

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY6 September 2017Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2017/18ERECTION OF TWO STOREY SIDE EXTENSION INCORPORATING ALTERATION AND  
EXTENSION TO FRONT PORCH AT 6 BALLANTRAE DRIVE, 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:- 2017/0093/TP).
- Applicant: Mr and Mrs Hughes.
- Proposal: Erection of two storey side extension incorporating alteration and extension to front porch.
- Location: 6 Ballantrae Drive, Newton Mearns.
- Council Area/Ward: Newton Mearns South and Eaglesham (Ward 1) - Ward formerly known as Newton Mearns South.

**REASON FOR REQUESTING REVIEW**

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

**RECOMMENDATIONS**

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

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

## **BACKGROUND**

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

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

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

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

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

12. In accordance with the above decision, an unaccompanied site inspection will be carried out immediately before the meeting of the Local Review Body on Wednesday, 6 September 2017 which begins at 2.30pm.

## INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

**13.** Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The Local Review Body is advised that the focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.

**14.** The information detailed below is appended to this report to assist the Local Review Body in carrying out the review of the decision taken by the Appointed Officer:-

- (a) Application for planning permission – Appendix 1 (Pages 7 - 14);
- (b) Copies of objections/representations – Appendix 2 (Pages 15 - 18);
- (c) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 19 - 28);
- (d) Decision notice and reasons for refusal - Appendix 4 (Pages 29 - 32); and
- (e) A copy of the applicants' Notice of Review and Statement of Reasons - Appendix 5 (Pages 33 - 42).

**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 43 - 60).

- (a) Photo 1;
- (b) Photo 2;
- (c) Photo 3;
- (d) Photo 4;
- (e) Photo 5;
- (f) Refused – Location Plan;
- (g) Refused – Amended Block Plan
- (h) Refused – Existing and Proposed Elevations; and
- (i) Refused – Existing and Proposed Floor Plans.

**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

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Tel: 0141 577 3011

Date:- August 2017

**APPLICATION  
FOR  
PLANNING PERMISSION**

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16 FEB 2017

# HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="MR HUGHES"/>	Ref No.	<input type="text"/>
Forename	<input type="text"/>	Forename	<input type="text" value="JOHN A"/>
Surname	<input type="text" value="HUGHES"/>	Surname	<input type="text" value="HUTTON"/>
Company Name	<input type="text"/>	Company Name	<input type="text"/>
Building No./Name	<input type="text" value="6"/>	Building No./Name	<input type="text" value="Flat 0/1, 69"/>
Address Line 1	<input type="text" value="BAUANTRAE DRIVE"/>	Address Line 1	<input type="text" value="MILBRAE ROAD"/>
Address Line 2	<input type="text" value="NEWTON MEADS"/>	Address Line 2	<input type="text" value="LANZSIDE"/>
Town/City	<input type="text" value="GLASGOW"/>	Town/City	<input type="text" value="GLASGOW"/>
Postcode	<input type="text" value="G17 5TB"/>	Postcode	<input type="text" value="G42 9UT"/>
Telephone	<input type="text"/>	Telephone	<input type="text" value="07773 209204"/>
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text"/>
<b>3. Address or Location of Proposed Development (please include postcode)</b>			
<input style="width: 100%; height: 100%;" type="text" value="6, BAUANTRAE DRIVE, NEWTON MEADS&lt;br/&gt;&lt;br/&gt;G17 5TB"/>			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
<b>4. Describe the Proposed Works</b>			
Please describe accurately the work proposed:			
<input style="width: 100%; height: 100%;" type="text" value="PROPOSED TWO STOREY SIDE EXTENSION SET BACK 500mm FROM FRONT ELEVATION + BELOW RIDGE LINE"/>			
Have the works already been started or completed      Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, please state date of completion, or if not completed, the start date:			
Date started:	<input type="text"/>	Date completed:	<input type="text"/>

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

[Empty box for explanation]

**5. Pre-Application Discussion**

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

If yes, please provide details about the advice below:

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

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

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

Name:  Date:  Ref No.:

ADVICE GIVEN THAT AS THERE WERE MANY SMALLER EXTENSIONS WITHIN THE AREA + WE HAD SET BACK THE SECOND STOREY + LOWERED THE RIDGE THIS SHOULD BE OK!  
PHOTOS ENCLOSED SHOWING EXAMPLES # NO 4 HAS THE SAME EXT.

**6. Trees**

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

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

**7. Changes to Vehicle Access and Parking**

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

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

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

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

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

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

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



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

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

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

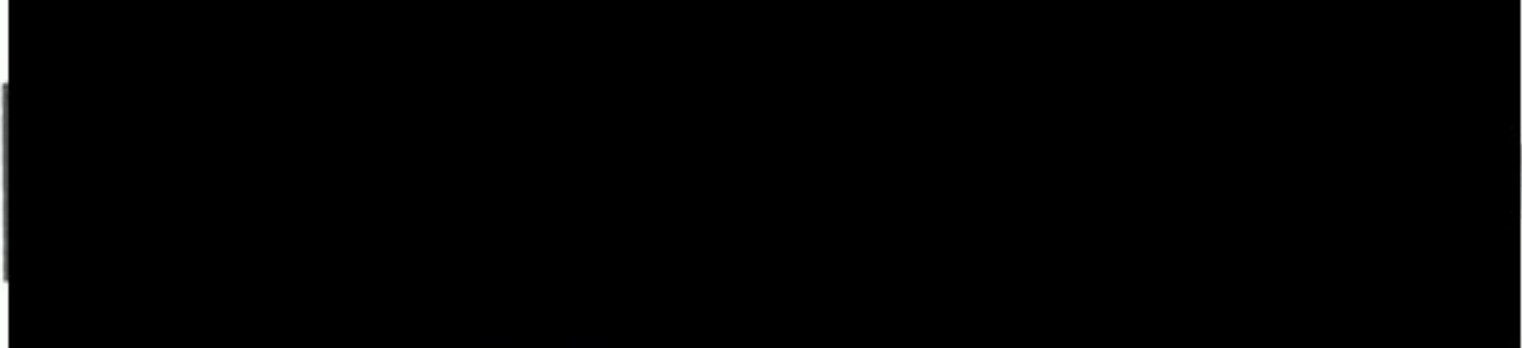
If you have answered yes please provide details:

**DECLARATION**

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

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

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

Signature:  Name:  Date:

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



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# LAND OWNERSHIP CERTIFICATES

