

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY12 April 2017Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2017/07ERECTION OF DETACHED GARAGE AT SIDE AND FORMATION OF GATES AND  
ASSOCIATED PILLARS FACING ONTO KENMURE ROAD  
AT 8 RODDINGHEAD ROAD, GIFFNOCK**PURPOSE OF REPORT**

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

**DETAILS OF APPLICATION**

2. Application type: Full Planning Permission (Ref No:- 2016/0747/TP).
- Applicant: Mr Andrew Samuel.
- Proposal: Erection of detached garage at side and formation of gates and associated pillars facing on to Kenmure Road.
- Location: 8 Roddinghead Road, Giffnock, East Renfrewshire G46 6TP
- Council Area/Ward: Newton Mearns South (Ward 5).

**REASON FOR REQUESTING REVIEW**

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

**RECOMMENDATIONS**

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

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

## **BACKGROUND**

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

6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the “local development” category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an “appointed officer”. In the Council’s case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (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 applicant in submitting the review has stated the reasons for requiring the review of the determination of their application. A copy of the applicant’s Notice of Review and Statement of Reasons is attached as Appendix 5.

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

10. The Local Review Body is not bound to accede to the applicant’s 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 applicant's Notice of Review and Statement of Reasons - Appendix 5 (Pages).

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

- (a) Plans as Existing;
- (b) Section and Elevations as Existing;
- (c) Refused Location Plan;
- (d) Refused - Plans as Proposed;
- (e) Refused – Section and Elevations as Proposed; and
- (f) Refused – Garage – Plan, Section and Elevations as Proposed.

16. The Local Review Body is advised that initial consultation responses and representations received if any, relating to the application will be listed in the planning officer's Report of Handling.

17. All the documents referred to in this report can be viewed online on the Council's website at [www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk) with the exception of any representations that have been made to the application.

## RECOMMENDATIONS

18. The Local Review Body is asked to:-

- (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
  - (i) it proceeds to determine whether the decisions taken in respect of the application under review should be upheld, reversed or varied; and

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

Report Author: Paul O'Neil

Director - Caroline Innes, Deputy Chief Executive

Paul O'Neil, Committee Services Officer  
e-mail: paul.o'neil@eastrenfrewshire.gov.uk  
Tel: 0141 577 3011

Date:- March 2017

**APPLICATION  
FOR  
PLANNING PERMISSION**

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2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: [planning@eastrenfrewshire.gov.uk](mailto:planning@eastrenfrewshire.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE      100031713-001

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

## Description of Proposal

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

Proposed Detached Garage within curtilage of Site

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

No    Yes - Started    Yes – Completed

## Applicant or Agent Details

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

Applicant    Agent

## Agent Details

Please enter Agent details

Company/Organisation:	James Mullen Architect		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	James	Building Name:	<input type="text"/>
Last Name: *	Mullen	Building Number:	41
Telephone Number: *	07918 680074	Address 1 (Street): *	Langhau Road
Extension Number:	<input type="text"/>	Address 2:	Crookston
Mobile Number:	<input type="text"/>	Town/City: *	Glasgow
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	G53 7SE
Email Address: *	james@jmarchitect.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Andrew	Building Number:	8
Last Name: *	Samuel	Address 1 (Street): *	Roddinghead Road
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Giffnock
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	G46 6TP
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		



## Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

8 RODDINGHEAD ROAD

Address 2:

NEWTON MEARNS

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G46 6TP

Please identify/describe the location of the site or sites

Northing

656776

Easting

255608

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Trees

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

Yes  No

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

## Access and Parking

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

Yes  No

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

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

3

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

4

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

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*  Yes  No

## Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? \*  Yes  No

Is any of the land part of an agricultural holding? \*  Yes  No

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: James Mullen

On behalf of: Mr Andrew Samuel

Date: 20/11/2016

Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

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

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

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

## Declare – For Householder Application

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

Declaration Name: Mr James Mullen

Declaration Date: 20/11/2016

**Payment Details**



Created: 20/11/2016 12:36

**COPIES OF OBJECTIONS/REPRESENTATIONS**

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**Roads Service  
OBSERVATIONS ON  
PLANNING APPLICATION**

**Our Ref:** 2016/0747/TP  
**D.C Ref** Ralph Howden  
**Contact:** Allan Telfer  
**Tel:** 0141-577-3417

**Planning Application No:** 2016/0747/TP      **Dated:** 30/11/16      **Received:** 01/12/16  
**Applicant:** Mr Andrew Samuel  
**Proposed Development:** Erection of detached garage at side and formation of gates facing on to Kenmure Road  
**Location:** 8 Roddinghead Road, Newton Mearns, G46 6TP  
**Type of Consent:** Full Planning Permission  
**Ref No. of Dwg.(s) submitted:** As per IDOX

<b>RECOMMENDATION</b>	<b>REFUSE</b>
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Proposals Acceptable Y/N or N/A	Proposals Acceptable Y/N or N/A	Proposals Acceptable Y/N or N/A
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**1. General**

(a) General principle of development	<b>N</b>
(b) Safety Audit Required	<b>N</b>
(c) Traffic Impact Analysis Required	<b>N</b>

**2. Existing Roads**

(a) Type of Connection (junction / footway crossing)	<b>N/A</b>
(b) Location(s) of Connection(s)	<b>N/A</b>
(c) Pedestrian Provision	<b>N/A</b>
(d) Sightlines	<b>N</b>

**3. New Roads**

(a) Widths	<b>N/A</b>
(b) Pedestrian Provision	<b>N/A</b>
(c) Layout (horizontal/vertical alignment)	<b>N/A</b>
(d) Turning Facilities (Circles / hammerhead)	<b>N/A</b>
(e) Junction Details (locations / radii / sightlines)	<b>N/A</b>
(f) Provision for P.U. services	<b>N/A</b>

**4. Servicing & Car Parking**

(a) Drainage	<b>Y</b>
(b) Car Parking Provision	<b>N/A</b>
(c) Layout of parking bays / Garages	<b>N</b>
(d) Servicing Arrangements/Driveways	<b>N</b>

**5. Signing**

(a) Location	<b>N/A</b>
(b) Illumination	<b>N/A</b>

Ref.	Reasons for Refusal
	The proposal does not meet the standards required for a garage/driveway in terms of visibility, set back from the public road and gradient of the driveway which could pose a safety risk.

	Comments
	<p>A visibility splay of 2m x 20m in the primary and secondary directions with no interference above a height of 1.05m within the splay will be required at both driveways.</p> <p>To ensure adequate inter-visibility between a vehicle exiting from the proposed driveway and pedestrians on the adjacent footway on Kenmure Road, a visibility splay of 2m back from the edges of the access (X) and 5m from the edges of access (Y) in both directions should be provided. No vegetation, landscaping features, fencing etc. above 1.05m in height will be accepted within the aforementioned splay.</p> <p>It is noted from drawing 04 Rev A that the gate posts are 2.1m in height with the gates themselves 1.47m in height. These features would therefore interfere with the required visibility splays.</p> <p>Garages must be set back a minimum of 6m from the heel of the footway. This is to prevent the adjacent public road from being obstructed while the garage door is opened. The set back also provides space for a car to be washed in front of the garage without obstructing the public road.</p> <p>From drawing 03, the garage is only set back between 3.214m and 3.561m from the heel of the adjacent footway which is not acceptable.</p> <p>In addition, the desirable maximum gradient of the driveway should be 10% with an absolute maximum of 12.5%. The gradient indicated on drawing 03 of 14.3% is therefore not acceptable. For the above reasons this Service has no option but to recommend refusal of this application.</p>

Controller (M&O)	N/A	Date		by	
VC letter	N/A	Date		by	

DEV File Ref	N/A	Date		by	
CC File Ref	N/A	Date		by	

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**Notes for Intimation to Applicant:**

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road Opening Permit (S56)*	Required

\* Relevant Section of the Roads (Scotland) Act 1984

Comments Authorised By: John Marley  
pp Environmental Services Manager

Date: 15/12/16



## REPORT OF HANDLING

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# REPORT OF HANDLING

Reference: 2016/0747/TP

Date Registered: 25th November 2016

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South

Co-ordinates: 255608/:656776

Applicant/Agent:

Applicant:  
Mr Andrew Samuel  
8 Roddinghead Road  
Giffnock  
East Renfrewshire  
G46 6TP

Agent:  
James Mullen Architect  
James Mullen  
41 Langhaul Road  
Crookston  
Glasgow  
G53 7SE

Proposal: Erection of detached garage at side and formation of gates and associated pillars facing on to Kenmure Road

Location: 8 Roddinghead Road  
Newton Mearns  
East Renfrewshire  
G46 6TP

## CONSULTATIONS/COMMENTS:

Roads Network Manager

Recommends refusal

**PUBLICITY:** None.

**SITE NOTICES:** None.

## SITE HISTORY:

2005/0891/TP	Demolition of existing dwellinghouse and erection of two storey dwellinghouse	Approved subject to conditions	18.04.2006
2008/0313/TP	Erection of single storey side extension and installation of 2 no. sets of access gates (in retrospect)	Approved subject to conditions	09.06.2008
2008/0832/TP	Installation of two dormer windows and erection of boundary walls	Granted	15.04.2009
2012/0462/TP	Erection of single storey rear extension	Granted	29.10.2012

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

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

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

**ASSESSMENT:**

The application site consists of an extended detached bungalow and curtilage which sits on the north east side of Roddinghead Road at its junction with Kenmure Road. There is a variety of house designs in the immediate area. The walls of the application property are finished in a white painted render and the roof is clad in red clay tiles. The property has been the subject of various extensions in recent years.

The proposal is to erect a detached garage to the side of the property with the associated formation of new entrance gates and pillars. The garage is to sit between the side elevation of the house and Kenmure Road. A new access will be formed from Kenmure Road. The garage will be 6m long by 5.1m wide. It will have a pitched roof with gable ends with an eaves height of 2.9m and ridge 4.4m. A garage door will be formed to the front of the garage and an access door will be formed on the rear elevation. The walls of the garage will be rendered to match the existing. The roof is to be clad in a red coloured concrete tile.

The original attached garage to the opposite corner of the building (front left when viewed directly from Roddinghead Road) has been converted to provide additional habitable accommodation. There are existing parking areas to the front of the house accessed from two existing vehicle entrances. There is a pedestrian access gate from Kenmure Road. An extension has been formed to an area of the site where a new garage would have been more traditionally sited.

The new gates will be formed by removing a section of the existing side wall. New gate pillars, each of which will be 2.1m high, will be formed to either side of the new entrance. The gates will be electrically controlled and will slide behind the wall. They will be approximately 1.47m high and 3.2m wide. They will be timber and have a stained finish to match the (brown) existing gates. The garage will be set 3.1m back from the front boundary wall and 1.8m from the wall of the house.

The proposal requires to be assessed against Policies D1 and D14 of the adopted Local Development Plan and the (SPG) Supplementary Planning Guidance - Householder Design Guide. Policy D1 requires that any development should not result in a significant loss of character or amenity to the surrounding area and should be of a size, scale and massing that is in keeping with buildings in the locality. The garage will sit forward of the building line on Kenmure Road and thus forward of the front wall of the neighbouring house at number 1 Kenmure Road.

It is considered that siting the garage in this position will have significant impact on the character and amenity on residents of Kenmure Road and that is particularly insensitive and detrimental to the amenity of the neighbouring property at number 1 Kenmure Road. The design and massing of the garage in this position are considered at odds with the established building line. The applicant argues that the building line on Kenmure Road is not relevant in this instance in that it is not the primary frontage to the property however the design details of the existing Kenmure Road frontage of the house, including the bay window and dormer window and the pedestrian access route suggest that the Kenmure Road frontage is as important to the character of the house and area as is the Roddinghead Road frontage. The proposed garage is thus considered to be contrary to Policy D1.

Policy D14 requires the size, scale and height of any development must be appropriate to the existing building. It is considered that the garage roof should have had a hipped roof to match the roof of the existing house with a consequent reduction in its massing. The positioning, orientation and proposed roof material are also considered insensitive to the character of the existing house.

