

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY12 April 2017Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2017/09ERECTION OF EXTENSION AT REAR INCORPORATING ROOF TERRACE WITH
ERECTION OF DECKING AT REAR AT 11 BEECH AVENUE, NEWTON MEARNS**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:- 2016/0832/TP).
Applicant: Dr Bimal Kumar.
Proposal: Erection of extension at rear incorporating roof terrace with decking at rear.
Location: 11 Beech Avenue, Newton Mearns.
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 (Major Programmes and Projects).

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

NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW

8. The applicant in submitting the review has stated the reasons for requiring the review of the determination of 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 a site inspection.

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

11. 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) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 2 (Pages);
- (c) Decision notice and reasons for refusal - Appendix 3 (Pages); and
- (e) A copy of the applicant's Notice of Review and Statement of Reasons - Appendix 4 (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 5 (Pages).

- (a) Location Plan - 001;
- (b) Existing Elevations and Layout - 002a;
- (c) Section and Roof Plans – 006a;
- (d) Existing Basement Plan – 007;
- (e) Refused – Location Plan – 001a;
- (f) Refused – Basement Layout – 003;
- (g) Refused – Main Floor Level – 004
- (h) Refused – Elevations – 005a; and
- (i) Refused – Plan Showing Full Extent of Patio – 008.

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:- April 2017

**APPLICATION
FOR
PLANNING PERMISSION**

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100034286-002

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.

Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

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:	Bryan McAlister Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Bryan	Building Name:	12
Last Name: *	McAlister	Building Number:	
Telephone Number: *	01506 847285	Address 1 (Street): *	The Maltings
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Linlithgow
Fax Number:		Country: *	Scotland
		Postcode: *	EH49 6DS
Email Address: *	bryarcht@talktalk.net		

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:		Building Name:	
First Name: *	Bimal	Building Number:	11
Last Name: *	Kumar	Address 1 (Street): *	Beech Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Newtobnmearns
Extension Number:		Country: *	Scotland
Mobile Number:	0780308091	Postcode: *	G77 5PP
Fax Number:			
Email Address: *	bimal@globrin.com		

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

Yes No

Application Details

Please select which application(s) the new documentation is related to.

Application: *

100034286-001, application for Householder Application, submitted on 19/12/2016

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

Additional or amended information requested by Planning

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

Yes No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Bryan McAlister

Declaration Date: 23/12/2016

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REPORT OF HANDLING

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REPORT OF HANDLING

Reference: 2016/0832/TP

Date Registered: 23rd December 2016

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South

Co-ordinates: 254579/:656153

Applicant/Agent:

Applicant:
Mr Bimal Kumar
11 Beech Avenue
Newton Mearns
East Renfrewshire
G77 5PP

Agent:
Bryan McAlister Architect
Bryan McAlister
12 The Maltings
Linlithgow
EH49 6DS

Proposal: Erection of extension at rear incorporating roof terrace with erection of decking at rear

Location: 11 Beech Avenue
Newton Mearns
East Renfrewshire
G77 5PP

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

1998/0023/TP	Erection of side and rear extensions	ASTC	24.02.1998
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REPRESENTATIONS: No representations have been received.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

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

ASSESSMENT:

The application site comprises a detached bungalow and its curtilage and lies within an established residential area. It occupies a corner plot at the junction of Beech Avenue and Knowes Road. The dwelling has been extended in the past and has a one and a half storey rear extension comprising a gable end. The site slopes down generally from north-west to south-east with the result that the adjacent house at 15 Beech Avenue sits at a higher level than the applicant's house. Both the side boundary with 15 Beech Avenue and the rear boundary are characterised by established planting. The side boundary with Knowes Road is open, with views into the site.

Planning permission is sought for the erection of a further rear extension measuring approximately 4.6 metres deep, bringing the cumulative depth of both extensions to approximately 8.8 metres deep. The proposed extension will stand two storeys high given the

fall in levels across the site and comprises a flat roof with a roof terrace. A slanted tiled privacy screen is proposed to give users of the roof terrace privacy from Knowes Road. A curved hip roofed side projection is also proposed to house a stair case.

The proposed extension is considered to be out of character with the original hip roofed bungalow. It is accepted that the dwelling has an existing gable ended rear extension, however, this additional extension with yet another different roof design is considered to further detract and overwhelm the character and design of the original hip roofed bungalow. Moreover, the cumulative effect of this and the existing extension is considered excessive relative to the size of the original house and would represent the overdevelopment of the dwelling.

The proposal would therefore be detrimental to the character and visual amenity of the wider area. This would be exacerbated as the rear garden is open to view from Knowes Road.

Given the drop in levels relative to the adjacent dwelling at 15 Beech Avenue and the boundary treatment, there would be no significant additional overlooking or overshadowing.

Nevertheless the proposal is considered contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as it would detract from the character and design of the existing dwelling by virtue of it introducing design elements alien to the original house and as it would represent the over-development of the house.

The proposal is also contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it would be detrimental to the character and visual amenity of the wider area.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None

REASONS FOR REFUSAL:

1. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as it would detract from the character and design of the existing dwelling as a result of introducing design elements that are alien to the original house and as it would represent the over-development of a previously extended house.
2. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it would be detrimental to the character and visual amenity of the wider area as a result of its design and size relative to the original dwelling.

ADDITIONAL NOTES: None

ADDED VALUE: None

BACKGROUND PAPERS:

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

Ref. No.: 2016/0832/TP
(DESC)

DATE: 30th January 2017

DIRECTOR OF ENVIRONMENT

Reference: 2016/0832/TP - Appendix 1
DEVELOPMENT PLAN:

Strategic Development Plan

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

Adopted East Renfrewshire Local Development Plan

Policy D1

Detailed Guidance for all Development

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

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

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

Policy D14

Extensions to Existing Buildings and Erection of Outbuildings and Garages

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

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

Side extensions should not create an unbroken or terraced appearance.

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

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

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

GOVERNMENT GUIDANCE: None relevant

Finalised 30/01/17 IM(1)

**DECISION NOTICE
AND
REASONS FOR REFUSAL**

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

REFUSAL OF PLANNING PERMISSION

Ref. No. **2016/0832/TP**

Applicant

Mr Bimal Kumar
11 Beech Avenue
Newton Mearns
East Renfrewshire
G77 5PP

Agent:

Bryan McAlister Architect
Bryan McAlister
12 The Maltings
Linlithgow
EH49 6DS

With reference to your application which was registered on 23rd December 2016 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of extension at rear incorporating roof terrace with erection of decking at rear

at: 11 Beech Avenue Newton Mearns East Renfrewshire G77 5PP

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 D14 of the adopted East Renfrewshire Local Development Plan as it would detract from the character and design of the existing dwelling as a result of introducing design elements that are alien to the original house and as it would represent the over-development of a previously extended house.
2. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it would be detrimental to the character and visual amenity of the wider area as a result of its design and size relative to the original dwelling.

Dated 30th January 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 and Location Plan Proposed	001	A	
Elevations Proposed	005	A	
Plans Proposed	004	A	
Plans Proposed	008		
Plans Proposed	003		

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100034286-003

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:	Bryan McAlister Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Bryan	Building Name:	12
Last Name: *	McAlister	Building Number:	
Telephone Number: *	01506 847285	Address 1 (Street): *	The Maltings
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Linlithgow
Fax Number:		Country: *	Scotland
		Postcode: *	EH49 6DS
Email Address: *	bryarcht@talktalk.net		

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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Dr"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Bimal"/>	Building Number:	<input type="text" value="11"/>
Last Name: *	<input type="text" value="Kumar"/>	Address 1 (Street): *	<input type="text" value="Beech Avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Newtonmearns"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="07803086091"/>	Postcode: *	<input type="text" value="G77 5PP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="bimal@globrin.com"/>		

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="11 BEECH AVENUE"/>
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="G77 5PP"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="656153"/>	Easting	<input type="text" value="254579"/>
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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 Extension to Dwelling with associated roof terrace and landscaping works

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.

Please refer attached document titled Grounds for 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 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)

001a Location and site Plan; 002a Existing Layout; 003 Proposed Basement Plan; 004a Floor Plan; 005a Proposed Elevations; 006a Sections; 007 Existing basement Layout; 008 Plan of Patio; Design Statement; Grounds for Review; Refusal letter and decision Notice; Extract Local Development Plan D1; Extract local Development Plan D14

Application Details

Please provide details of the application and decision.

What is the application reference number? *

2016/0832/TP

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

19/12/2016

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

31/01/2017

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

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Relationship of extension to house, extent of available space and Plot topography are such that it is considered a Site visit would be informative.

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 Bryan McAlister

Declaration Date: 29/03/2017


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1	<p>Site Application Site lies at Junction of Beech Avenue and Knowes Road... The area is characterised by similar properties</p>	
2	<p>Client's brief Is to obtain Planning Consent for erection of 2 storey extension at Main and Basement levels. Extension to include stair to existing Parking spaces and Roof terrace for existing upper floor bedroom.</p>	
3	<p>Application Site and Building Is located at the above address. Property is not listed and does not lie within any Conservation Area. Site area is approx. 880 m2 Building has been extended at ground floor on north end and at rear.</p>	
4	<p>Massing 4.1 Existing house is 1/1/2 storey with basement garage and Dormer to front. Extension extends rear wall into existing Garden area. New stair projects towards Knowes Road.</p>	
5	<p>Scale, Form and Design Combined length of front dormers is less than 1/3rd length of roof measured at eaves and sits comfortably within the roof. The dormer to the rear is smaller due to location of internal staircase Both dormers site within original roof footprint and sit just below existing ridge of roof. Dormers will match those of next door in size and appearance</p>	
6	<p>Materials (generally as existing) Roof- Concrete profiled tile , plain tiles on Stair roof. Walls: Rendered masonry Windows. and Doors: White UPVC</p>	

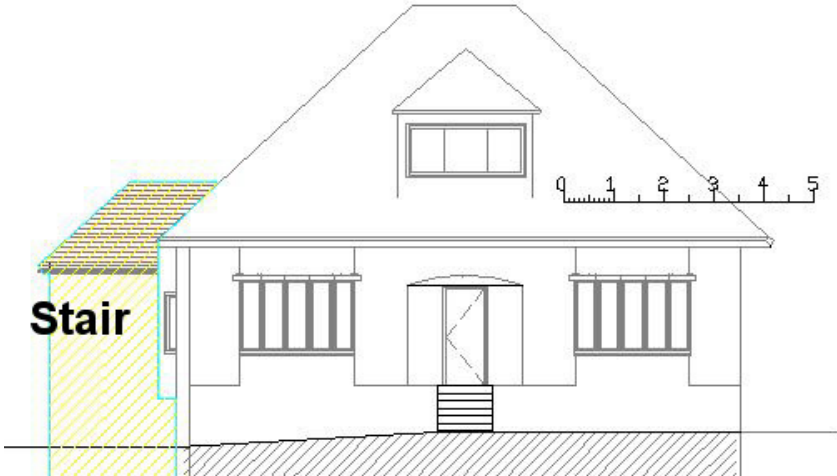
7	Neighbouring amenity – no impact. Adjacent properties are at higher level and Garden area is completely screened by existing high hedge.	
9	Accessibility etc No change	
10	Daylight and sunlight No impact	
11	Landscape No impact.	

