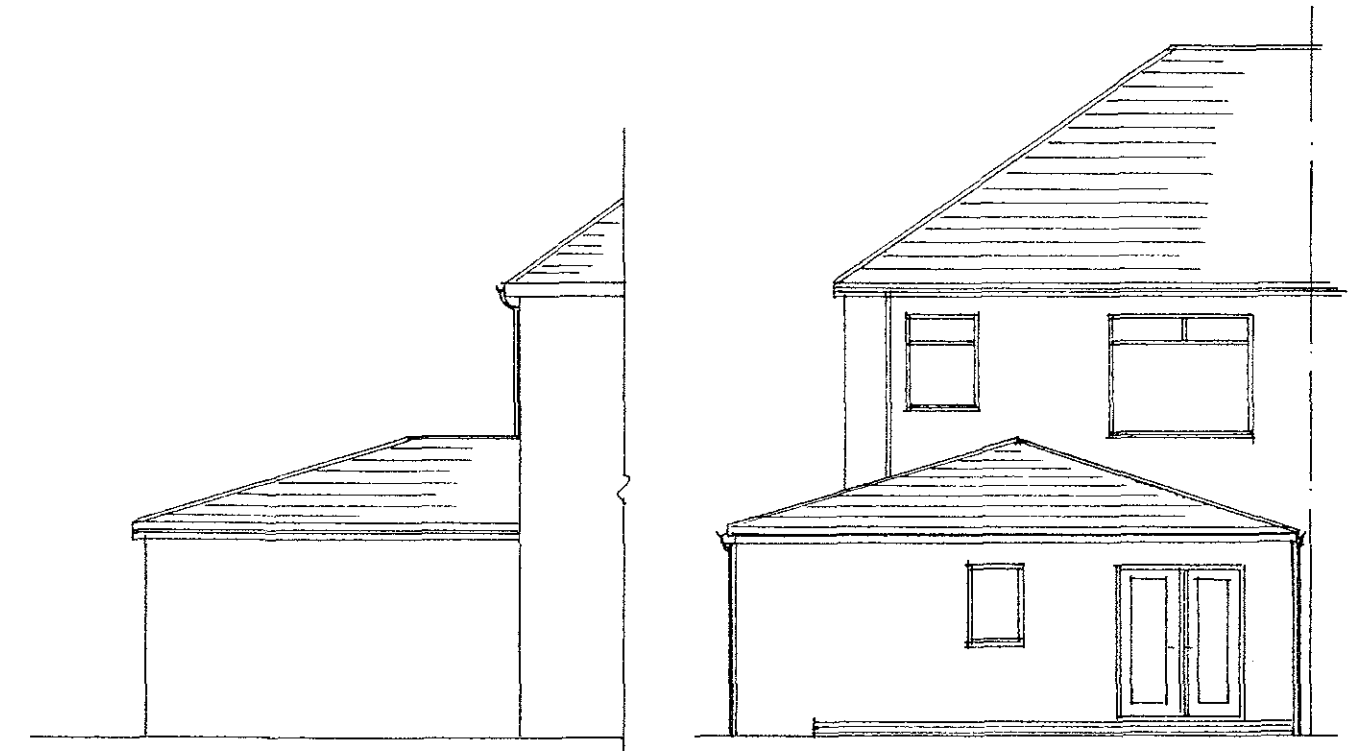
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DEGNº : 4169/1.  
DATE : JUNE 2017.



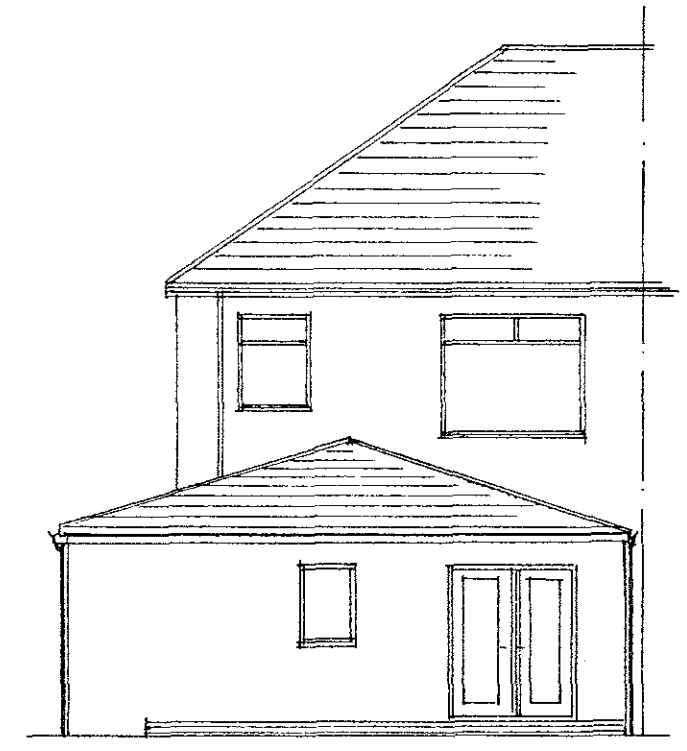
EXISTING FRONT ELEVATION.