The primary consideration in this case is however the massing of the structure in this position. As already detailed above, this elevation of the property is of considerable importance to the character of the house and Kenmure Road. These important views of the house will be significantly obstructed by the presence and dominance of the proposed garage. The proposed garage is considered to be contrary to Policy D14.

Additionally the Council's Supplementary Design Guide (SPG) - Householder Design Guide details that any developments should have the same roof design as they house particularly when visible from public view and that they should respect the character of the house and surrounding area in respect of design, scale and materials. It details that garages should be set back a minimum of 6m from the inner edge of the pavement and be finished in materials to match the original house. For these reasons the proposed garage is considered contrary to the adopted SPG.

The applicant argues that he would have no intent on washing a car in front of the garage but offers no comment on it being temporarily parked across the footway while accessing the garage. He also makes reference to there being a garage on the opposite side of Kenmure Road. This garage is however set lower than would the proposed garage as is the associated house (No. 6 Kenmure Road) and is accessed from Roddinghead Road. It also has a hipped roof which further reduces its massing. In addition, the design and position of the house opposite mean that they do not have the same impact on the character of Kenmure Road as does the application property.

Taking all of the above into account the proposed garage is considered contrary to Policies D1 and D14 of the adopted East Renfrewshire Local Plan and the SPG Supplementary Planning Guidance - Householder Design Guide.

The Council's Roads Service has recommended refusal of both the garage and the new access. In respect of the garage, Roads Service highlights that it should be set back a minimum of 6m from the heel of the footway, primarily to prevent the public road from being obstructed while the garage door is opened but also to provide space for a car to be washed in front of the garage without obstructing the public road. In this instance the garage would be set back only between 3.2m and 3.6m from the heel of the footway.

The proposed entrance also fails to meet the standards required by the Roads Service in that both the gate pillars, at a height of 2.1m and the gate, with a height of 1.47m are in excess of the maximum height of 1.05m required to allow adequate inter-visibility between drivers exiting the driveway and pedestrians.

The proposed entrance pillars and gates respect the character, design and finish of the existing entrances. The above comments of the Council's Roads Service in respect of the failure to meet required visibility splays are however noted and for this reason the proposed vehicle entrance does not meet the required access requirements. The applicant has suggested that it may be possible to amend the design of the entrance and gates to meet and the required visibility splays however given that the new access is so clearly associated with the proposed garage any changes have not been further pursued. The proposed pillars and gates are thus considered contrary to Policy D1 of the Local Development Plan.

The proposal is recommended for refusal.

**RECOMMENDATION:** Refuse

1. The proposed garage is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as its design, siting and massing will have a detrimental impact on the character and amenity of the surrounding area.

2. The proposed garage is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as its design, massing and roof material are considered to be inappropriate to the existing house. This will have a resultant adverse visual impact on the existing house.

3. The proposed garage is contrary to the adopted Supplementary Planning Guidance - Householder Design Guide as it does not comply with the principles in respect of its siting, design, scale and materials.

4. The proposed gates and associated pillars are contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as they do not meet the necessary road safety requirements as their height will reduce inter-visibility between drivers exiting the driveway and pedestrians.

**PLANNING OBLIGATIONS:** None

**ADDITIONAL NOTES:**

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**ADDED VALUE:** None

**BACKGROUND PAPERS:**

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

Ref. No.: 2016/0747/TP  
(RAHO)

DATE: 22nd December 2016

**DIRECTOR OF ENVIRONMENT**

**Reference: 2016/0747/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

- 11. communal lighting and any floodlighting associated with the development; Developments should include provision for the recycling, storage, collection and composting of waste materials;
- 12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
- 13. Where applicable, new development should take into account the legacy of former mining activity;
- 14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
- 15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
- 16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

#### Policy D14

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

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

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

Side extensions should not create an unbroken or terraced appearance.

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

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

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

**GOVERNMENT GUIDANCE:** None

Finalised 22/12/2016.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 PERMISSION**

Ref. No.       **2016/0747/TP**

**Applicant**

Mr Andrew Samuel  
8 Roddinghead Road  
Giffnock  
East Renfrewshire  
G46 6TP

**Agent:**

James Mullen Architect  
41 Langhaul Road  
Crookston  
Glasgow  
G53 7SE

With reference to your application which was registered on 25th November 2016 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

**Erection of detached garage at side and formation of gates and associated pillars facing on to Kenmure Road  
at: 8 Roddinghead Road Newton Meams East Renfrewshire G46 6TP**

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 proposed garage is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as its design, siting and massing will have a detrimental impact on the character and amenity of the surrounding area.
2. The proposed garage is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as its design, massing and roof material are considered to be inappropriate to the existing house. This will have a resultant adverse visual impact on the existing house.
3. The proposed garage is contrary to the adopted Supplementary Planning Guidance - Householder Design Guide as it does not comply with the principles in respect of its siting, design, scale and materials.
4. The proposed gates and associated pillars are contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as they do not meet the necessary road safety requirements as their height will reduce inter-visibility between drivers exiting the driveway and pedestrians.

Dated           20th December 2016



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

The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	NN 01		
Plans Proposed	03		
Plans Proposed	05		
Elevations Proposed	04 A		

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

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

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

CONTACT DETAILS

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

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

**NOTICE OF REVIEW  
AND  
STATEMENT OF REASONS**

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2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: [planning@eastrenfrewshire.gov.uk](mailto:planning@eastrenfrewshire.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE 100042320-001

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

You must enter a Building Name or Number, or both: \*

First Name: \*

Martin

Building Name:

Last Name: \*

Brown

Building Number:

35

Telephone Number: \*

07446183423

Address 1  
(Street): \*

Park Avenue

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

Dumbarton

Fax Number:

Country: \*

Scotland

Postcode: \*

G82 1BU

Email Address: \*

[martinbrown@mhplanning.co.uk](mailto:martinbrown@mhplanning.co.uk)

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Andrew"/>	Building Number:	<input type="text" value="8"/>
Last Name: *	<input type="text" value="Samuel"/>	Address 1 (Street): *	<input type="text" value="Roddinghead Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Giffnock"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G46 6TP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="East Renfrewshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="8 RODDINGHEAD ROAD"/>
Address 2:	<input type="text" value="NEWTON MEARNS"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GLASGOW"/>
Post Code:	<input type="text" value="G46 6TP"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="656776"/>	Easting	<input type="text" value="255608"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

ERECTION OF DETACHED GARAGE AND FORMATION OF GATES AND ASSOCIATED PILLARS FACING ONTO KENMURE ROAD

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Separate review statement submitted

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

Yes  No

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

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

Review Supporting Statement Application Form Decision Notice Original Submitted Drawings

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

2016/0747/TP

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

24/11/2016

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

20/12/2016

## Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

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

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

Yes  No

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

Yes  No

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

**Declare – Notice of Review**

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

Declaration Name: Mr Martin Brown

Declaration Date: 07/03/2017

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07 March 2017

**TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997, SECTION 43A**

**REVIEW OF REFUSAL FOR PLANNING APPLICATION  
2016/0747/TP – ERECTION OF DETACHED GARAGE AND  
FORMATION OF GATES AND ASSOCIATED PILLARS FACING  
ONTO KENMURE ROAD, 8 RODDINGHEAD ROAD, NEWTON  
MEARNS, G46 6TP**

**REASON FOR REVIEW**

**Submitted on behalf of Mr Andrew Samuel**

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**REVIEW OF REFUSAL FOR PLANNING APPLICATION 2016/0747/TP – ERECTION OF DETACHED GARAGE AND FORMATION OF GATES AND ASSOCIATED PILLARS FACING ONTO KENMURE ROAD, 8 RODDINGHEAD ROAD, NEWTON MEARNES, G46 6TP**

**GROUNDS OF APPEAL**

**1 Site Description**

1.1 The application site consists of a detached 1 ½ storey dwellinghouse and its associated garden curtilage, which sits on the north east side of Roddinghead Road at its junction with Kenmure Road. The existing property has been extended in recent years, and the original attached garage converted to provide additional habitable accommodation. Vehicular access to the site is currently taken from two separate locations, one taken directly from Roddinghead Road and the other at the corner of Roddinghead Road and Kenmure Road. There is a separate pedestrian access into the site from Kenmure Road. The site is not within any designated Conservation Area, and is not subject to any statutory listing. The surrounding area is characterised by a variety of detached house designs, with no consistent or prominent style.

**2 Relevant Planning History**

- 2012/0462/TP – Erection of single storey extension.  
Approved October 2012
- 2008/0832/TP – Installation of two dormer windows and erection of boundary walls.  
Approved April 2009
- 2008/0313/TP – Erection of single storey side extension and installation of 2no. sets of access gates (in retrospect).  
Approved June 2008
- 2005/0891/TP – Demolition of existing dwellinghouse and erection of two storey dwellinghouse.  
Approved April 2006

**3 The Reviewed Application**

3.1 The application for review relates to the recent refusal of planning application 2016/0747/TP/DET. This application proposed the erection of a detached garage and formation of a new access with gates and pillars facing onto Kenmure Road.

3.2 As stated above, there are two current vehicular access points into the site, both of which were approved by the Council, more recently the access at the corner of Roddinghead Road and Kenmure Road with its associated gate and pillars.

3.3 The proposed application is for the erection of a new detached garage facing onto Kenmure Road, with access proposed directly from Kenmure Road. While the existing access points would not be closed off, the main vehicular access into the application site will be taken from the newly formed access on Kenmure Road. The proposed garage would site forward of the frontline of the elevation facing onto Kenmure Road, approximately 2m from the north boundary. The dimensions for the proposed garage are 6m x 5.1m on plan and 4.4m in height to the ridgeline. The garage would be finished with white rendered walls and red concrete roof tiles to match the appearance of the existing house. The proposed access would be approximately 3.2m wide, with pillars at each side approximately 2.1m in height and the gate itself approximately 1.5m in height. The gate would be electrically controlled and slide behind the wall. The garage would be set back approximately 3.1m from the access.

#### 4 Reasons for Refusal of Planning Permission

4.1 The reasons for refusal of this application are listed as follows;

1. The proposed garage is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as its design, siting and massing will have a detrimental impact on the character and amenity of the surrounding area.
2. The proposed garage is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as its design, massing and roof material are considered to be inappropriate to the existing house. This will have a resultant adverse visual impact on the existing house.
3. The proposed garage is contrary to the adopted Supplementary Planning Guidance - Householder Design Guide as it does not comply with the principles in respect of its siting, design, scale and materials.
4. The proposed gates and associated pillars are contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as they do not meet the necessary road safety requirements as their height will reduce inter-visibility between drivers exiting the driveway and pedestrians.

4.2 The main policies listed as which the proposal is deemed to be contrary to are **Policy D1** and **Policy D14** of the Councils Adopted Local Development Plan (2015). These policies state the following;

##### **Policy D1** - Detailed Guidance for all Development

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



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

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

14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways soliums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category 'A' listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

#### **Policy D14**

Extensions to Existing Buildings and Erection of Outbuildings and Garages 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.

## **5 Reasons for Review**

Review of the refused application is based on the Council's reasons for refusing planning permission (see paragraph 4.1 above). These reasons are assessed

below in detail

Siting, Design and finish

- 5.1 In terms of the first and second reasons listed in refusing this application, the Officer's states in their *Report of Handling*;

'It is considered that siting the garage in this position will have significant impact on the character and amenity on residents of Kenmure Road and that is particularly insensitive and detrimental to the amenity of the neighbouring property at number 1 Kenmure Road. The design and massing of the garage in this position are considered at odds with the established building line'.