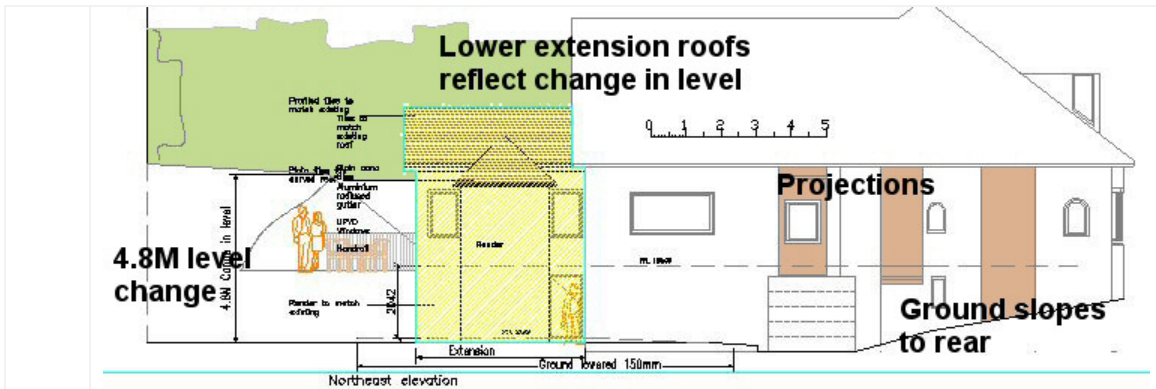
Bryan McAlister Architect
20 December 2016

Grounds for request for Review on behalf of Dr B Kumar

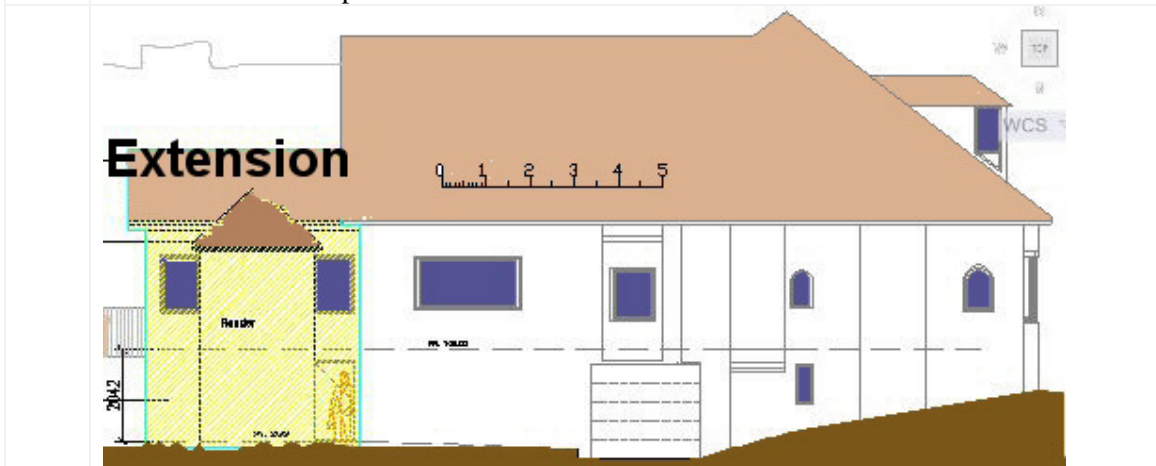
1.0	Introduction
1.1	This report provides the Grounds for requesting a review against the decision to refuse Planning Consent for “Erection of extension at rear incorporating roof terrace with erection of decking at rear”
	
<p>View from East (Site for Extension is located against gable behind bush to left hand side of photograph. Various existing projections and magnitude of change in level are shown)</p>	
1.2	Terms of Reference
<p>I act for Dr B Kumar, address 11 Beech Avenue, Newtonmearns G77 5PP</p>	
1.3	The subject of the appeal is a Dwelling house at 11 Beech Avenue

2.0	Background
2.1	The Householder Planning Application (as described above) was submitted December 2016 and registered by East Renfrewshire Council on 23 rd December 2016
2.2	The application was determined by an Officer on 31 st January 2017
2.3	The application was refused for the following reasons. <i>“1. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as it would detract from the character and design of the existing dwelling as a result of introducing design elements that are alien to the original house and as it would represent the over-development of a previously extended house.</i> <i>2. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it would be detrimental to the character and visual amenity of the wider area as a result of its design and size relative to the original dwelling.”</i>
3.0	Grounds for Appeal
3.1	It is disputed that the Proposal detracts from the character and design of the house, whether original, or extended. Please refer Para 4.0 for argument It is, furthermore, disputed that the proposal would be detrimental to the character and visual amenity of the wider area as a result of its design and size relative to the original dwelling. Please refer Para 5.0 for argument It is submitted the decision fails to appropriately take into account the Plot size and topography.
3.2	Context The dwelling is not a Listed Building and does not lie within any Conservation area or area of special status. There are no privacy, sunlight daylighting, or overlooking issues. On-site car parking provision and vehicle access are retained Existing Building Lines are retained on both Beech Avenue and Knowes Road.

<p>4.0</p>	<p>Character and Design of the house</p>
	<p>It is contended that the proposal is sympathetic with the Character and Design in the following respects..</p>
	<ul style="list-style-type: none"> No 11 is a “one off” in that ground levels drop away on SE side (Knowes Road) offering a two storey façade on a 1 1/2 storey dwelling with a basement Garage and storage. Actual change in ground levels is approximately 4.8 M and proposals will increase useability of higher garden areas.
	<ul style="list-style-type: none"> This change of level within the plot offers both the need and the opportunity for an internal staircase as is a functional improvement for the dwelling. At present in frosty weather there is almost a storey height of sloping driveway and external steps to reach an entrance door. The proposal effectively exploits the change of level on this site, providing improved safer access to external amenity space and Parking area from the public rooms.
	<ul style="list-style-type: none"> The principal (Front) elevation to Beech Avenue remains unaltered. While the proposed stair projects to the side and will be visible it is set back by a distance of 16 metres from the front elevation and will not read as an element of the front façade. The stair is located on the existing hard standing area, it’s roof ridge is substantially lower than that on existing roof.
	
	<ul style="list-style-type: none"> The reduced roof ridge level of the extension on the Knowes Road elevation positively reflects the dropping lower ground levels towards the SE corner.
	<ul style="list-style-type: none"> The greater part of the proposed extension aligns with the existing side wall. Only the stair projects for a maximum distance of 2.8 M. It’s rounded form is intended to reduce the impact of the projection. It also falls within a wider tradition of rounded stairs. The existing Side elevation is not flat but includes several projections, both full height and cantilevered. The proposed stair simply forms a further projection.



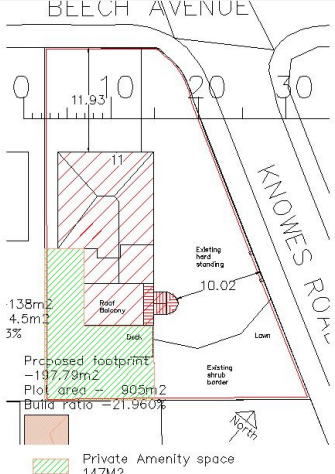
- There is a distance of 10m approx. left from the stair to the side boundary. The original building NW corner is approximately 6M from this boundary. Existing Building Lines are not infringed
- The existing side elevation has a relatively small area of fenestration. The proposed extension respects this having relatively small windows form circulation space.



- The proposal uses existing materials – white painted render and clay tiles, and mitigates the earlier extension gable (which received Planning Consent in 1998) by incorporating a tiled screen parapet with a hip facing the road.
- Proposal is clearly subsidiary to existing building.
- Existing trees in SE corner of Plat are retained.

5.0 Design and size relative to original dwelling and immediate surroundings.

- This site (11) at 905m² is significantly larger than most neighbouring plots (average is 705m²). Extension of the existing building is considered a reasonable development on a plot which otherwise might have become divided.
- The overall proposed built footprint will be less than 25% of total plot area. Average build/plot ratio in immediate vicinity is approximately 22.8%. This proposal will achieve 21.9%
- A summary of levels of development on the surrounding dwellings indicates that current proposals do not exceed those on majority of neighbouring plots

	<p>to the south-west of Knowes Road is contained in Appendix 1 of this document.</p>
	<ul style="list-style-type: none"> The proposal retains private amenity space, defined by projection of original side and rear walls of 147m². This area includes adequate provision for external clothes drying and recycling storage and retains generous front and side garden areas at street level.
	 <p style="text-align: center;">Plan indicating Private Amenity Space in Green</p>
<p>4.0</p>	<p>Conclusions</p>
<p>4.1</p>	<p>On behalf of my Client I have reviewed the reasons given to refuse application</p>
	<p>The proposed extension uses rendered walls, pitched hipped roof (facing Knowes Road) and clay roof tiles. It is submitted it is incorrect to classify these as “<i>design elements alien to existing house</i>”</p>
	<p>The statement that proposals would be “<i>detrimental to the character and visual amenity of the wider area as a result of its design and size relative to the original dwelling</i>” not only fails to appreciate the Plot size, the changes of level and the issues that arise therefrom but ignores retention of a significant set back from Knowes Road and the positive exploitation of changes to Ground level</p>
	<p>Cont’d/-</p>

Appendix 1 Ratio of Built footprint to Plot size Areas are taken from Ordnance survey dwgs together with added estimated areas for buildings and extension which or not indicated on OS Plan but are visible on Google map.

Street	Street No.	Built footprint	Plot area	Build/Plot ratio %		
Beech Avenue	15	138	714.5	19.3		
	17	134	705	19.0		
	21	141.5	553	25.6	Exceeds	proposal
	14	178.5	768	23.2	Exceeds	proposal
	16	155	645.9	24.0	Exceeds	proposal
	18	171	647.5	26.4	Exceeds	proposal
Hazelwood Ave.	2	152.7	984	15.5		
	4	149.9	653	23.0	Exceeds	proposal
	6	165.7	687	24.1	Exceeds	proposal
	8	184	668	27.5	Exceeds	proposal
Average				22.8		
		Existing				
Beech Avenue	11	152.9	905	16.9*		
		Proposed				
		197.9	905	21.9		

Street Nos 13 and 19 on Beech Avenue are unused.