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

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

### CERTIFICATE A

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

**I hereby certify that -**

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

Signed:

On behalf of: MRTMS HOUSTON

Date: 16/2/17

### CERTIFICATE B

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

**I hereby certify that -**

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

Name	Address	Date of Service of Notice

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

or

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



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## COPIES OF REPRESENTATIONS

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## Comments for Planning Application 2017/0093/TP

### Application Summary

Application Number: 2017/0093/TP

Address: 6 Ballantrae Drive Newton Mearns East Renfrewshire G77 5TB

Proposal: Erection of two storey side extension incorporating alteration and extension to front porch (amended drawings)

Case Officer: Ms Alison Mitchell

### Customer Details

Name: Ms Mary Mackenzie

Address: 4 Ballantrae Drive, Newton Mearns, East Renfrewshire G77 5TB

### Comment Details

Commenter Type: Rec'd NeighbourNotification from Council

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment:As per my comment on prior applications, I have no objection to this proposal, in principle. I do however require written assurances that my garage will be kept and left secure and weatherproof during and after the work on No. 6 takes place.

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## REPORT OF HANDLING

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# REPORT OF HANDLING

Reference: 2017/0093/TP

Date Registered: 27th February 2017

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South

Co-ordinates: 255423/:655666

Applicant/Agent:

Applicant:

Mr And Mrs A Hughes

6 Ballantrae Drive

Newton Mearns

East Renfrewshire

G77 5TB

Agent:

Mr John Hutton

Flat 0/1

69 Millbrae Road

Langside

Glasgow

G42 9UT

Proposal: Erection of two storey side extension incorporating alteration and extension to front porch.

Location: 6 Ballantrae Drive  
Newton Mearns  
East Renfrewshire  
G77 5TB

**CONSULTATIONS/COMMENTS:** None.

**PUBLICITY:** None.

**SITE NOTICES:** None.

**SITE HISTORY:**

2016/0346/TP	Two storey side extension to dwelling house and formation of extended front porch.	Refused	11.07.2016
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2016/0671/TP	Two storey side extension to dwelling house and formation of extended front porch	Refused	13.12.2016
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**REPRESENTATIONS:** One representation has been received. The representations can be summarised as follows:

No objection in principle

Require written assurances regarding works to garage

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

**SUPPORTING REPORTS:** The applicant has submitted twelve photographs of properties with side extensions in the local area.

**ASSESSMENT:**

The site is located on the north side of Ballantrae Drive and is situated within an established planned estate predominately characterised by two storey semi-detached houses. The property is a two storey semi-detached house with a detached garage co-joined with the neighbours garage at No 4. A wall and archway links the garage to the side of the subject house, a feature which is replicated throughout Ballantrae Drive. There is a front porch which was built with the house this wall is also a repeated feature of the estate on the same house type.

Planning permission is sought to erect a two storey side extension, incorporating alterations and extension to the front porch, which would require the removal of the garage and the making good of the internal party wall with the neighbour's garage. The two storey side extension is 3.9m wide at the front and tapers to approximately 3m at the rear. This tapering is a response to the tapering nature of the side plot boundary.

The ground floor element of the proposal includes a single storey extension to the porch which will result in a proposed overall frontage of the porch will be approximately 5.7m and the extended house as a whole will be 8.3m wide. The two storey element is set back 0.5m from the original front wall of the house with an overall depth of approximately 6.7m. The extension would be set back a minimum of 0.8m from the side boundary along its tapering length.

In terms of openings, on the front elevation, there would be two windows and a new door on the ground floor and a two windows on the upper floor; no windows on the side elevation and on the rear elevation, a window and French doors which would open out onto a new platt and steps on the ground floor with a single window on the upper floor.

The extension would have a dual pitch ridged roof to match the house, tying in below the existing ridge. External materials have not been specified but it would be expected that they would match the house i.e. brick base course, render and a profiled roof tile.

Off street parking could be compromised by the proposal due to the loss of the garage and the impact of the extension on the driveway.

The application requires to be assessed against the Development Plan and any material considerations. The relevant policies in the East Renfrewshire Local Development Plan are considered to be D1 and D14 and it's supporting Supplementary Planning Guidance (SPG) - Householder Design Guide.

Policy D1 sets out 16 determining criteria against which all applications are assessed. In this case, the relevant criteria are: 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 and 3). The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy.

Within the locality and the wider estate, properties have been altered and extended, including two storey side extensions. In principle, therefore, there are no objections to a two storey side extension but the acceptability, or otherwise, of a proposal would depend on the details. In this case, the proposed extension would project beyond the established primary building line which has, in part, been dictated by the road curvature and defined by the front wall of the house rather than the original front porches which are modest projections. The extension, both single and two

storey elements, would project approximately 2.5m beyond the existing front of the co-joined garage which is aligned to respect the building line. Given the clearly defined building line and the open plan character of the properties in Ballantrae Drive, the proposed development would present as an incongruous element in the street scene to the detriment of the established amenity and character of the area.

As previously stated, several properties in the wider estate have two storey side extensions, many of which, it is acknowledged, are wider than 50% of the original frontage. However, there is only one property in Ballantrae Drive which has a two storey side extension i.e. 10 Ballantrae Drive which was approved in 2012 and is 3.5m wide. While this is more than 50% of the width of the house, it is narrower than the application proposal and, as such, is proportionally more acceptable. There is not, therefore, considered to be an established pattern of overly wide two storey side extensions in Ballantrae Drive which could justify the proposal under consideration.

To conclude, the proposal does not accord with criterion 1.

The extension does respect elements of the building form and design of the house and details of the external materials could be secured by a planning condition to ensure that they matched the existing materials. However, the existing house has an existing frontage of approximately 4.7m. The proposed side extension, at its widest part at the front, would increase the width by a further 3.9m which is an increase of approximately 82% of the existing frontage. Extensions should be subsidiary to the property and subordinate in scale and appearance to the original house. The proposal represents an 85% increase in the original ground floor area. The second storey setback and the dropped ridge do help to break up the massing of the extension. However, overall the increase in the size of the property is considered to be inappropriate in terms of size, scale and its position in the streetscene adds to this concern.

To conclude, the proposal does not accord with criterion 2.

Due to the orientation of the plot, which is on a NW/SE axis, and the configuration of the windows, it is considered that the proposal does not raise any significant issues with overlooking and/or overshadowing. The proposal does not conflict with criterion 3.