- 5.2 In response to the above, it is considered that the proposal should be viewed in the context of the existing locale, particularly when reference is made to the character and amenity of an area. When assessing whether a proposal would have any significant detrimental impact on an area, consideration should therefore be given to the existing built environment. While it is acknowledged that the property fronts onto two separate roads, its 'principle' elevation would be that facing onto Roddinghead Road, where the main access to the dwellinghouse it taken from. So while it has in effect a double frontage, the elevation facing onto Kenmure Road would not be considered as the dwellings principle elevation. In this instance, it was highlighted during the determination of the application that the proposal to site the garage between the front line of the existing building facing onto Kenmure Road, would in fact replicate the existing development within the curtilage of the neighbouring property of 6A Roddinghead Road, which sits on the opposite side of Kenmure Road to the application site. Within this neighbouring curtilage, there is a garage erected between the side elevation and the road, as can be seen in **Figure 1 & 2** below. This existing garage is located forward of the subsequent building line of this side of Kenmure Road. As this is an existing development, and therefore considered part of the established built environment of the locale, this should therefore be a consideration in determining whether any new development would have any 'significant' impact on the character or amenity of an area.



**Fig1:** Neighbouring property 6A Roddinghead Road (Image © Google)



**Fig2:** Neighbouring property 6A Roddinghead Road (Image © Google)

- 5.3 As the proposal would in effect replicate development within the established surrounding built environment, it is not considered it would therefore be contrary to criteria 2 of Policy D1, which highlights this as a consideration. It is not therefore considered that, on balance, the positioning of the garage between the side elevation and the adjacent road, would in this instance, have any significant detrimental impact on the character and amenity of the surrounding area that would merit a justified reason for the refusal of this planning application. Furthermore, the proposal would not have any significant impact on the amenity of the neighbouring property to the north. There would be no loss of natural daylight/sunlight as a result of the proposal, and no impact on privacy.
- 5.4 In terms of the second reason for refusal listed, it was considered by the Council that the proposed garage would be contrary to Adopted Local Plan Policy D14 as its design, massing and roof materials would have a resultant adverse visual impact on the existing house. The existing dwellinghouse comprises a finish of white rendered walls and a red concrete tiled roof, as can be seen in **Figure 3** below. The finish of the proposed garage would comprise white rendered walls with a red concrete roof tile, as mentioned under the 'Assessment' section of the Council's Report of Handling. The finish of the garage would match that of the existing house, and would not therefore

have any significant adverse visual impact on the existing house.



**Fig3:** Existing Property (© Google)

The garage roof design was never highlighted as being an issue for consideration through the application determination process. However, as can be seen from the image of the existing dwelling, this has a mixture of roof finish designs, and therefore no predominant style. The roof finish of the proposed garage comprises a standard pitched roof design, which could easily have been amended to show a hipped roof finish if preferred in this location, and on the request of the Planning Officer. Such a request/suggestion was not received in this instance, and would have been accepted by the applicant.

5.5 The existing house, like many of the houses within the locale, is fairly large in appearance. The scale and massing of the proposed garage would ensure it is viewed as being visually subordinate in its appearance when viewed against the existing house, and would not therefore affect the setting to any degree that would result in there being any adverse visual impact on the existing house.

5.6 The third reason for refusal states that the proposal would be contrary to the Adopted Supplementary Planning Guidance (Householder Design) in respect of its siting, design, scale and materials. In respect of Garages, the aforementioned Guidance lists the following as guidance;

***Garages (including car ports) should...***

- Not be positioned in front of the front elevation of the house;
- Preferably have a pitched roof when visible from the road;
- Be set back a minimum of 6 metres from the inner edge of the pavement;
- Be finished in materials to match the original house;

5.7 In respect of the first criterion above, the elevation which the garage would be positioned in front of would not be considered the 'front' elevation of the

house. The front (principle) elevation is generally considered that which the main access to the dwellinghouse is taken from, which in this instance would be the elevation facing onto Roddinghead Road. This elevation is sometimes referred to as the 'entry elevation' of the property. While it is accepted that the application site fronts onto two Roads, the elevation facing onto Kenmure Road would not therefore be considered the dwellings main 'front' elevation. This is in keeping with the spirit of the relevant guidance, which in an instance such as this, would consider the elevation in question as a side elevation fronting a road, and not the main front elevation of the dwellinghouse.

- 5.8 While the Supplementary Guidance also makes reference to the preferred minimum distance that a garage should be set back from the inner edge of the adjacent pavement, this is not a standard requirement. For example, in many situations garages can be sited within this distance and be considered as 'permitted development' if the relevant guidelines are complied with. It is not therefore considered justified that 'all' garages should be set back the stated 6m distance, and should be assessed on a case by case basis when assessing all relevant considerations. In respect of the remaining criterion, the proposal would be consistent with these in terms of its design and finish, as highlighted above.
- 5.9 Overall, it is considered that the design, massing and finish of the garage are appropriate to the site, and for the reasons stated above, would not result in any significant adverse visual impact on the existing house to any degree that would merit refusal of the application on these grounds.

### Road Safety

- 5.10 The final reason listed for refusal suggests that the proposed gate and associated pillars are contrary to Policy D1 as they do not meet the necessary road safety requirements in terms of their height reducing inter-visibility between drivers existing the driveway and pedestrians. The Council's Road Service object to the proposed garage and access in terms of its positioning relative to the adjacent footway. This objection was primarily to prevent the public road from being obstructed while the garage door is opened but also to provide space for a car to be washed in front of the garage without obstructing the public road. The Council Roads Service provide reason for the set-back distance under the 'Comments' section of their consultation response;

'Garages must be set back a minimum of 6m from the heel of the footway. This is to prevent the adjacent public road from being obstructed while the garage door is opened. The set-back also provides space for a car to be washed in front of the garage without obstructing the public road'.

- 5.11 In respect of this reason for refusal, reference to the set-back distance being required in order to provide space for a car to be washed in front of the garage without obstructing the public road, this should not be considered as a relevant material consideration as, regardless whether adequate space exists within the curtilage of a dwellinghouse that would allow the parking of a car to be washed, there are no road marking preventing the parking of any vehicle on the road, and subsequent washing of any vehicle, if desired. It would therefore not be appropriate to list this as a reason for recommending refusal of this application. **Figures 4-6** below show such example of vehicles parked on both Kenmure Road and Roddinghead Road;



**Fig4:** Vehicle parked on Kenmure Road (© Google)



**Fig5:** Vehicles parked on Roddinghead Road (© Google)



**Fig6:** Vehicles parked on Roddinghead Road (© Google)

- 5.12 Looking next at the matter raised in respect of the height of the proposed pillars and gate reducing inter-visibility between drivers existing the driveway and pedestrians, it is the case that many of the existing vehicular access points within the surrounding area, as accepted and approved by the Council, would be contrary to these requirements. **Figures 7-11** below show examples of such existing vehicular access arrangement providing access/egress to Roddinghead Road.



**Fig7:** Existing Access Arrangement on Roddinghead Road (© Google)





**Fig8:** Existing Access Arrangement on Roddinghead Road (© Google)



**Fig9:** Existing Access Arrangement on Roddinghead Road (© Google)



**Fig10:** Existing Access Arrangement on Roddinghead Road (© Google)



**Fig11:** Existing Access Arrangement on Roddinghead Road (© Google)

- 5.13 The above images are all from properties that are located on Roddinghead Road. As touched upon above, it can only be concluded that these access arrangements are considered appropriate to the Council either in granting planning permission, or if permission was not granted, not taking any subsequent enforcement action if this was deemed appropriate in the interest of Road Safety. A consistent approach should be adopted when determining what is acceptable in once instance, but not in another, particularly when such examples exist within the surrounding locale, or in this instance the same street. It is not considered appropriate, or consistent, that the Council should therefore identify this as a reason for refusing the application, particularly given the numerous existing access arrangement within the same street and surrounding area.
- 5.14 It is noted in the above extract taken from the consultation response of the Roads Service, another reason garages are normally to be set back 6m from the heel of the footway is to prevent the public road from being obstructed while the garage door is opened. However, this is of little or no relevance in this instance, particularly when many of the existing vehicular accesses demonstrated above, have electronic gates that require a car to stop and remain stationary either on the road or footpath while the gates open and the vehicle can then entre the site. The subsequent distance that any garage is set back from the footway would not prevent this initial obstruction from occurring, and as such, particularly given the existing access arrangements, would again not be considered as an appropriate reason to list in recommending the refusal of this planning application.
- 5.15 Roddinghead Road has seen a significant increase in traffic movement in recent times. This is as a result of speed calming measures being introduced to all other thoroughfares from Mearns Road to Ayr Road, resulting in many more vehicles now using Roddinghead Road than would have previously been the case. As a result, the current access arrangements on Roddinghead Road, including that of the existing vehicular access to the application site, are now likely subject to the potential to see increased road safety issues, when

considering the increased vehicular movement along the road. Given that Kenmure Road serves a limited number of properties, before the road ends at the last property, vehicular and/or pedestrian movement along this road is significantly less than that of Roddinghead Road. As a result, the new access from Kenmure Road as proposed, would likely result in a reduced road safety situation than is currently the case with any access/egress from Roddinghead Road.

- 5.16 Given the above illustration and assessment of the reason for refusal on Road Safety, it is not considered the proposal would result in any significant increase in the safety of road users or pedestrians that would merit a justified reason in refusing this application.

## 6. Conclusion

- 6.1 In conclusion, the reason for refusing the planning application was based on the Officer's conclusion that the proposal would be contrary to the relevant Adopted Local Plan **Policy D1** and **Policy D14**, and subsequent Supplementary Planning Guidance. The main reasons given are as listed as follows;
- The proposed garage would, by virtue of its design, siting and massing, have a detrimental impact on the character and amenity of the surrounding area;
  - The proposed garage would, by virtue of its design, massing and roof material, have a resultant adverse visual impact of the existing house; and
  - The proposed gates and associated pillars, by virtue of their height, would not meet the necessary road safety requirements in terms of the inter-visibility between drivers exiting the driveway and pedestrians.
- 6.2 Within Section 5 of this review statement, it has been demonstrated that, if the proposed development is considered in the context of the surrounding locale, the Local Review Body should overturn the Council's decision and planning permission should be granted in this instance.
- 6.3 While the proposed garage would sit forward of the frontline of the elevation facing onto Kenmure Road, the same development exists within the neighbouring property directly opposite the application site, which also has an elevation which faces directly onto Kenmure Road. Both curtilages represent the first properties on either side of Kenmure Road, and if the proposed development were to be approved and implemented, both curtilages would have garages nearer to the road than the existing building line. Taking this into consideration, it would not therefore be the case that, when viewed in the context of the existing built environment, the proposal would have any significant detrimental impact on the character and amenity of the surrounding area that would justify any reason for refusing this application.

Furthermore, the proposed garage would not have any adverse impact on the amenity of the neighbouring property to the north in terms of any loss of natural daylight/sunlight, or resultant privacy.

- 6.4 The proposed design, massing and finish of the garage are considered sympathetic to the appearance and finish of the existing house. The massing, scale and appearance of the garage would ensure it is viewed as being visually subordinate to the main house. The finish of the garage walls and roof would use materials and colours that match that of the existing house. As such, the design, massing and finish of the proposed garage should therefore be considered appropriate in this instance, and would not have any resultant adverse visual impact on the existing house.
- 6.5 The highlighted road safety issues raised in the consultation response from the Roads Service, and subsequent reason for refusal, are not considered appropriate in this instance, particularly when viewed within the context of the surrounding neighbouring properties within the area. The existing access arrangements of a substantial number of properties along Roddinghead Road and Kenmure Road have a similar appearance and finish to that proposed as part of this application. Recommending refusal on the grounds that the access gate and pillars would not meet the necessary road safety requirements would not therefore be considered appropriate or consistent in this instance as a reason for recommending refusal of this application. Furthermore, creation of a vehicular access onto Kenmure road, which serves a limited number of properties as a no through road, would likely have a lesser impact in terms of potential road safety considerations than exists with the current vehicular access arrangements along Roddinghead Road.
- 6.6 On balance, it is considered that the Local Review Body overturns the Council's decision to refuse that application, and grants planning permission for the erection of a detached garage and formation of a new vehicular access, subject to the imposition of any planning conditions that may be deemed necessary in this instance.