5.2. Policy D1: Detailed Guidance for all Development

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

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

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

5.3. General Urban Areas

- 5.3.1. This policy applies to the predominantly residential built-up area. It seeks to resist proposals, both large and small, which would be out of keeping with and detrimental to the surrounding area. However, proposals that complement or even enhance an area will be supported in principle, provided other policies of the Plan can be satisfied.

5.4. Policy D2: General Urban Areas

- 5.4.1. Development will be supported within the general urban areas, as defined on the Proposals Map, where compatible with the character and amenity of the locality and surrounding land uses and where it complies with other appropriate policies of the Plan.

5.5. Green Belt and Countryside Around Towns

- 5.5.1. As referred to under Strategic Policy 1 the purpose of the green belt policy is to direct planned growth to the most appropriate locations and support regeneration; protect and enhance the quality, character, landscape setting and identity of towns and cities; and to protect and give access to open space within and around towns and cities. Policy D3 seeks to restrict development in the green belt and countryside around towns to appropriate uses. Non-conforming proposals will only be considered favourably in exceptional or mitigating circumstances and where the terms of Strategic Policy 2 can be satisfied.

5.21. Alterations to and Redevelopment of Existing Dwellinghouses

5.21.1. The policy provides the framework for assessing developments that do not meet the requirements of the Householder Permitted Development Rights contained in The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011. Householders should check this legislation prior to submitting an application for planning permission.

5.21.2. In addition to the criteria listed in Policy D1 Detailed Guidance for all Development, proposals for

- alterations and extensions to existing residential properties,
- the development of outbuildings or garages,
- the sub-division of the curtilage of a dwellinghouse for a new house(s), and
- the redevelopment of existing buildings,

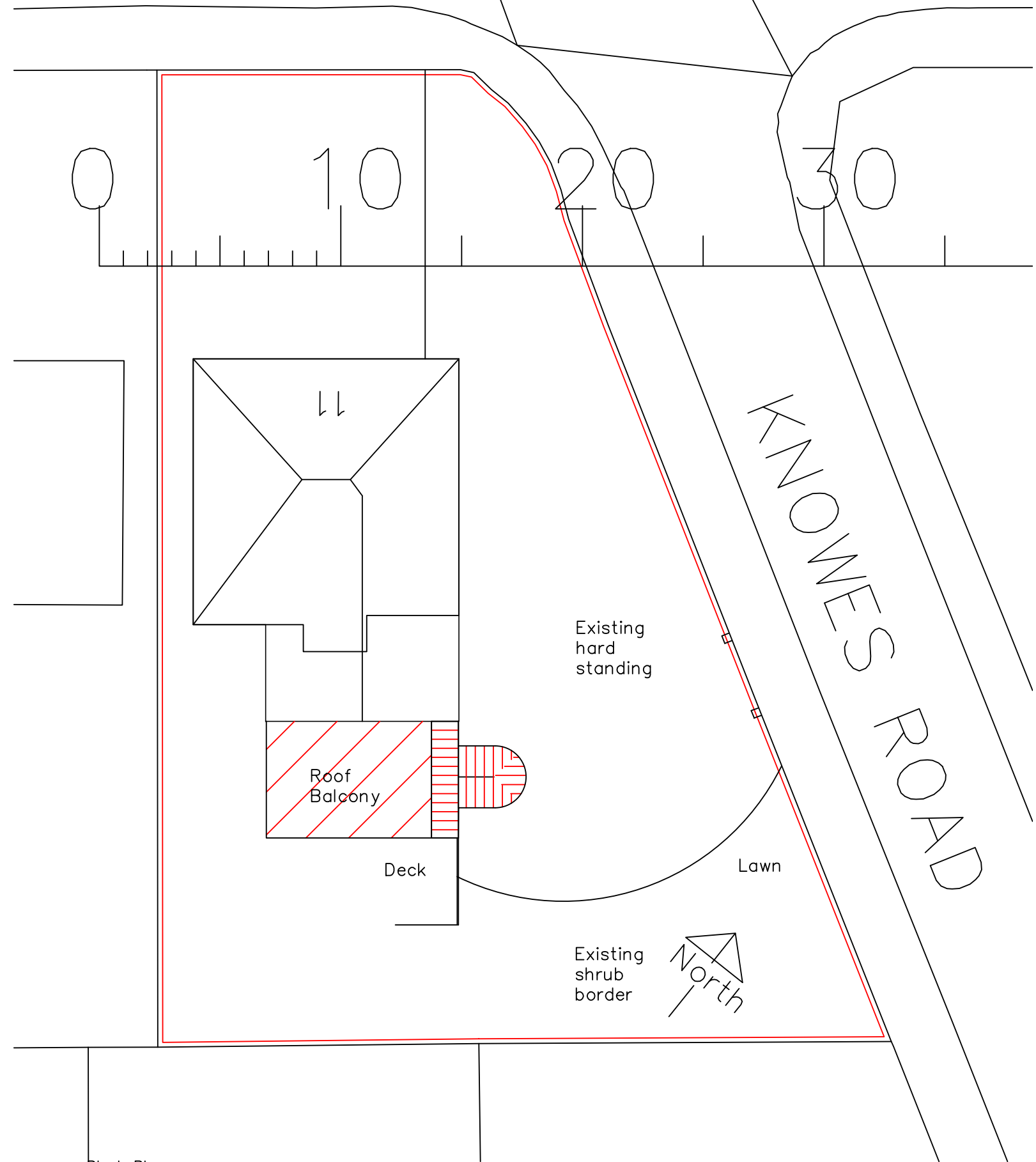
will be assessed against the following criteria.

5.22. 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.

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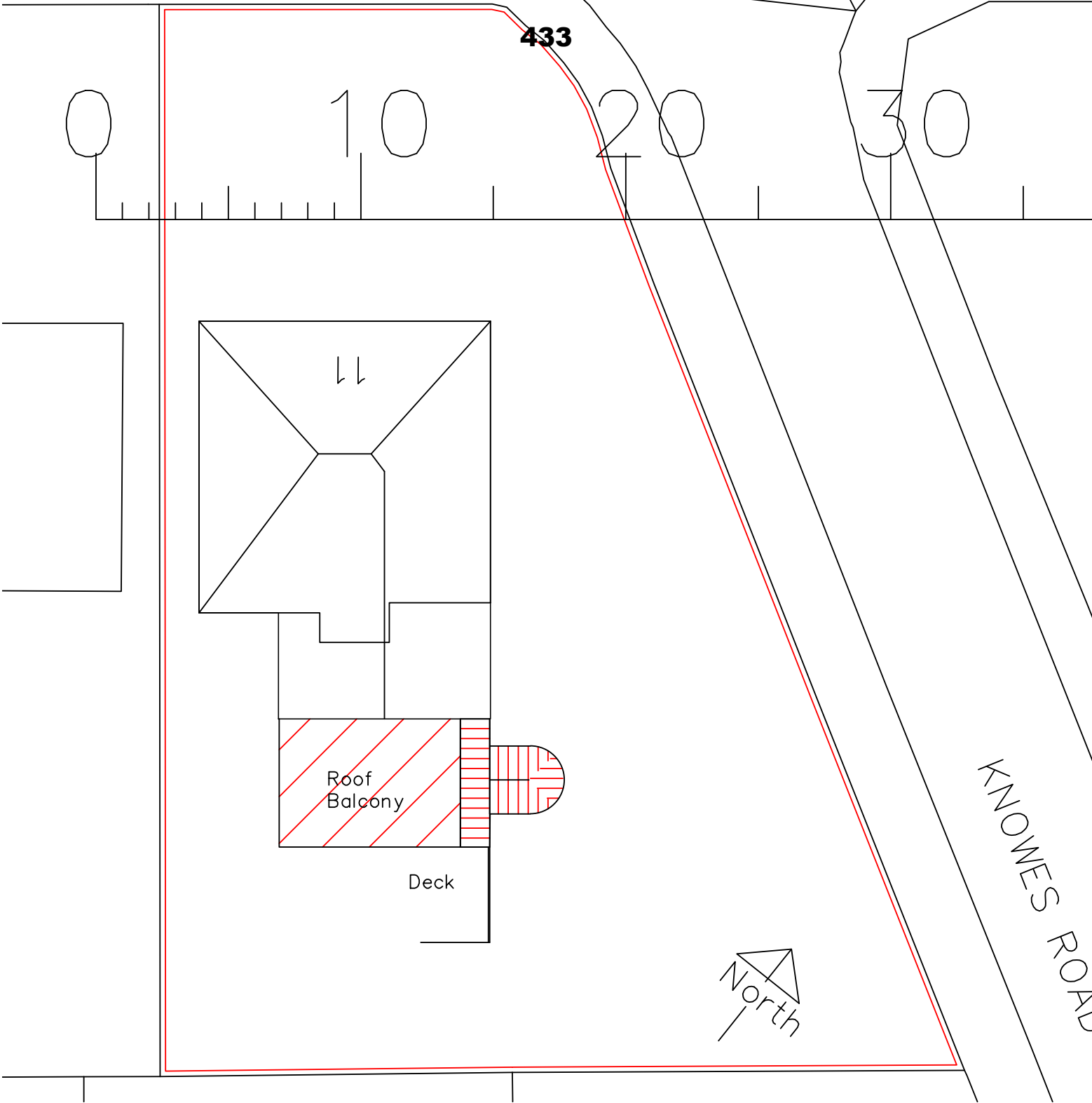


11 Beech Avenue, Newtonmearns G77 5PP
 Proposed Extension
 Location and Block Plan
 Scale 1:1259, 1:200
 001A

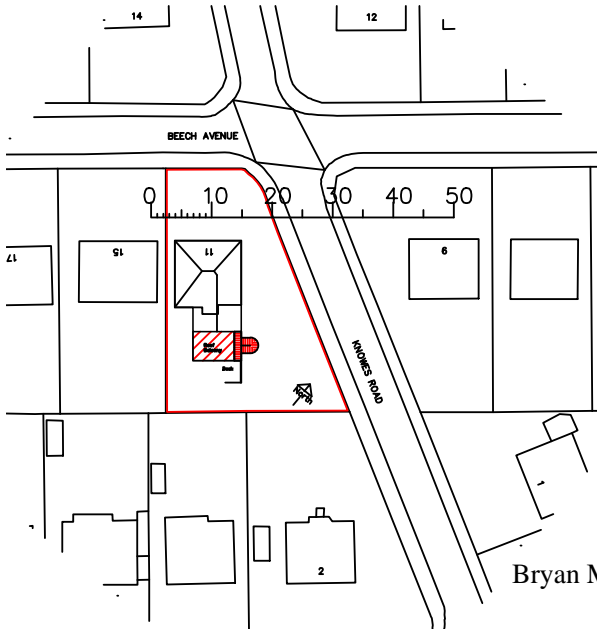
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PLANS/PHOTOGRAPHS/DRAWINGS