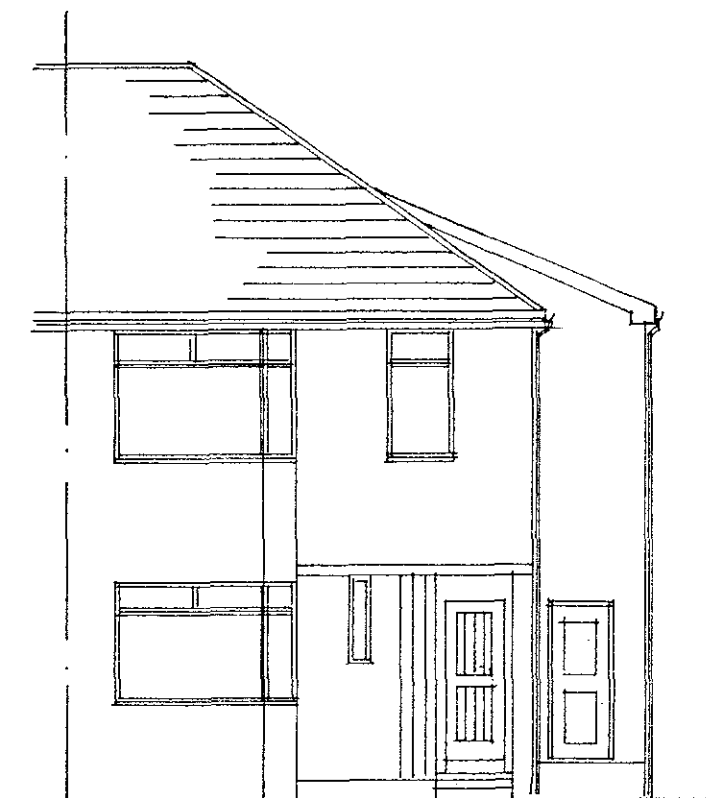
EXISTING SIDE ELEVATION.



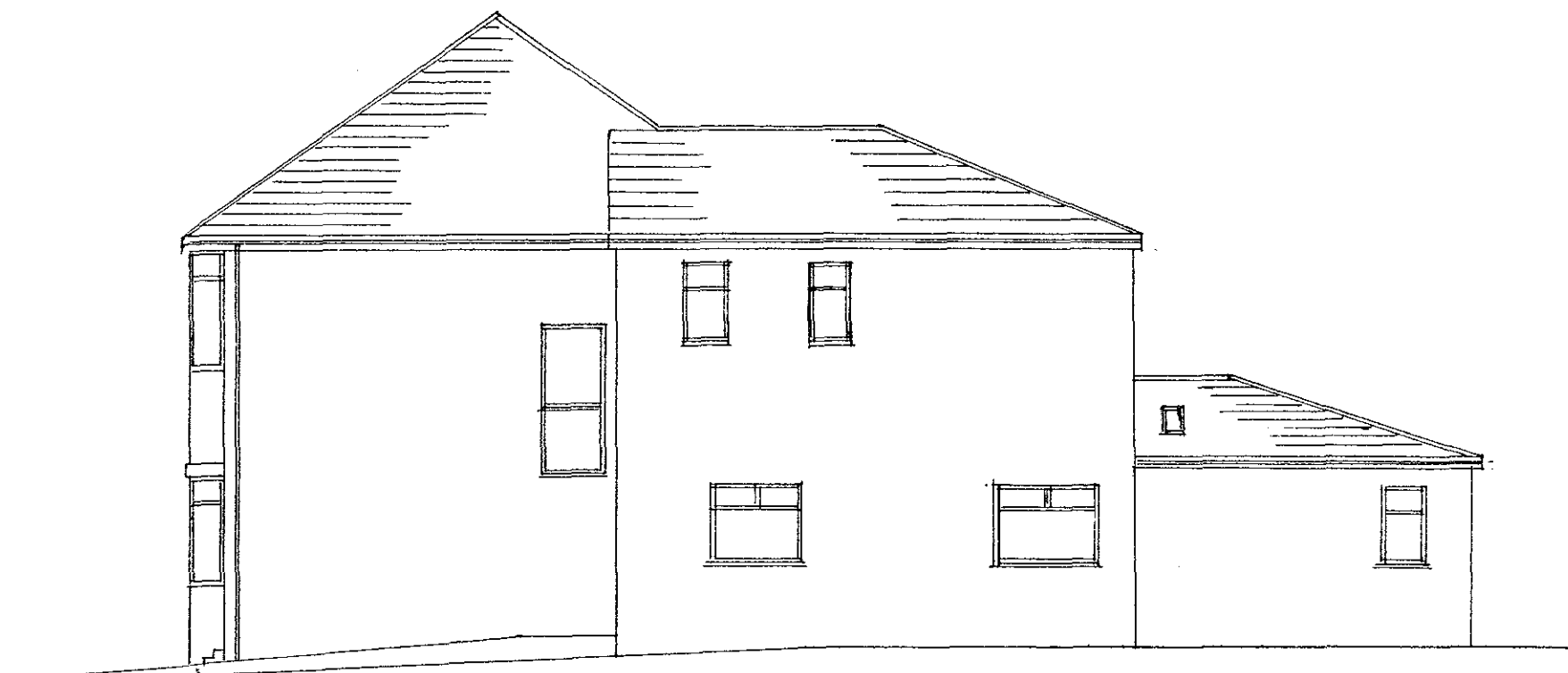
EXISTING SIDE ELEV<sup>N</sup> FROM NEIGHBOURS.