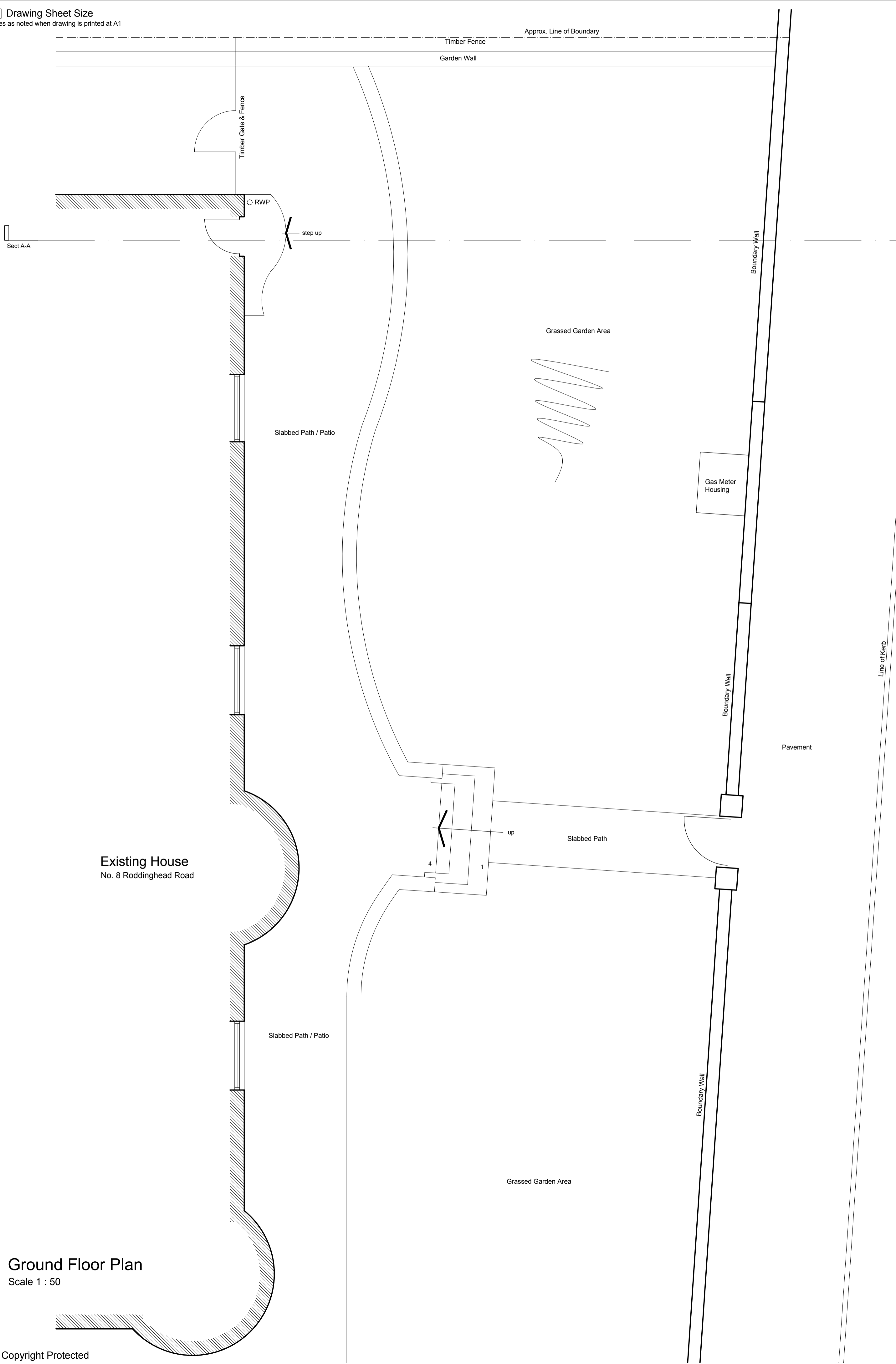
### Submitted Accompanying Documents

- 1 Application Form
- 2 Submitted Drawings
- 3 Report of Handling
- 4 Decision Notice

**PLANS/PHOTOGRAPHS/DRAWINGS**

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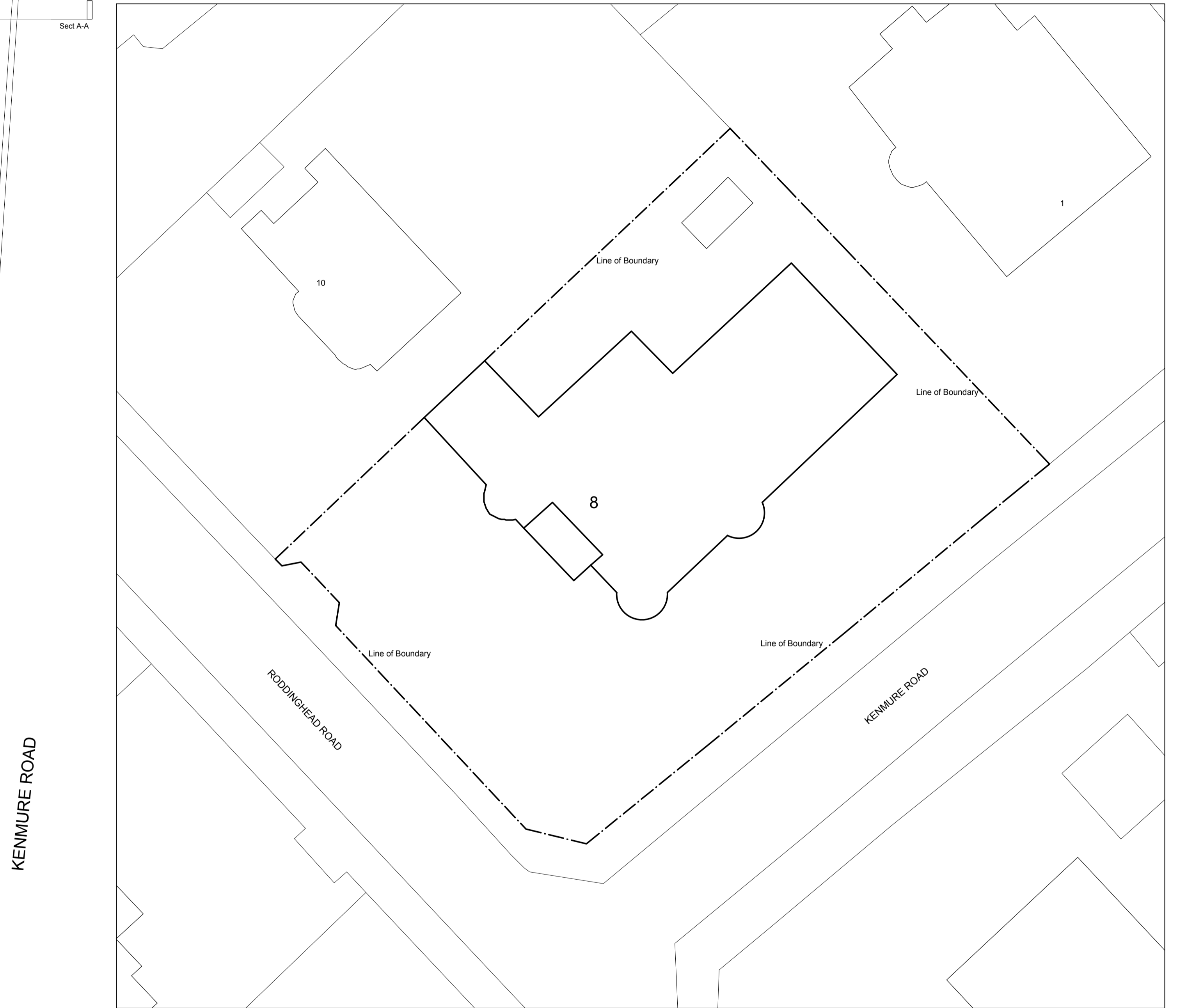
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Existing House  
No. 8 Roddinghead Road

Ground Floor Plan  
Scale 1 : 50

303



Block Plan  
Scale 1 : 200

Scale Bar 1 : 200

Scale Bar 1 : 50

**jamesmullen**  
chartered architect

James Mullen Chartered Architect  
41 Langhau Road, Parklands, Crookston  
Glasgow G53 7SE

T. 0141 892 0795  
F. 0141 892 0795  
M. 07918 680074

james@jmachitect.co.uk  
www.jmachitect.co.uk

Job/Client  
Proposed Detached Garage to Property  
Mr. & Mrs. A. Samuel  
8 Roddinghead Road, Giffnock G46 6TP

Drawing Title  
Plans  
As Existing

Scale  
As Noted

Date  
Aug 2016

Status  
PLANNING

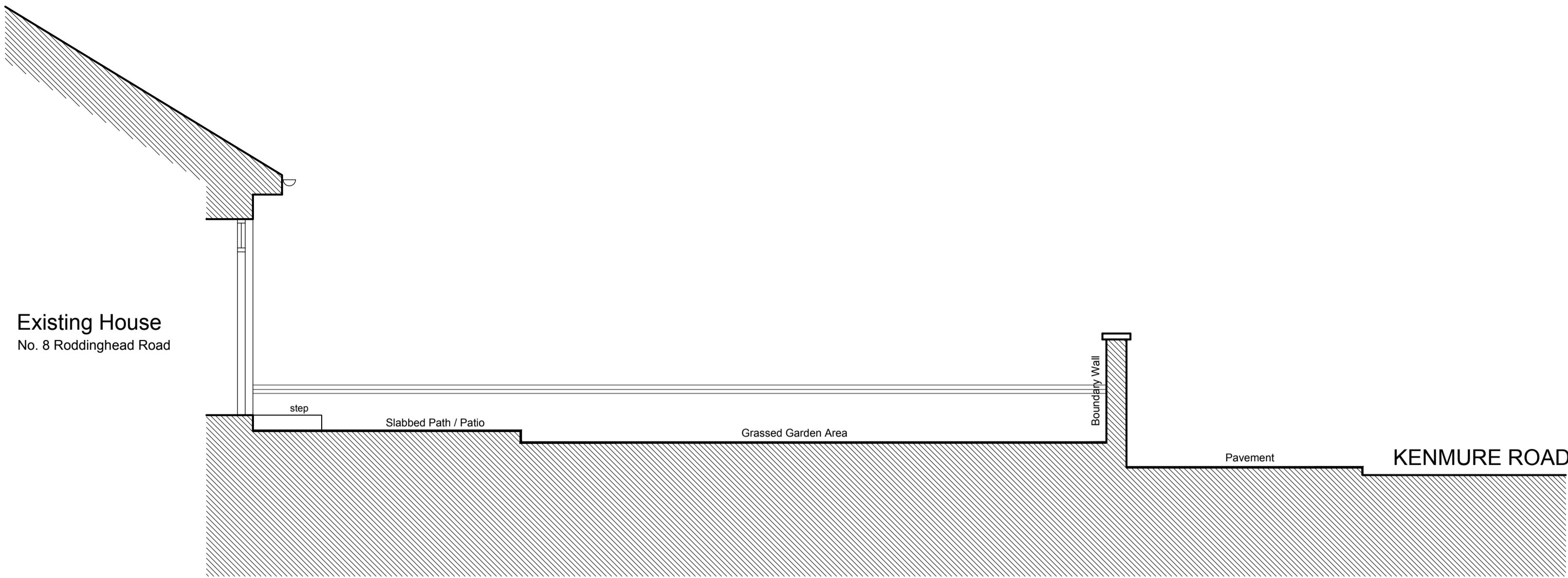
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Drawing No  
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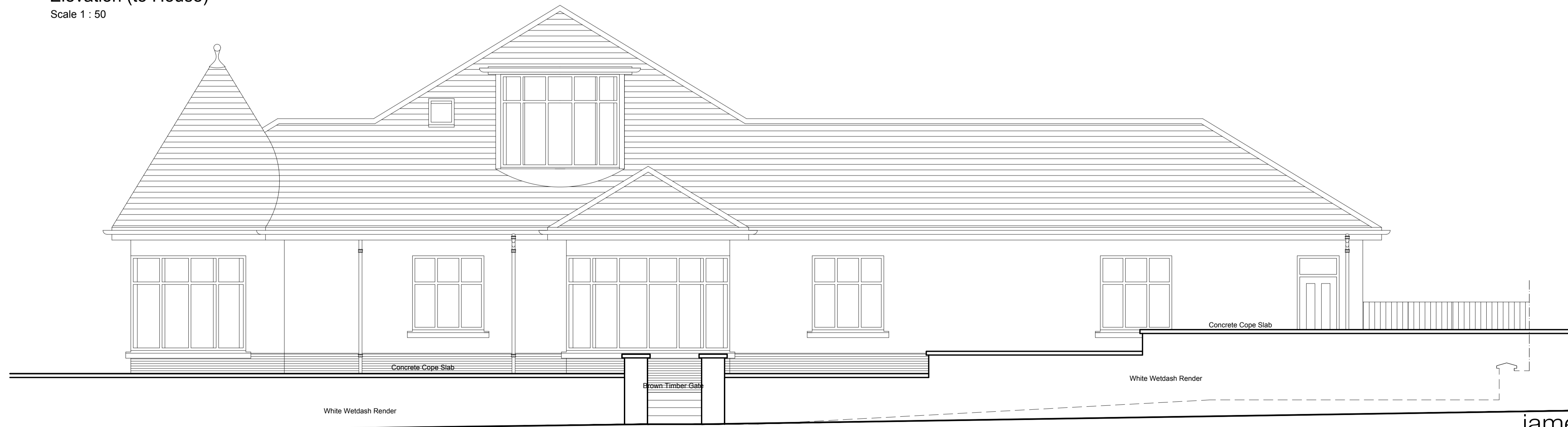
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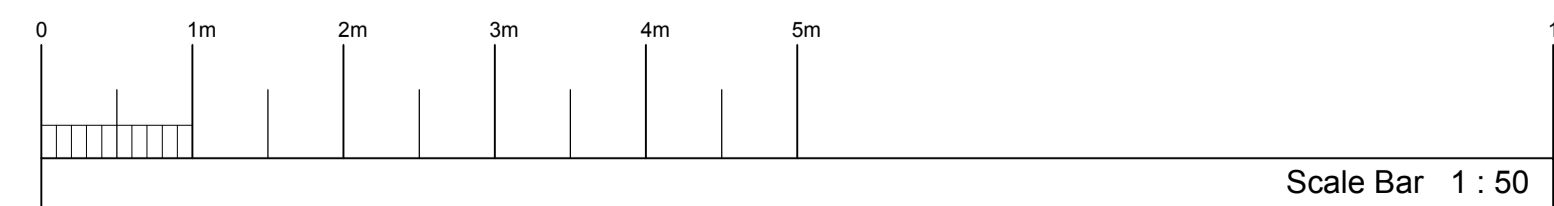
Section A - A  
Scale 1 : 50