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Block Plan
Scale 1:200



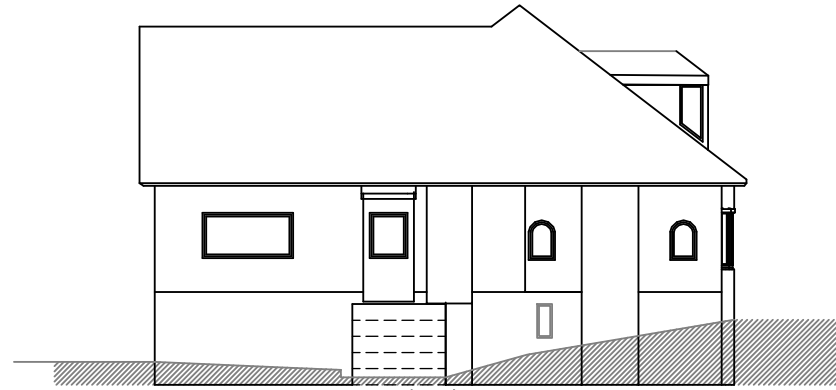
Location Plan
Scale 1:1250

11 Beech Avenue, Newtonmearns G77 5PP
Proposed Extension
Location and Block Plan
Scale 1:1259, 1:200
001

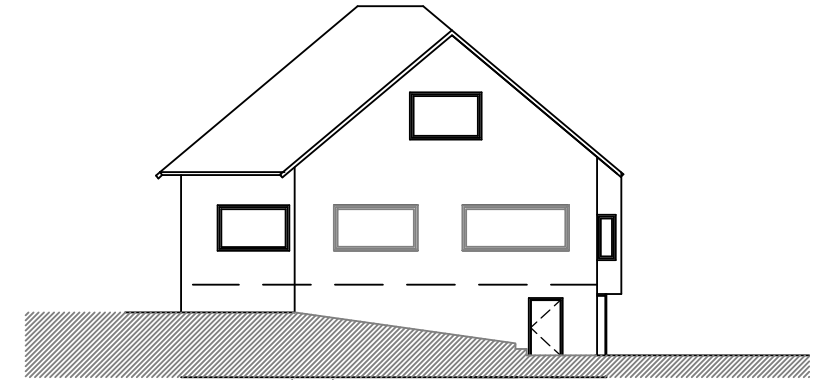
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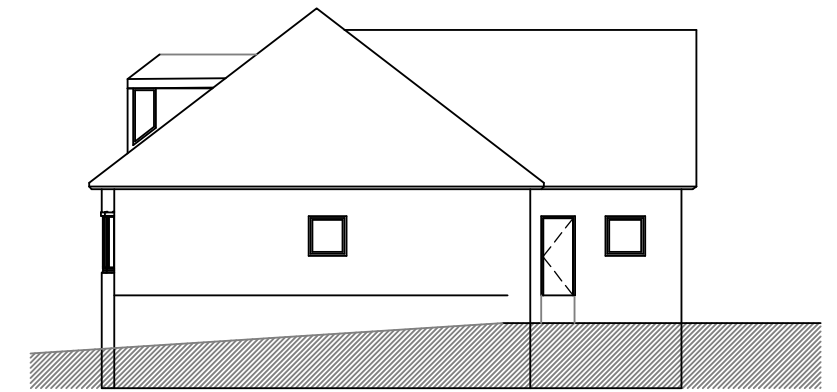
Street elevation (NW)



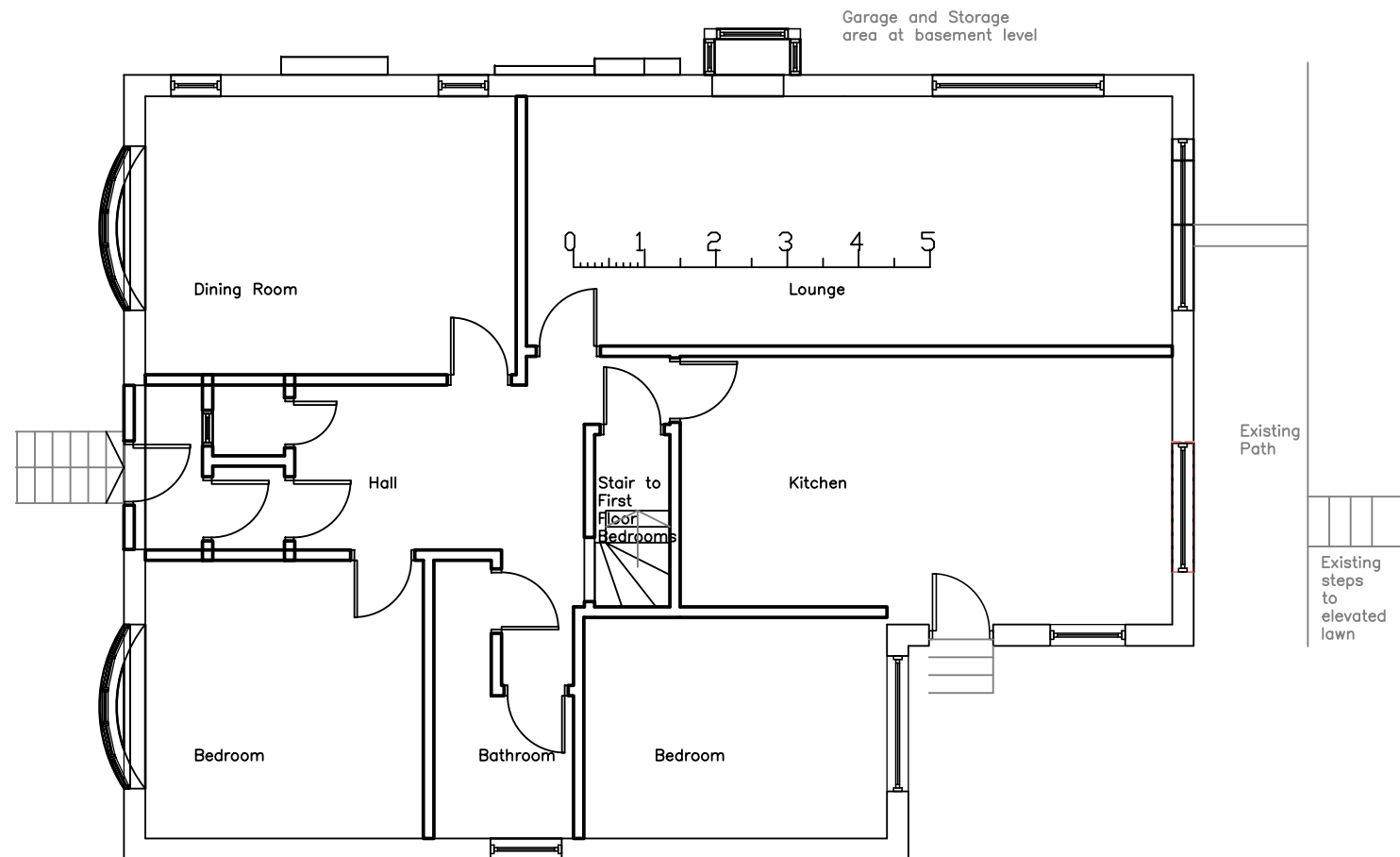
Side Street elevation (NE)



Rear elevation (SE)



Side elevation (SW)

