

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY12 April 2017Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2017/06FORMATION OF DRIVEWAY IN FRONT GARDENAT 104 ORMONDE CRESCENT, NETHERLEE**PURPOSE OF REPORT**

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

DETAILS OF APPLICATION

2. Application type: Full Planning Permission (Ref No:- 2016/0853/TP).
Applicant: Mr and Mrs David and Victoria Pearson.
Proposal: Formation of Driveway in Front Garden.
Location: 104 Ormonde Crescent, Netherlee.
Council Area/Ward: Netherlee, Stamperland and Williamwood (Ward 4).

REASON FOR REQUESTING REVIEW

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

RECOMMENDATIONS

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

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

BACKGROUND

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

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

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

NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW

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

9. The applicants are entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and have indicated that their stated preference is a site inspection.

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

11. Members will recall however that 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 agreed to carry out an unaccompanied site inspection on Wednesday, 12 April 2017 immediately before the meeting of the Local Review Body which will begin at 2.30pm on that date.

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

15. The applicants have also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and are attached as Appendix 6 (Pages).

- (a) Refused - Location Plan;
- (b) Existing Block Plan;
- (c) Refused – Proposed Block Plan;
- (d) Visibility Splay; and
- (e) Refused – Proposed Front Wall Elevation.

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:- March 2017

**APPLICATION
FOR
PLANNING PERMISSION**

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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	MR & MRS	Ref No.	
Forename	DAVID & VICTORIA	Forename	
Surname	PEARSON	Surname	
Company Name		Company Name	
Building No./Name	104	Building No./Name	
Address Line 1	ORMONDE CRESCENT	Address Line 1	
Address Line 2	NETHERLEE	Address Line 2	
Town/City	GLASGOW	Town/City	
Postcode	G44 3SW	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Postal Address or Location of Proposed Development (please include postcode)			
104 ORMONDE CRESCENT NETHERLEE G44 3SW			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Type of Application			
What is the application for? Please select one of the following:			
Planning Permission		<input checked="" type="checkbox"/>	
Planning Permission in Principle		<input type="checkbox"/>	
Further Application*		<input type="checkbox"/>	
Application for Approval of Matters Specified in Conditions*		<input type="checkbox"/>	
Application for Mineral Works**		<input type="checkbox"/>	
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:		Date:	
**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.			

5. Description of the Proposal

Please describe the proposal including any change of use:

PLEASE SEE ATTACHED PAPER APART.

Is this a temporary permission?

Yes No

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes No

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

Date started:

Date completed:

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

6. 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.:

DISCUSSED PROPOSAL WITH JOHN DRUGAN, IAN WALKER AND SEAN MCDRUID.

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

GARDEN AND PATHWAY .

9. 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 arrangements for continuing or alternative public access.

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

0

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

2

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

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes No

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

- Yes, connecting to a public drainage network
- No, proposing to make private drainage arrangements
- Not applicable – only arrangement for water supply required

What private arrangements are you proposing for the new/altered septic tank?

- Discharge to land via soakaway
- Discharge to watercourse(s) (including partial soakaway)
- Discharge to coastal waters

Please show more details on your plans and supporting information

What private arrangements are you proposing?

- Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)
- Other private drainage arrangement (such as a chemical toilets or composting toilets)

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes No

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network? Yes No

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding? Yes No

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes No Don't Know

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. 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.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling) Yes No

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? Yes No

If yes how many units do you propose in total?

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace? Yes No

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. 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 The 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:

Date:

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 _____ was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:

On behalf of:

Date:

CERTIFICATE B

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

I hereby certify that -


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

Name	Address	Date of Service of Notice
CANDLISH WIND U.F. CHURCH OF SCOTLAND	C/O ALAN HOLLOWAY HOLLOWAY MARTIN SOLICITORS 150 WEST GEORGE STREET GLASGOW G2 2HG	28/12/16

- (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:

Name	Address	Date of Service of Notice

Signed:



On behalf of:

VICTORIA & DAVID PEARSON

Date:

29/12/16

CERTIFICATE C

Certificate C 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 it has not been possible to identify ALL or ANY owners/agricultural tenants.

(1) I have been unable to serve 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.

or

(2) I have been unable to serve notice on **any** person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates.

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

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant.

or

(5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons 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:

Name	Address	Date of Service of Notice

(6) I have _____ taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have _____ been unable to do so.

Steps taken:

Signed:

On behalf of:

Date:

CERTIFICATE D

Certificate D is for use where the application is for mineral development.

(1) No person other than myself _____ was an 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 accompanying application.

or

(2) I have _____ served notice on each of the following persons other than myself _____ who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

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

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have _____ served notice on each of the following persons other than myself _____ who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant.

(5) Notice of the application as set out below has been published and displayed by public notice

Signed:

On behalf of:

Date:

CERTIFICATE E

Certificate E is required where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land and there are or are not agricultural tenants.

I hereby certify that -

(1) No person other than myself _____ was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants.

or

(1) No person other than myself _____ was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants. These people are:

Name	Address	Date of Service of Notice

(3) I have _____ taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and have _____ been unable to do so.

Steps taken:

Signed:

On behalf of:

Date:

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

COPIES OF OBJECTIONS/REPRESENTATIONS

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Comments for Planning Application 2016/0853/TP

Application Summary

Application Number: 2016/0853/TP

Address: 104 Ormonde Crescent Netherlee East Renfrewshire G44 3SW

Proposal: Formation of driveway in front garden

Case Officer: Mr Ralph Howden

Customer Details

Name: Mr Rod Ross

Address: 107 Ormonde Crescent, Netherlee, East Renfrewshire G44 3SW

Comment Details

Commenter Type: Rec'd Neighbour Notification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I remain concerned, as with the previous application by the applicant for similar works, that the description of the works on the application, and therefore on associated notices, is misleading: this is not a proposal to build a driveway, but for change of use of part of the front garden to car parking.

My main concerns are:

- *The application is for an unacceptable change of use
- *The proposal would create an undesirable precedent for the red-sandstone area of Netherlee
- *The proposal is contrary to the aims and objectives of the Article 4 Directive
- * the loss of garden area will have an undesirable visual impact
- *Car parking in the garden area will diminish the appearance of the property and immediate vicinity
- *Loss of street parking will create further parking pressure in addition to existing entrances and a disabled parking bay
- *The un-broken stone boundary wall is a key feature of the Article 4 area and in Ormonde Crescent in particular
- *Damaging the aesthetic quality of the street as described in the Article 4 directive will impact and reduce values of neighbouring properties.

The applicant has submitted a 12 page, 46 paragraph document to support their application. I do not wish to have to comment on every point, but will group my comments into relevant sections: pp 5&6 The applicants purchased the property relatively recently, and while expecting their first child. They were well aware of the availability of roadside parking at that time. The health or circumstances of non resident family members is not relevant and should be disregarded. Ormonde Crescent is an extremely quiet road with virtually no through traffic. Traffic speed outside the applicant's property is especially slow due to proximity of the bend and lane entrance. We live

opposite the property and have never experienced safety issues regarding loading our small children into our vehicle.

pp 10 - 13 The proposal, to remove part of the 1926 built front garden wall, and to park vehicles in the front garden, is clearly visually detrimental to an area where the front gardens and walls are an intrinsic characteristic. The detrimental factor is removal of the wall and parking of vehicles in the garden; the nature of the proposed surface will do little to reduce this.

pp17- 21 The proposal to remove hedges and improve sightlines will only serve to increase the speed of passing traffic, which will be of concern to all residents.

pp22 - 23 Provision of a private driveway will reduce street parking in an area which already is under-provided. Although the proposal is to provide off street parking for their own use, in reality street parking for other residents will be permanently reduced, even when the applicant's vehicles are not present. Effectively reserving "private parking" is therefore unfair on other residents.

p24 The fact that part of the feature stone wall will remain is not a justification to remove part of it.

pp28&29 Parking for cars is clearly a hard surface. Removing a substantial area of vegetation and topsoil will have an adverse impact on drainage in the area. As the site is at the top of a hill this will have knock-on impact on sites lower down the hill, as well as accelerating run-off.

pp 30 - 44 I am extremely concerned that in this section the applicant has made several untrue statements and other highly misleading comments.

p30 "50% of the end terraced houses have driveways". This is not true. There are 8 end terrace houses on the street, only 3 have driveways.

p32 "driveways are not an unusual feature in the wider Article 4 area". This is again completely untrue. (I suspect the applicant meant to say "in the wider Netherlee area", but in doing so is attempting to compare the Article 4 area with the adjacent bungalow areas, which obviously tend to have driveways as integral design features.)

p33 it is nonsense to assert that in Ormonde Avenue 10 houses out of 130 constitutes "a Similarly high percentage". 7% is NOT a high percentage. This is a similarly (in fact identical) LOW percentage to Ormonde Crescent.

p35 It is not true that the property "would look similar to other properties in the area". THIS IS NOT A DRIVEWAY APPLICATION, BUT A GARDEN PARKING APPLICATION. Not a single one of the 169 houses in Ormonde Avenue or Ormonde Crescent referred to by the applicant have front garden parking.

p37 I disagree with the applicant. My house overlooks the affected garden area, and the change of use to car parking proposed would be extremely intrusive and detrimental to the outlook of my property. The proposal to park vehicles in the front garden would most definitely be incongruous, with NO OTHER houses in the street having this feature.

p38 This comment refers to an untrue statement made later in the submission, and should be ignored.

p39 The Authority has correctly identified that the front boundary wall is an integral feature of the 1926 design. EVERY WALL IN ORMONDE CRESCENT IS CURRENTLY INTACT IN ITS ENTIRETY. Any reduction in the design integrity of the street and area should be extremely unwelcome.

pp41-44 I am concerned that this section is particularly misleading due to the examples given:

1 Ormonde Drive - This is the only house in the entire Article 4 area where front garden parking has been permitted. However, it is not comparable to the applicant's case as it is adjoining commercial premises; it is shielded by high hedges and the property it benefits is within a parking prohibited area.

120 Ormonde Avenue - THIS IS UNTRUE AND FICTIOUS. This property is an end terrace, raised above street level at the front, with no driveway, vehicle access or garage.

532 Clarkston Road - This property is one of three semi-detached properties in a row, the other two already having driveways. The visual impact was again negligible due to high hedges. The application was for a driveway, not change of use of garden area. The property was, at the time, in a parking restricted area, unlike the applicant's property.

34 Williamwood Park West - This was an alteration to an existing driveway, and therefore entirely irrelevant to the applicant's case.

p43 The applicant states "close proximity", but must be aware that the nearest of these properties (excluding the erroneous Ormonde Avenue example) is at least 600m away from the property. Neither the Ormonde Drive nor Clarkston Road properties given as comparisons share the secluded nature, low traffic volumes and un-altered characteristics of Ormonde Crescent.

p45 - The applicant has invoked their rights under Articles 1 and 8 of the European Convention on Human Rights. In view of the righteous and noble aims of this convention, I consider this offensive and in bad taste, as well as being entirely irrelevant to the applicant's desire to park their car in their front garden. Ormonde Crescent provides a safe and harmonious environment in which to raise families, and to suggest otherwise is without any merit or foundation.

p46 The applicant again states "permission is sought for a driveway only". This is simply untrue and misleading. The applicant is seeking to park cars in their garden, which is entirely incompatible with the objectives of the Article 4 directive. In para 45 the applicant again gives their opinion that parking cars in their front garden "will not make a substantial visual difference to the property or the area." I disagree strongly. The Netherlee area has been designated for Conservation Area status in the Local Plan. Although this has yet to be ratified, it would be a sad loss for the architectural integrity of this unique area if this proposal were permitted and a precedent set for the destruction of walls, gardens and visual amenity across the Netherlee area.

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Wallace, Joan

Ack. 06/02/17 - RH.

From: Rod Ross [REDACTED]
Sent: 06 February 2017 15:07
To: Planning
Subject: 2016/0853/TP Application re 104 Ormonde Crescent - FAO Mr Ralph Howden
Attachments: img144.jpg

Dear Mr Howden,

I recently made representations to the Authority in respect of the proposed development by my neighbour, to which I am opposed. Since that date the Scottish edition of the Times published (2/02/2017) a letter which very eloquently states the arguments against permitting or carrying out "garden parking". I attach a copy for your information, and would ask that it is brought to the attention of the committee, as I believe it underlines the objections given in my representation.

yours sincerely

Rod Ross

107 Ormonde Crescent, Netherlee

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Garden parking

Sir, Further to your report (Jan 31) on garden parking, residents granted permission for dropped kerbs are in essence ensuring for themselves a parking space at all times but denying parking on the road in front of their property to other residents at all times, regardless of whether the resident is using the garden parking.

This is an issue in many inner suburbs, even those without residents' parking. The second issue is that of changing the streetscape. Even in conservation areas people are allowed (and possibly encouraged by the council for financial reasons) to tear down the front walls of pretty little front gardens to create a too-small parking area for a too-big 4x4, completely obliterating the front windows and generally spoiling the urban landscape. The whole business should be stopped. Garden parking is selfish in nature and adds nothing to the urban environment.

MICHAEL ROBINSON
London N10

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O'Neil, Paul [CE]

From: Rod Ross [REDACTED]
Sent: 17 March 2017 10:57
To: O'Neil, Paul [CE]
Subject: REVIEW/2017/06 104 Ormonde Crescent, Netherlee
Attachments: 104 planning appeal doc.docx

Dear Mr O'Neil,

Thank you of your letter of 3rd March advising of the above appeal and inviting further representations. We are extremely disappointed that the Planning Officer's decision in this case has been subject to appeal, and therefore attach our further comments and representation. We should be grateful if you would make our representation available to the Local Review Body.

yours sincerely

Rod [REDACTED] Ross

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104 Ormonde Crescent planning – Further representations in response to Notice of Appeal

We have raised our concern in our initial observations that the proposed scheme is inadequately described in the Application and associated Neighbour Notices as “Formation of Driveway in Front Garden”. The works proposed do not, in our opinion, conform with general understanding of “driveway” and the Notices gave no mention of creating an extensive parking area or change of use from garden. Any neighbour without access to the online portal, or without time or opportunity to visit the council office, would be wholly unaware of the extent or nature of the intended works. We feel this should be brought to the attention of the Local Review Body.

The applicant has submitted a further 3200 words in addition to the 12 pages of text submitted earlier in support of their application. However, they have chosen to largely ignore the main concerns we have raised, in respect of damage to the intrinsic nature of the Article 4 area, loss of on-street parking and creation of precedent. They have again focussed at length on analysis of other applications, which are either changes to existing driveways (34 Williamwood Park West) or are in very different circumstances (532 Clarkston Road and 1 Ormonde Drive). We note the application at 120 Ormonde Avenue, which is not available on the Planning Portal, *is 17 years old* and therefore of little immediate relevance today. We noted in our response that the development referred to at 1 Ormonde Drive is in very different circumstances, being adjacent to commercial premises, applying to a property with no available on-street parking and heavily screened by hedges. In contrast, the subject property is highly visible.

We note at pages 3 & 4 of their Review Statement, the applicants have ignored the Officer’s comment that the development “*will have an adverse visual impact on both the setting of the subject house*”. At page 4 the applicant states that parking cars in their garden cannot be considered incongruous or detrimental to the character of house or garden. We believe the photograph below, taken from our property, clearly demonstrates the extent to which this proposal is incongruous; intrusive; has adverse visual impact and is detrimental to the character of the property and the road.