Elevation (to House)  
Scale 1 : 50



Elevation (on Kenmure Road)  
Scale 1 : 50



**jamesmullen**  
chartered architect

James Mullen Chartered Architect  
41 Langhau Road, Parklands, Crookston  
Glasgow G53 7SE

T. 0141 892 0795  
F. 0141 892 0795  
M. 07918 680074

james@jmachitect.co.uk  
www.jmachitect.co.uk

Job/Client  
Proposed Detached Garage to Property  
Mr. & Mrs. A. Samuel  
8 Roddinghead Road, Giffnock G46 6TP

Drawing Title  
Section & Elevations  
As Existing

Scale  
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Date  
Aug 2016  
Status  
PLANNING

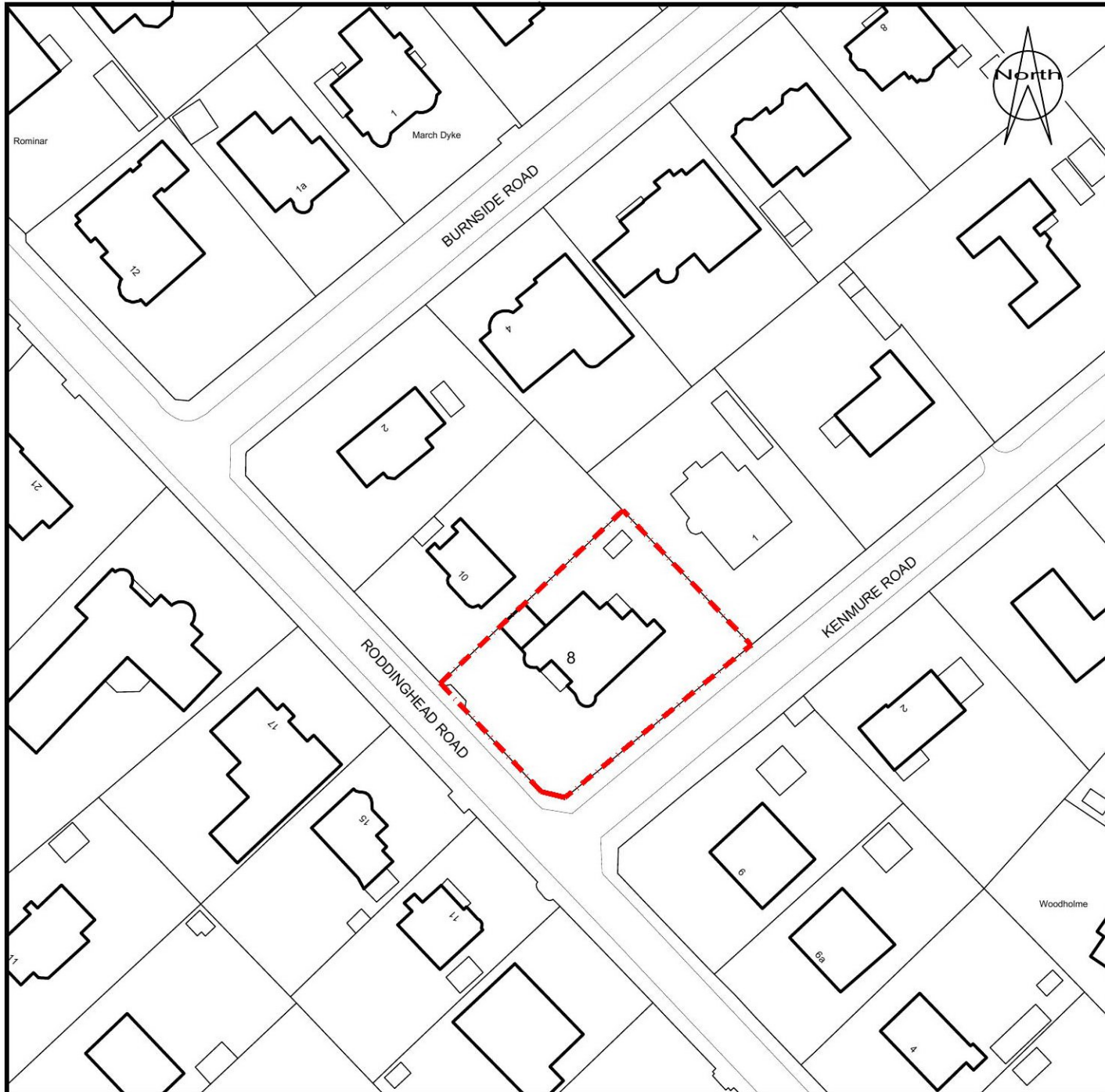
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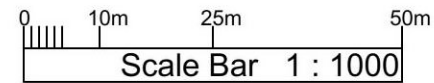
**Town and Country Planning  
(Scotland) Act 1997**

**REFUSED**

**Director of Environment  
East Renfrewshire Council**



Property Subject of Application Outlined RED



**Location Plan**

Scale 1 : 1000

**jamesmullen**  
chartered architect

James Mullen Chartered Architect  
41 Langhau Road, Parklands, Crookston  
Glasgow G53 7SE

T. 0141 892 0795  
F. 0141 892 0795  
M. 07918 680074

james@jmarchitect.co.uk  
www.jmarchitect.co.uk

Job/Client

Proposed Detached Garage to Property  
Mr. & Mrs. A. Samuel  
8 Roddinghead Road, Giffnock G46 6TP