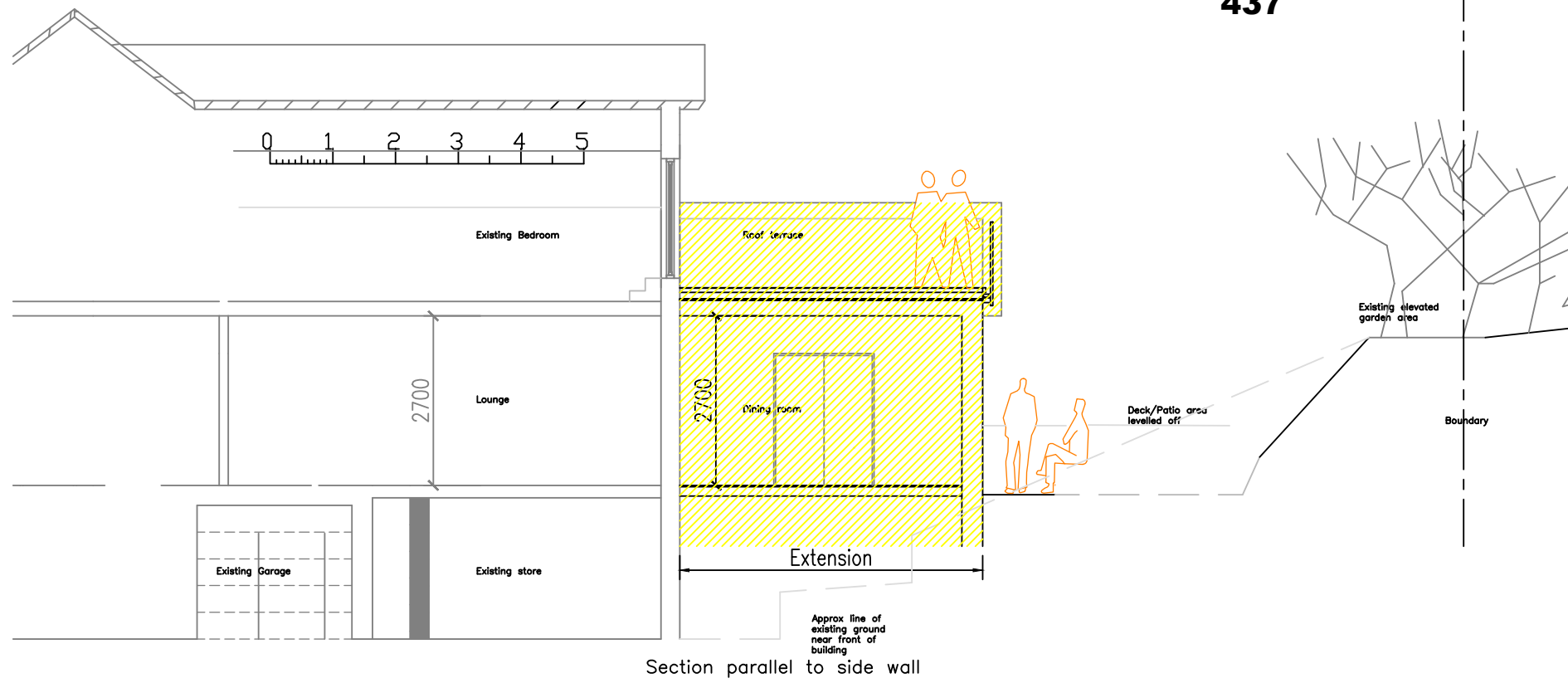


Principal Floor Plan 1:100

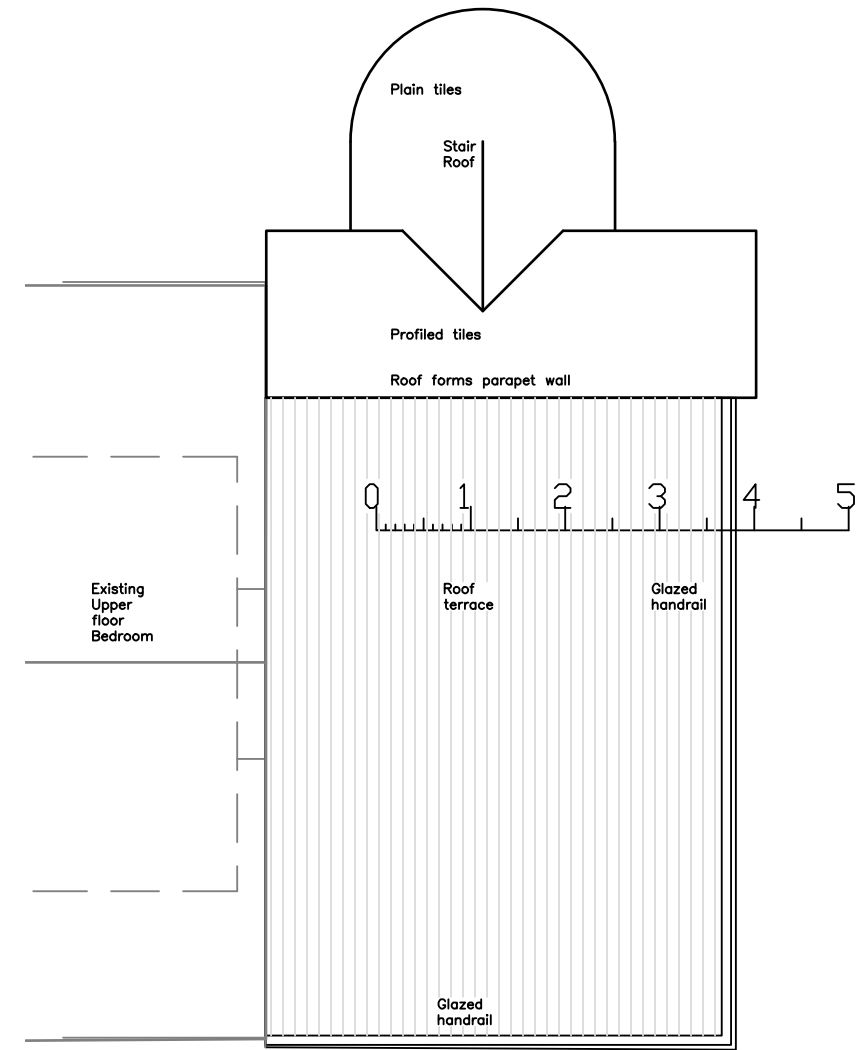
11 Beech Avenue, Newtonmearns
Existing layout
Scale 1:100, 1:200
002a

Bryan McAlister B Arch, RIBA, ARIAS, + 12 The Maltings, Linlithgow, EH49 6DS
Tel: 01506 847285 + Email: : bryarcht@talktalk.net

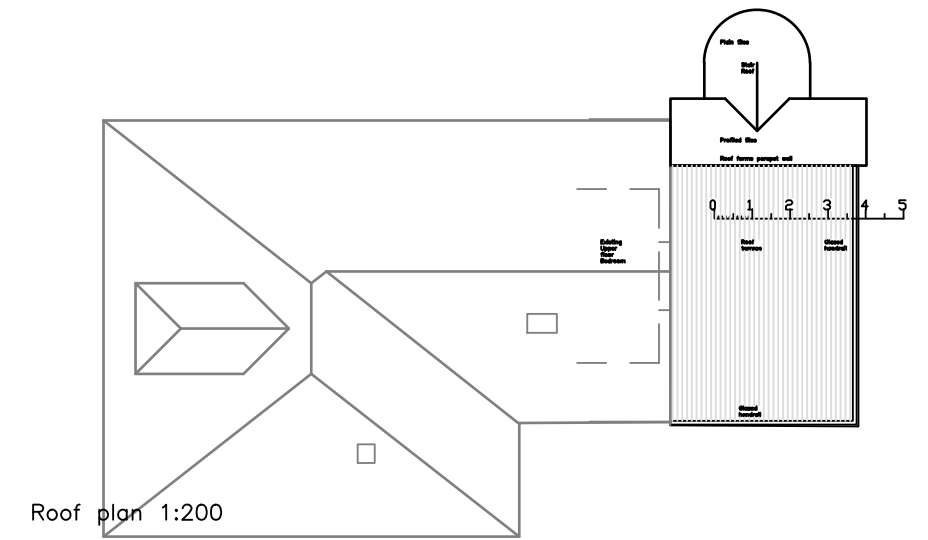
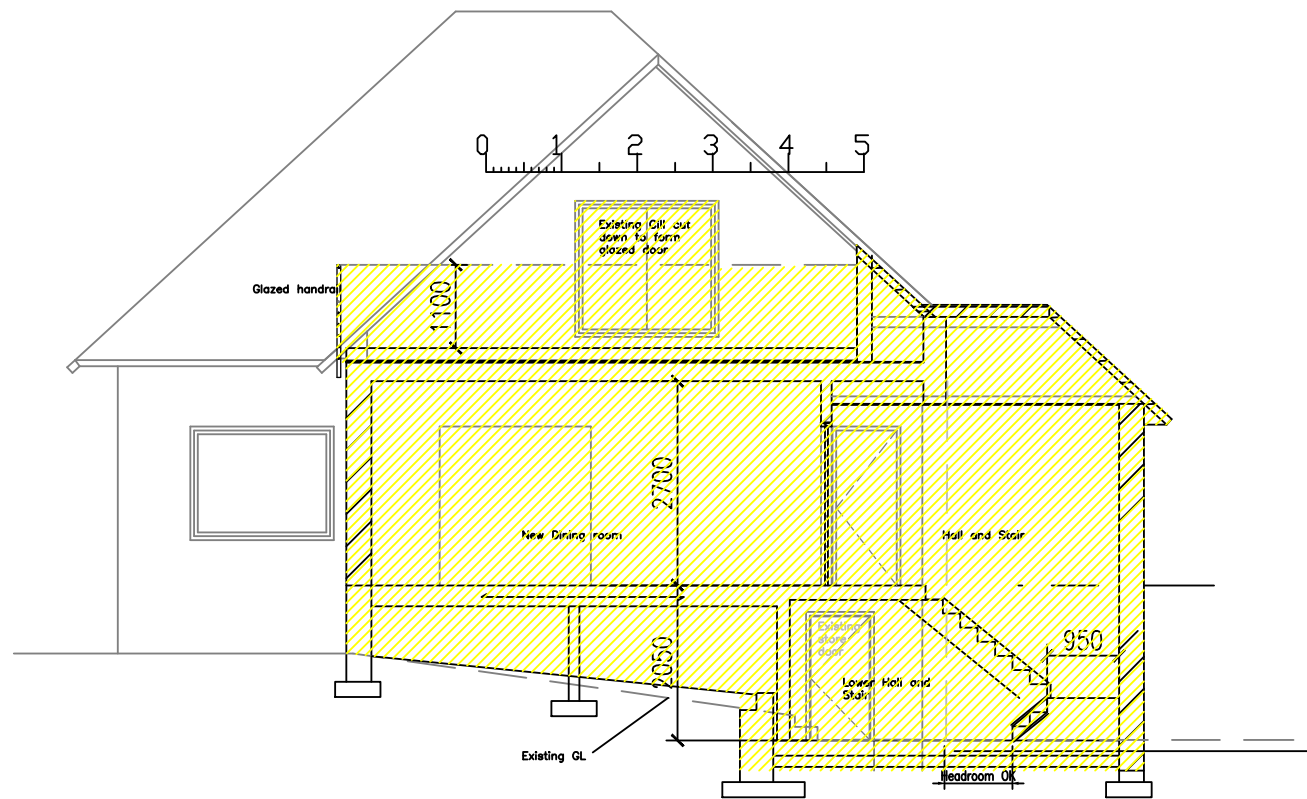
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Section parallel to side wall