With reference to the above, it is concluded that the proposal is contrary to criteria 1 and 2 and therefore, in combination, these aspects are sufficient to render the proposal contrary to policy D1.

Policy D14 sets out six general criteria against which all proposals for alterations and extensions to dwellinghouses are assessed. The relevant criteria, in this case, are considered to be:

- o Any extensions must complement the existing character of the property in terms of style, form and materials.
- o The size, scale and height of any development must be appropriate to the existing building

For reasons discussed above, it is considered that the proposal conflicts with these criteria and, as such, does not accord with policy D14.

The Supplementary Planning Guidance (SPG)-Householder Design Guide lists a number of general principles and sets out more detailed guidance on specific development types. Section 2.1 lists a number of general design principles which include:

- Extensions.....should respect the character of the original house and the surrounding area in terms of design, scale and materials. No extension.... should detract from the character of the area

- Extensions should not dominate or overwhelm the original form or appearance of the house and should be subordinate in scale and appearance to the original house.
- Extensions should be in proportion to the original house.

The specific guidance on side extensions advises that they should:

- Be no more than 50% of the frontage of the original house
- Be set back at least 0.5m from the front elevation of the original house
- The ridge line of the extension should be below the ridge line of the original house.
- Be set back at least 1m from the side boundary

The two storey element is setback 0.5m from the main front wall of the house with the new single storey element aligning with the front porch. There would be no merit, in terms of visual impact on the streetscene, in requiring the single storey element to be setback 0.5m. In this case, therefore, this specific criterion can be set aside.

With regard to the requirement to have a minimal setback of 1m from the site boundary, it is considered that there would be no significant issues with the proposed setback of 0.8m given that there is currently a garage on that part of the site and the co-joining garage will remain in place. Therefore, this specific criterion can be set aside.

During the processing of the application, the applicant has reduced the width of the extension at the front from the 4.3m to the current width of 3.9m.

To conclude, the application does not comply with the general guidance for reasons discussed above and does not comply with the specific guidance on side extension as the proposal represents an increase of more than 50% of the frontage of the original house. The proposal does not accord with the SPG.

Drawing all the above matters together, it is considered that the proposal does not comply with policies D1(1), D1(2) and D14 in the East Renfrewshire Local Development Plan and the provisions of the SPG. On that basis, the application should be refused unless there are material considerations which would justify setting aside the Development Plan and SPG and approving the application.

Matters material to the consideration of the application are considered to be: the application site history, details of similar developments submitted by the applicant and the representation received. With regard to the latter, the comments of the representee are noted and will require to be agreed/resolved privately between the relevant parties.

With regard to the planning history, the site has been the subject of two previous applications for two storey side extensions which have been refused. Application 2016/0346/TP was in respect of a side extension flush with the front of the house and approximately 4.3m wide. The application was refused in July 2016 on the following grounds:

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it would result in a loss of character to the surrounding area by virtue of its inappropriate size, scale and massing.

2. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as it dominates, overwhelms and detracts from the character of the existing dwelling by virtue of its size, scale and height.

3. The proposal is contrary to the specific terms of the adopted Supplementary Planning Guidance: Householder Design Guide as the width of the extension is more than 50% of that of the original dwelling; does not comprise at least a 0.5 metre set-back; and does not comprise a lower ridge line.

A subsequent application, 2016/0671/TP, was refused in October 2016 on the same grounds as detailed above. There had been no alterations to the width of the extension at the front.

It is acknowledged that the extension currently under consideration now incorporates a setback of 0.5m at second storey level and the extension ridge is below the existing ridge. However, the Planning Service has been consistent in its view that the width of the extension, and the consequent impact this has on the streetscape, is unacceptable. The proposed development does not address this issue.

The applicant has submitted a series of 12 photos "showing examples". It should be noted that all planning applications are treated on their own merits with regard to, for example, the site characteristics. Rarely are two sites and /or development proposals identical.

The applicant claims, on the application form, that "no. 4 has the same extension". It is unclear which address is being referred to. With regard to the 12 "examples", the following comments are made:

- o 25 Prestwick Drive. No known address and no known address of 25 Prestwick Place
- o 1 Troon Place, 35 Ballantrae Crescent , 26 Dundonald Crescent (incorrectly annotated as Drive)-all detached houses and therefore not relevant.
- o 12 Prestwick Place. Single storey side extension and therefore not relevant.
- o 47 Ballantrae Crescent. Approved December 2009 and predates current Development Plan. Does not breach building line.
- o 51 Ballantrae Crescent. Approved February 2006 and predates current Development Plan. Does not breach building line.
- o 6 Prestwick Place. Approved October 2004 and predates current Development Plan. Does not breach building line.
- o 6 Maybole Crescent. Approved August 2004 and predates current Development Plan. Does not breach building line.
- o 53 Alloway Drive. Approved June 2010 and predates current Development Plan. Does not breach building line.
- o 28 Dundonald Crescent (incorrectly annotated as Drive). Approved October 2002 and predates current Development Plan. Does not breach building line.
- o 14 Monkton Gardens. Approved January 2009 and predates current Development Plan. Does not breach building line.

To conclude, the proposal:

- o Conflicts with the East Renfrewshire Local Development Plan as the proposal cannot be supported by policies D1 and D14
- o Conflicts with Supplementary Planning Guidance -Householder Design Guide

Accordingly, it is recommended that the planning application be refused as it is contrary to the Development Plan and there are no material considerations which would justify setting aside the Development Plan and approving the application.

**RECOMMENDATION:** Refuse

**PLANNING OBLIGATIONS:** None.

**REASON(S):**

1. The proposal is contrary to Policies D1(1) and D1(2) of the adopted East Renfrewshire Local Development Plan as it would result in a loss of character to the surrounding area by virtue of its inappropriate size and scale.
2. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as it dominates, overwhelms and detracts from the character of the existing dwelling by virtue of its size and scale.
3. The proposal is contrary to the specific terms of the adopted Supplementary Planning Guidance: Householder Design Guide as the width of the extension is more than 50% of that of the original dwelling.

**ADDITIONAL NOTES:** None

**ADDED VALUE:** None

**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Ms Alison Mitchell on 0141 577 3117.

Ref. No.: 2017/0093/TP  
(ALMI)

DATE: 6<sup>th</sup> June 2017

**DIRECTOR OF ENVIRONMENT**

**Reference: 2017/0093/TP - Appendix 1**

**DEVELOPMENT PLAN:**

**Strategic Development Plan**

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

**Adopted East Renfrewshire Local Development Plan**

Policy D1

Detailed Guidance for all Development



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

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

developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.