Drawing Title

Location Plan  
As Existing

Scale

1 : 1000

Drawn By

JM

Project No

1618

Date

Aug 2016

Status

PLANNING

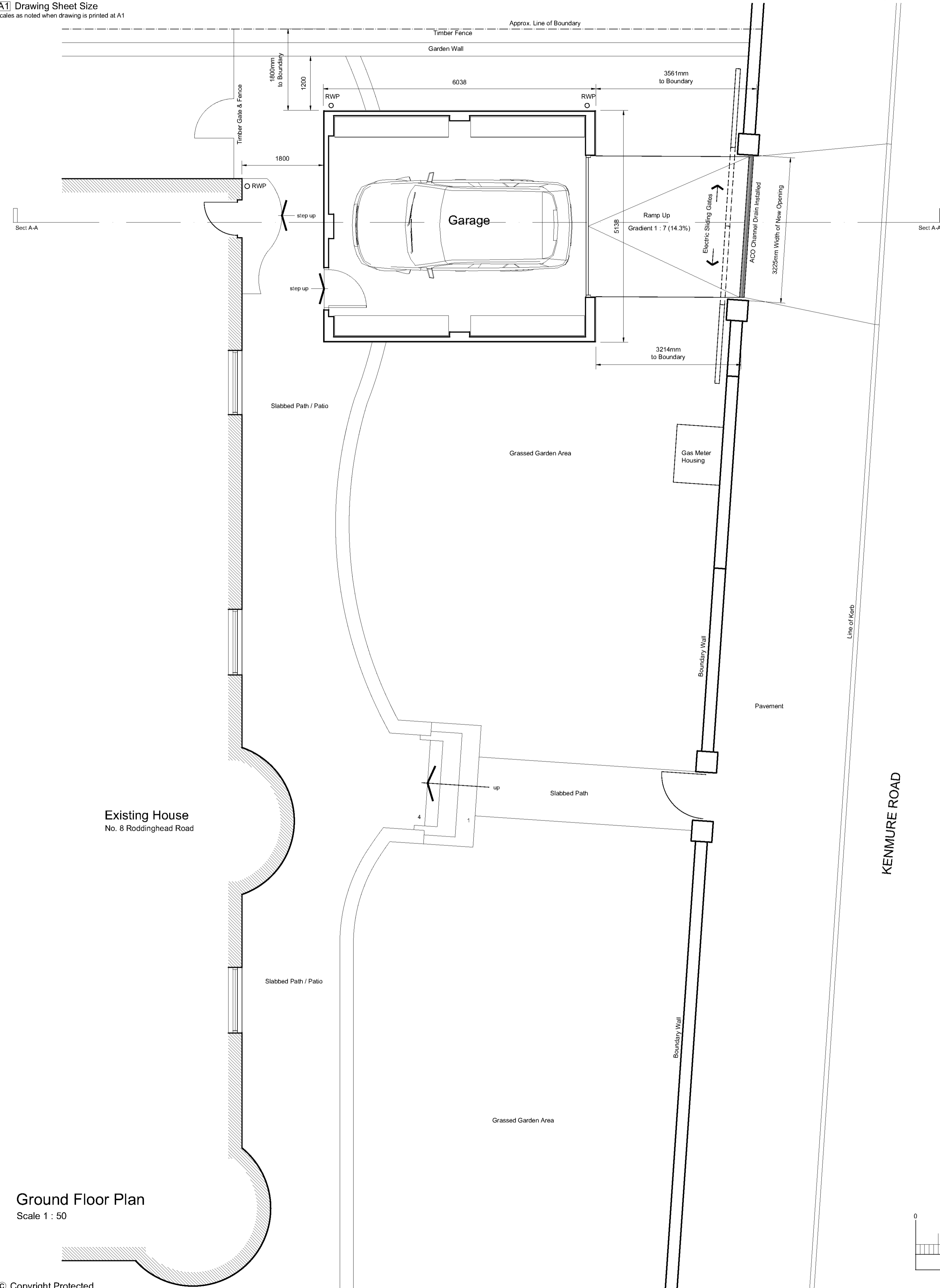
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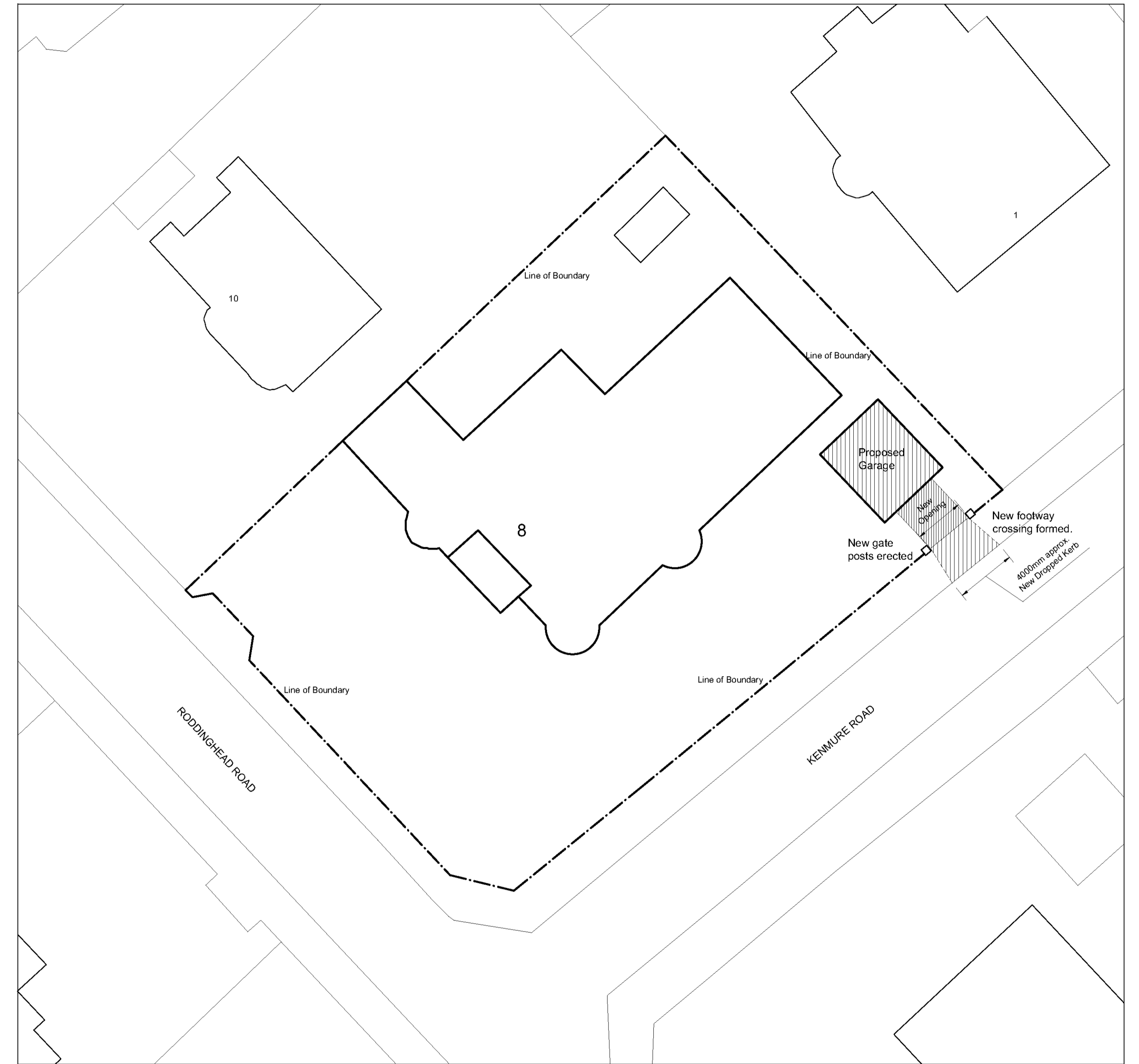
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**Ground Floor Plan**  
Scale 1 : 50



**Block Plan**  
Scale 1 : 200

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Scale Bar 1 : 200

0 1m 2m 3m 4m 5m 10m  
Scale Bar 1 : 50

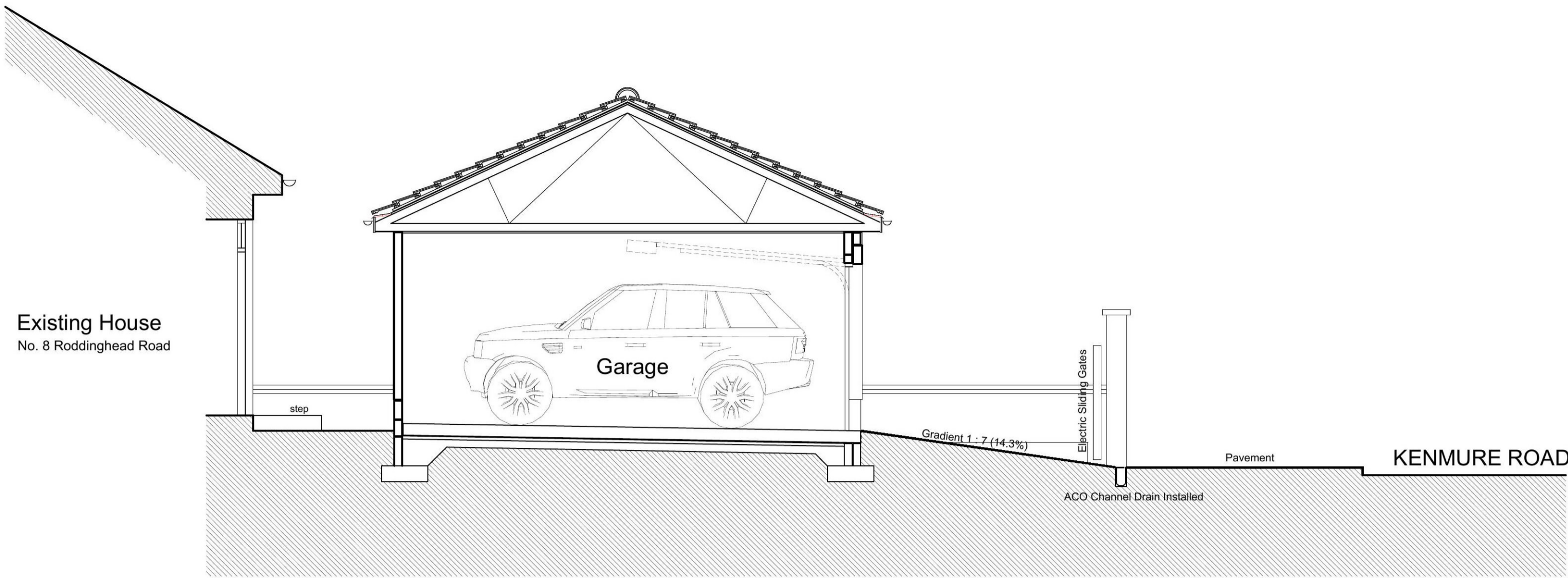
**jamesmullen**  
chartered architect  
James Mullen Chartered Architect  
41 Langhau Road, Parklands, Crookston  
Glasgow G53 7SE  
T. 0141 892 0795  
F. 0141 892 0795  
M. 07918 680074  
james@marchitect.co.uk  
www.jmarchitect.co.uk

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Mr. & Mrs. A. Samuel  
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Plans  
As Proposed  
Scale  
As Noted  
Status  
JM  
Project No.  
1618  
Date  
Aug 2016  
Status  
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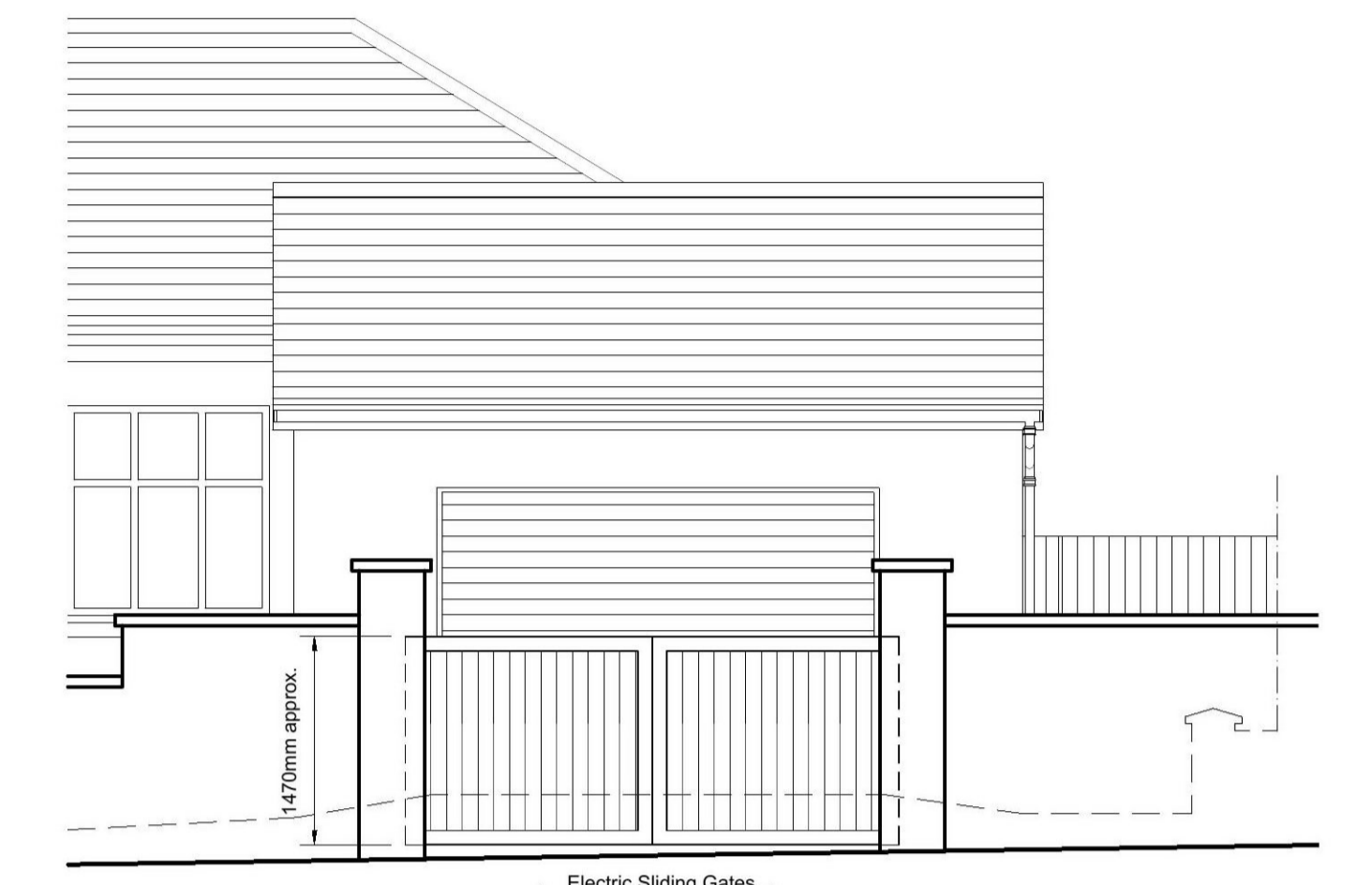
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Section A - A  
Scale 1 : 50



Proposed Gates  
Elevation (on Kenmure Road)  
Scale 1 : 50

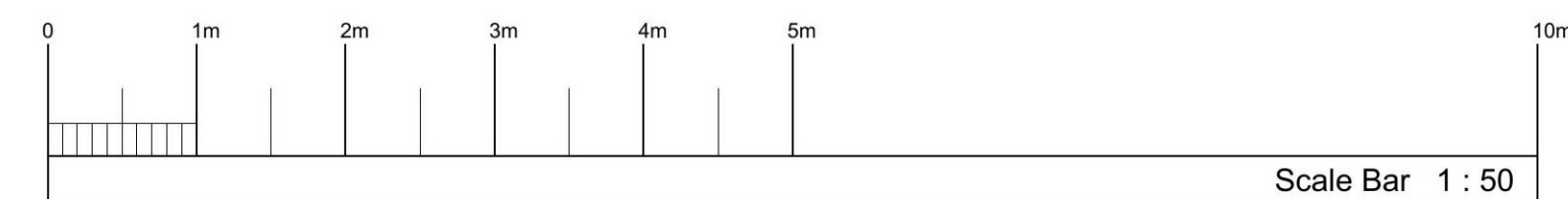
New gates to be timber, coloured brown to match existing gates.