We remain extremely concerned that permitting this development would create an adverse precedent throughout the Article 4 area. The applicant has argued that any precedent would apply to only end of terrace houses. We believe the precedent could be applied to any house within the area on a level site, of which there are very many. The applicant repeatedly argues that their proposal is not out of character as many houses in the Art 4 area have driveways. This ignores the actual nature of their application, viz to create a garden parking area. With the exception of 1 Ormonde Drive, noted above, ***there are no garden parking areas in Ormonde Crescent, Ormonde Avenue, Ormonde Drive, Deanwood Avenue or Parklands Road.*** We repeat our observation that the creation of such a precedent would be extremely damaging to the Article 4 area.

The applicant, at page 2, again repeats their concern over safety in Ormonde Crescent. Ormonde Crescent, as the applicant acknowledges at page 4 "is a quieter road setback from the main road". It has virtually no through traffic and is marked as a 20mph speed restriction zone. We have lived here for over 20 years and never been aware of any road traffic incident involving pedestrian safety. We observed previously that the applicant's proposal to remove hedges to improve sightlines, at a restrictive corner opposite a lane access, would in fact reduce safety by allowing vehicles to approach and navigate the curve at higher speeds. At page 5, the applicant specifies concerns for their personal safety using on-street parking, specifically in relation to child passengers. As highlighted in our previous observations, on-street parking is an intrinsic feature of this property, of which the applicant should have been well aware on purchase. We believe children have lived and been brought up *in every single house in Ormonde Crescent*. It remains unclear why the applicant thinks their own position requires special treatment. Reducing the availability of on-street parking to all residents, as the applicant is in fact proposing, will increase the likelihood of other parents having to walk further with their children between homes and vehicles.

The subject property lies at the heart of the Article 4 area and the proposed Conservation Area. It sits in a highly prominent position and retains many of the original design characteristics of the area. We believe there is no justification for the proposal on either grounds of safety or amenity. We believe our earlier points of objection were correctly reflected in the officer's Report of Handling.

Mr [REDACTED] R Ross

107 Ormonde Crescent

17/03/2017

REVIEW/2017/06 - 104 Ormonde Crescent

Victoria & David Pearson - Final representation in reply to objector's further comment

Our reasoning has previously been set out at length and addresses the objector's concerns. We apologise for any repetition created by the need for a response to his recent comments.

We are not trying to create an "extensive parking area" as alleged by the objector. We have already explained that we simply want a driveway as a safe space for our children to enter and exit our car and our plans are based on the Roads Service's minimum requirements for this.

Our neighbours are aware of the nature of our application. They have had the same notification of the proposed works as the neighbours in any other planning application. We have also discussed our plans with all other neighbours in the immediate vicinity and none of them have objected because no-one else has any issue with it. In fact, several neighbours have told us they think it is a good idea.

We note that the objector now recognises that the planning application for a driveway at 120 Ormonde Avenue that we referenced in our application was not a fabrication by us, as previously alleged by him. However, he now incorrectly states that this application is not relevant because it was granted some years ago. The application for a driveway at 120 Ormonde Avenue (a property near identical to ours, especially in terms of location) was granted at a time when the area was already protected by Article 4. Indeed in that application, the planning office found that "*Approval of the proposal is not considered likely to detract from the character of the article 4 area or adversely affect any neighbouring properties*". The aims and objectives of Article 4 have not changed since then and there is no material distinction between that property and ours so we cannot see how the planning office can rightly reach the opposite conclusion in our application.

Rather than our application setting a precedent, as stated by the objector, the precedent has already been set. At present, this precedent applies only to end-terraced and semi-detached houses because driveways have previously been granted for these house types. It does not and will not apply to mid-terraced houses unless and until permission is ever granted for a driveway in a mid-terraced house in the area. The clear distinguishing feature is that a driveway would take up the whole front garden of a mid-terraced house, whereas due to our property being an end-terrace with extra land to the side, we can accommodate a driveway to the side and still have a larger front lawn and garden than most mid-terraces.

We note that the photograph submitted by the objector conveniently misses out most of the view of our next door neighbours' driveway and garage adjoining our proposed site!

The objector has taken out of context our reasons for wanting a driveway. One of the applicants having grown up and lived in the Netherlee Article 4 area for more than 20 years, we chose to buy our family home here because we knew it was a good place to raise a young family. Irrespective of how safe an area may be, it is undoubtedly safer to get children in and out of a car away from passing traffic. Our house was advertised as having the potential for a driveway and prior to purchase we contacted the planning department who advised us that this would be a reasonable proposition. The objector argues that we are looking for special treatment but we are simply asking to do the same thing that other applicants in comparable properties have been allowed to do.

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REPORT OF HANDLING

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REPORT OF HANDLING

Reference: 2016/0853/TP

Date Registered: 12th January 2017

Application Type: Full Planning Permission

This application is a Local Development

Ward: 4 -Netherlee Stamperland Williamwood

Co-ordinates: 257631/:659060

Applicant/Agent: Applicant: Agent:

Mr And Mrs David And Victoria

Pearson

104 Ormonde Crescent

Netherlee

East Renfrewshire

G44 3SW

Proposal: Formation of driveway in front garden

Location: 104 Ormonde Crescent

Netherlee

East Renfrewshire

G44 3SW

CONSULTATIONS/COMMENTS:

Roads Network Manager

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

2004/0598/TP	Installation of side dormer window and one front and two rear rooflights	ASTC	09.08.2004
2007/0233/TP	Erection of single storey rear extension	ASTC	12.04.2007
2016/0254/TP	Formation of driveway in front garden and erection of fence and gate to rear and side	REF	06.09.2016

REPRESENTATIONS:

1 representations have been received:

Representations can be summarised as follows:

Unacceptable change of use

Undesirable precedent

Visual impact and impact on the character of the area
Loss of street parking
Loss of section boundary wall
Negative impact on Article 4 area and property values.

The representation also makes comment on the Supporting Statement submitted by the applicant.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS: Supporting Statement from applicant.

ASSESSMENT:

The application site comprises of a red sandstone two storey end terraced house and curtilage on the west side of Ormonde Crescent within an established residential area of Netherlee. The application site has a more generous curtilage than most of the other houses in the street. The site sits within the Netherlee Article 4 area. The Article 4 area largely consists of houses of similar style and its largely this uniformity of character and age, style and quality of the building materials which makes it worthy of protection. The area has been identified in the Council's Local Development Plan as a suitable area for Conservation Area status.

The proposal is for the formation of a driveway and associated parking areas in the front garden of the property. An earlier planning application (2016/0853/TP) to form a driveway was refused in September 2016. The revised proposal will involve removing sections of the front boundary wall, widening the existing pedestrian access from 1.2m to form a vehicle access 3m wide. A section of red mono-blocks, approximately 1.5m deep will be formed at the widened access and an area of lawn 8m wide by 8m deep beyond this will be replaced by red chips. This area will be used to park two cars side by side in the front garden area. A separate area of lawn in front of the house will be retained.

This application differs from the earlier application in that the driveway/parking area was to be formed from red paving blocks in its entirety and the driveway opening would have been 5.6m wide. The earlier application also proposed erecting a fence at the foot of the driveway.

The applicant has submitted a report and a supplementary submission in support of the current proposal.

The proposal is required to be assessed in terms of the Council's Local Development Plan (LDP), in particular Policies D1 and D11 and any other material considerations including the Council's adopted Supplementary Planning Guidance (SPG): Management and Protection of the Built Heritage. These policies seek to ensure that developments are sympathetic to the character of the area.

Policy D1 (1) states that developments should not result in a significant loss of character or amenity to the surrounding area. Additionally under criteria D1(2) it confirms that proposal should respect the local architecture, building form and design and materials.

It also states under D1(9) that all developments must meet the Council's access requirements.

Policy D11 states that the Council will continue to safeguard the special character of the Conservation Areas and the Netherlee Article 4 area and that development likely to prejudice that character will be resisted. This policy is considered of particular relevance to the assessment of

the current proposal. Further guidance on developments within the Conservation Areas or Article 4 area is contained within the Supplementary Planning Guidance (SPG) – Protection of the Built Heritage.

The character of the Article 4 area is in part defined by the front gardens with access paths and the low front boundary walls. The application will involve removal of part of the front boundary wall, a feature which is generally consistent in design, scale and materials throughout the larger part of the Article 4 area.

The formation of a driveway and associated parking areas will have additional and significant impact on the character of the application property and neighbouring properties. There are very few driveways in the area and particularly not to unbroken terraces. Where driveways are present they tend to pre-date the Article 4 area. Many are to properties which adjoin road junctions where their presence is less visually intrusive and some serve different house types such as detached or semi-detached properties.

While the applicant has sought to change the position and intended materials for the driveway/parking areas from those indicated in the earlier planning application these changes do not materially change the impact that the formation of a driveway and parking cars in the front garden will have. The formation of any driveway in the front garden will introduce an intrusive and incongruous addition in the street that does not respect the character of the area and will have an adverse visual impact on both the setting of the subject house.

The application site is considered a particularly inappropriate site to introduce parking areas to the front of the house as it sits in a prominent elevated position in the street. Parking cars in this position will form an incongruous addition to the streetscape to the detriment of the character of the house and street. Allowing this application may result in sporadic application for similar developments to neighbouring properties to the general detriment of the established character of the Article 4 area. The applicant has himself cited various examples of driveways in the area. It is considered that if granted this proposal would be one of the more prominent and incongruous driveways in the Article 4 area.

The consultation response from the Council's Roads Service notes that vehicles will not be able to safely egress from the driveway unless the existing sight lines have been improved by removing or reducing hedging /shrubs within the front garden of the neighbouring house at number 106 Ormonde Crescent. It is understood that the owners of number 106 have agreed to sell this corner of their front garden to the applicant if planning permission is granted. It is only by undertaking this purchase and works that the applicant would be able to meet the visibility splay required by the road service. This additional apportioning of part of the neighbours garden will increase the exposure and impact of the proposal.

The matters highlighted in the representation are generally accepted and been referred to above. The loss of street parking and property values are not however a material planning consideration.

The applicant has cited particular needs as a parent of young children and the disabled needs of visiting members of his family. These matters are not a material consideration in this case. There are many residents in the area with similar circumstances who accept that the absence of dedicated parking within their properties is outweighed by the other benefits which residing in the Article 4 areas gives. A case for an on-street disabled parking space could be made separately.

The applicant has highlighted other driveway consents in the Article 4 area. These are however considered of different character and position in the streetscape. Every application is determined on its own merits. It is considered that there are significant differences in setting between those planning approvals and the current application.

In summary therefore noting the above the proposal is considered to be contrary to the provisions of Policies D1 and D11 of the LDP and the requirements of the SPG, and it is considered that there are no significant material considerations that outweigh the provisions of the Development Plan. Therefore it is recommended that planning permission is refused.

RECOMMENDATION: Refuse.

Reason: The proposal is contrary to Policy D1 as it would as a result of not respecting the local architecture and built form have a detrimental impact on the setting of the subject dwellinghouse and the character and visual amenity of the Article 4 Area.

Reason: The proposal is contrary to Policy D11 of the East Renfrewshire Local Development Plan and the Supplementary Planning Guidance (SPG): Management and Protection of the Built Heritage as it will result in incongruous changes to the front garden of the property to the detriment of the character and visual amenity of the Article 4 Area.

PLANNING OBLIGATIONS: None.

ADDITIONAL NOTES: None

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Ralph Howden on 0141 577 3694.

Ref. No.: 2016/0853/TP
(RAHO)

DATE: 20th February 2017

DIRECTOR OF ENVIRONMENT

Reference: 2016/0853/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 solms 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 20/02/2017.IM.

**DECISION NOTICE
AND
REASONS FOR REFUSAL**

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

REFUSAL OF PLANNING PERMISSIONRef. No. **2016/0853/TP****Applicant**

Mr And Mrs David And Victoria Pearson
104 Ormonde Crescent
Netherlee
East Renfrewshire
G44 3SW

Agent:

With reference to your application which was registered on 12th January 2017 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Formation of driveway in front garden**at: 104 Ormonde Crescent Netherlee East Renfrewshire G44 3SW**

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 as it would as a result of not respecting the local architecture and built form have a detrimental impact on the setting of the subject dwellinghouse and the character and visual amenity of the Article 4 Area.
2. The proposal is contrary to Policy D11 of the East Renfrewshire Local Development Plan and the Supplementary Planning Guidance (SPG): Management and Protection of the Built Heritage as it will result in incongruous changes to the front garden of the property to the detriment of the character and visual amenity of the Article 4 Area.

Dated 20th February 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
Block Plan	0/2		
Location Plan	0/1		
Elevations Proposed	0/3		

GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS

REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY

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

CONTACT DETAILS

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

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

**NOTICE OF REVIEW
AND
STATEMENT OF REASONS**

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NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name DAVID + VICTORIA PEARSON

Address 104 ORMONDE CRESCENT
NETHERLEE

Postcode G44 3SW

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

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

Yes No

Planning authority

EAST RENFREWSHIRE

Planning authority's application reference number

2016/0853/TP

Site address

104 ORMONDE CRESCENT
G44 3SW

Description of proposed
development

DRIVEWAY IN SIDE GARDEN AREA

Date of application

12/01/2017

Date of decision (if any)

20/02/17

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures. However, please note that the Local Review Body is not bound to accede to your request(s) and will decide what procedure will be used to determine your review.

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

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

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

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

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

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 ATTACHED REVIEW STATEMENT.

Notice of Review

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

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

DOCUMENTS ALREADY PROVIDED AND UPLOADED TO PLANNING WEBSITE:

1. APPLICATION FORM
2. APPLICANTS' PAPER MAP ACCOMPANYING APPLICATION
3. LOCATION PLAN
4. EXISTING BLOCK PLAN
5. VISIBILITY SPREAD PLAN
6. LETTER FROM LAWYER (HOLLOWAY MARTIN) DATED 20/12/16
7. PROPOSED BLOCK PLAN
8. EXISTING & PROPOSED FRONT WALL ELEVATION PLANS

FURTHER DOCUMENTS AVAILABLE TO PLANNING OFFICER PRIOR TO DECISION:

9. LETTER FROM PLANNING OFFICER RALPH HOWDEN TO APPLICANTS DATED 27/01/17
10. APPLICANTS' EMAILED RESPONSE TO THE ABOVE LETTER DATED 07/02/17
11. FURTHER LETTER FROM LAWYER (HOLLOWAY MARTIN) DATED 07/02/17 (CONT)

SEE ATTACHED PAGE OF FURTHER DOCUMENTS

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

Checklist

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

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

I the applicant/agent ~~[delete as appropriate]~~ hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

Data Protection Act 1998

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

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

ADDITIONAL PAGE FOR NOTICE OF REVIEW
 DAVID & VICTORIA PEARSON
 104 ORMONDE CRESCENT, Q44 3SW
 2016/0853/TP

CONTINUED LIST OF DOCUMENTS AND EVIDENCE (PAGE 4)

THE FOLLOWING DOCUMENTS WERE ALSO REFERRED TO AND REFERENCED IN THE PAPER APPET (PARAGRAPHS 41 + 42) SUBMITTED AS PART OF THE ORIGINAL PLANNING APPLICATION:

12. REPORT OF HANDLING FOR FORMATION OF DRIVEWAY AT 1 ORMONDE DRIVE (2010/0804/TP)
13. DECISION AND RELATIVE DOCUMENTS FOR ALTERATIONS TO FRONT WALL TO FORM PEDESTRIAN AND VEHICULAR ACCESSES AND ERECTION OF CAR PORT AT 120 ORMONDE AVENUE (2000/0377/TP)
14. DECISION AND RELATIVE DOCUMENTS FOR ALTERATIONS TO FRONT WALL AND FORMATION OF VEHICULAR ACCESS AND DRIVEWAY AT 532 CLARKSTON ROAD (2001/0244/TP)
15. REPORT OF HANDLING FOR WIDENING OF DRIVEWAY ACCESS AT 34 WILLIAMWOOD PARK WEST (2011/0845/TP)

THESE DOCUMENTS ARE NOT AVAILABLE ONLINE BUT CAN BE VIEWED AT THE PLANNING AUTHORITY'S OFFICES. THE APPLICANTS' RELIANCE UPON THESE PREVIOUS DECISIONS IS CLEAR IN THE ORIGINAL APPLICATION AND BOTH THE PLANNING OFFICER AND OBJECTOR WOULD HAVE HAD ACCESS TO THESE. THE APPLICANTS ARE UNABLE TO SUBMIT THEM BECAUSE THEY WERE NOT PERMITTED TO TAKE COPIES WHEN VIEWING THE DOCUMENTS BUT IT IS IN THE INTERESTS OF FAIRNESS THAT THE PLANNING AUTHORITY MAKE THESE AVAILABLE TO THE LOCAL REVIEW BODY SHOULD THE REVIEW BODY WISH TO EXAMINE THEM. FOR THE REASONS STATED, THIS DOES NOT CONSTITUTE 'NEW INFORMATION'.