EXISTING REAR ELEVATION.



PROPOSED FRONT ELEVATION.



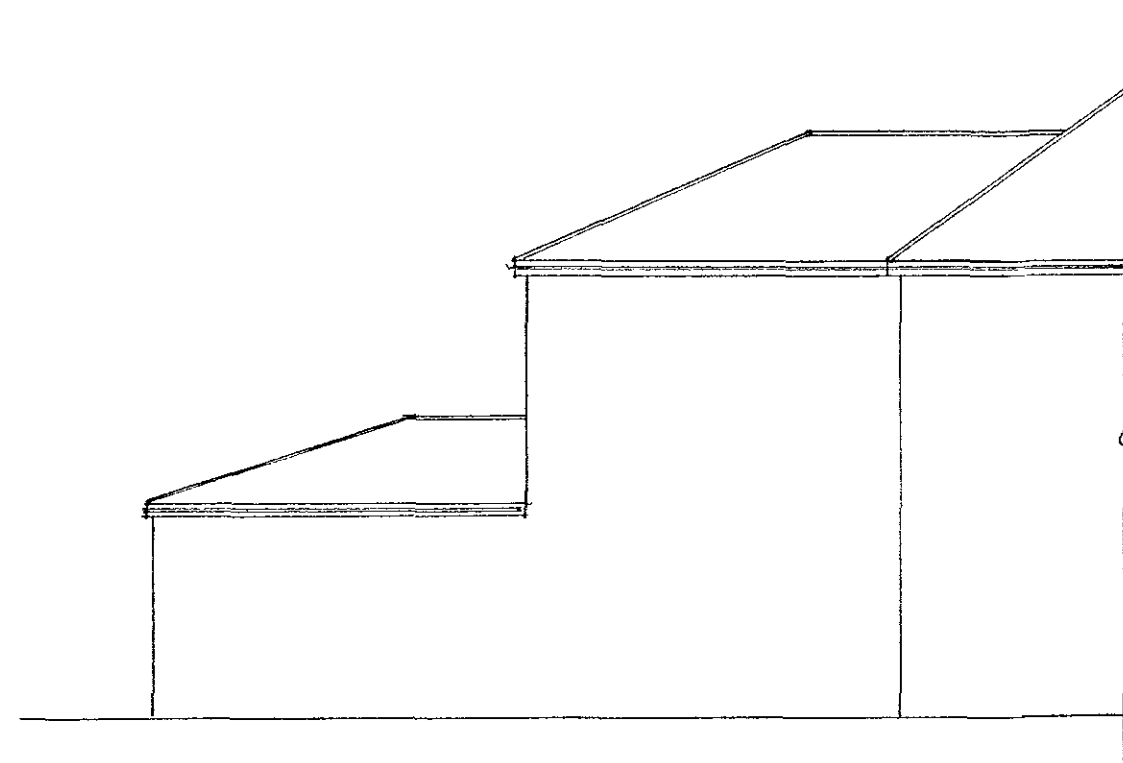
PROPOSED SIDE ELEVATION.