16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Policy D14

Extensions to Existing Buildings and Erection of Outbuildings and Garages

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

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

Side extensions should not create an unbroken or terraced appearance.

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

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

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

**GOVERNMENT GUIDANCE:** None

Finalised 06/06/2017.IM.

**DECISION NOTICE  
AND  
REASONS FOR REFUSAL**

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

**REFUSAL OF PLANNING PERMISSION**

Ref. No.        **2017/0093/TP**

**Applicant**

Mr And Mrs A Hughes  
6 Ballantrae Drive  
Newton Mearns  
East Renfrewshire  
G77 5TB

**Agent:**

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

With reference to your application which was registered on 8th May 2017 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

**Erection of two storey side extension incorporating alteration and extension to front porch  
at: 6 Ballantrae Drive Newton Mearns East Renfrewshire G77 5TB**

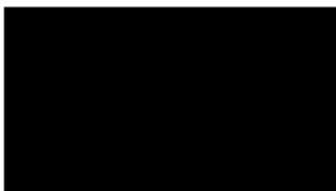
the Council in exercise of their powers under the abovementioned Act and Regulations hereby refuse planning permission for the said development.

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

1. The proposal is contrary to Policies D1(1) and D1(2) of the adopted East Renfrewshire Local Development Plan as it would result in a loss of character to the surrounding area by virtue of its inappropriate size and scale.
2. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as it dominates, overwhelms and detracts from the character of the existing dwelling by virtue of its size and scale.
3. The proposal is contrary to the specific terms of the adopted Supplementary Planning Guidance: Householder Design Guide as the width of the extension is more than 50% of that of the original dwelling.

Dated            6th June 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

<b>Plan Description</b>	<b>Drawing Number</b>	<b>Drawing Version</b>	<b>Date on Plan</b>
Location Plan	1:1250		
Block Plan	1:500		
Elevations Existing and Proposed	4146/1		04.05.2017
Existing and proposed floor plans	4146/2		04.05.2017

**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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## NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect  
of Decisions on Local Developments

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

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

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR & MRS	Ref No.	
Forename	A.	Forename	JOHN
Surname	HUGHES	Surname	HUTTON
Company Name		Company Name	
Building No./Name	6	Building No./Name	FLAT 011, 69.
Address Line 1	BALLANTRAE DRIVE	Address Line 1	MILLBRAE ROAD
Address Line 2	NEWTON MEARNS	Address Line 2	LANGSIDE
Town/City	GLASGOW	Town/City	GLASGOW
Postcode	G77 5TB.	Postcode	G42 9UT
Telephone		Telephone	07773 209204
Mobile		Mobile	
Fax		Fax	
Email		Email	
<b>3. Application Details</b>			
Planning authority	EAST RENFREW SHIRE		
Planning authority's application reference number	2017/0093/TP		
Site address	<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> <p style="text-align: center;">6, BALLANTRAE DRIVE, NEWTON MEARNS G77 5TB</p> </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> <p style="text-align: center;">ERECTION OF TWO STOREY EXTENSION INCORPORATING ALTERATION &amp; EXTENSION TO FRONT PORCH.</p> </div>		

Date of application

Date of decision (if any)

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

**4. Nature of Application**

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

**5. Reasons for seeking review**

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

**6. Review procedure**

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

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

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

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

*SEE SEPARATE SHEET.*

**7. Site inspection**

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

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

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

/

### 8. Statement

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

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

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

SEE SEPARATE SHEET,  
 ALSO ALL ADDRESSES GIVEN AS EXAMPLES OF  
 SIMILAR EXTENSIONS LEGALLY/ WE WOULD STILL  
 LIKE TAKEN INTO CONSIDERATION.  
 ONE ADDRESS NOT MENTIONED PREVIOUSLY  
 25, MAYBOLE CRESC, N.M NOT 25 PRESTWICK PL.

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

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

SEE SEPARATE SHEET,  
 THE WIDTH OF EXTENSION AT FRONT WE HAVE  
 GIVEN IN BETWEEN PLANNING'S VERBAL OF 3.5m &  
 OUR APP<sup>N</sup> FOR 4.3m TO 3.9m!

**9. List of Documents and Evidence**

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

PLANS EXISTING + PROPOSED.  
 BLOCK PLAN. + LOCATION PLANS.  
 SUPPORTING STATEMENT SEPARATE.

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

**10. Checklist**

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

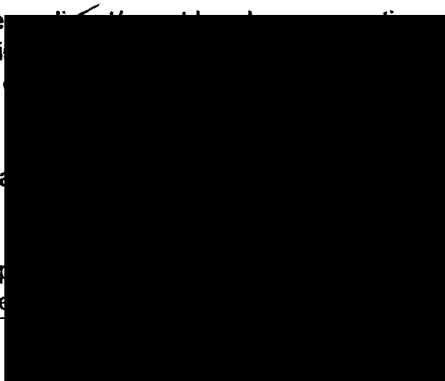
- Full completion of all parts of this form
- Statement of your reasons for requesting a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

**DECLARATION**

I, the undersigned, hereby confirm that I am authorised to request the planning authority to review the application as set out on this form and I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature



Name:

JOHN A. HUTTON

Date:

11 | 7 | 17 .

Any information provided on this form will be held and processed in accordance with the relevant data protection Act.

## **6 Ballantrae Drive, Newton Mearns, G77 5TB**

This appeal is for one dimension only, namely the width of the extension, we are applying for a width of 3.9 meters on the extension.

The council planning department have already verbally approved a width of 3.5 metres but we would like to appeal for an extra 0.4 meters (15&3/4 inches) on our extension.

There are several reasons why we are appealing for the extra width, these being,

- To extend this property an upper landing area will need to be formed. In order to do this without losing half of the only existing bathroom we are proposing moving the staircase into the extension and need this very modest increase in width (over approved width) to make this plan feasible. At 3.5 meters it is not practicable to move the staircase into the extension as there is not enough workable width left in the extension to form a bedroom which could accommodate the length of a bed with passing space at the bottom.
- We wish to keep the extension to the side of the house as the plot has a small back garden and is (roughly) triangular in shape, narrowing to the rear so extending into the back garden is not practicable as there would be too much loss of garden space which is needed for the children.
- This extra space would allow us to retain a full existing bathroom upstairs and therefore save us having to form a shower room with a separate bathroom in the extension.