Roof plan of extension
1:50

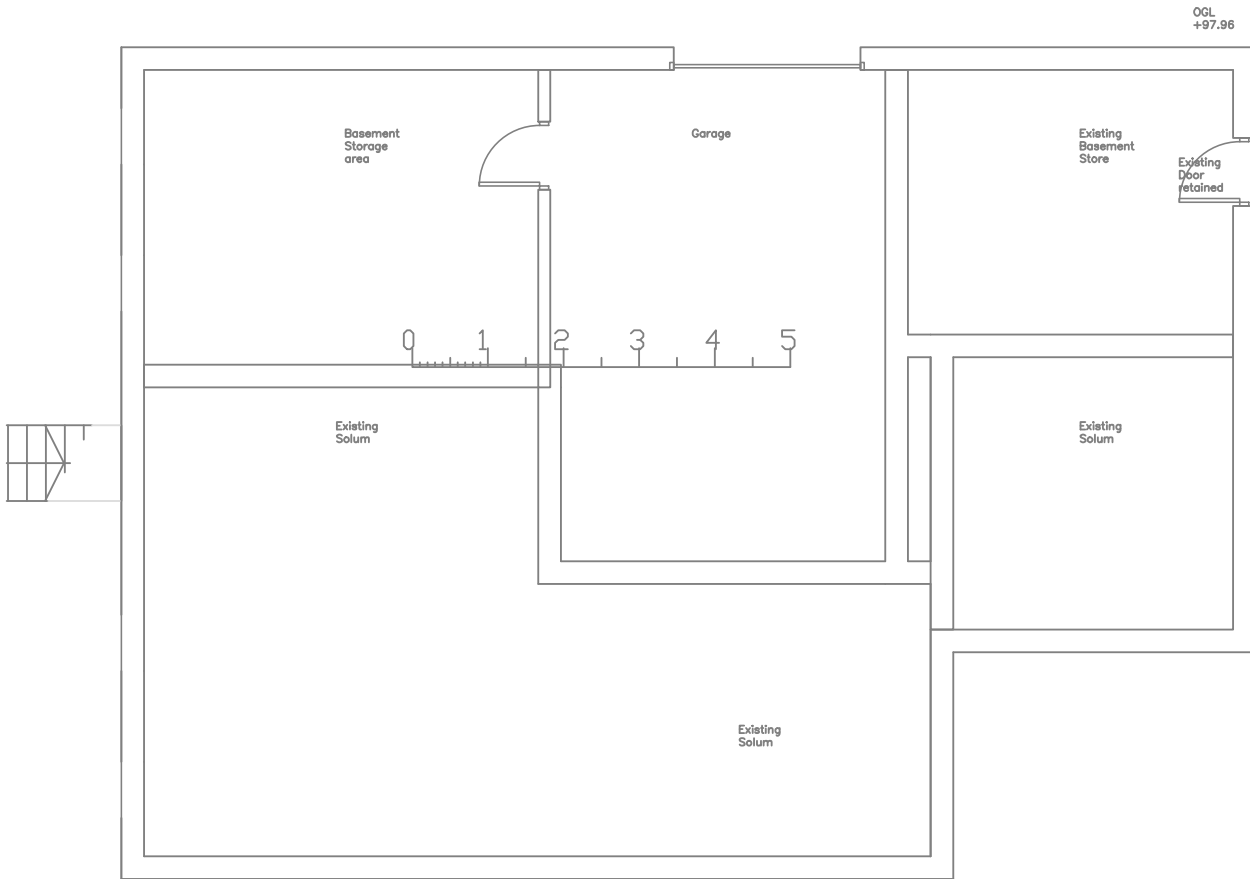


Roof plan 1:200

11 Beech Avenue, Newtonmearns
Proposed Sections
Scale 1:100, 1:50, 1:200
006a

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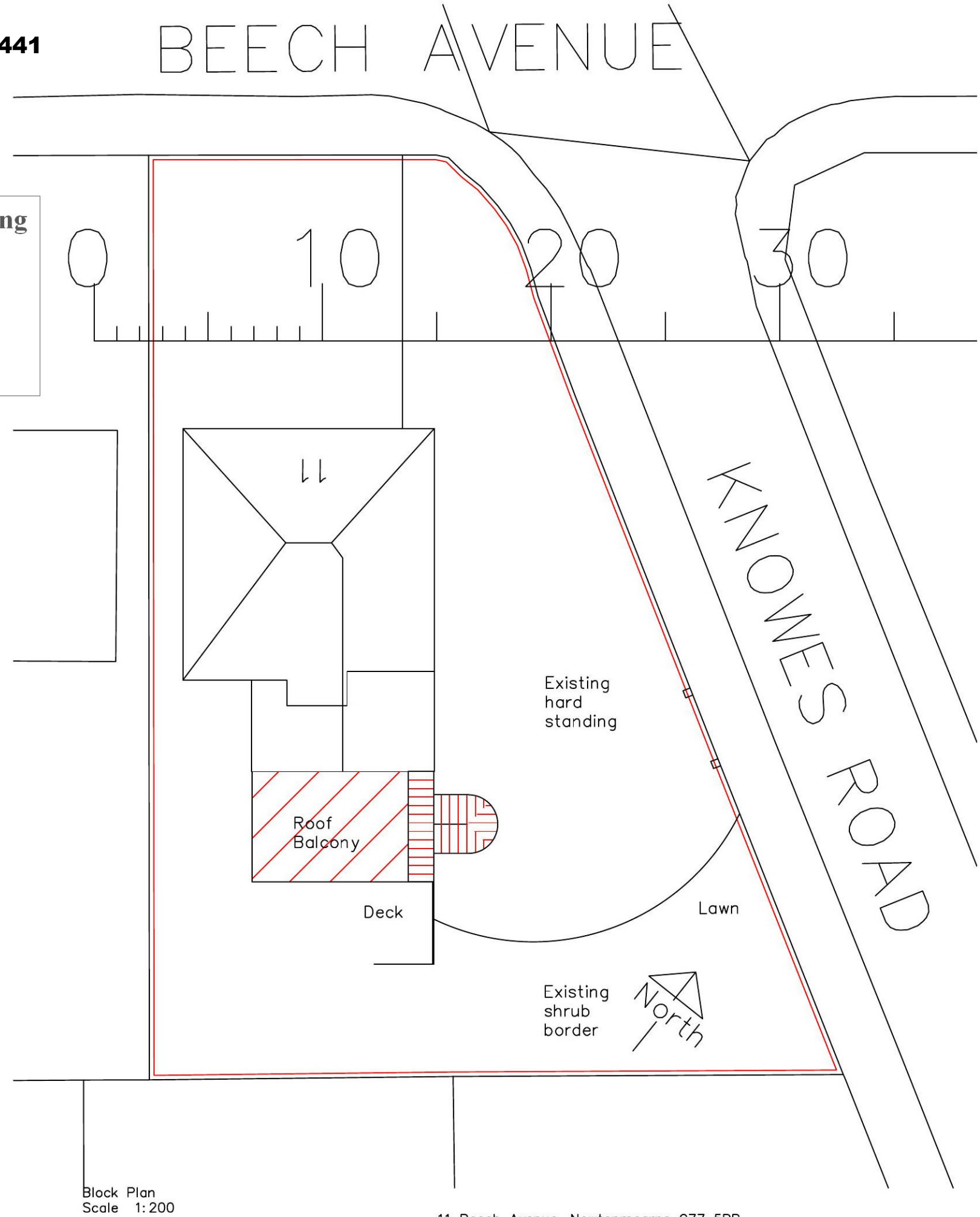
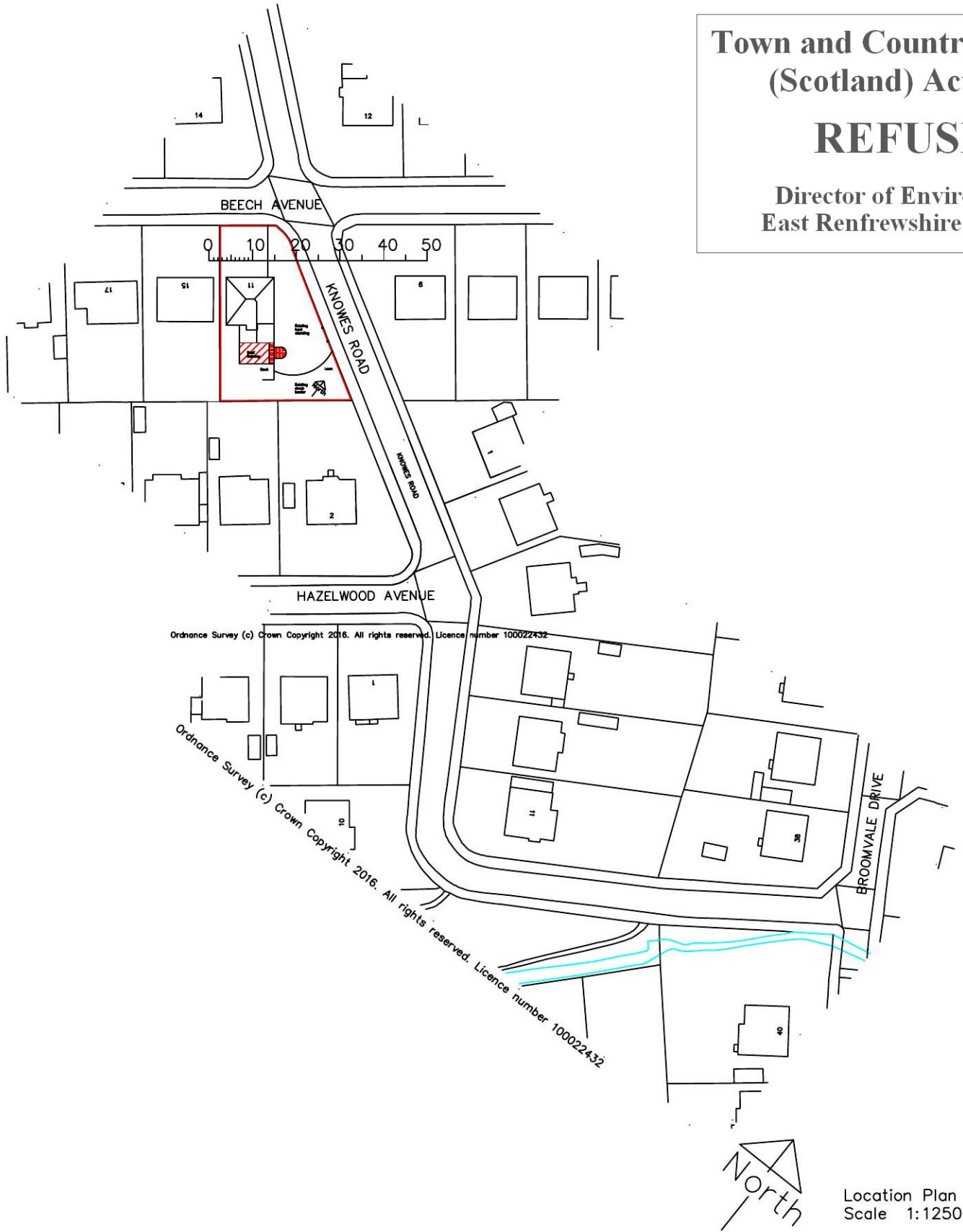
11 Beech Avenue, Newtonmearns
Existing Basement Plan
Scale 1:100
007