OTHER RELEVANT DOCUMENTS ARE:

16. ROADS SERVICE OBSERVATIONS DATED 18/01/17
17. REPORT OF HANDLING DATED 20/02/17

(BOTH UPLOADED
 TO PLANNING
 WEBSITE)

PAPER APART TO PLANNING APPLICATION**MR & MRS PEARSON - 104 ORMONDE CRESCENT****A. Brief Description of the Property**

1. 104 Ormonde Crescent (hereinafter referred to as "the Property") is a two-storey end-terrace red sandstone dwellinghouse with a substantial amount of garden space owned by the applicants, David and Victoria Pearson. The Property is located within the area of Netherlee that is subject to a direction in terms of Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (hereinafter referred to as the "Netherlee Article 4 Direction Area"). A location plan [**Document A**]. is attached with the full application site outlined in red to include the Property (owned by the applicants) and a small section of land currently owned by the proprietors of the neighbouring property, 106 Ormonde Crescent (which is required for visibility purposes).
2. Due to its positioning on the street, the Property has a very large front garden (for this type of residence), stretching the width of several residences on the opposite side of the road and amounting to more than twice the area of most mid-terraced houses on Ormonde Crescent and similar surrounding streets of Netherlee. There is also a significant amount of land to the side of the house (bounded with 106 Ormonde Crescent), as well as a back garden which is bounded by neighbouring properties (102 and 106 Ormonde Crescent) and an access lane to the rear.
3. Separating the Property from the pavement on Ormonde Crescent, there is a stone wall of approximately 50cm in height and 30cm depth with a footpath opening of 1m 20cm. There is no fence or gate. The footpath currently comprises red chip stones and runs from the entrance down and along the front and end-terrace side of the house, leading to the front door and back garden. An existing block plan is attached showing the current features of the Property relevant to this proposal [**Document B**].

B. Alterations for which Planning Permission is Sought

4. The applicants seek permission for the removal of a small section of the front wall and creation of a driveway within the front/side garden space of the Property.

C. Aims of the Proposal

5. The applicants' two-year-old child resides with them in the Property and they have a second baby due in January 2017. Both backseats of the applicants' car will soon occupy infant carseats, such that when parking on the road, one child will always have to enter and exit the car from the road, where traffic may be passing.
6. By this proposal the applicants aim to create car parking space on their own land, primarily for the safety of their children when transferring them to and from the car, as well as for two grandparents not residing in the Property who hold parking blue badges (mobility-related disability).

D. Background: Previous Decision and Amendments made

7. The applicants had previously submitted a proposal for a driveway and fencing which was registered on 4 July 2016 with reference 2016/0254/TP and recorded as refused on 6 September 2016.
8. The main reasons for refusal may be categorised as follows:
 - the Roads Service found that it was not possible to see far enough in the direction of 106 Ormonde Crescent without overlooking land which would be outwith the applicant's control (because it is owned by the proprietors of 106 Ormonde Crescent)
 - the Planning Department decision-maker did not find the visual appearance of the alterations to be consistent with the character of the Netherlee Article 4 Direction Area.
9. The applicants appreciate the reasoning behind the Roads' Service recommendation for refusal. Following clarification and further advice from the

Roads Service, the applicants have made changes to their plans and feel that the current proposal now complies with Roads Service requirements.

10. However, the applicants disagree with the previous decision-maker's view that the previous proposal was visually detrimental to the Netherlee Article 4 Direction Area. The applicants consider certain aspects of the reasoning in the previous planning decision to be factually incorrect as well as inconsistent with similar previous decisions applicable to other properties. These points will be addressed later in this document.
11. Despite their disagreement with certain aspects of the previous decision, the applicants are flexible in the details of their plans and sought advice from the Planning Department as to what would be more acceptable to them. However, information provided by different planning officers has differed and even with the support of a local councillor (Councillor Robertson) to try to obtain some answers to questions such as what materials would be more suitable, no clear guidance has been provided.
12. In the absence of advice from the Planning Department, the applicants have therefore carefully considered the relevant policies and guidance. The applicants acknowledge the legitimate aims of the Netherlee Article 4 Direction and have sought to design their proposed alterations in as conservative as possible a manner such as not to materially impact upon the character of the Netherlee Article 4 Direction Area. Every possible effort has been made to maintain the character of the area.
13. In this proposal the applicants have changed the materials proposed to be used for the proposed driveway from paving to red chip stones, as this seems to have been one of the reasons for refusal of the previous application.
14. If any aspect of the detail of this proposal is unacceptable to the planning department, the applicants would ask that they are contacted and allowed an opportunity to amend such aspect. It is submitted that this request is reasonable

in the circumstances that the applicants have been unable to obtain constructive advice prior to submitting this application.

E. Consistency with Article 4 Direction

15. The applicants believe that this proposal accords with the applicable laws and policies, including those set out below:

"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 the 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*

Policy D11 - Management and Protection of the Built Heritage

The Council will safeguard the special character of the 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"

F. Description of Proposal

i. Position of Driveway

16. The position of the driveway opening is selected to minimise interference with the existing wall (as an opening already exists there for the footpath), whilst ensuring the 20 metres visibility in each direction (2m x 20m x 1.05m, as required by the Roads Service). The required visibility splay can be seen on the attached visibility splay plan [**Document C**].

17. The neighbouring property at 106 Ormonde Crescent is owned by the Candlish Wynd United Free Church of Scotland. They have agreed to keep the area of land affecting the visibility of the applicants' driveway free of obstructions and to insert a condition (burden) into the title deeds of 106 Ormonde Crescent, such that this condition is legally binding and enforceable on themselves and any future owners of 106 Ormonde Crescent. Alternatively, they are willing to sell to the applicants the small area of their land that would be required for visibility purposes should this be required by the Roads Service or Planning Department, so that all land necessary for the visibility splay would be owned by the proprietors of 104 Ormonde Crescent.
18. Please see attached letter from Alan Holloway of Holloway Martin Solicitors who is the legal representative of the United Free Church of Scotland confirming their agreement to take steps to ensure the necessary visibility by way of inserting a condition in the title deeds or selling the necessary land to the applicants *[Document D]*.
19. The application could therefore be granted conditionally upon either of these conditions (burden in the title deeds or purchase of the area by the applicants) with the same effect that the land will remain clear of obstruction to ensure visibility over it in perpetuity. If the Planning Department or Roads Service have any queries regarding how either of these options would operate, the applicants would ask that they are contacted and if necessary further information can be provided by the legal representatives involved.
20. There is currently a hedge close to the front wall at the boundary of 104 and 106 Ormonde Crescent which will require to be cut down to a height of 1 metre or less. As well as enabling visibility for the proposed driveway, placing a condition upon whoever has control of this area of land to keep it free of obstructions would have the added benefit of improving visibility of all road users travelling on Ormonde Crescent. The positioning of the driveway opening would also present a useful passing place on a street where, due to parked cars, it is sometimes necessary to reverse quite some distance to allow a vehicle coming in the other direction to pass, thus increasing road safety.

21. It is proposed to drop the kerb of the pavement in line with the driveway position.

ii. Dimensions of Driveway

22. The dimensions of the driveway are detailed in the attached proposed block plan **[Document E]** and have been selected in order to enable vehicles to enter, turn and exit in forward gear, as advised by the Roads Service. There would be provision for two parking spaces, each measuring 2.5 metres by 5 metres, based on the Roads Service's recommendation.

23. A substantial proportion of the front garden would remain as greenery (lawn, flower beds etc) and would still comprise a larger such area than any other front garden on Ormonde Crescent, with the exception of the neighbouring end-terrace house no. 106.

iii. Alteration to Front Wall

24. It is proposed to extend the current pathway opening of 1m 20 cm to a width of 3 metres to allow for a combined footpath and driveway. This width of opening is selected based on advice from the Roads Service. There is currently no railing, gate or pillars present on the front wall (as is the case with all of the walls on the same side of Ormonde Crescent) so this would involve the simple removal of 1m 80cm of stone. There would be no gates or fence erected on the front wall in order to maintain as similar as possible an appearance to what presently exist. As per the attached plan **[Document E]**, 12 metres of front wall would remain (which is approximately twice as much wall as belonging to a single terraced property on the street).

iv. Sympathetic Materials

25. The current pathway to the front door and leading down the side to the back of the house comprises red chip stones. It is proposed to extend the pathway as

per attached plan [**Document E**] to allow for a driveway using red stone chips to maintain as similar as possible an appearance to the present pathway.

26. 2 metres of tegula red brindle paving (which is of a colour and appearance in keeping with the appearance of the red sandstone housing characterising the Netherlee Article 4 Direction Area) is proposed at the entry/exit point of the driveway. This feature is based on a recommendation from the Roads Service to have this amount of hardstanding (as a minimum).

27. It is noted that red chips are a common material used for paths and driveways in the Netherlee Article 4 Direction Area. Furthermore, several properties nearby on Ormonde Crescent have front gardens almost exclusively comprising stone paving and chips so this does not look out of place.

28. It is further noted that red chips are considered a soft, rather than a hard surface in terms of East Renfrewshire Council's Permitted Development Rights Guidance Note [page 15]:

"Hard Surfaces

This... does not include areas covered with chips"

It is inferred from the guidance that it would be permissible to introduce such an area without planning consent if this were to be used simply as a form of landscaping because it would not then be classed as a hard surface or a driveway (for which consent is required because Article 4 removes permitted development rights in these categories). If the applicants introduced such a landscaped area (e.g. for ease of maintenance), the visual appearance would be almost the same as if the area is utilised as a driveway.

29. It is understood that red chips are a good surface to allow for drainage but it is further noted that there should be no drainage difficulties at the site in any event as the land naturally gently slopes from the pavement on Ormonde Crescent back towards the house and this sloping will be maintained.

G. Inkeeping with the Area

i. Other Driveways in the Netherlee Article 4 Direction Area

30. It is noted that driveways in end-terraced houses are relatively common in the Netherlee Article 4 Direction Area. On Ormonde Crescent alone, 50% of the end-terraced houses (73, 106 and 110 Ormonde Crescent) currently have driveways (as well as garages) and those that do not would not reasonably be able to accommodate a driveway in terms of front garden space/topography.

31. In particular, it is noted that to the south-side of the Property, two out of the three houses have driveways, one being an immediate neighbour. These are in very close proximity to the Property such that driveways (and garages) are not an unusual feature of this part of the street.

32. Nor are driveways an unusual feature in the wider Netherlee Article 4 Direction Area. They are relatively few in number as the Netherlee Article 4 Direction Area only covers a small area and the housing is terraced such that end-terraced houses (i.e. those having the capacity for a driveway) are few compared to mid-terraced housing. Nonetheless, it is end-terraced houses that are the relevant comparator.

33. Formulating a comprehensive list of all driveways in the Netherlee Article 4 Direction Area would be very time-consuming and onerous. However, in Ormonde Avenue, which is the parallel and most comparable street to Ormonde Crescent, it can be seen that a similarly high percentage of end-terraced houses have driveways:

- 1 Ormonde Avenue
- 2 Ormonde Avenue
- 48 Ormonde Avenue
- 75 Ormonde Avenue
- 76 Ormonde Avenue
- 97 Ormonde Avenue
- 99 Ormonde Avenue

- 113 Ormonde Avenue
- 115 Ormonde Avenue
- 128 Ormonde Avenue

34. Most of the end-terraced houses on Ormonde Avenue without driveways instead have side garages that are visible from the road.

35. In light of all of the above, it is submitted that the proposal would not look out of place when considered against comparable properties in the surrounding area

ii. Response to Previous Report of Handling

36. It is however noted that the Report of Handling of the previously refused application (2016/0254/TP) stated that that proposal would "*result in the loss of a key characteristic features [sic] and will introduce intrusive and incongruous additions in terms of the proposed hardstanding and fencing.... to the visual detriment of the visual amenity of the area, contrary to the provisions of Policies D1 and D11 of the LDP*".

37. With regard to the present proposal, it is the applicants' position that:

- The only characteristic feature that could be said to be affected is the low front wall, a small piece of which would require to be removed. This is no different to any other driveway and the visual impact would be minimal, particularly given the substantial amount of wall that would remain.
- The proposed alterations cannot correctly be described as "intrusive" (within the normal meaning of the word) such as may be the case if some kind of construction (e.g. extension, garage etc) were proposed.
- The proposed alterations cannot correctly be described as "incongruous" given the significant percentage of comparable properties possessing driveways (some of which are in very close proximity).

38. Furthermore, this reasoning is precisely contrary to that of the planning authority in relation to several comparable applications, as detailed later in this document.

39. The Report also states that *"the area remains strongly characterised by low walls of stone (or brick) and not by large areas of pavements or high timber fencing"*. It is noted that there is no intention to remove or replace the entire wall. Further, the criteria for the acceptability of a proposal appear to be wrongly applied here. None of the guidance states that any alterations must characterise the area: the relevant question is whether the alterations *"result in a **significant** loss of character or amenity to the area"* [see D1 of Local Development Plan, emphasis added]. Once removed, the piece of wall would not look noticeably "missing" and such a minor alteration could not be said to result in loss of character of the area to any significant extent.

iii. Relevant Decisions

40. The applicants note that it is the planning authority's role to consider each application based on its individual merits but that there should also be a degree of consistency in the authority's approach to ensure a fair and proper exercise of its powers.

41. It is noted that, since implementation of the Article 4 Direction, driveways (including partial removal of front walls) have been authorised by East Renfrewshire Council in several other planning applications for similar properties in the Netherlee Article 4 Direction Area including the following:

- creation of driveway at 1 Ormonde Drive (2010/0804/TP)
- creation of driveway at 120 Ormonde Avenue (2000/0377/TP)
- creation of driveway at 532 Clarkston Road (2001/0244/TP)
- widening of already existing driveway at 34 Williamwood Park West (2011/0845/TP)

42. The impact on the character and amenity of the area was considered in each of the above decisions and the planning authority found the following:

- *"the proposed driveway can readily be accommodated at the site without impacting on the character or amenity of the area"* (1 Ormonde Drive)

- *"Approval of the proposal is not considered likely to detract from the character of the article 4 area or adversely affect any neighbouring properties"* (120 Ormonde Avenue)
- *"the garden is larger than average for this area. Consequently although there will be a hardstanding area, a lawn and planting can still be maintained thereby maintaining the character. The article 4 directive does not preclude against the proposed development"* (532 Clarkston Road)
- *"the proposed widened driveway can be readily accommodated at the site without impacting on the character or amenity of the area"* (34 Williamwood Park West)

43. All of the above are in close proximity to the Property and there is no distinction such as to justify a difference in reasoning. The applicants have been unable to find any applications for driveways in the Article 4 area that have been refused.

44. It is further noted that numerous driveways falling within the conservation area in Giffnock (which has a similar style of housing) have been authorised in by East Renfrewshire Planning Authority in recent years.