Although the increase in size may seem very small it is very important and is the minimum dimension that would make the plan work.

We have already applied for 4.5 meters in our first application,

We then reduced it to 4.3 meters in our second application,

Now we have reduced it again to 3.9 meters. In addition the ridge has been lowered and the first storey set back to comply with the wishes of planning.

The alternative proposed by the council is to extend to the rear and the side, which we do not want as we do not want to lose garden space and the neighbours do not want as it unsightly for them. Our preference is to build only to the side

in the space currently occupied by the garage and form a second driveway to accommodate loss of parking, therefore not compromising the off street parking as there will still be space for two cars.

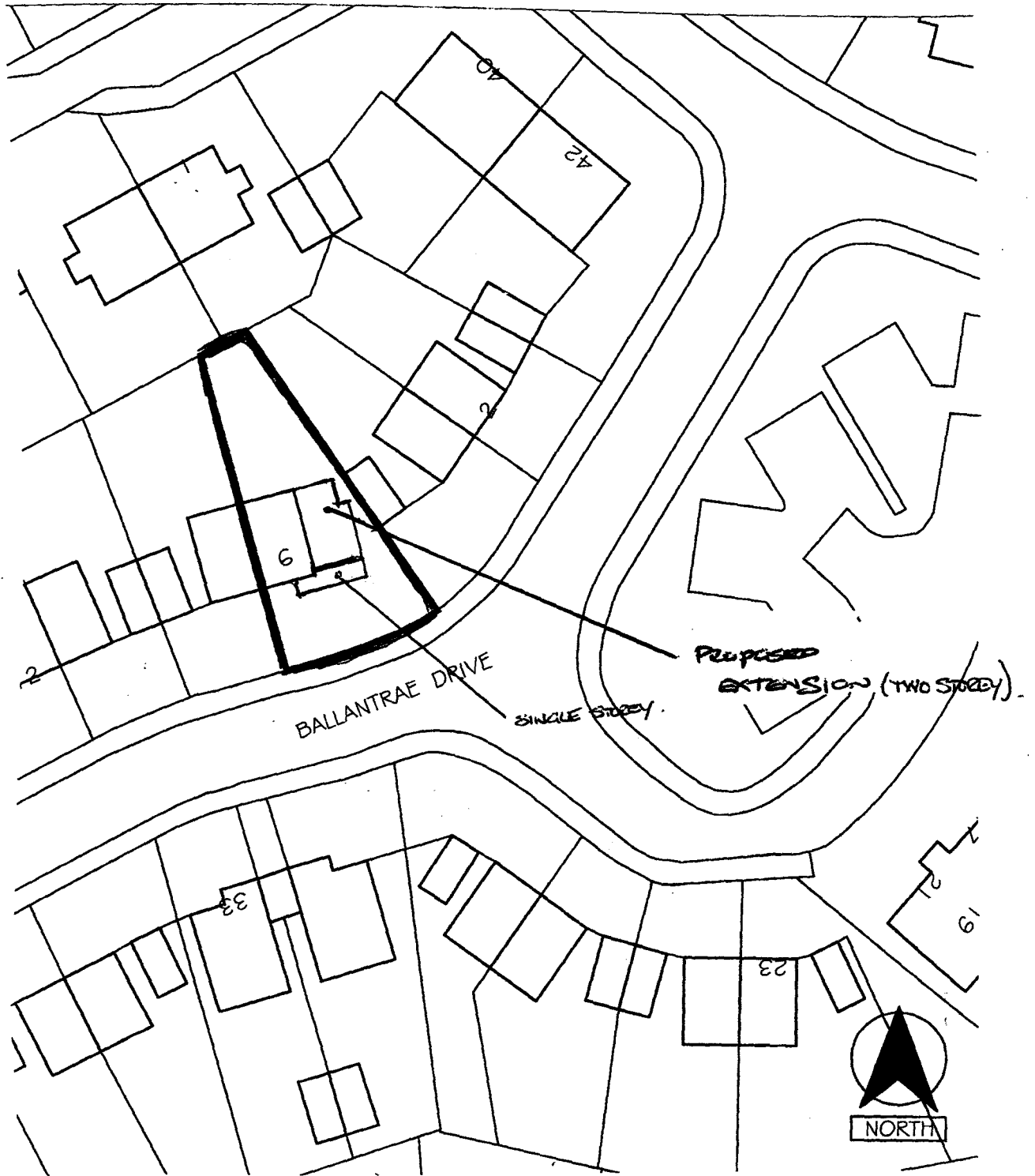
In response to the Council's points.

*To conclude, the proposal does not accord with criterion 1.*

The extension does follow the building line and the curvature of the pavement. The conjoined garages are set back from the building line of the two properties and we therefore challenge the Council's statement.

*To conclude, the proposal does not accord with criterion 2.*

The property extension is a replacement of existing components of garage and wall, which currently have a combined width of approximately 8 meters i.e. although the house will increase in size it is largely offset by the loss of the garage, as proposed overall width of house will be 8.3m. This therefore does not represent an extension of more than 50% of the original property and therefore would be subsidiary to the original property. The wall and archway will be made good to the neighbour's property so as not to be noticeable upon completion.



Block Plan 1:500

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**PLANS/PHOTOGRAPHS/DRAWINGS**

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Property: 47 Ballantrae Crescent

This property has continuous roofline and frontage and double size porch.



Property: 6 Maybole Crescent

This property has continuous roofline and prominent frontage in line with the porch.



Property: 28 Dundonald Drive

This property has continuous roofline and frontage and incorporated garage and extended porch.



Property: 35 Ballantrae Crescent

This property has continuous frontage and roofline and large porch.



Property: 26 Dundonald Drive

This property has continuous roofline and frontage and an incorporated garage with extended porch



Property: 14 Monkton Gds

This property has continuous roofline and prominent frontage in line with the porch.





25 Prestwick Drive



6 Prestwick Place



12 Prestwick Place



1 Troon Place



Property: 53 Alloway Drive

This property has continuous roofline and prominent frontage incorporating garage in line with the porch.