Elevation (to House)  
Scale 1 : 50



Elevation (on Kenmure Road)  
Scale 1 : 50



Rev A Proposed Gates Illustrated 11/16

**jamesmullen**  
chartered architect

James Mullen Chartered Architect  
41 Langhau Road, Parklands, Crookston  
Glasgow G53 7SE

T. 0141 892 0795  
F. 0141 892 0795  
M. 07918 680074

james@jmachitect.co.uk  
www.jmachitect.co.uk

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Proposed Detached Garage to Property  
Mr. & Mrs. A. Samuel  
8 Roddinghead Road, Giffnock G46 6TP

Drawing Title  
Section & Elevations  
As Proposed

Scale  
1 : 50

Date  
Aug 2016

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JM

Status  
PLANNING

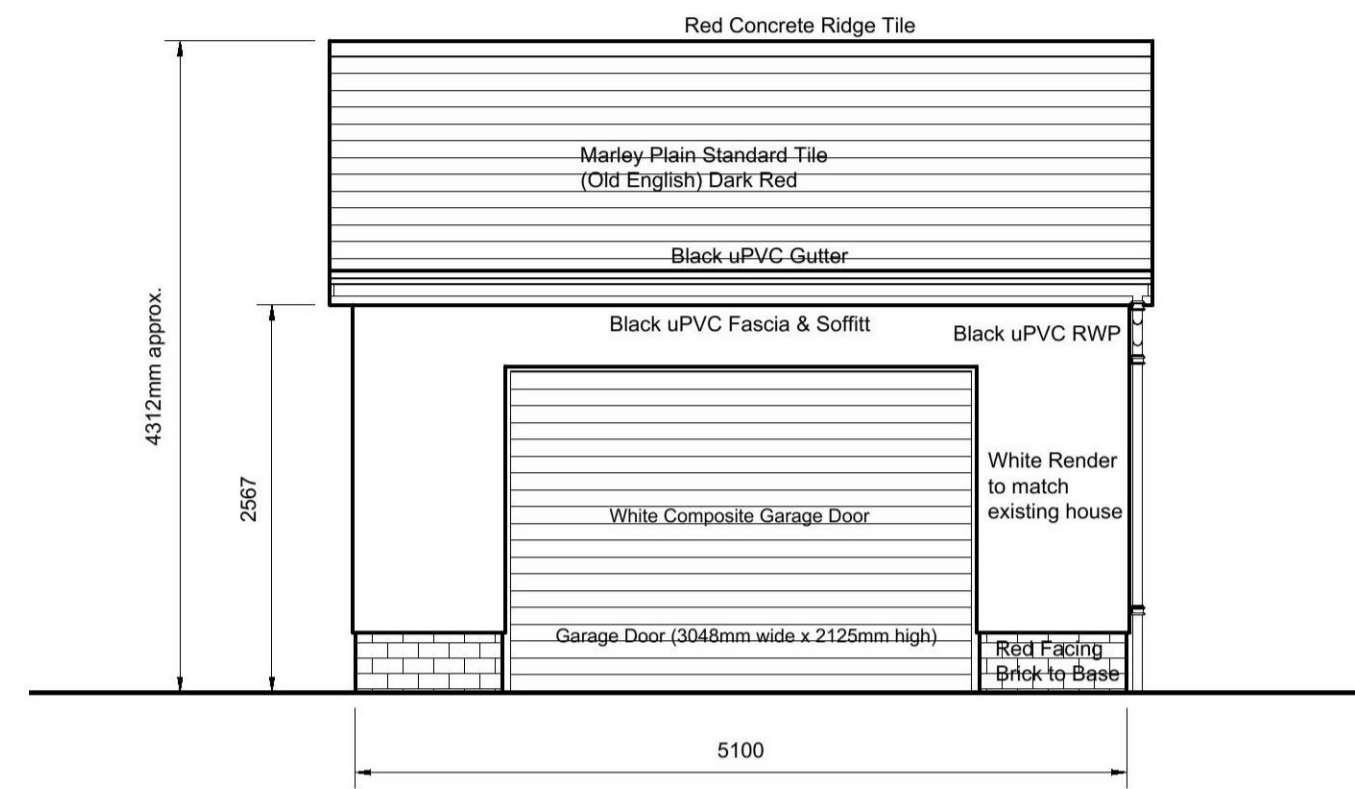
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Drawing No  
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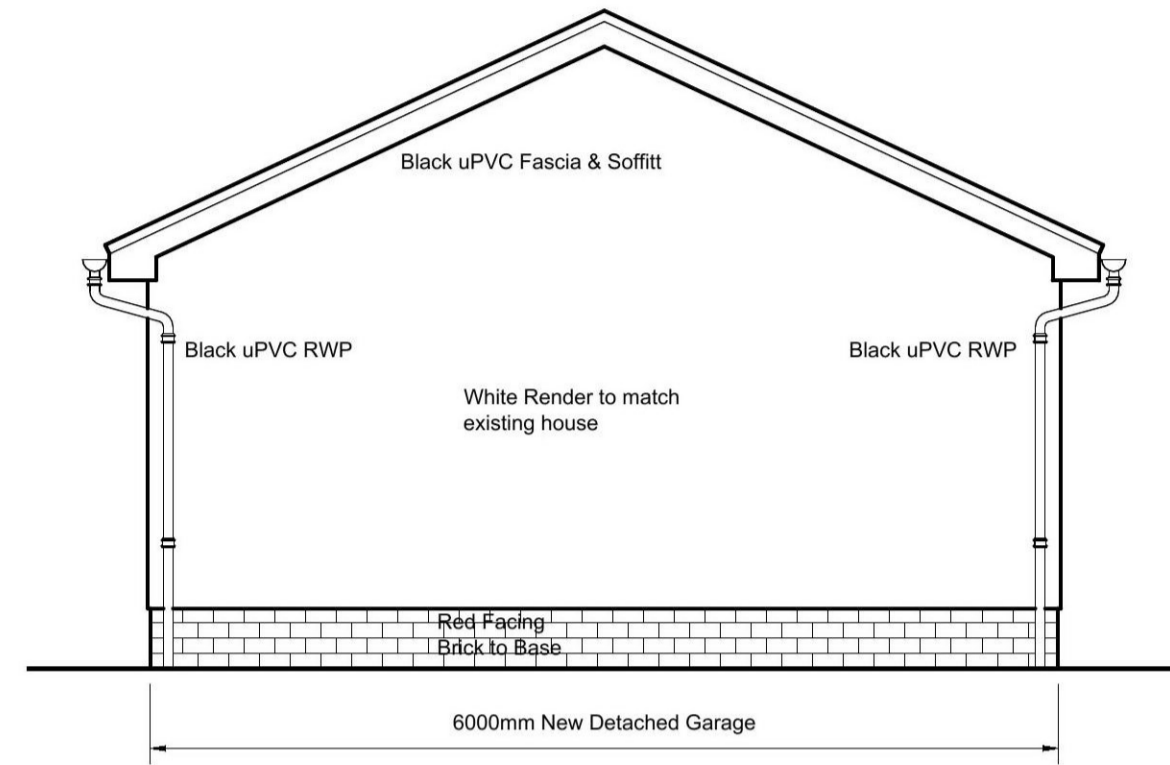
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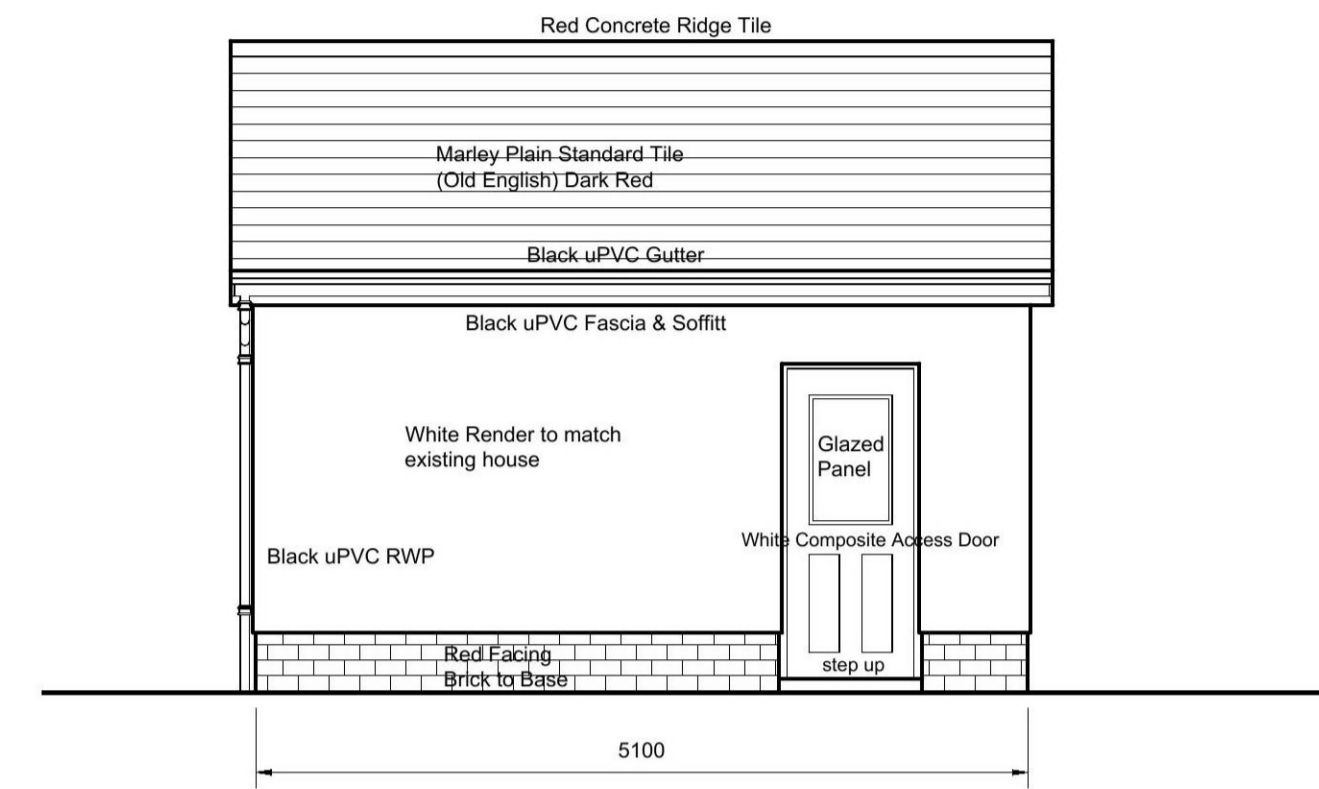