H. Conclusion

45. Local government controls on an individual's use of their property are permitted by law within the Netherlee Article 4 Direction Area. However, such controls should be reasonable and not excessively restrictive. There requires to be a degree of balancing of the rights of the individual (including the right to enjoyment of property under Article 1 Protocol 1 and right to private and family life in terms of Article 8 of the European Convention on Human Rights) against the public interest (such as maintaining the character of a protected area).

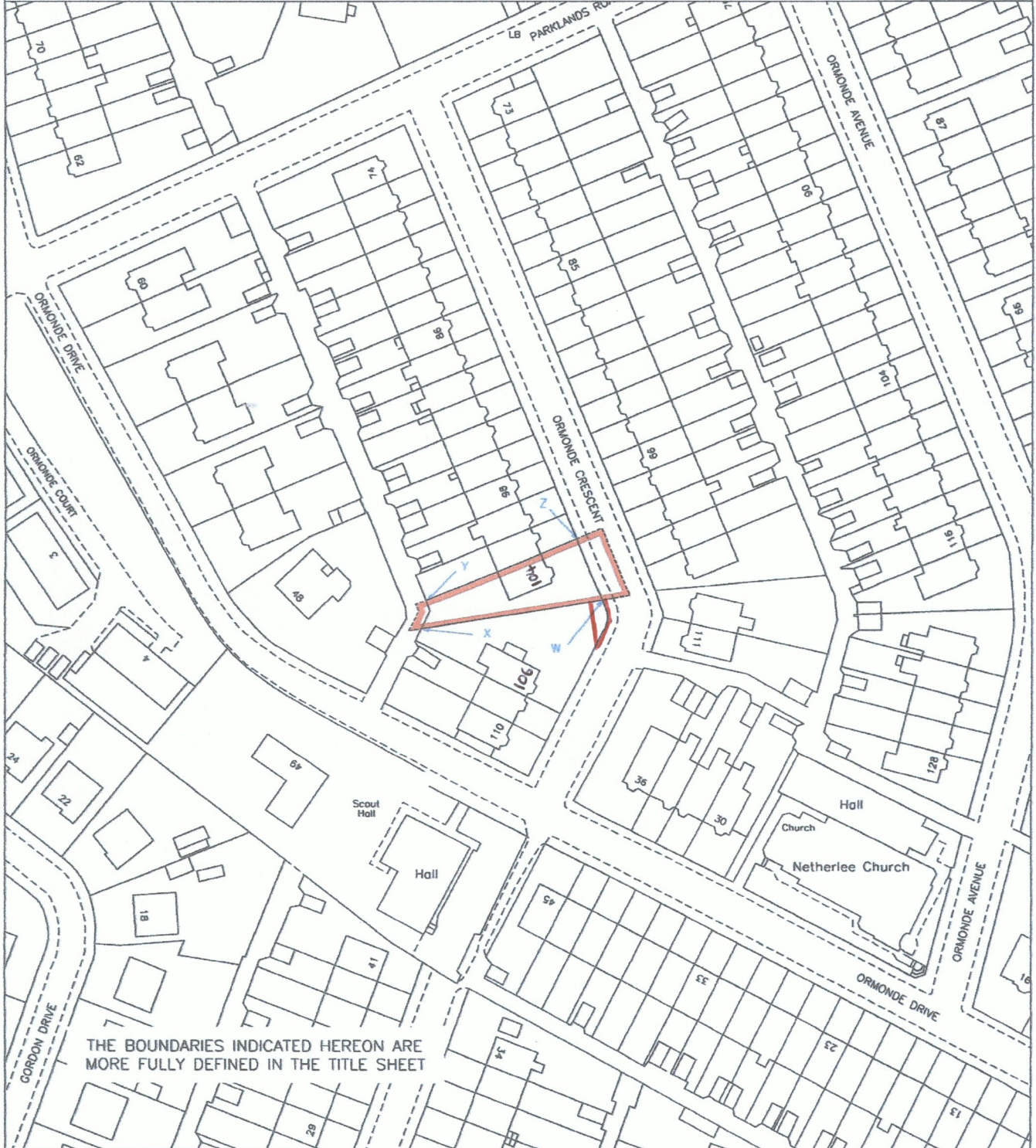
46. The applicants feel that this proposal adequately strikes that balance. They seek to use their property in a legitimate manner (to create a safe parking area for their very young children and disabled family members) with a high level of sensitivity to preserving the character of the area. Permission is sought for a driveway only, not for a garage which is common in end-terraced houses and would impact

considerably more on the appearance of the area. The proposed alterations are not major ones by any standards and will not make a substantial visual difference to the Property or the area. The proposal is intentionally designed with the minimum level of interference with the *status quo*.

DOCUMENT A : LOCATION PLAN

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	30204 20/10/1997	REN70246
 ORDNANCE SURVEY NATIONAL GRID REFERENCE		
	Survey Scale 1/1250	
NS5758NE NS5759SE		

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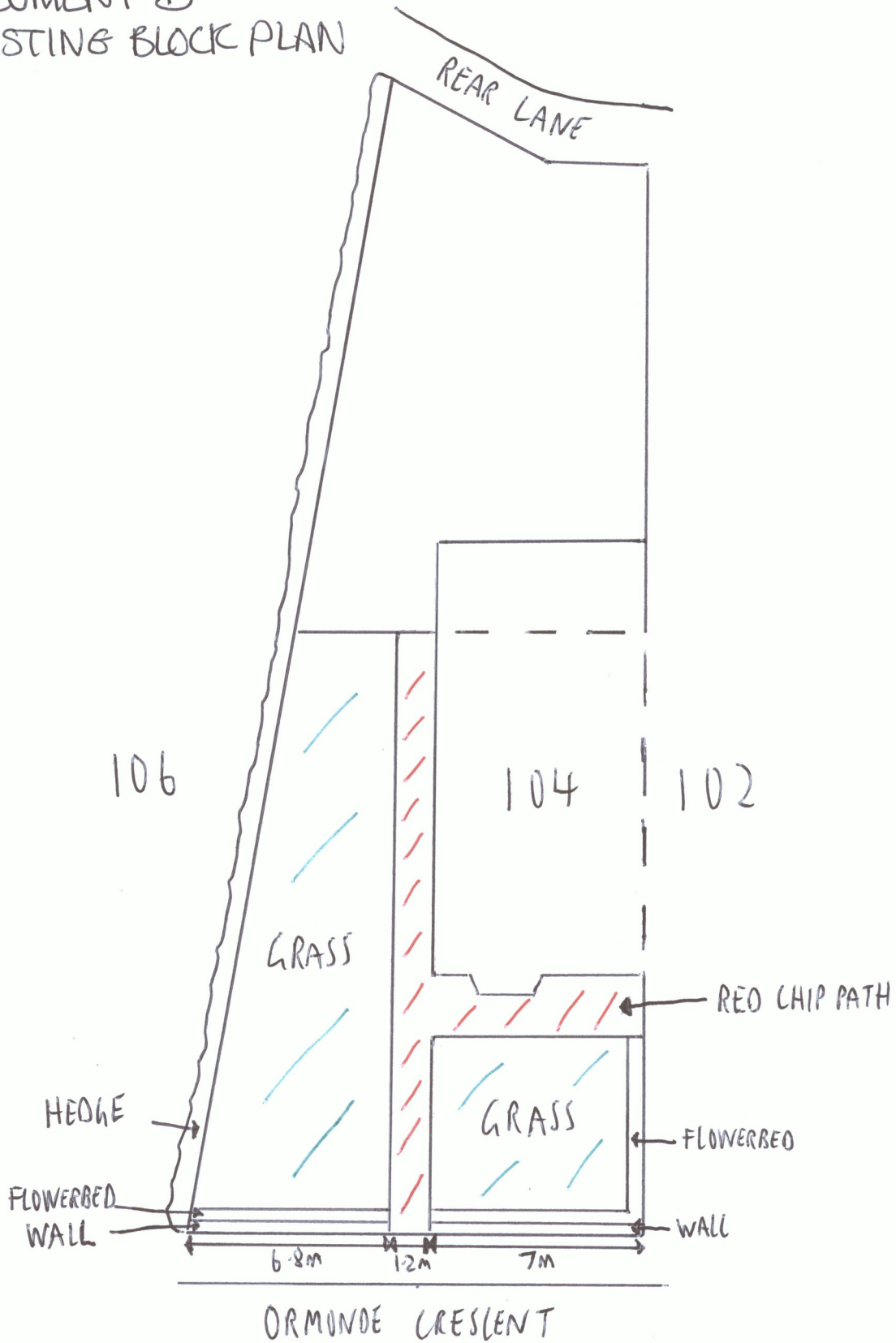


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104 ORMONDE CRESCENT
NETHERLEE
644 38W

193



DOCUMENT B
EXISTING BLOCK PLAN



SCALE 1:200

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DOCUMENT C: VISIBILITY SPLAY

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	30204 20/10/1997	REN70246
 ORDNANCE SURVEY NATIONAL GRID REFERENCE	70m	
	NS5758NE NS5759SE	Survey Scale 1/1250

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20 December 2016

Our Ref: AH/CANDL01-01/LM

Your Ref:

Mr & Mrs David Pearson
104 Ormonde Crescent
Muirend
Glasgow
G44 3SW

Dear Mr & Mrs Pearson

Candlish Wynd United Free Church of Scotland (Registered Scottish Charity Number SC004737)
Manse at 106 Ormonde Crescent, Muirend, Glasgow G44 3SW
Your property at 104 Ormonde Crescent, Muirend, Glasgow G44 3SW
Conveyancing in respect of visibility splay

I refer to our recent telephone conversation and your subsequent email and confirm that I act for the trustees of the congregation of the above church, the proprietors of the manse at 106 Ormonde Crescent. My clients have noted your intention to apply for planning permission for the construction of a driveway serving your property at 104 Ormonde Crescent and that this will require a visibility splay, which will have to include a small portion of the ground currently pertaining to the manse.

I confirm that my clients will be willing to co-operate with your proposals, either by conveying to you the ground required for the formation of the visibility splay, or by having an appropriate condition regarding the visibility splay inserted in the title to the manse which will be binding on the successive proprietors of both properties.

I will take full instructions and revert to you on the conveyancing detail. However, in the meantime, please be assured that my clients are happy to co-operate and I trust that this will assist you in progressing with the planning application. I will be in touch with you further in due course.

Yours faithfully

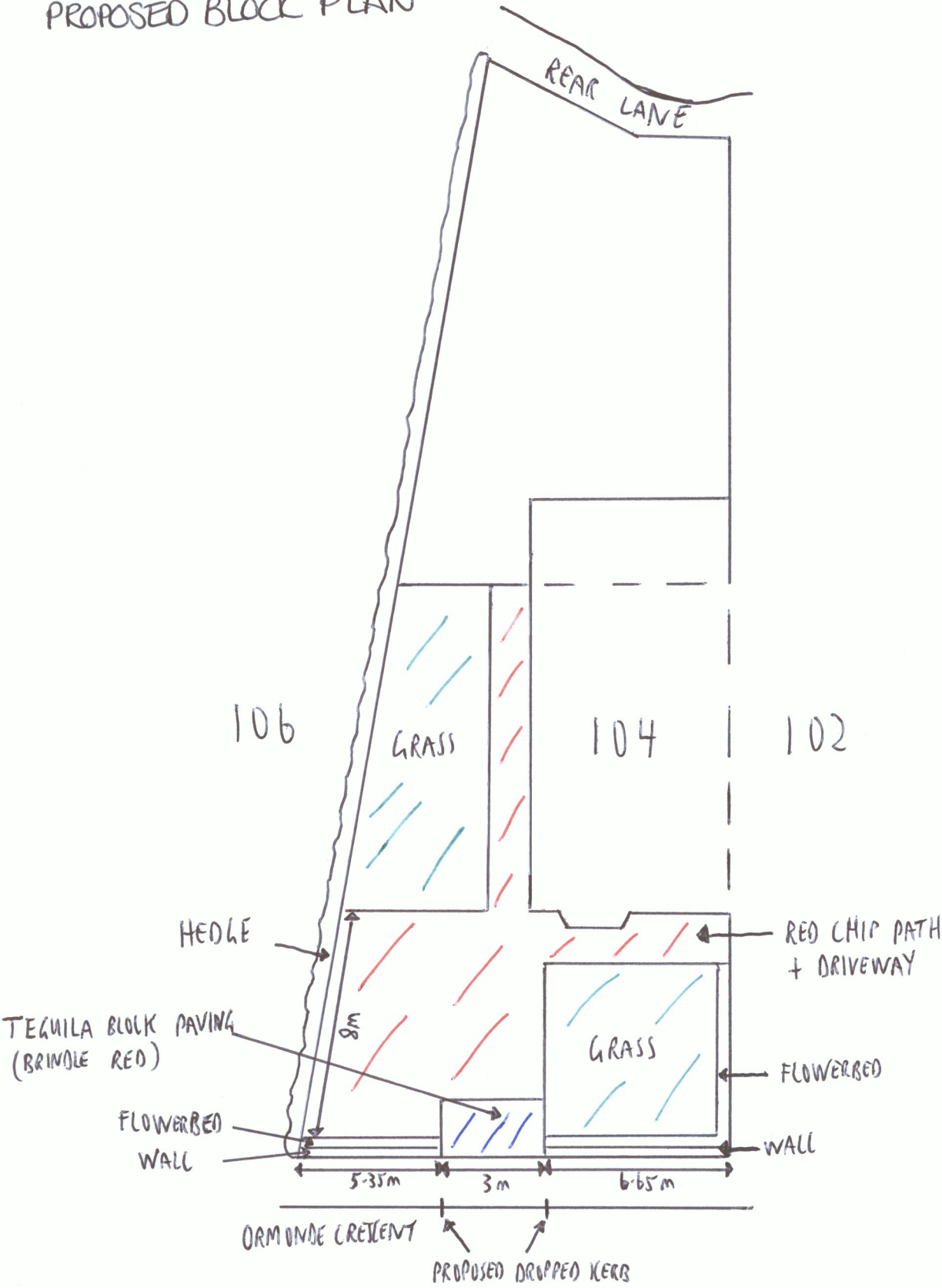


Alan Holloway
Partner
Holloway Martin LLP
Email: alan@hollowaymartin.co.uk

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104 ORMONDE CRESCENT
 NETHERLEE
 644 3SW
 DOCUMENT E
 PROPOSED BLOCK PLAN

199



SCALE 1:200

NB: FOR DRAINAGE PURPOSES;
 LAND GENTLY SLOPES FROM
 ROAD TOWARDS HOUSE

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REVIEW STATEMENT OF DAVID & VICTORIA PEARSON

104 ORMONDE CRESCENT G44 3SW - APPLICATION 2016/0853/TP

We are seeking review of our refused planning application for a driveway because we feel that the planning officer has unfairly interpreted the relevant policies and failed to take account of various key issues raised in the paper apart submitted with our planning application.

We fully appreciate the legitimate aims of protecting the Article 4 area of Netherlee. However, having extensively researched the matter, we note that creation of a driveway is not prohibited by any of the applicable policies and feel strongly that our proposal complies with these and with the objectives of the Article 4 Direction.

We believe that the Article 4 area should be viewed as a whole and all properties within it should be equally protected. The planning officer states in his opening paragraph that it is the "*uniformity of character and age, style and quality of the building materials which makes it worthy of protection*". It would therefore make logical sense (as well as being in the interests of fairness) to apply the same objective criteria to any development proposals in the area.