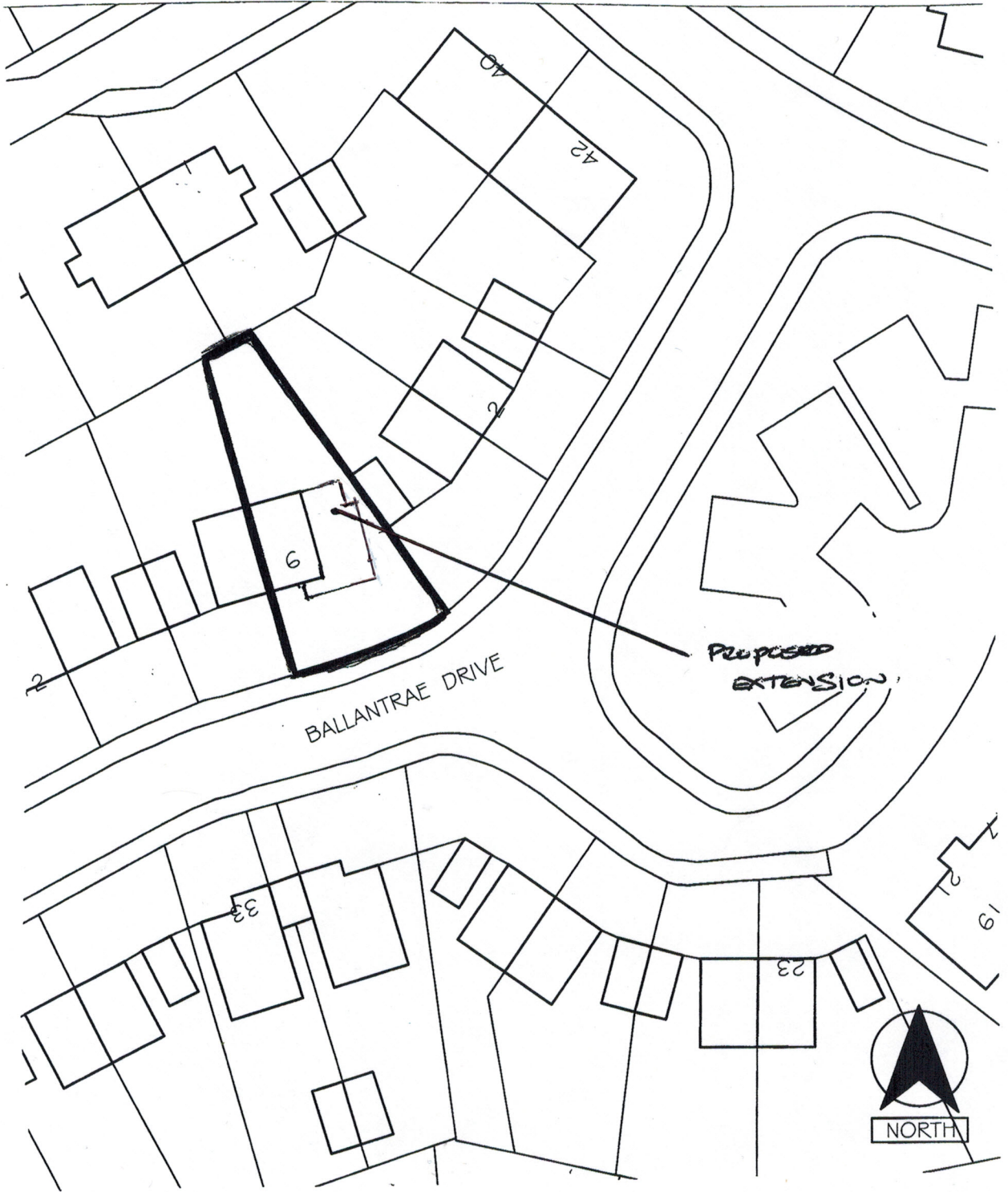
Property: 51 Ballantrae Crescent

This property has continuous roofline and frontage and double size porch and has a further extension to the side.





LOCATION PLAN 1:1250.



Block Plan 1:500

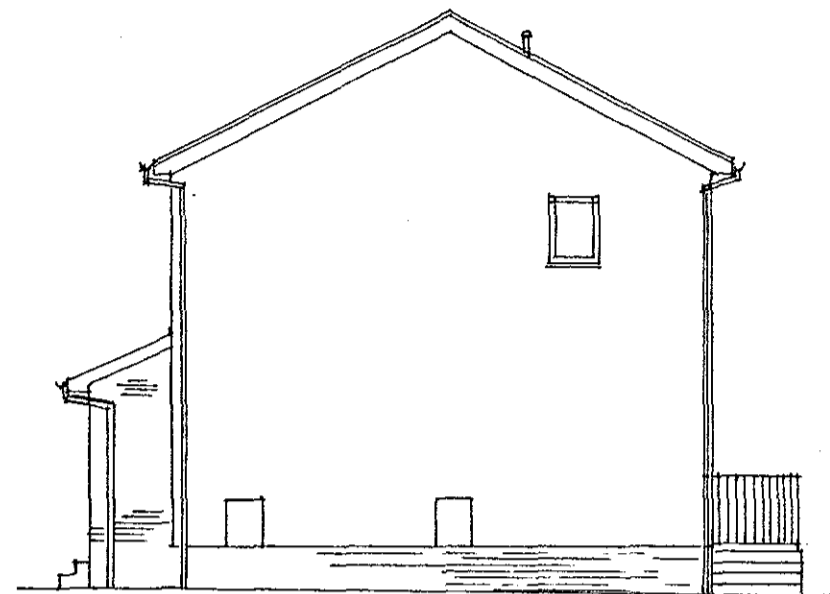


PROPOSED TWO STOREY EXTENSION TO SIDE & INTERNAL ALTERATIONS.  
AT 6, BALLANTRAE DRIVE, NEWTON MEARNIS G77 5TB.  
PER MR & MRS A. HUGHES.

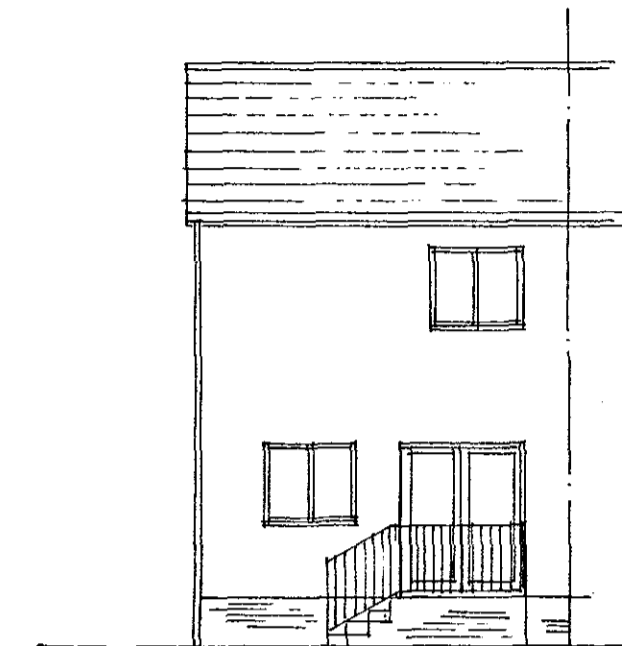
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DRG NO : 4146/1.  
DATE : FEB 2017.