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(Scotland) Act 1997
REFUSED

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East Renfrewshire Council



11 Beech Avenue, Newtonmearns G77 5PP
Proposed Extension
Location and Block Plan
Scale 1:1259, 1:200
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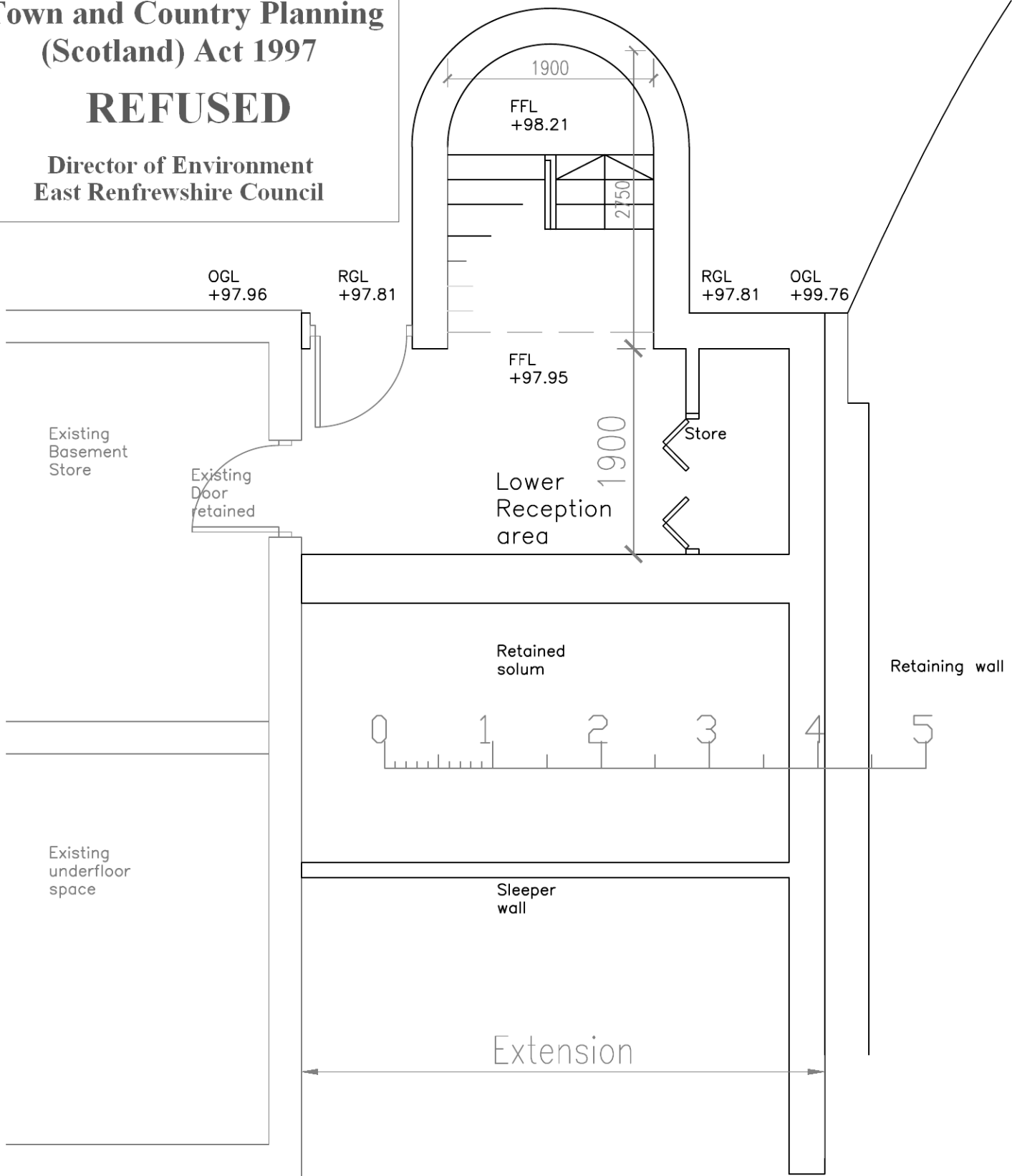
443

150mm around extension

Town and Country Planning
(Scotland) Act 1997

REFUSED

Director of Environment
East Renfrewshire Council



11 Beech Avenue, Newtonmearns
Proposed Extension Basement floor
Scale 1:50
003

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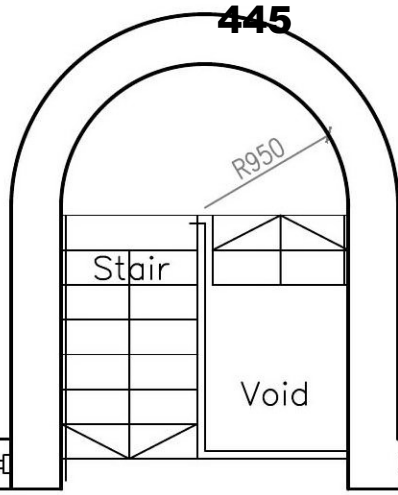
**Town and Country Planning
(Scotland) Act 1997**

REFUSED

**Director of Environment
East Renfrewshire Council**

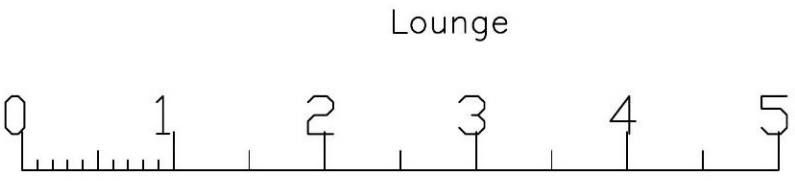
445

New door
at lower
level
OGL
+97.96



Existing
Banked
shrub
area

Handrail



Lounge

New door

Hall

Door to
Deck

4450

Decking/Patio
+99.85

Dining Room

5950

Approx
hedge line

Banked
shrub
area

Kitchen
re-configured

Level
diff
2.9M
approx

Path
for
maintenance
access

FGL+99.85

Existing
elevated
soft
landscape
garden
area

Bedroom

Kitchen
Utility
court



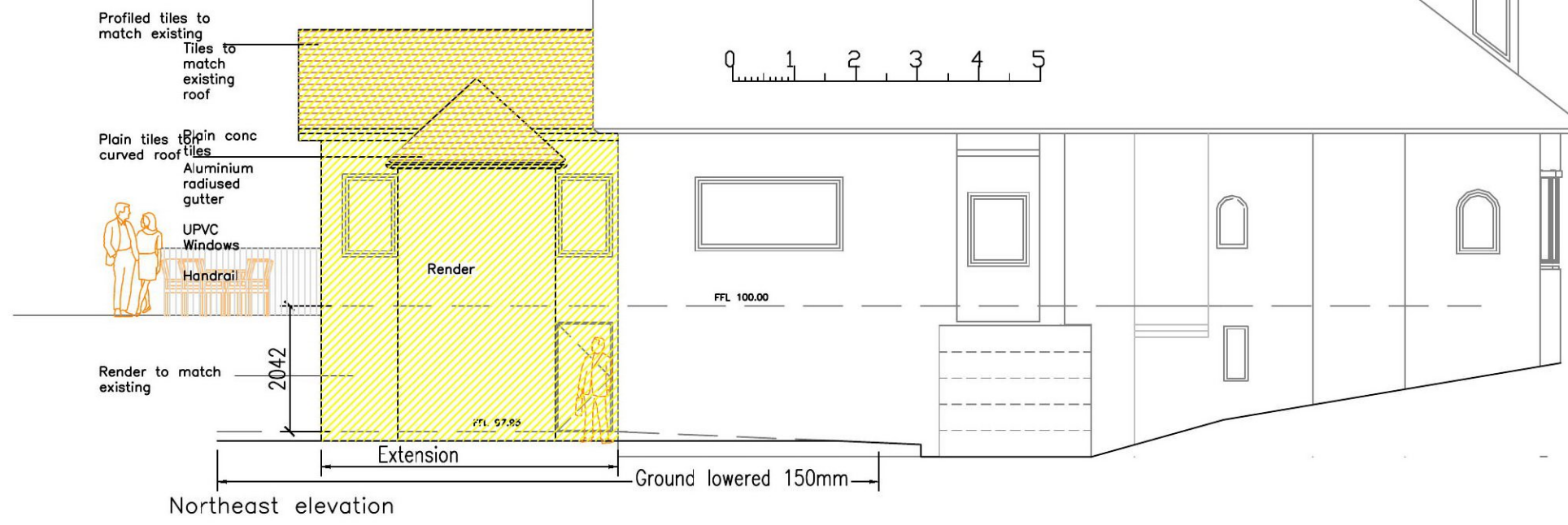
Steps up
to existing
grassed
garden
area

11 Beech Avenue, Newtonmearns
Main floor - Diningroom floor plan
Scale 1:50
004

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Path for
road

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Northeast elevation

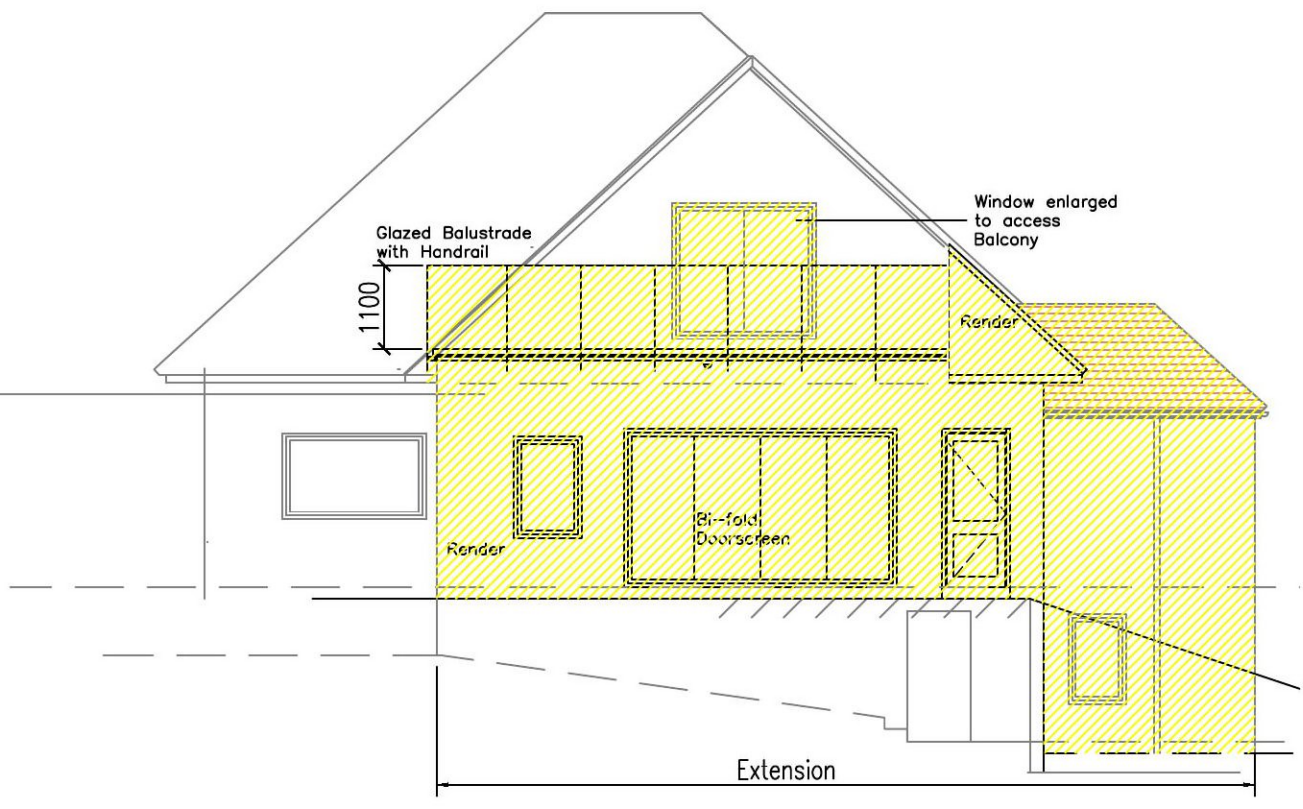


Front elevation (1:200)