In this regard we have drawn the planning officer's attention to four planning applications relating to driveways in similar nearby properties since the designation of the area as protected by Article 4 and all of which were approved by the planning authority, the Reports of Handling (or reasons) stating as follows:

- "*the proposed driveway can readily be accommodated at the site without impacting on the character or amenity of the area*" (1 Ormonde Drive)
- "*Approval of the proposal is not considered likely to detract from the character of the article 4 area or adversely affect any neighbouring properties*" (120 Ormonde Avenue)
- "*the garden is larger than average for this area. Consequently although there will be a hardstanding area, a lawn and planting can still be maintained thereby maintaining the character. The article 4 directive does not preclude against the proposed development*" (532 Clarkston Road)
- "*the proposed widened driveway can be readily accommodated at the site without impacting on the character or amenity of the area*" (34 Williamwood Park West)

The full documentation relating to these successful applications is available from the planning authority. We have been unable to find any driveway application in the area that has been refused with the exception of our own. 1 Ormonde Drive and 34

Williamwood Park West are within close walking distance to our property which the Local Review Body can see during the site visit.

The Report of Handling in response to our application asserts that these other applications were allowable because these properties were in less prominent positions than ours. We feel that our property, which by all accounts is on a quiet street, cannot objectively be viewed as more prominent than all of the other four sites (two of which are undoubtedly on far busier and more visible streets). This approach amounts to different treatment of similar applications within the same area.

Having spoken to different planning officers at different stages (including before purchasing our house and prior to making the application) this is not a consistently held view across the planning department. In a long history of dialogue with the planning authority (including various emails copying in Councillor Ralph Robertson who assisted us in trying to get clear advice from the planning department), this is the first time that the prominence of our house has been raised, in an attempt to justify the disparity of treatment with these four approved applications. It seems unreasonable to deny us the right to create a driveway on our property when others in similar circumstances within the same area have been permitted to do so.

As stated in our original application, our motivation for this proposal is to create a safe space within which our toddler and baby can enter and exit our car. In order to achieve this to the satisfaction of the Council's Roads Service (who were very helpful in providing clear guidance) we have followed and met their requirements, including sufficient space to take two vehicles off the road (although we advised them that we only needed one). We have done everything within our power to achieve the highest degree of sensitivity to the protected area and are willing to make any alterations to the driveway deemed appropriate by the Local Review Body or Planning Service to achieve this.

Response to Report of Handling

We respond to the Report of Handling as follows:

Statement - "The application will involve removal of part of the front boundary wall, a feature which is generally consistent in design, scale and materials throughout the larger Article 4 area"

Response - As stated at paragraph 24 (page 6) of our paper apart submitted with the original application and as shown on the plans, the proportion of the wall to be removed is relatively small (only 1.8 metres) which will not significantly alter the appearance of the wall (12 metres of which will remain) and will have no different appearance to the walls of the other properties in the area that have driveways.

Statement - "the formation of a driveway and associated parking areas will have additional and significant impact on the character of the application property and neighbouring properties"

Response - This is completely at odds with the planning department's reasoning on the other four driveway works that were permitted. Also, how can the impact be significant when the application site is right next to another driveway (plus a garage) in the neighbouring property (106 Ormonde Crescent)?

Statement - *"There are very few driveways in the area and particularly not to unbroken terraces"*

Response - There are relatively few driveways in the area because there are relatively few end-terraced houses in the area (the majority being mid-terrace which do not have enough space for a driveway). A significant proportion of end terraces have driveways (and most of those which do not have sufficient garden space for it). As stated in our original application, on our street (Ormonde Crescent) 50% (3 out of 6) end terraces have driveways and on the very similar and parallel street (Ormonde Avenue) 45% (10 out of 22) end terraces have driveways and almost all of these properties could be described as being on "unbroken terraces".

Statement - *"Where driveways exist they tend to pre-date the Article 4 area"*

Response - As stated in the paper apart and mentioned above, four driveways in the Article 4 area have been granted in recent years based on the same policies as present.

Statement - *"Many are to properties which adjoin road junctions where their presence is less visually intrusive and some serve different house types such as detached or semi-detached properties"*

Response - Firstly, a driveway is no less noticeable owing to a road junction. On the contrary, it could be argued that these driveways are more visible as they can be seen from two different streets. Secondly, we are not aware of any detached properties in the area in the same style of housing as ours and certainly do not seek to compare our house with any of the detached bungalows which are a different style of housing. There are relatively few semi-detached properties in the Article 4 area. As already stated, we feel that the most appropriate comparator for our houses is other end-terraced houses in the area, many of which have driveways where they have space to accommodate this.

Statement - *"The formation of any driveway in the front garden will introduce an intrusive and incongruous addition in the street that does not respect the character of the area and will have an adverse visual impact on both the setting of the subject house"*

Response - This is precisely the opposite reasoning as noted in relation to the four successful applications quoted earlier in this document. We intend to replace our side lawn with red chip stones and are informed that this does not require planning permission. Other than this all we require to do is remove a small piece of wall so visually the change is minimal and we cannot understand how it can be described as

"intrusive" especially when it is located right next to another driveway and a garage in the neighbouring property (106). Nor can it rightly be described as "incongruous" when two out of the three houses to the right of ours have driveways (plus one further down on the other side of the street).

Statement - "The application site is considered a particularly inappropriate site to introduce parking areas to the front of the house as it sits in a prominent elevated position in the street"

Response - This makes no sense when other driveways are located up hills including that of our neighbours at 106 whose house is certainly no less prominent than ours. Also, the level of prominence did not prevent the planning authority from granting permission for a driveway at 120 Ormonde Avenue which is in a near identical position on that street to ours. Furthermore, different individuals may take a different view on what constitutes a prominent position. For example, we consider that 1 Ormonde Drive is in a prominent position as it is the first house in the area that you come to when entering the area from the main road at the Derby Cafe but this was not mentioned as a consideration when the planning authority granted that driveway application in 2010. Being on a quieter street set further back from the main road, our house could be said to be in a less prominent location than this. Nor has the prominence (or otherwise) of the location been mentioned in any of the other driveway applications that have been granted. We further note that the prominence of our house was not mentioned as a reason by the planning officer when our previous application for a driveway was refused. We also wish to clarify that the proposed driveway would not be directly in front of the house but to the side, as per the plans.

Statement - "Parking cars in this position will form an incongruous addition to the streetscape to the detriment of the character of the house and street"

Response - We feel that a driveway designed with sympathetic materials cannot rightly be described as "incongruous" when located right next to our neighbour's driveway and garage which is far more noticeable and on a street half of the end-terraced houses already have driveways (the remaining two other than ourselves having insufficient space to accommodate this) and where there are many cars parked on the kerbside at all times. As previously mentioned, the incidence of driveways in end-terraced is also significant in the wider area.

Statement - "Allowing this application may result in sporadic application for similar developments to neighbouring properties to the general detriment to the established character of the Article 4 area"

Response - Given the small number of end-terraced houses in the area in general and the even smaller number of these without driveways but with space to accommodate one, to grant our application would hardly be opening the floodgates. Our house can be very easily distinguished from mid-terraced houses for the reason

that we have space to the side for a driveway and can still retain a large front garden. On the other hand, if granting our application would set some kind of precedent, then surely that precedent has already been set in the four approved applications already referred to.

Statement - *"The consultation response from the Council's Roads Service notes that vehicles will not be able to safely egress from the driveway unless the existing sight lines have been improved by removing or reducing hedging/shrubs within the front garden of the neighbouring house at 106 Ormonde Crescent"*

Response - This specific comment cannot be found in the Roads Service's Observations on Planning Application. We as the applicants had mentioned in our application our intention to remove hedging/shrubs and maintain them at below the required height in perpetuity. This would improve visibility for all road users on Ormonde Crescent.

Statement - *"This additional apportioning of part of the neighbours garden will increase the exposure and impact of the proposal"*

Response - The relevant area is required only for visibility to meet the recommendations of the Roads Service. It is not intended to comprise part of the red-chipped area so it is unclear how this would increase the exposure and impact of the proposal.

Statement - *"The applicant has cited particular needs as a parent of young children and the disabled needs of visiting members of his family. These matters are not a material consideration in this case"*.

Response - Any decision of a public authority such as a council department requires the balancing of human rights against other factors, particularly in a situation such as this where an otherwise automatic right of a homeowner (i.e. a Permitted Development Right) has been removed. It is undoubtedly safer to get young children in car seats in and out of a vehicle away from a road. It is far more difficult and more dangerous for the mother (who is regularly alone with both children) to get them in and out of the car on the street with passing cars than within the safety of our own land. This is particularly the case at times when a space right outside our house is not available and she may have to park on the other side and cross with both children or take them into the house separately, each child having to be left alone for a few minutes in the car or the house while the other is carried from the car. We have more than ample space on the land that we own to avoid ourselves this issue and the Roads Service finds our proposal acceptable.

Statement - *"There are many residents in the area with similar circumstances who accept that the absence of dedicated parking within their properties is outweighed by the other benefits which residing in the Article 4 area gives"*

Response - Firstly, what other residents of the area choose to do in this regard is completely irrelevant to the determination of this particular application. Secondly, in the absence of supporting evidence, this assertion has no value. It is considered highly unlikely that the planning officer would have any idea as to the views on this matter of other residents who have chosen not to make planning applications for parking. On the contrary, the four approved applications referred to earlier may be cited as evidence of other residents' desire to obtain off street parking.

Statement - "The applicant has highlighted other driveway consents in the Article 4 area. These are however considered of different character and position in the streetscape. Every application is determined on its own merits. It is considered that there are significant differences in setting between those planning approvals and the current application"

Response - It is accepted that every application must be decided on its own merits. All of the properties subject to the approvals mentioned have similarities to our property but are in different locations and settings within the Article 4 area. If any two are the same they are ours and 120 Ormonde Avenue. The outcome of all four of these has been the same and only our application has had the opposite outcome. We cannot see that our property is so different from all of these others. The decisions for all four of these follow a similar line of reasoning which could equally be applied to us and streetscape is not mentioned as a relevant factor in any of them.

Response to Objection

We note that one neighbour has objected at length to our proposal, whereas we are aware that other neighbours are supportive, to such an extent that the owners of 106 Ormonde Crescent have agreed to transfer us a piece of their land in order to facilitate our application.

We respond to the objector's comments as follows:

The objection contains various inaccurate assertions and includes defamatory attacks on our character on a very personal level by accusing us of lying in our application. The objector has stated that the percentages quoted are wrong but this seems to be a result of his/her inability to correctly distinguish categories of housing as detached, semi-detached, mid-terraced and end-terraced (of which our house falls into the latter category). We stand by the veracity of all of the information provided in our original application and note that the planning officer has not raised any concerns about the truth or accuracy of any aspect of our application.

In particular, we note that the objector has not properly checked his/her facts with regard to 120 Ormonde Avenue which the objection describes as "UNTRUE AND FICTIOUS" [sic]. This property was granted permission for a driveway and car port and, although it seems that the applicant later chose not to carry out these works,

the relevant point is that the planning authority felt that the provision of a driveway and car port were acceptable in a near identical property to ours in the Article 4 area.

We further note that the objector seems to find as acceptable the cited developments similar to ours in other parts of the Article 4 area but implies that Ormonde Crescent has some kind of special status. As previously mentioned we feel that all properties within the protected area should be treated equally and no streets identified as being more worthy of protection than others.

The objector also seeks to draw distinction between our property and others having been granted permission for driveways due to the presence of hedges. We note however that hedges are not a permanent feature nor one that the planning authority can insist remain in place so this point is irrelevant.

The objector also refers to drainage issues. We have followed advice from the Roads Service and they do not consider this to be a problem at the site.

The objector implies that we should have been aware at the time of purchasing our house that the only parking available to us would be on the road. Our house was advertised as having the potential for a driveway and, prior to making an offer for the house, we contacted the planning authority to enquire about this possibility. Having referred to the plans of the property/area they returned the call the following day and advised that due to the large garden a driveway seemed a reasonable proposal but that full planning consent and road service clearance would be required. We had a legitimate expectation that we would be able to make a successful application, compounded by our awareness of other applicants recently having done so in similar properties nearby.

The objector also supplemented their original 3 page letter of objections with a letter from a member of the public to the Times which is wholly irrelevant to planning considerations and seems to convey no point other than that another member of the public (in London) agrees with his stance that anyone who seeks to obtain private parking on their property is "selfish".

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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 2008**

CONDITIONAL PLANNING APPROVAL

REF NO. **2010/0804/TP**

Applicant:

Mrs Pamela Heap
1 Ormonde Drive
Netherlee
East Renfrewshire
G44 3SR

Agent:

Pamela Heap
Forsyth House
111 Union Street
Glasgow
G1 3TA

With reference to your application registered on 3rd December 2010 for the following development:-

Formation of driveway

at: 1 Ormonde Drive Netherlee East Renfrewshire G44 3SR

The Council in exercise of its powers under the above Acts and Regulations now grant planning permission for the above development in accordance with the particulars given in the application and the attached docketed plans.

To comply with the provisions of Section 58 of the above Act, the development must be begun not later than the expiration of three years beginning with the date of this permission. Any condition(s) attached to this consent, with the reasons for imposing them as shown below.

The reason(s) why the Council made this decision are as follows:

1. The development is considered to comply with development plan policies.

The approval is subject to the following condition(s):-

1. Details of the level of the driveway and associated retaining walls/works are submitted for the written approval of the Head of Environment, Planning, Property and Regeneration prior to the commencement of work on site.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

2. Surface water must be contained within the site by sloping the driveway(s) away from the heel of the footway or by means of a positive drainage system at the point where the driveway meets the footway to prevent water discharging across the footway.

Reason: To prevent water from discharging across the public footway.

3. Prior to the use of the driveway hereby approved the first 2m of the driveway nearest the road must be paved to prevent deleterious material being carried onto the road. All gates (intended or proposed) must open inwards towards the development.

Reason: In the interests of road safety.

Dated 1st February 2011

210

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 approved

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	1070/(AL)001	01	
Plans Proposed	1070/(91)001	01	

Notes

Planning Officials may monitor the site during the course of development to ensure compliance with the planning permission hereby granted.

It should be understood that this planning permission does not carry with it any approval which may be necessary under the Building (Scotland) Act 2003 or any other enactment.

No materials or skips should be placed on the footpath / road without the prior written consent of East Renfrewshire Council Roads and Transportation Service, 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, East Renfrewshire, G46 8NG.

It is the applicants responsibility to obtain approval of neighbouring landowners should any part of the development encroach over the boundary or if entry is required during construction.

The applicant is required to comply with the European Council's Directive 92/43/EEC on the Conservation of Natural Habitats, the Wildlife and Countryside Act 1981 (as amended) and the Nature Conservation (Scotland) Act 2004 which provide full protection for certain plant and animal special and European Protected Species. It is illegal to capture, kill, disturb any such animal, damage or destroy breeding or nesting sites or eggs or deliberately or recklessly pick, collect, cut, uproot or destroy European Protected Species of wild plant. In addition, where it is proposed to carry out works which will affect European Protected Species or their shelter/breeding places, a licence is required from the Scottish Government. Further information on these matters can be sought at Scottish Government Species Licensing Team, Countryside and Heritage Unit, Victoria Quay, Edinburgh or from Scottish Natural Heritage.

Information on home and property crime prevention advice can be found at www.securedbydesign.com/aware.

East Renfrewshire Council Roads Planning and Transportation Service should be consulted regarding the specification for the formation of the necessary footway crossover.

No materials or skips should be placed on the footpath / road without the prior written consent of East Renfrewshire Council Roads Planning and Transportation Service, 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, G46 8NG.