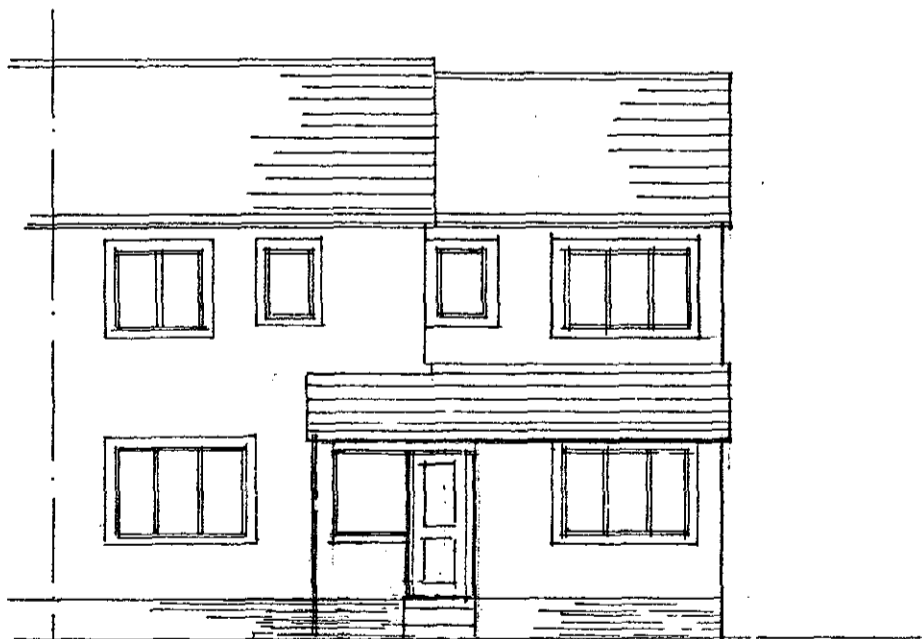
EXISTING FRONT ELEVATION.



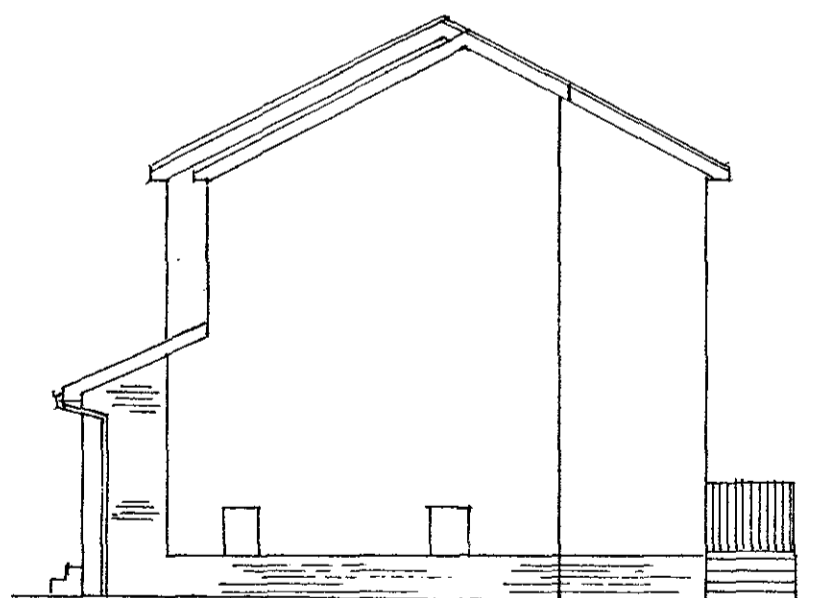
EXISTING SIDE ELEVATION.



EXISTING REAR ELEVATION.



PROPOSED FRONT ELEVATION.



PROPOSED SIDE ELEVATION.