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PROPOSED 1st STOREY EXTENSION ABOVE EXISTING & SINGLE STOREY EXTENSION TO REAR.  
AT 32, MOORBURN AVE, GIFFNOCK.  
PER MRS KHAN.

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DRGNO: 4169/2.  
DATE : JUNE 2017.



PROPOSED ELEVATION FROM NEIGHBOURS.

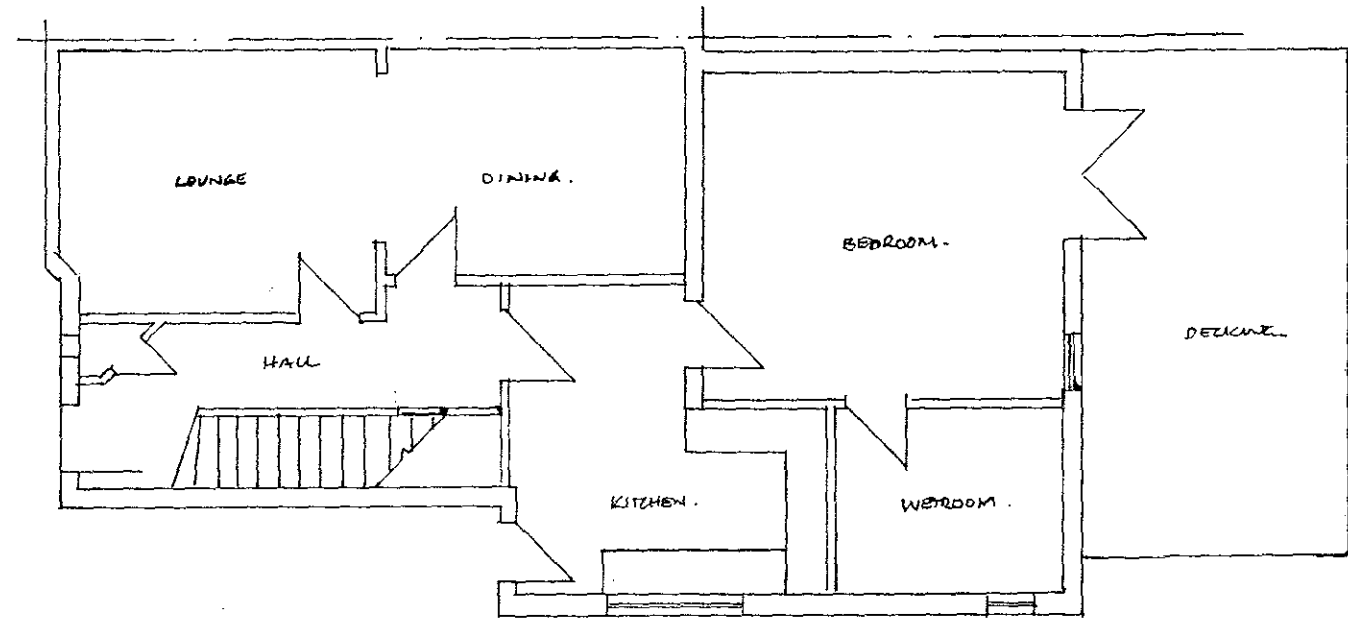


PROPOSED REAR ELEVATION.