REPORT OF HANDLING

Reference: 2010/0804/TP

Date Registered: 3rd December 2010

Application Type: Full Planning Permission

This application is a Local Development

Ward: 4 -Netherlee Stamperland Williamwood
Co-ordinates: 257767/:658914
Applicant/Agent: Applicant: Mrs Pamela Heap
1 Ormonde Drive
Netherlee
East Renfrewshire
G44 3SR
Agent: Pamela Heap
Forsyth House
111 Union Street
Glasgow
G1 3TA

Proposal: Formation of driveway
Location: 1 Ormonde Drive
Netherlee
East Renfrewshire
G44 3SR

CONSULTATIONS/COMMENTS:

Roads And Transportation Service

No Objections subject to conditions.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

REPRESENTATIONS: No representations have been received.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

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

ASSESSMENT:

The site comprises an end terraced property that sits within the Article 4 Area of Netherlee. The property has a sandstone frontage and has a generous garden area to the side and front that slopes down towards Clarkston Road. A red sandstone wall and mature trees and shrubbery bound the site.

The proposal is for the alterations an area of the side garden to form a driveway accessed from Ormonde Drive. The driveway itself will measure 8442mm long and 7000mm in width accessed via a 4m wide gateway in the boundary wall. Substantial groundworks extending to the formation of retaining walls will be required within the site to form the driveway at level.

Subject to the submission of further details of the groundworks it is considered that the proposed driveway can be readily accommodated at the site without impacting on the character or amenity of the wider area. The Roads department has been consulted and has no objections subject to conditions. As such, the proposal is considered to comply with Policy DC1 of the Adopted Local Plan and Policy DM1 of the Finalised East Renfrewshire Local Plan.

RECOMMENDATION: Approve Subject to Conditions

CONDITION(S):

1. Details of the level of the driveway and associated retaining walls/works are submitted for the written approval of the Head of Environment, Planning, Property and Regeneration prior to the commencement of work on site.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

2. Surface water must be contained within the site by sloping the driveway(s) away from the heel of the footway or by means of a positive drainage system at the point where the driveway meets the footway to prevent water discharging across the footway.

Reason: To prevent water from discharging across the public footway.

3. Prior to the use of the driveway hereby approved the first 2m of the driveway nearest the road must be paved to prevent deleterious material being carried onto the road. All gates (intended or proposed) must open inwards towards the development.

Reason: In the interests of road safety.

ADDITIONAL NOTES:

East Renfrewshire Council Roads Planning and Transportation Service should be consulted regarding the specification for the formation of the necessary footway crossover.

No materials or skips should be placed on the footpath / road without the prior written consent of East Renfrewshire Council Roads Planning and Transportation Service, 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, G46 8NG.

ADDED VALUE:

Added value by condition

BACKGROUND PAPERS:

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

Ref. No.: 2010/0804/TP
(FIMO)

DATE: 3rd February 2011

DIRECTOR OF ENVIRONMENT

EAST RENFREWSHIRE COUNCIL

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT)
(SCOTLAND) ORDERS**

CONDITIONAL PLANNING APPROVAL

Ref. No. 2000/0377/TP

Mr N Hamilton
120 Ormonde Avenue
Netherlee
G44 3SL

Per Agent:- P McCormack
3 Atholl Gardens
Glasgow
G3 9AY

With reference to your application dated 6/9/00 for planning permission under the abovementioned Act and Orders for the following development, viz:-

Alterations to front wall to form pedestrian and vehicular accesses and erection of car port**at: 120 Ormonde Avenue, Netherlee**

the Council in exercise of its powers under the abovementioned Act and Orders hereby grant planning permission for the said development in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application.

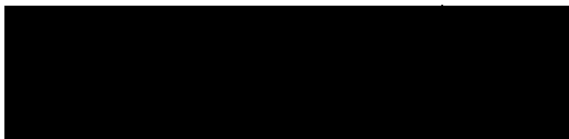
To comply with the provisions of Section 58 of the abovementioned Act, the said development must be begun not later than the expiration of five years beginning with the date of this permission, except that if outline planning permission, as defined by Section 59 of the abovementioned Act, has previously been granted for said development, it must be begun not later than the expiration of five years from the date of that outline planning permission or the expiration of two years from the final approval of all reserved matters, whichever is the later.

The approval is subject to the following condition(s):-

1. A visibility splay of 2.5m x 30.0m should be achieved at the driveway access onto Ormonde Avenue prior to coming into use and thereafter all vegetation within the splay being cutback/maintained to a height of 1.05m at most.

Reason: In the interests of public safety on the highway.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments.

Dated 1st March 2001

Director of Environment
East Renfrewshire Council
Council Headquarters
Eastwood Park, Rouken Glen Road
East Renfrewshire
G46 6UG
Tel. No. 0141 577 3000

Note

East Renfrewshire Council Roads Division should be consulted regarding a Road Opening Permit for service connections and footway crossover.

NOTES FOR APPLICANT

PLANNING PERMISSION

(1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission of Approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Scottish Ministers in accordance with Section 47 of the Town and Country Planning (Scotland) Act 1997 within six months of receipt of this notice. The Scottish Ministers have power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Scottish Ministers are not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

(2) If permission to develop land is refused or granted subject to conditions whether by the local planning authority or by the Scottish Ministers, 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, he may serve on the local planning authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Section 88 of the Town and Country Planning (Scotland) Act 1997.

(3) Any notices of appeal should be sent to The Scottish Ministers, The Scottish Executive, Development Department, Inquiry Reporters Unit, 2 Greenside Lane, Edinburgh EH1 3AG and at the same time to the Director of Environment, East Renfrewshire Council, Council Headquarters, Eastwood Park, Rouken Glen Road, East Renfrewshire G46 6UG.

ADVERTISEMENT CONSENT

(1) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the planning authority.

(2) Any hoarding or similar structure, or any sign, placard, board or device, erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the planning authority.

(3) Where any advertisement is required under the Regulation to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the planning authority.

(4) Before an advertisement is displayed on land the permission of the owner of that land or other person entitled to grant permission shall be obtained.

LISTED BUILDING CONSENT

(1) If the applicant is aggrieved by the decision of the planning authority to refuse listed building consent for the proposed works, or to grant such consent subject to conditions, he may by notice served within 6 months of the receipt of this notice, appeal to the Scottish Ministers in accordance with Section 18 of the Planning (Listed Buildings in Conservation Areas) (Scotland) Act 1997 as also applied to buildings in conservation areas by Section 66 of that Act. The Scottish Ministers have power to allow a longer period for the giving of a notice of appeal and will exercise that power in cases where they are satisfied that the applicant has deferred the giving of notice because negotiations with the planning authority in regard to the proposed works are in progress.

(2) If listed building consent is refused, or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the planning authority to whose district the land is situated a listed building purchase notice requiring that authority to purchase his interest in the land in accordance with the provisions of Section 28 of the Planning (Listed Buildings in Conservation Areas) (Scotland) Act 1997.

Planning Applications Assessment Sheet

Reference No: 2000/0377/TP Registered: 21/09/00 Acknowledged: Officer: WS

Applicant: MR N HAMILTON 120 ORMONDE AVENUE NETHERLEE G44 3SL	Agent: P MCCORMACK 3 ATHOLE GARDENS GLASGOW G12 9AY	Method: DEL Fee: £.00 NN Expiry: 05/10/00 Assoc BW Ref:
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Site:
120 ORMONDE AVENUE NETHERLEE

Description:
Alterations to front wall to form pedestrian and vehicular accesses and erection of car port

Ward: 11 Development Plan: ED LP Policy Rk
 App Type: PPF Dev Type: HSE Trunk Road: NO TPO: NO Grid Ref: / NS575985
 Existing Use: RES Proposed Use: RES Listed Building: NO Conservation area: ART. 4

Previous Planning Applications: NONE

Consultations:	Consultation Remarks
Roads	No objections
West of Scotland Water	No objections

Assessment

The applicant proposes to remove the existing front wall in part, to form a new pedestrian and vehicular access. The completed wall will be under 1m in height, it will be finished in a facing brick, chosen to match the existing house.

The applicant also proposes to remove the existing rear garage and erect a similar sized car port with a roller shutter door. The applicant requires the roller shutter door provide a the car port for security reasons for female members of the family. The rear uses have it characterised by various garages with a variety of door types. Approval of the proposal is not

Recommendation: Grant subject to; 1. A visibility splay of 25m x 30.0m should be achieved at the driveway access onto Ormonde Avenue, prior to coming into use and thereafter all vegetation within the splay being cut back / maintained to a height of	Date: 27-2-01	Finalised: G.M.C Date: 5/3/01.
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Additional Notes:
AO.2 1.05m at max. - R.13.

(170)

considered likely to detract from the character of the Article 4
Area or adversely affect any neighboring properties.

EAST RENFREWSHIRE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT)
(SCOTLAND) ORDERSCONDITIONAL PLANNING APPROVAL

Ref. No. 2001/0244/TP

Netherlee Parish Church
Ormonde Avenue
Netherlee
G44 3SL

Per Agent:-

Leslie & MacCallum Architects
4 Woodside Place
Glasgow
G3 7QF

With reference to your application dated 15/03/01 for planning permission under the abovementioned Act and Orders for the following development, viz:-

Alterations to front wall and formation of vehicular access and driveway

at: Church Manse, 532 Clarkston Road, Netherlee

the Council in exercise of its powers under the abovementioned Act and Orders hereby grant *planning* permission for the said development in accordance with the plan(s) docketted as relative hereto and the particulars given in the application.

To comply with the provisions of Section 58 of the abovementioned Act, the said development must be begun not later than the expiration of five years beginning with the date of this permission, except that if outline planning permission, as defined by Section 59 of the abovementioned Act, has previously been granted for said development, it must be begun not later than the expiration of five years from the date of that outline planning permission or the expiration of two years from the final approval of all reserved matters, whichever is the later.

The approval is subject to the following condition(s):-

- I. Details of proposed gates to be submitted to the Head of Planning and Development and approved in writing before work commences.

Reason: In order to protect the amenity of the surrounding area.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments.

Dated 3rd May 2001



Director of Environment
East Renfrewshire Council
Council Headquarters
Eastwood Park, Rouken Glen Road
East Renfrewshire
G46 6UG
Tel. No. 0141 577 3000

Note

Road opening permit required for vehicular crossover.



Planning Applications Assessment Sheet

Reference No: 2001/0244/TP		Registered: 21/03/01	Acknowledged:	Officer: AM
Applicant: NETHERLEE PARISH CHURCH ORMONDE AVENUE NETHERLEE G44 3SL		Agent: LESLIE & MACCALLUM ARCHITECTS 4 WOODSIDE PLACE GLASGOW G3 7QF		Method: DEL Fee: £105.00 NN Expiry: 04/04/01 Assoc BW Ref:
Site: CHURCH MANSE 532 CLARKSTON ROAD NETHERLEE				
Description: Alterations to front wall & formation of vehicular access and driveway				
Ward: 11	Development Plan: ED	LP Policy		
App Type: PPF	Dev Type: HSE	Trunk Road:	TPO:	Grid Ref: /
Existing Use: RES	Proposed Use: RES	Listed Building:	Conservation area:	
Previous Planning Applications: 1122/71.				
Consultations:		Consultation Remarks		
Roads	First 2m shall be hardstanding.			
West of Scotland Water	NO OBJECTIONS			
COA	NO OBJECTIONS			
Assessment THE PROPERTY IS A SEMI-DETACHED TWO STOREY DWELLING HOUSE SITUATED IN THE NETHERLEE AREA COVERED BY THE AENCLUE 4 DIRECTION. THE AREA IS CHARACTERISED BY TERRACED HOUSES WHICH DO NOT HAVE VEHICULAR ACCESSES BUT THE ADJOINING PROPERTY AT 584 & THE NEIGHBOUR AT 580 BOTH HAVE EXISTING DRIVEWAYS. THE FRONT GARDEN AREA IS DELINEATED BY A LOW STONE WALL WITH FLEETING BEHIND. IT IS PROPOSED TO WIDEN THE EXISTING GATEWAY TO 5M BY CUTTING BACK THE WALL HEDGE &				
Recommendation: GRANT SUBJECT TO 2/5/01 i) DETAILS OF PROPOSED GATES TO BE SUBMITTED TO THE T/P & APPROVED IN WRITING BEFORE WORK COMMENCES. (ROB)		Date: 2/5/01	Finalised: G.M.C. 3/5/01. Date:	
Additional Notes: ROAD OPENING PERMIT REQUIRED FOR VEHICULAR CROSSOVER		Need for monitoring yes <input type="checkbox"/> no <input checked="" type="checkbox"/> Reason - General <input type="checkbox"/> - Controversial <input type="checkbox"/> - Conditions <input type="checkbox"/> (Specify)		

FORMING A DRIVEWAY WITH ~~FEA~~
TURNING FACILITY TO ALLOW A VEHICLE
TO ENTER + LEAVE THE SITE IN FORWARD
GEAR. AS THIS IS A SEMI, THE GARDEN
AREA IS LARGER THAN THE AVERAGE
FOR THIS AREA. CONSEQUENTLY
ACTIVITIES THERE WILL BE ~~AND~~ HARDSTANDING
AREA, A LAWN + PLANTING CAN STILL
BE RETAINED. MOREBY RETAINING THE
CHARACTER.

THE ARTICLE 4 DIRECTION DOES NOT
PRECLUDE AGAINST THE PROPOSED DEVELOPMENT.

EAST RENFREWSHIRE COUNCIL

**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 2008**

PLANNING APPROVAL

REF NO. 2011/0845/TP

Applicant:

Dr Graham MacKay
34 Williamwood Park West
Netherlee
East Renfrewshire
G44 3TE

Agent:

With reference to your application registered on 17th January 2012 for the following development:-

Widening of driveway access

at: 34 Williamwood Park West Netherlee East Renfrewshire G44 3TE

The Council in exercise of its powers under the above Acts and Regulations now grant planning permission for the above development in accordance with the particulars given in the application and the attached docketed plans.

To comply with the provisions of Section 58 of the above Act, the development must be begun not later than the expiration of three years beginning with the date of this permission.

The reason(s) why the Council made this decision are as follows:

1. The development is considered to comply with development plan policies.

Dated 20th February 2012



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 approved

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	01	01	
Block Plan Proposed	03	01	

Notes

Planning Officials may monitor the site during the course of development to ensure compliance with the planning permission hereby granted.

It should be understood that this planning permission does not carry with it any approval which may be necessary under the Building (Scotland) Act 2003 or any other enactment.

No materials or skips should be placed on the footpath / road without the prior written consent of East Renfrewshire Council Roads and Transportation Service, 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, East Renfrewshire, G46 8NG.

It is the applicants responsibility to obtain approval of neighbouring landowners should any part of the development encroach over the boundary or if entry is required during construction.

The applicant is required to comply with the European Council's Directive 92/43/EEC on the Conservation of Natural Habitats, the Wildlife and Countryside Act 1981 (as amended) and the Nature Conservation (Scotland) Act 2004 which provide full protection for certain plant and animal special and European Protected Species. It is illegal to capture, kill, disturb any such animal, damage or destroy breeding or nesting sites or eggs or deliberately or recklessly pick, collect, cut, uproot or destroy European Protected Species of wild plant. In addition, where it is proposed to carry out works which will affect European Protected Species or their shelter/breeding places, a licence is required from the Scottish Government. Further information on these matters can be sought at Scottish Government Species Licensing Team, Countryside and Heritage Unit, Victoria Quay, Edinburgh or from Scottish Natural Heritage.

Information on home and property crime prevention advise can be found at www.securedbydesign.com/aware.

223 REPORT OF HANDLING

Reference: 2011/0845/TP

Date Registered: 17th January 2012

Application Type: Full Planning Permission

This application is a Local Development

Ward: 4 -Netherlee Stamperland Williamwood
Co-ordinates: 257628/:658948
Applicant/Agent: Applicant: Agent:
Dr Graham MacKay
34 Williamwood Park West
Netherlee
East Renfrewshire
G44 3TE
Proposal: Widening of driveway access
Location: 34 Williamwood Park West
Netherlee
East Renfrewshire
G44 3TE

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY: None.