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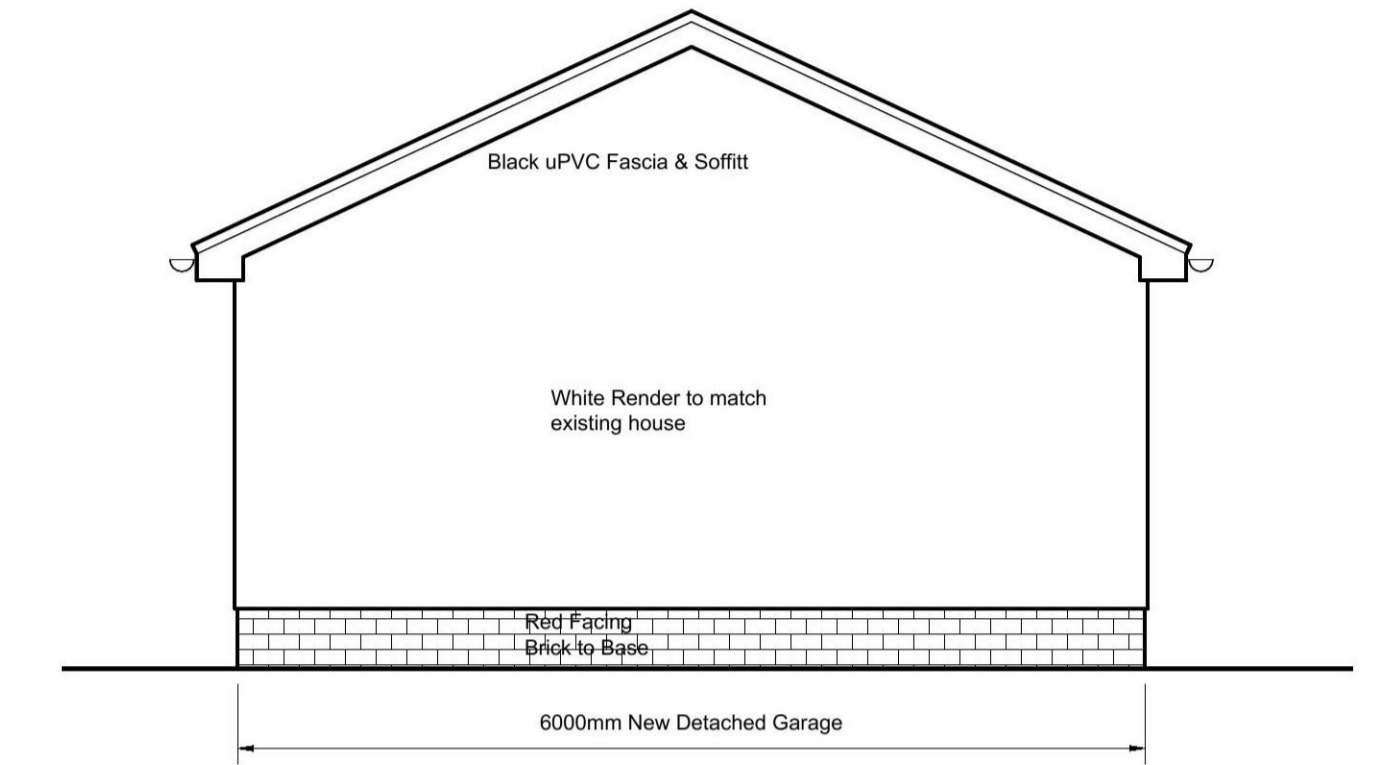
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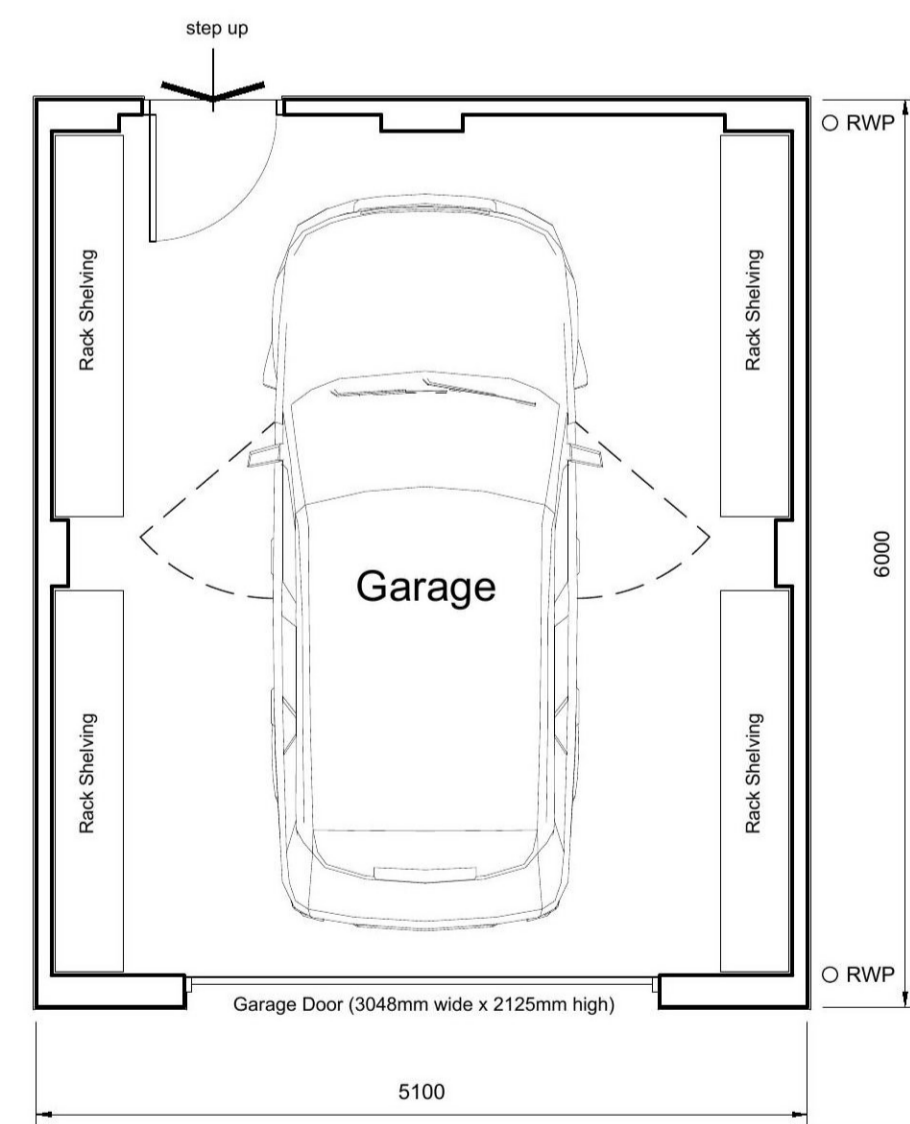
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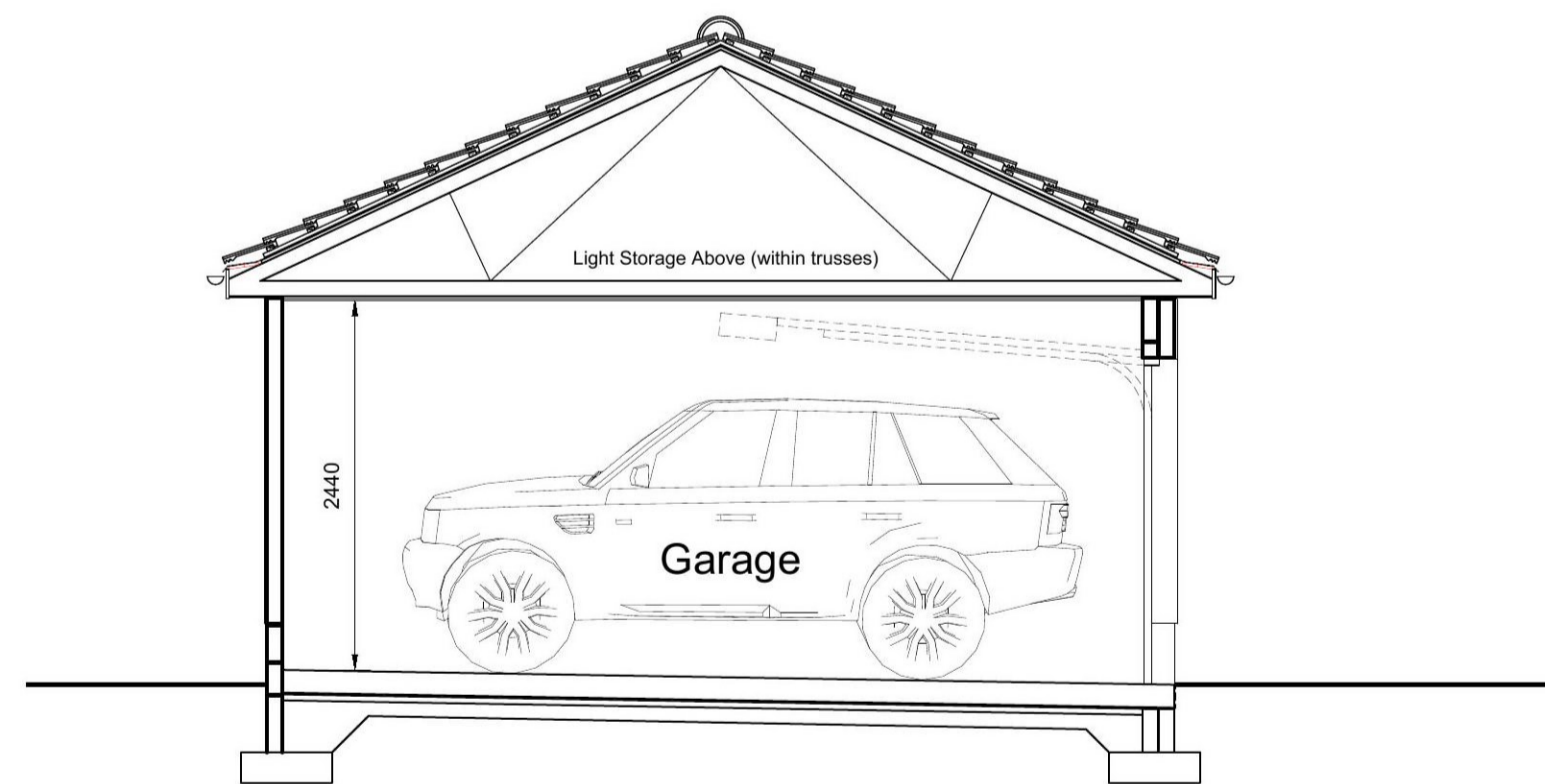
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End Elevation  
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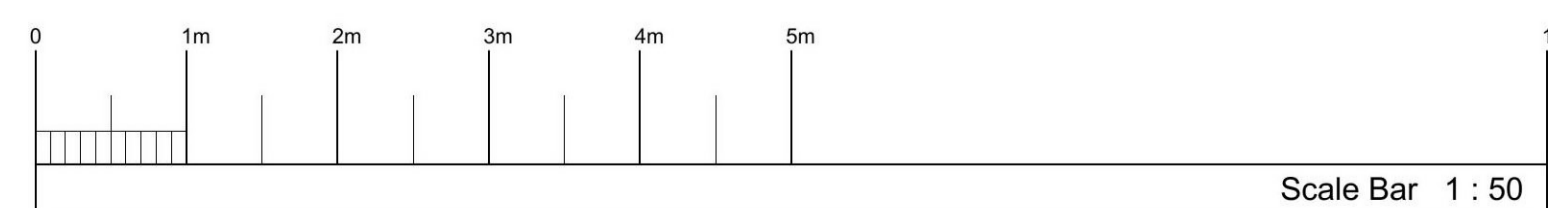


Garage Floor Plan  
Scale 1 : 50



Section Through Garage  
Scale 1 : 50

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**jamesmullen**  
chartered architect

James Mullen Chartered Architect  
41 Langhau Road, Parklands, Crookston  
Glasgow G53 7SE

T. 0141 892 0795  
F. 0141 892 0795  
M. 07918 680074

james@marchitect.co.uk  
www.jmarchitect.co.uk

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Drawing Title  
Garage - Plan, Section & Elevations  
As Proposed

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