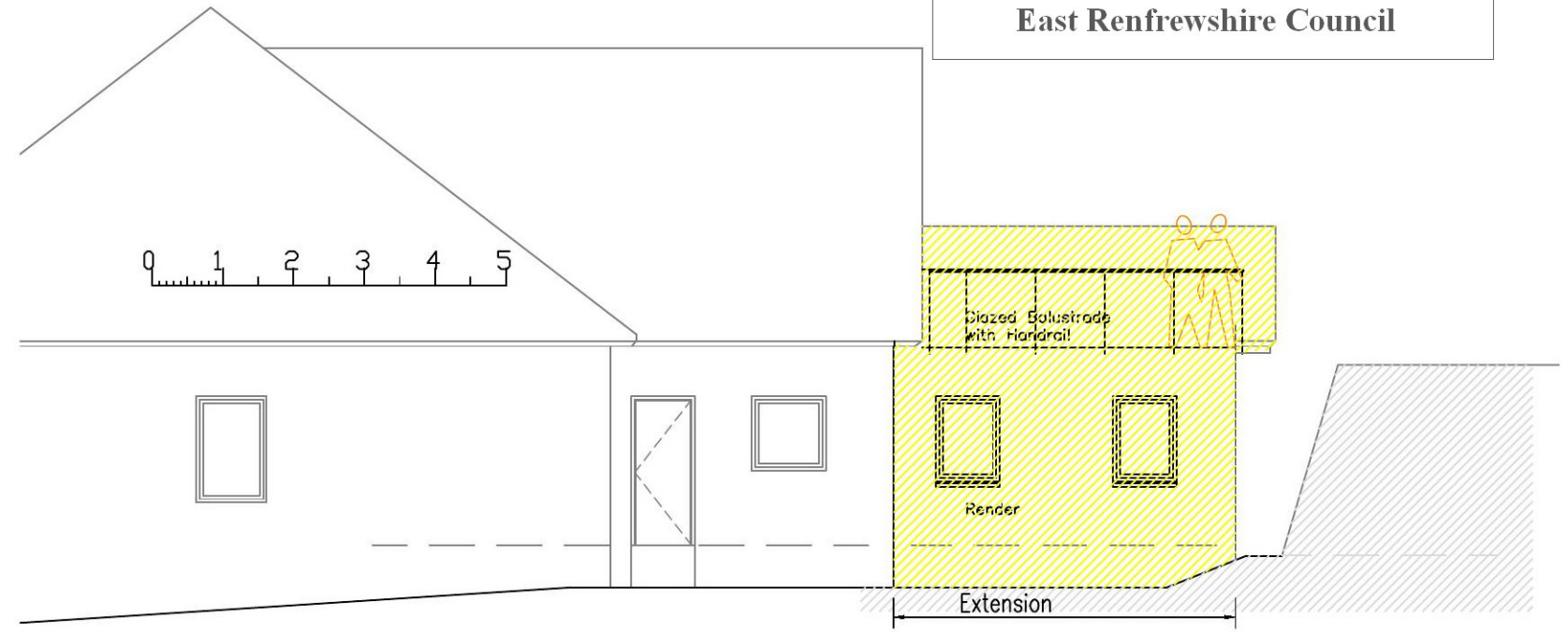
Town and Country Planning (Scotland) Act 1997

REFUSED

Director of Environment
East Renfrewshire Council



Southeast elevation

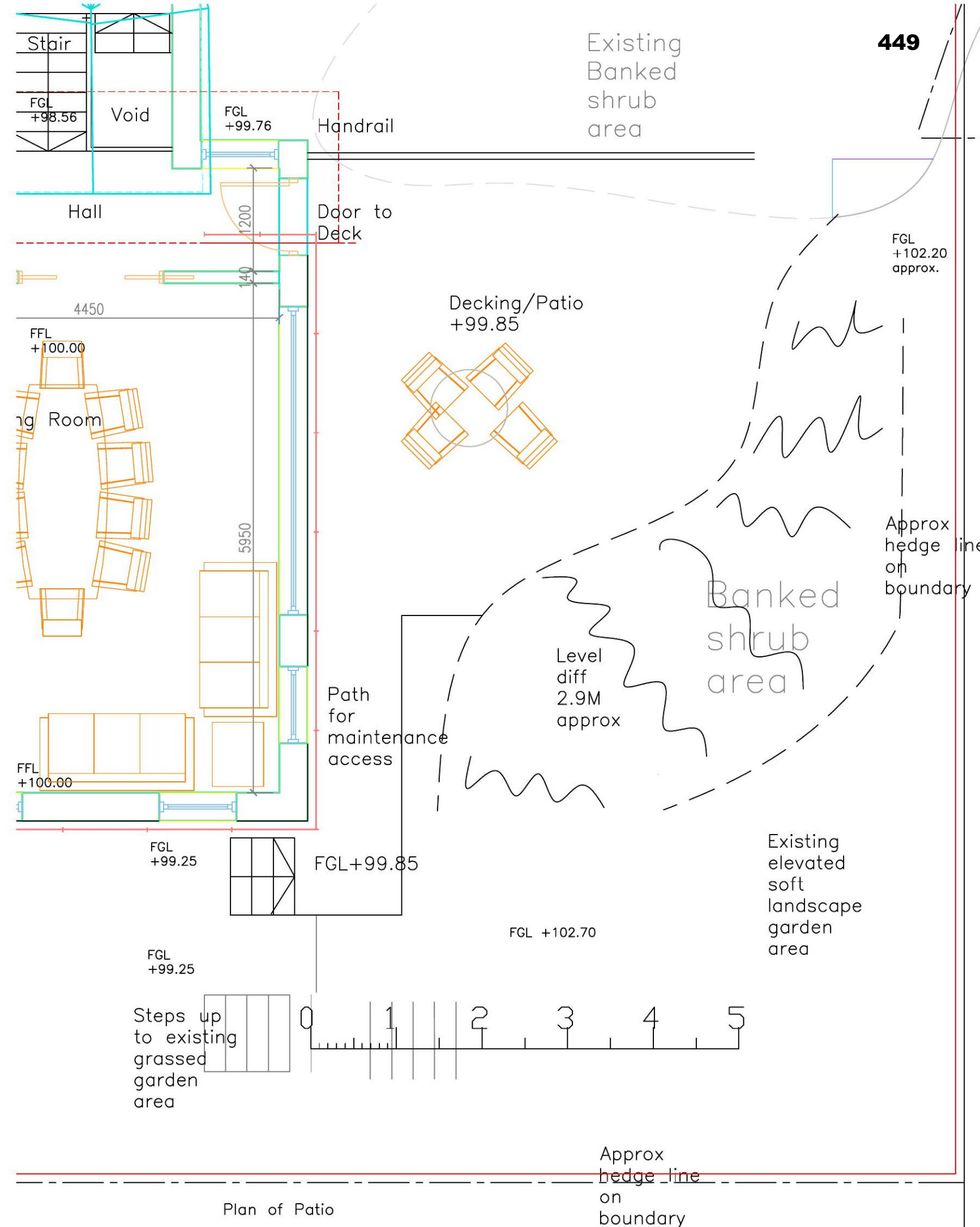


Southwest elevation

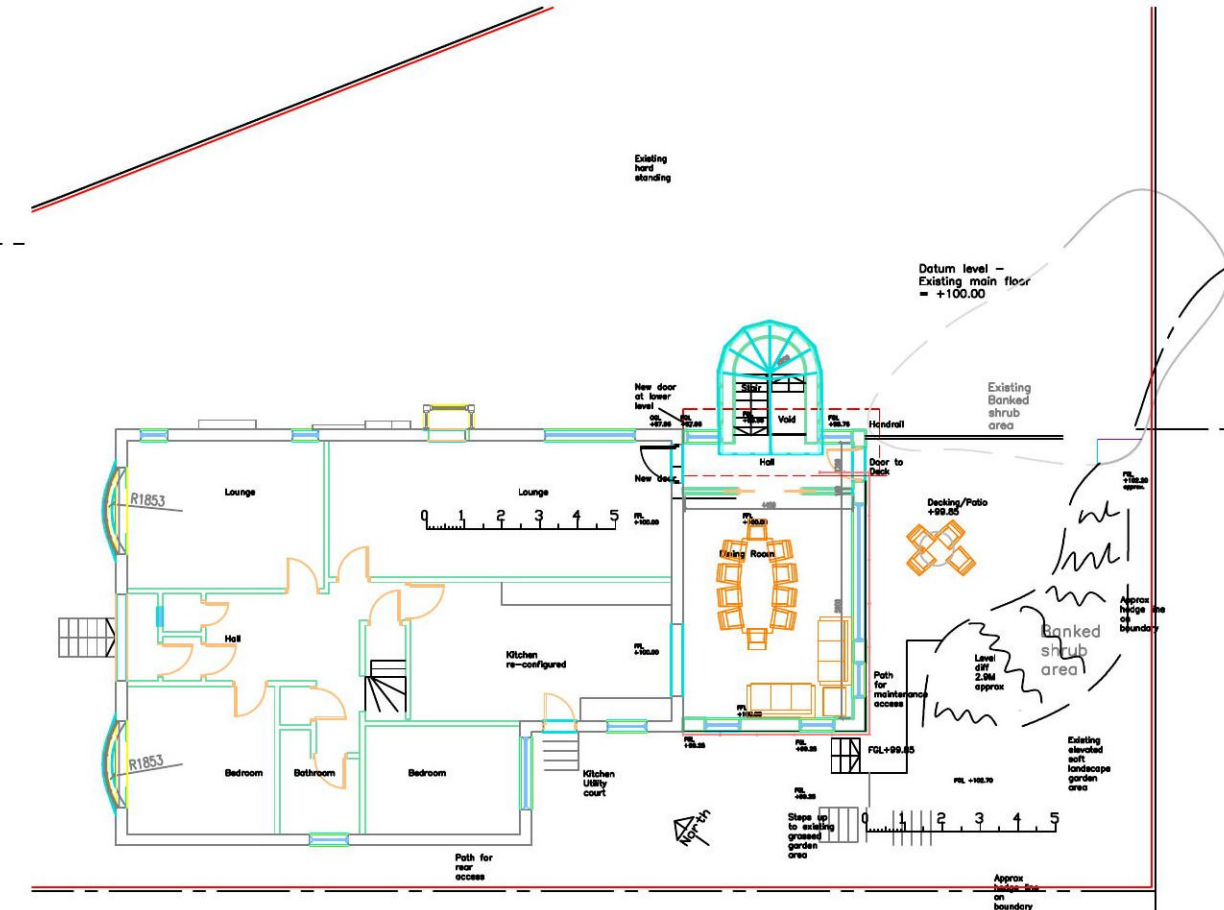
11 Beech Avenue, Newtonmearns
Proposed Elevations
Scale 1:100, 1:200
005a

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Plan of Patio



Plan illustrating relationship of House to Patio

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

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East Renfrewshire Council**

11 Beech Avenue, Newtonmearns
Patio plan
Scale 1:50, 1:200
008
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