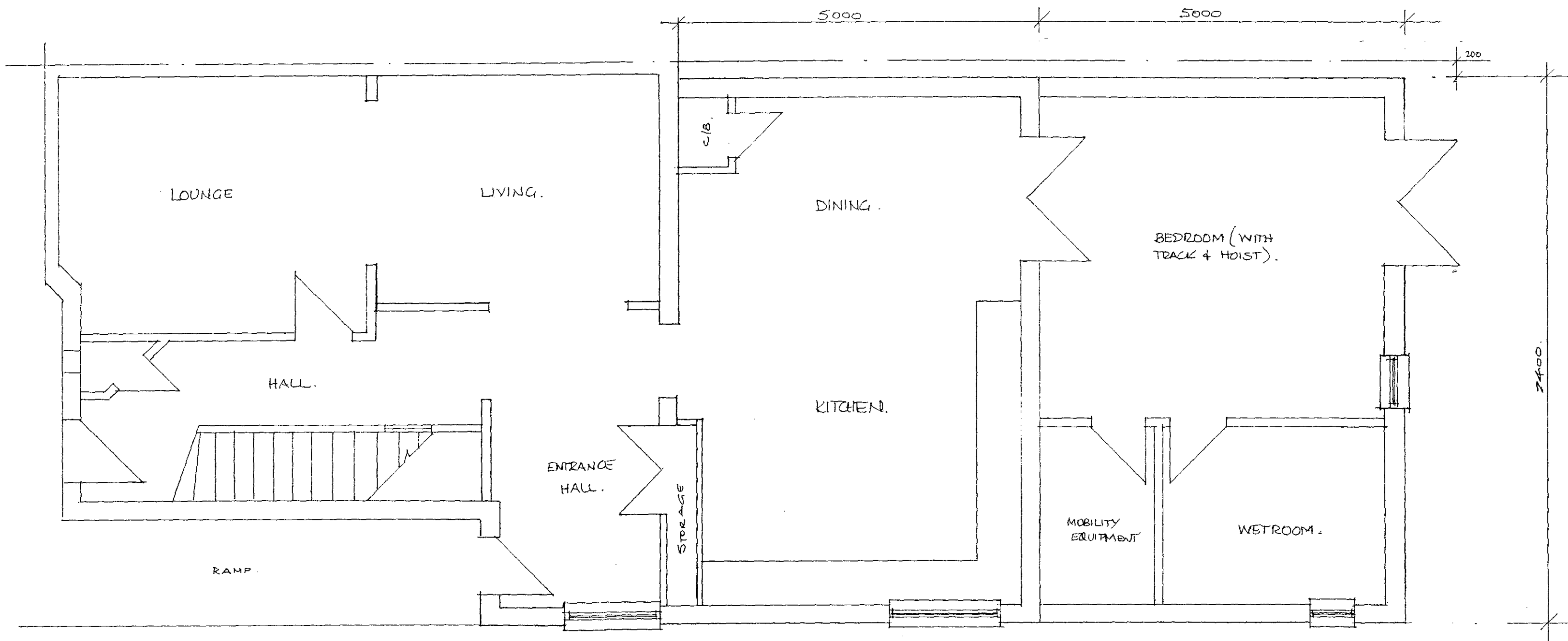
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PROPOSED 1st STOREY EXTENSION ABOVE EXISTING & SINGLE STOREY EXTENSION TO REAR.  
AT 32, MOORBURN AVE, GIFFNOCK.  
PER MRS KHAN.

SCALE : 1:50, 1:100.  
DRGNº: 4169/3  
DATE : JUNE 2017



EXISTING G.F. PLAN.