REPRESENTATIONS:

2 representations have been received:

Ms Joan Stuart 37 Williamwood Park West Netherlee East Renfrewshire G44 3TE

Representations can be summarised as follows:

Will development reduce parking availability within the street.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

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

ASSESSMENT:

The site comprises an end terraced property that sits within the Article 4 Area of Netherlee. The property has a sandstone frontage and has a generous garden area to the side and front. A red brick wall and mature trees and shrubbery bound the site. A detached wooden garage is located on the north side of the house and is accessed from the existing driveway.

The proposal is for the widening of the driveway accessed from Williamwood Park West. The existing driveway measures approximately 2.5 metres in width. It will be widened by approximately 0.5 metres to measure approximately 3 metres in width. A small area of the boundary wall will be required to be removed to allow the widening of the driveway.

A representation has been received from the neighbouring property at 37 Williamwood Park West. The neighbour highlighted potential parking issues. It is considered that the changes to the driveway are minimal and will have no significant impact on the availability of on-street parking in the area.

The proposed widened driveway can be readily accommodated at the site without impacting on the character or amenity of the wider area. As such, the proposal is considered to comply with Policy DM1 and E4 of the East Renfrewshire Local Plan and it is recommended that planning permission is granted.

RECOMMENDATION: Grant

PLANNING OBLIGATIONS: None.

ADDITIONAL NOTES: None.

ADDED VALUE: None.

BACKGROUND PAPERS:

Any background papers referred to in this report can be viewed at www.erplanning.eastrenfrewshire.gov.uk/eplanning, where you can enter the Reference Number listed below. Any further information can be obtained from Mr Jamie Gilliland on 0141 577 3057.

Ref. No.: 2011/0845/TP
(JAGI)

DATE: 20th February 2012

DIRECTOR OF ENVIRONMENT

2011/0845/TP - APPENDIX 1

DEVELOPMENT PLAN:

Structure Plan Policies

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

East Renfrewshire Local Plan (Adopted 14th February 2011)

Policy DM1

Detailed Guidance for all Development

Where the principle of development is deemed to be acceptable in terms of the other Policies contained within this

Local Plan, proposals for development will require to conform to the appropriate criteria below:

1. Not result in a significant loss of character or amenity to the surrounding area.
2. Be of a size, scale and density in keeping with the buildings in the locality and respect local architecture, building form, design, and materials.
3. Not constitute backland development without a road frontage.
4. Not impact adversely on the landscape character, involve a significant loss of trees or other Important landscape, greenspace or biodiversity features (see Policies E3 - "Protection of Natural Features", E6 - "Biodiversity" L1 - "Protection of Important Urban Greenspace", and L2- "Safeguarding the Local Greenspace Resource".
5. Ensure that landscaping is an integral element in layout design, taking account of existing physical features (e.g. trees, hedgerows, walls, etc.). Where appropriate, tree planting should augment the amenity and appearance of the site.
6. Ensure that the standards for 'Open Space' are satisfied see Policy L4 - "Open Space Provision in New Developments" and Appendix 1).
7. Meet the parking and access requirements of the Council and provide Appropriate mitigation to minimise the impact of new development (see Policies T3 - "New Transport Infrastructure" and T5 -"Other Traffic Management and Calming Measures).
8. Not prejudice the amenity of neighbouring properties by unreasonably restricting sunlight or privacy.
9. Seek to create safe and secure environments and reduce the scope for anti-social behaviour and fear of crime.
10. Be designed to meet disability needs and include provision for disabled access within public areas.
11. Minimise the extent of light pollution caused by street and communal lighting and any flood lighting forming part of, or associated with, development.

]

12. Be designed to include provision for the recycling, storage, Collection and composting of waste materials.
13. Be designed to retain on-site, for use as part of the development, as much as possible of all waste material arising from construction of the development.
14. Be designed where applicable to take into account the legacy of former mining activity.

Policy E4

Conservation of the Built Heritage

The Council will safeguard the special character of Conservation Areas and the area at Netherlee subject to an Article 4 Direction (identified on the Proposals Map), Listed Buildings and their settings and properties included on the `Inventory of Gardens and Designed Landscapes¿. Development likely to prejudice these assets will be resisted.

c) The Council will continue to safeguard the special character of the area at Netherlee subject to an Article 4 Direction Area, identified as E4.6 on the Proposals Map. Development likely to prejudice the character of this area will be resisted.

GOVERNMENT GUIDANCE:

Given the size and scale of the development it is not considered that government guidance is a relevant material consideration.

Finalised 20/02/2012. IM.

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20 December 2016

Our Ref: AH/CANDL01-01/LM

Your Ref:

Mr & Mrs David Pearson
104 Ormonde Crescent
Muirend
Glasgow
G44 3SW

Dear Mr & Mrs Pearson

Candlish Wynd United Free Church of Scotland (Registered Scottish Charity Number SC004737)
Manse at 106 Ormonde Crescent, Muirend, Glasgow G44 3SW
Your property at 104 Ormonde Crescent, Muirend, Glasgow G44 3SW
Conveyancing in respect of visibility splay

I refer to our recent telephone conversation and your subsequent email and confirm that I act for the trustees of the congregation of the above church, the proprietors of the manse at 106 Ormonde Crescent. My clients have noted your intention to apply for planning permission for the construction of a driveway serving your property at 104 Ormonde Crescent and that this will require a visibility splay, which will have to include a small portion of the ground currently pertaining to the manse.

I confirm that my clients will be willing to co-operate with your proposals, either by conveying to you the ground required for the formation of the visibility splay, or by having an appropriate condition regarding the visibility splay inserted in the title to the manse which will be binding on the successive proprietors of both properties.

I will take full instructions and revert to you on the conveyancing detail. However, in the meantime, please be assured that my clients are happy to co-operate and I trust that this will assist you in progressing with the planning application. I will be in touch with you further in due course.

Yours faithfully



Partner
Holloway Martin LLP
Email: alan@hollowaymartin.co.uk

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

Our Ref: 2016/0853/TP

Your Ref:

Date: 27th January 2017

When calling Please ask for: Mr Ralph Howden ralph.howden@eastrenfrewshire.gov.uk

Telephone No: 0141 577 3694

Mr And Mrs David And Victoria Pearson
104 Ormonde Crescent
Netherlee
East Renfrewshire
G44 3SW

Dear Mr and Mrs Pearson,

Town and Country Planning (Scotland) Act 1997

Ref No: 2016/0853/TP

Type: Full Planning Permission

Location: 104 Ormonde Crescent Netherlee East Renfrewshire G44 3SW

Proposal: Formation of driveway in front garden

I have been allocated the above application.

You have indicated in your submission that you would wish to be contacted on a number of matters if there is still concern with aspects of the application/submission.

I have concerns that you are not meantime in a position to exercise control to achieve the necessary visibility splay. The Planning Service would not seek to challenge a breach of a burden attached to a property title were the visibility splay not maintained. You do not appear otherwise be in a position to achieve and maintain the necessary visibility splay given that the relevant section of land is not within your ownership. The Council could not impose a planning condition requiring that the land is brought within your ownership.

You have detailed various changes to the proposed driveway materials and it is accepted that the Planning Service does not meantime consider red stone chips to be a hard surface. While the Report of Handling for the previous application highlighted the concern over the loss of a section of the front wall the associated reason for refusal did perhaps not properly address this element. If we are again minded to refuse planning permission then it is likely to be in respect of the removal of part of the wall.

You have detailed various other driveways in the Netherlee Article 4 area. I have meantime not found then to be in such a prominent position as the one intended for this property. They are for the most part set next to crossroads and many are set in a dip in the road rather than at a high point in the road.

I have yet to receive comment from the Council's Roads Service.



Yours sincerely,

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Ralph Howden
Planning Officer



Andrew Cahill, Director of Environment, 2 Spiersbridge Way, Thornliebank, G46 8NG

Wallace, Joan

From: Victoria Pearson [REDACTED]
Sent: 07 February 2017 11:53
To: Howden, Ralph
Cc: Robertson, Ralph (Cllr)
Subject: Planning Application 2016/0853/TP - 104 Ormonde Crescent G44 3SW
Attachments: LAWYER LETTER 070217 RE LAND.pdf

Dear Mr Howden,

I refer to your letter to myself and my husband dated 27 January 2017. We thank you for this communication. I will respond to each of your points in turn.

1. VISIBILTY SPLAY

As mentioned in my previous email we have agreed to buy the land required for the visibility splay from our neighbours subject to planning permission being granted. I attach a further letter from our neighbour's lawyer which hopefully further clarifies the position for you. I assume from your brief response to my last email that the Planning Service now has no issues with this aspect but would be grateful for a response on this important issue? (I am aware that you are yet to hear from Roads and may be unable to comment on their views at this stage.) However, please do not hesitate to contact me if you have any queries regarding this.

2. HARD SURFACE

I note what you write regarding red stone chips not being a hard surface and thank you for this clarification. I feel I must however, for the record, note my concerns that prior to the submission of our application I had been put in touch with Gillian McArney, the Planning & Building Standards Manager by Councillor Ralph Robertson as we were struggling to get clear and consistent information from the Planning Service. Ms McArney delegated Sean McDaid to respond to my queries. On email of 7 November 2016 I advised Mr McDaid that I had found a guidance document by East Renfrewshire Council stating that red chips were not a hard surface and asking him to clarify this point. Some 10 days later, he responded to the effect that believed that red chips could not by their very nature be considered a soft surface. I find it highly dissatisfactory that Sean McDaid, the person selected by the Planning & Building Standards Manager to respond to my queries, when directed to the relevant document and with ample time to investigate this matter told me precisely the opposite of what you are now saying. You will presumably understand the extreme lack of confidence that this gives me in the reliability and consistency of advice provided by the Planning Service.

3. REMOVAL OF WALL/PREVIOUS REFUSAL DECISION

You state that if minded to refuse planning permission then it is likely to be in respect of removal of part of the wall and that the previous refusal decision perhaps did not fully address this element. The previous decision gave the following reasons

1. The proposal is contrary to Policies D1 and D11 of the East Renfrewshire Local Development Plan and the Supplementary Planning Guidance (SPG): Management and Protection of the Built Heritage as it would introduce intrusive and incongruous additions with a resultant loss of key characteristic features to the detriment of the character and visual amenity of the Article 4 Area.

2. The proposal is contrary to the Local Development Plan Policy D1 as, due to its position and location, it does not meet visibility and access requirements of the Council, to the detriment of safety of road users.

In light of the previous decision, (to which I was referred on numerous occasions when seeking further guidance from the Planning Service) we have subsequently changed our plans to use a soft surface, removed the fencing aspect of the application and have liaised extensively with the Roads Service to ensure that we have the required visibility splay.

Your letter suggests that the Planning Service are now moving the goalposts. I get the strong feeling that the Planning Service are for some reason unwilling to grant permission for this particular driveway and are working backwards to try to find reasoning to justify that conclusion. It is grossly unfair for the wall now to be cited as the main reason for refusal at this late stage when we have just addressed and resolved the previous decision maker's objections. In relation to the previous application (which some planning officers had informally intimated had sounded reasonable), we received a decision barely touching upon the wall issue and nor was this elaborated upon when we sought further explanation and guidance from John Drugan by telephone. By telephone call in October 2016, Senior Planner Ian Walker suggested that we should minimise any alterations to the appearance of the wall etc and certainly did not state that partial removal of a wall for a driveway was out of the question. This was probably the nearest thing to constructive advice that we have received and we have followed it. Furthermore the removal of wall issue was not cited as the issue by Sean McDaid in any of his responses to the numerous emails with detailed plans that I sent him over a number of weeks in late 2016 prior to making the current application. His reasoning followed closer to that of John Drugan whose remarks we have addressed.

I am aware that the front walls in Netherlee are considered an important feature of the area and that there are sensitivities surrounding any alterations to them. This is acknowledged in the paper apart to our application. However, it is noted, as also detailed in our paper apart, that four other applications in the Netherlee Article 4 Area to remove part of front walls in relation to driveways have been granted planning permission in recent years. It would be very unfair and unreasonable for our application to be refused for this reason when these others were permitted (in fact we cannot find any application that has ever been refused for this reason in the area). There is no reasonable justification to refuse us permission to remove a small section of the wall when this is exactly what has been allowed in these four previous cases. (In the case of 34 Williamwood Park West the applicants were allowed to remove a section of front wall simply to make an existing functioning driveway wider!)

As mentioned in the paper apart, there requires to be some balancing of the rights of our family against the preservation of a wall. It is abundantly clear to me that the safety of two infants (one of whom currently requires to enter and exit our car on the side of the road facing the traffic) greatly outweighs the absence of a small piece of wall, particularly when others have been allowed to alter their walls and we have detailed how small a proportion of the wall would be affected and how every effort would be made to maintain an appearance as close to possible to that at present.

4. THE PROMINENT POSITION OF OUR PROPERTY

In your letter you note that we have detailed "various other driveways in the Article 4 area". This is correct but I am not sure whether you are referring to the ones we have detailed as having pre-existing driveways (which demonstrate that they are not incongruous in the area) or only those that the Planning Service have actually granted permission for (which shows a past precedent that has been set by the Planning Service in its approach to driveways).

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With regard to the other driveways, you state that "I have meantime not found them to be in such a prominent position as the one intended for this property. They are for the most part set next to a crossroads and many are set in a dip in the road rather than at a high point in the road."

Firstly, I cannot understand how your description about dips and high points in the road relates to the driveways for which permission has been granted (which should be the relevant comparator for this purpose) nor can I envisage what relevance a property's "prominence" could possibly have in relation to whether a driveway or removal of a wall is allowed.

Your statement suggests that you consider some properties to be more "prominent" and therefore more protected than others. Such interpretation is not set out in any official policy and cannot possibly be correct. All properties falling within the Article 4 boundary should be equally protected and their applications for planning permission judged on the same objective basis.

There being no objectively set criteria to assess a property's prominence, differentiating properties on this basis introduces far too much subjectivity on the part of the decision-maker and could lead to an abuse of power. For example, you state that our property is in a prominent position but it could equally be argued that properties on a main road or at a junction of two streets are more prominent. Different individuals could easily have different views on this. In that regard I note that on either end of Ormonde Crescent one of the first houses you come to have driveways and so do our neighbours at 106 who are in a no less prominent position than ourselves, plus all of these have garages.

Secondly, even if your point about the prominence were a valid reason for differentiating the outcome of an application, it would fail on the facts because the driveway that was granted planning permission at 120 Ormonde Avenue (2000/0377/TP) is in a near identical position to ours at the top of the hill in the next parallel street.

5. CONCLUSION

I could understand if ours was the first application for a driveway in the area but am taken aback by the Planning Service's level of resistance to this particular application in an area with so many pre-existing driveways in end terrace houses and given that numerous similar applications have been granted without difficulty since the area was designated as protected under Article 4.

I would be very much obliged if you would come back to me on the above, particularly in relation to the visibility splay issue.

Regards,

Victoria Pearson

Sent from [Outlook](#)

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7 February 2017

■ Our Ref: AH/CANDL01-01/LM

■ Your Ref:

Mr & Mrs David Pearson
104 Ormonde Crescent
Muirend
Glasgow
G44 3SW

Dear Mr & Mrs Pearson

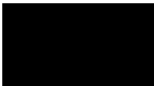
Candlish Wynd United Free Church of Scotland (Registered Scottish Charity Number SC004737)
Manse at 106 Ormonde Crescent, Muirend, Glasgow G44 3SW
Your property at 104 Ormonde Crescent, Muirend, Glasgow G44 3SW
Transfer of title to area required for visibility splay

I refer to previous correspondence and confirm that I act for the trustees of the congregation of the above church, the proprietors of the manse at 106 Ormonde Crescent. My clients have noted that you are applying for planning permission for the construction of a driveway serving your property at 104 Ormonde Crescent and that this will require a visibility splay, which will have to include a small portion of the ground currently pertaining to the manse.