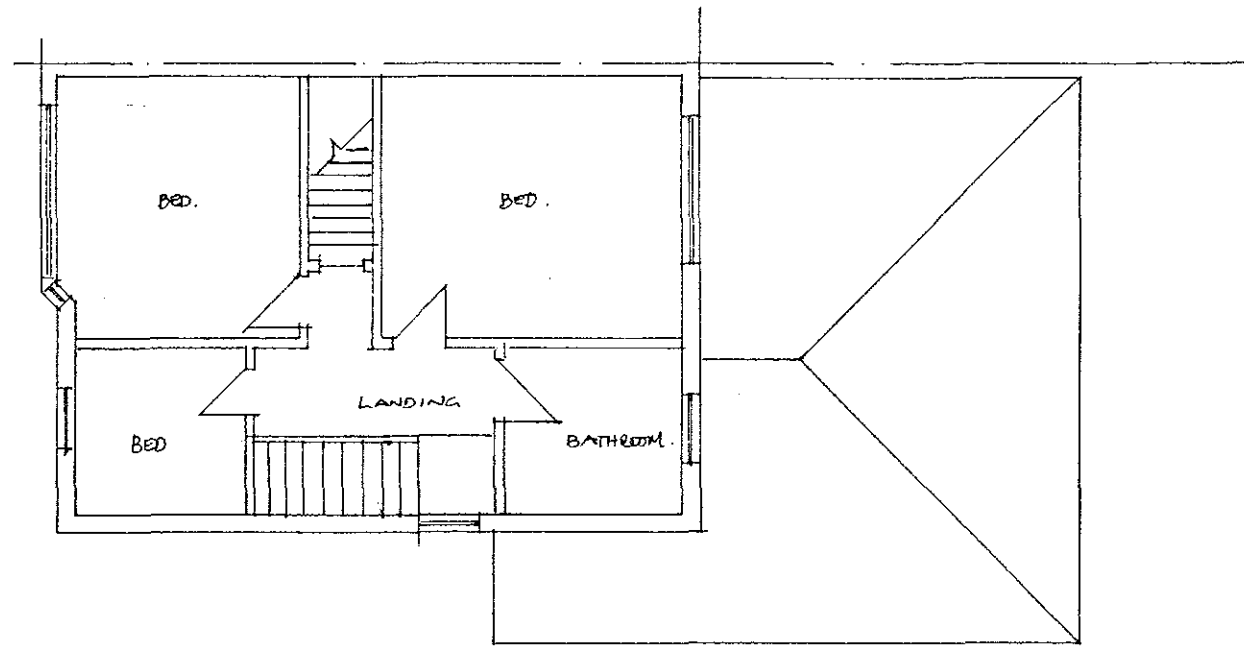


PROPOSED G.F. PLAN.

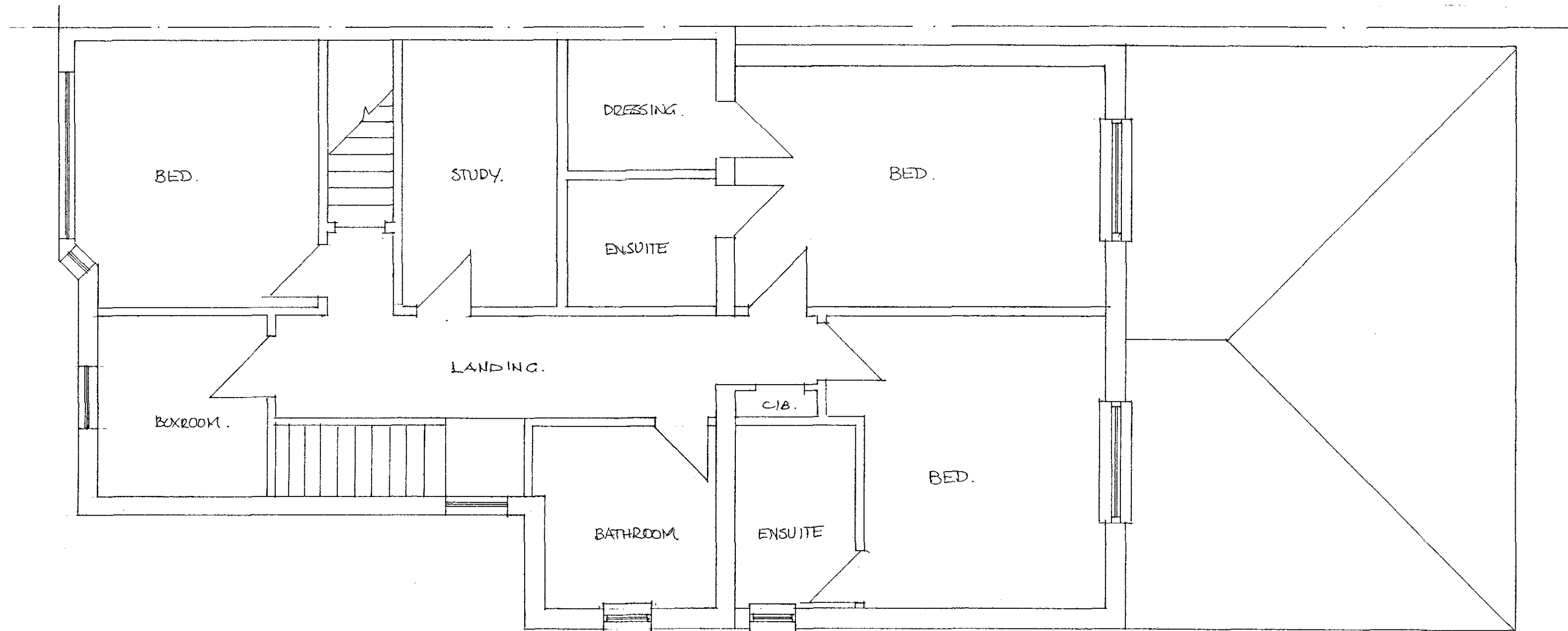
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PROPOSED 1st STOREY EXTENSION ABOVE EXISTING \* SINGLE STOREY EXTENSION TO REAR.  
AT 32, MOORBURN AVE, GIFFNOCK.  
PER MRS KHAN.

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DRG NO: 4169/4.  
DATE : JUNE 2017.



EXISTING 1st FLOOR PLAN.



PROPOSED 1st FLOOR PLAN.

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