I confirm that my clients are willing to co-operate with your proposals, and (subject of course to your obtaining the necessary planning permission) will transfer title to you to the ground required for the formation of the visibility splay.

I will revert to you in due course on any points of detail. However, in the meantime, please be assured that my clients are happy to co-operate and I trust that this will assist you in progressing with the planning application.

Yours faithfully




Alan Holloway
Partner
Holloway Martin LLP
Email: alan@hollowaymartin.co.uk

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PLANS/PHOTOGRAPHS/DRAWINGS

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DOCUMENT A : LOCATION PLAN

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	30204 20/10/1997	REN70246
 ORDNANCE SURVEY NATIONAL GRID REFERENCE	70m	
	Survey Scale 1/1250	
NS5758NE NS5759SE		

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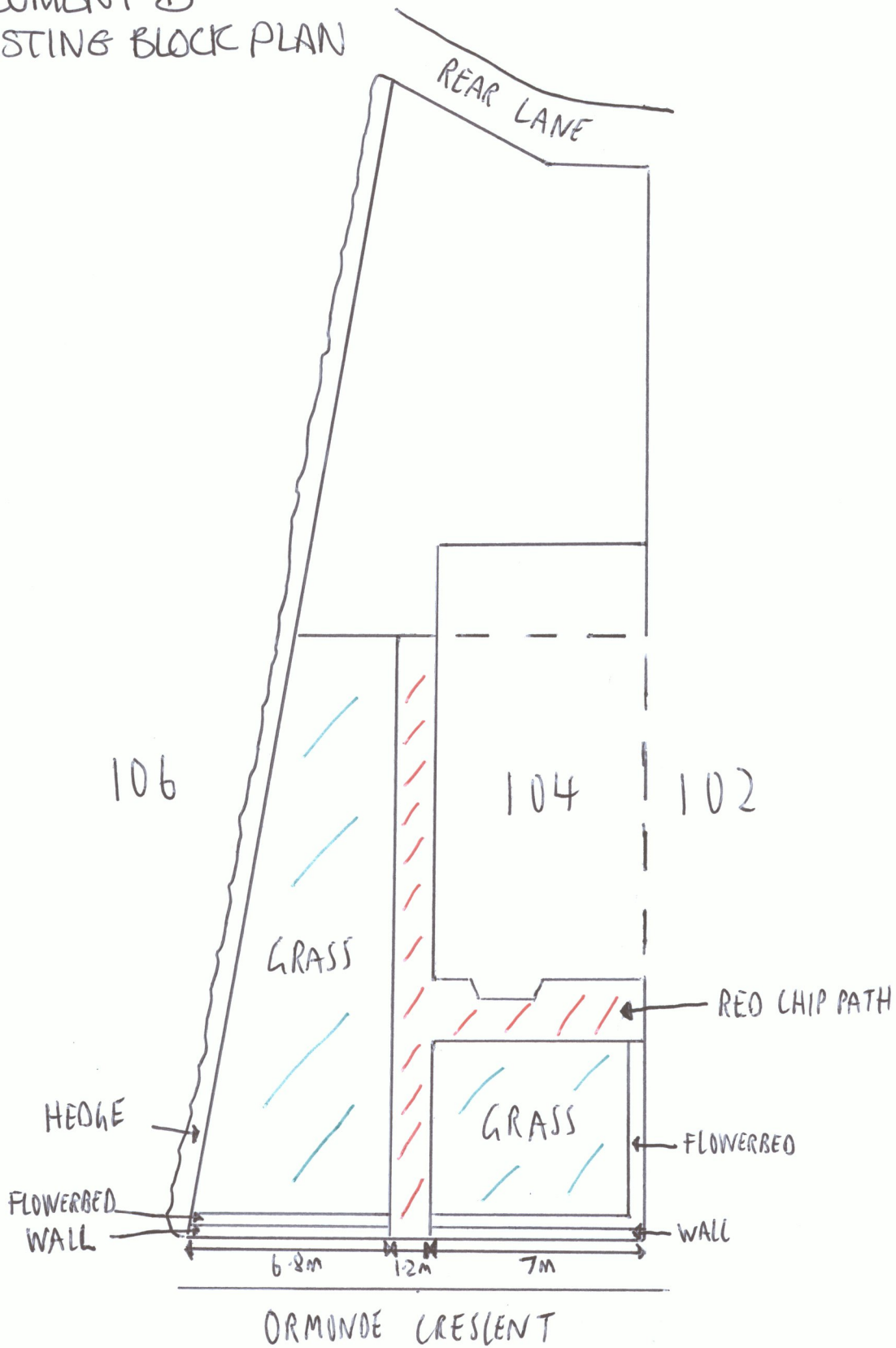


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104 ORMONDE CRESCENT
NETHERLEE
644 38W

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DOCUMENT B
EXISTING BLOCK PLAN



SCALE 1:200

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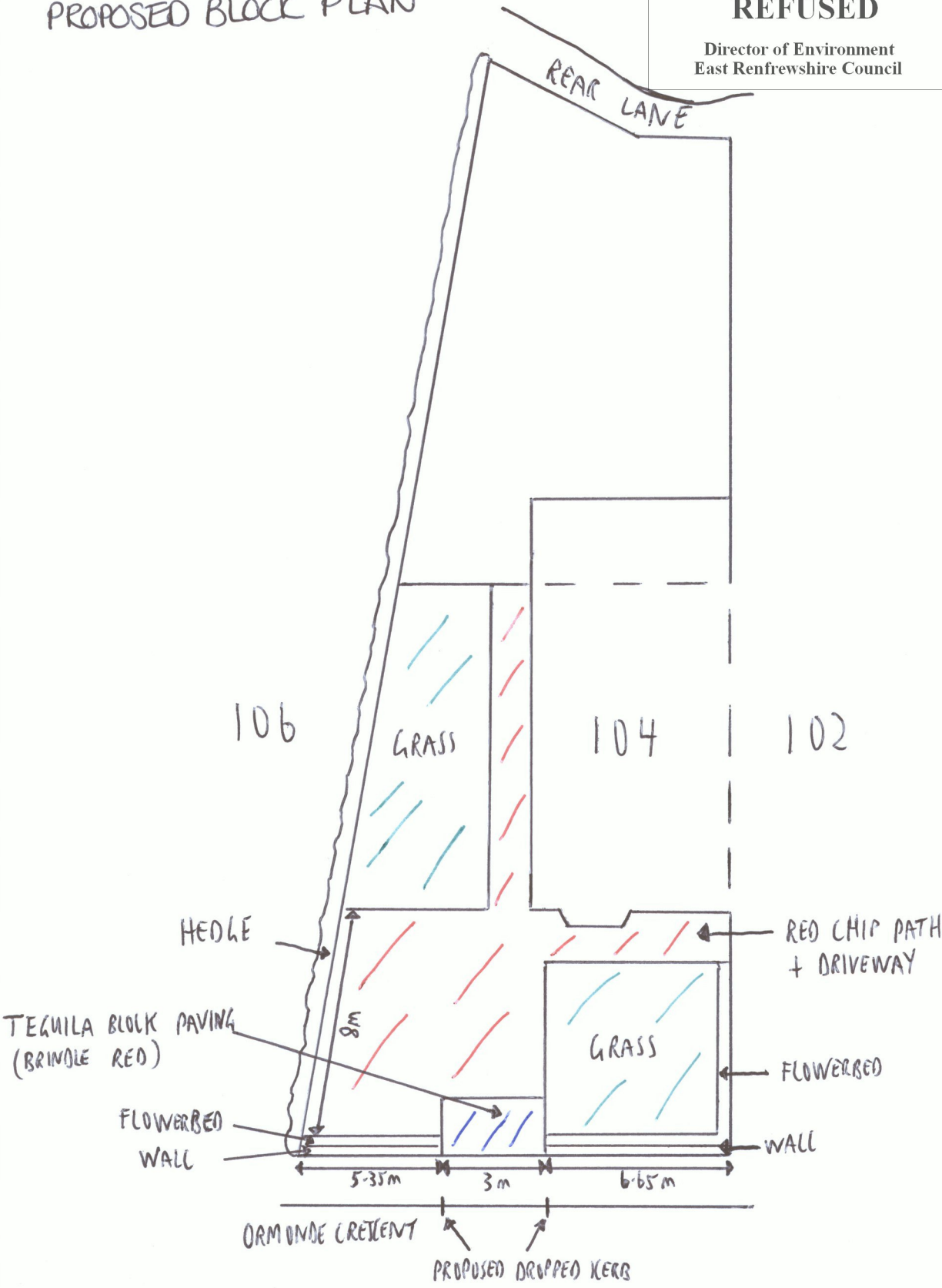
104 ORMONDE CRESCENT
NETHERLEE
G44 3SW
DOCUMENT E
PROPOSED BLOCK PLAN

243

Town and Country Planning
(Scotland) Act 1997

REFUSED

Director of Environment
East Renfrewshire Council






SCALE 1:200

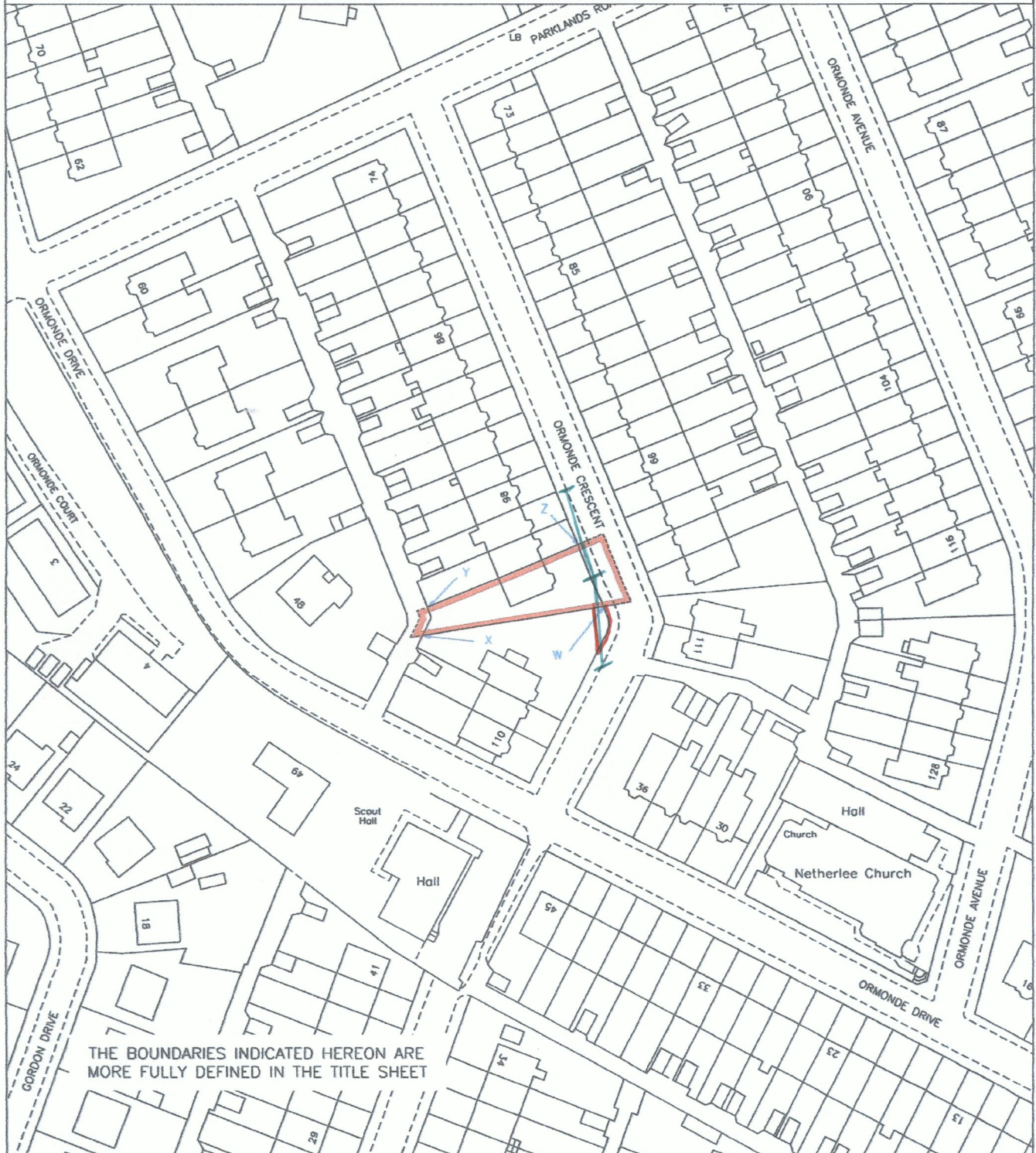
NB: FOR DRAINAGE PURPOSES;
LAND GENTLY SLOPES FROM
ROAD TOWARDS HOUSE

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DOCUMENT C: VISIBILITY SPLAY

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	ORDNANCE SURVEY NATIONAL GRID REFERENCE	70m 
	NS5758NE NS5759SE	Survey Scale 1/1250

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104 ORMONDE CRESCENT

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NETHERLEE

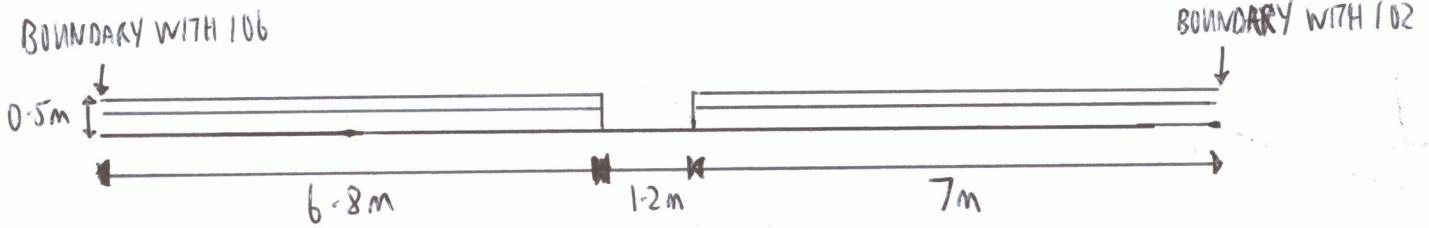
G44 3SW

Town and Country Planning
(Scotland) Act 1997

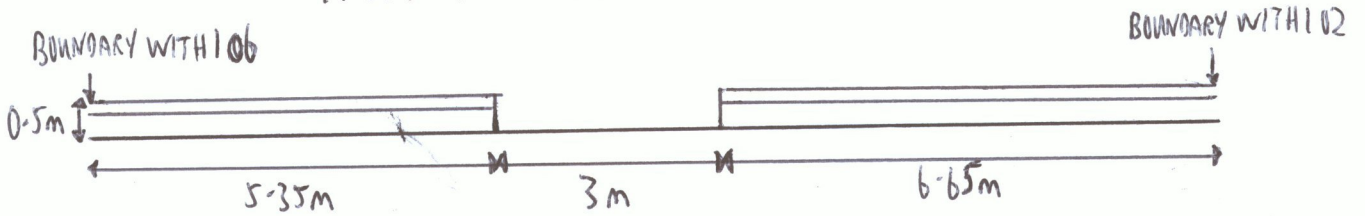
REFUSED

Director of Environment
East Renfrewshire Council

EXISTING FRONT WALL ELEVATION



PROPOSED FRONT WALL ELEVATION



SCALE 1:100

AMENDED PLANS RECEIVED
Date: 12/1/17

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