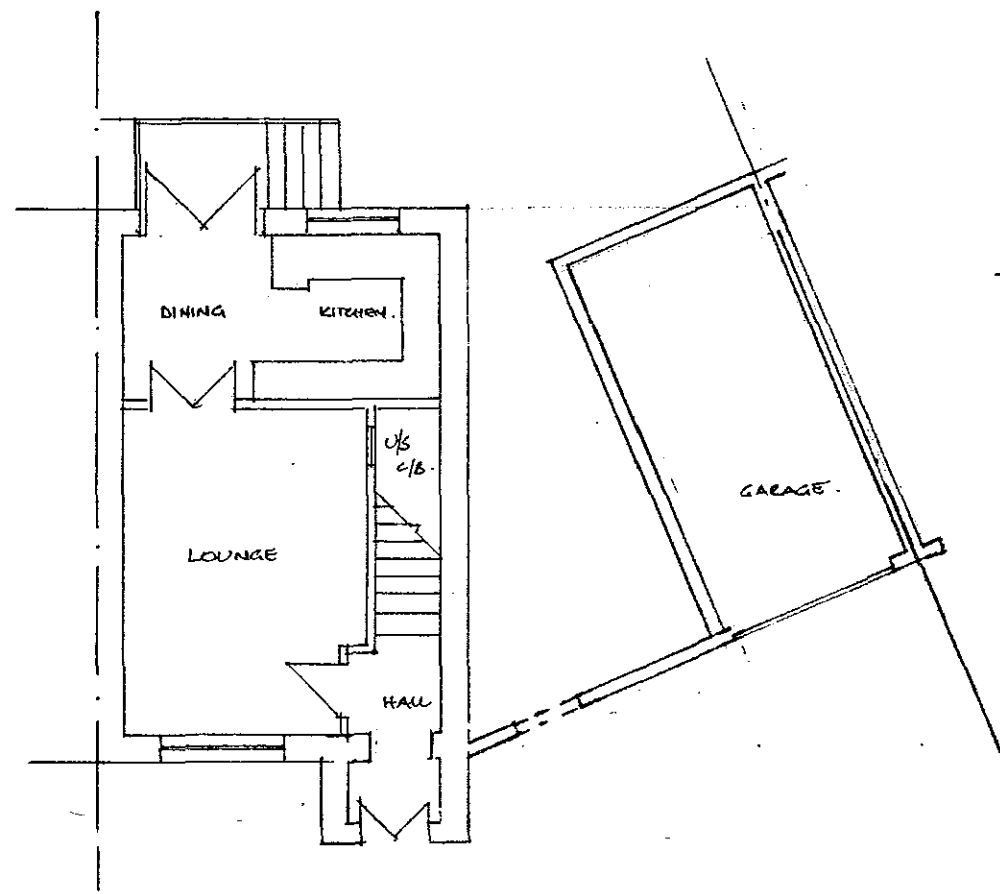


PROPOSED REAR ELEVATION.

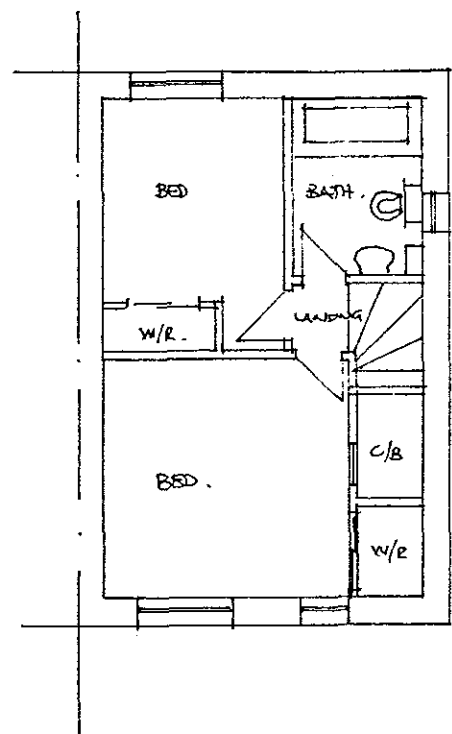
AMENDED PLANS RECEIVED  
Date: - 4 MAY 2017

PROPOSED TWO STOREY EXTENSION TO SIDE + INTERNAL ALTERATIONS.  
AT 6, BALLANTRAE DRIVE, NEWTON MEARNS. G77 5TB.  
PER MR + MRS A. HUGHES.

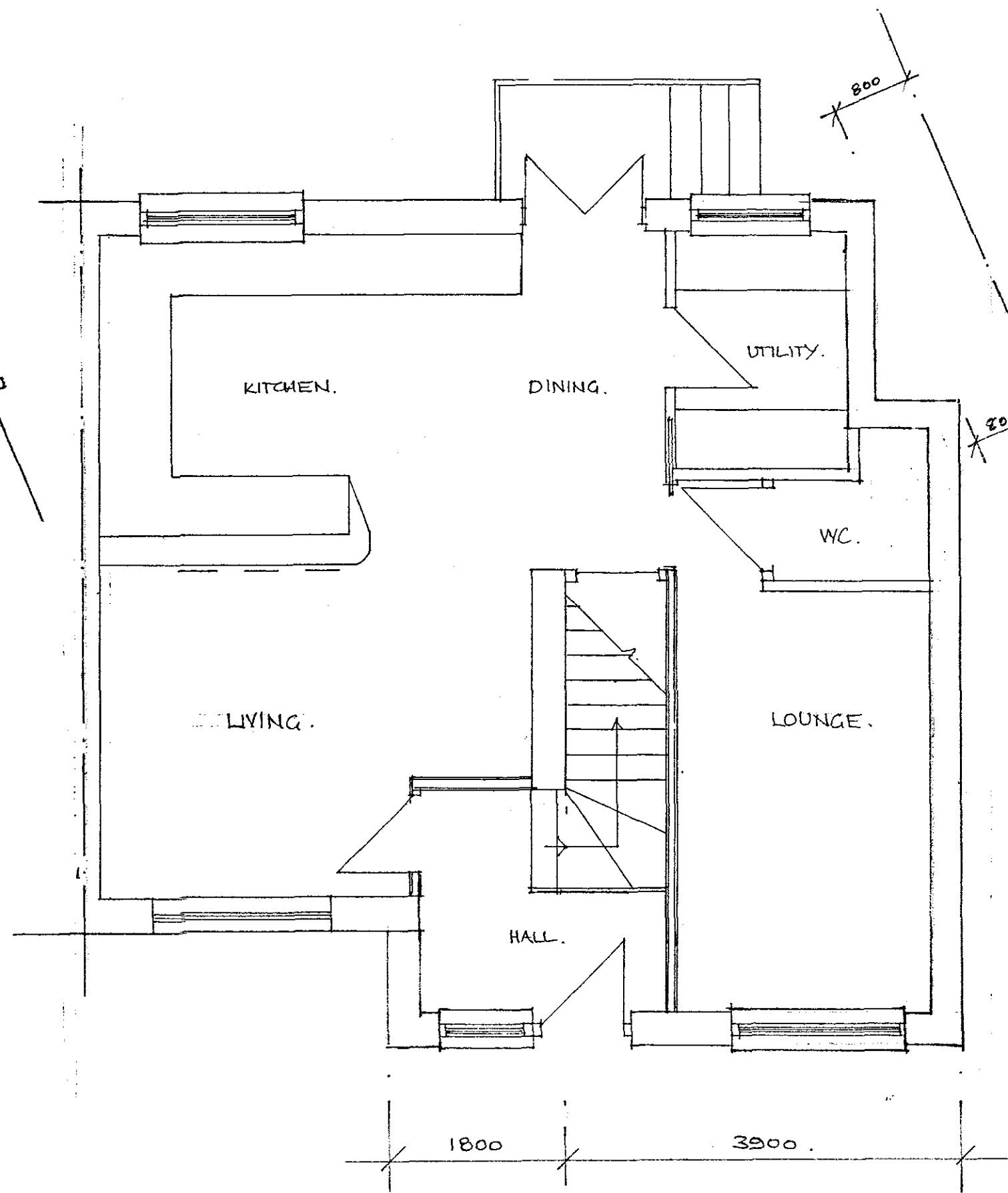
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DRG NO : 4146/2.  
DATE : FEB 2017



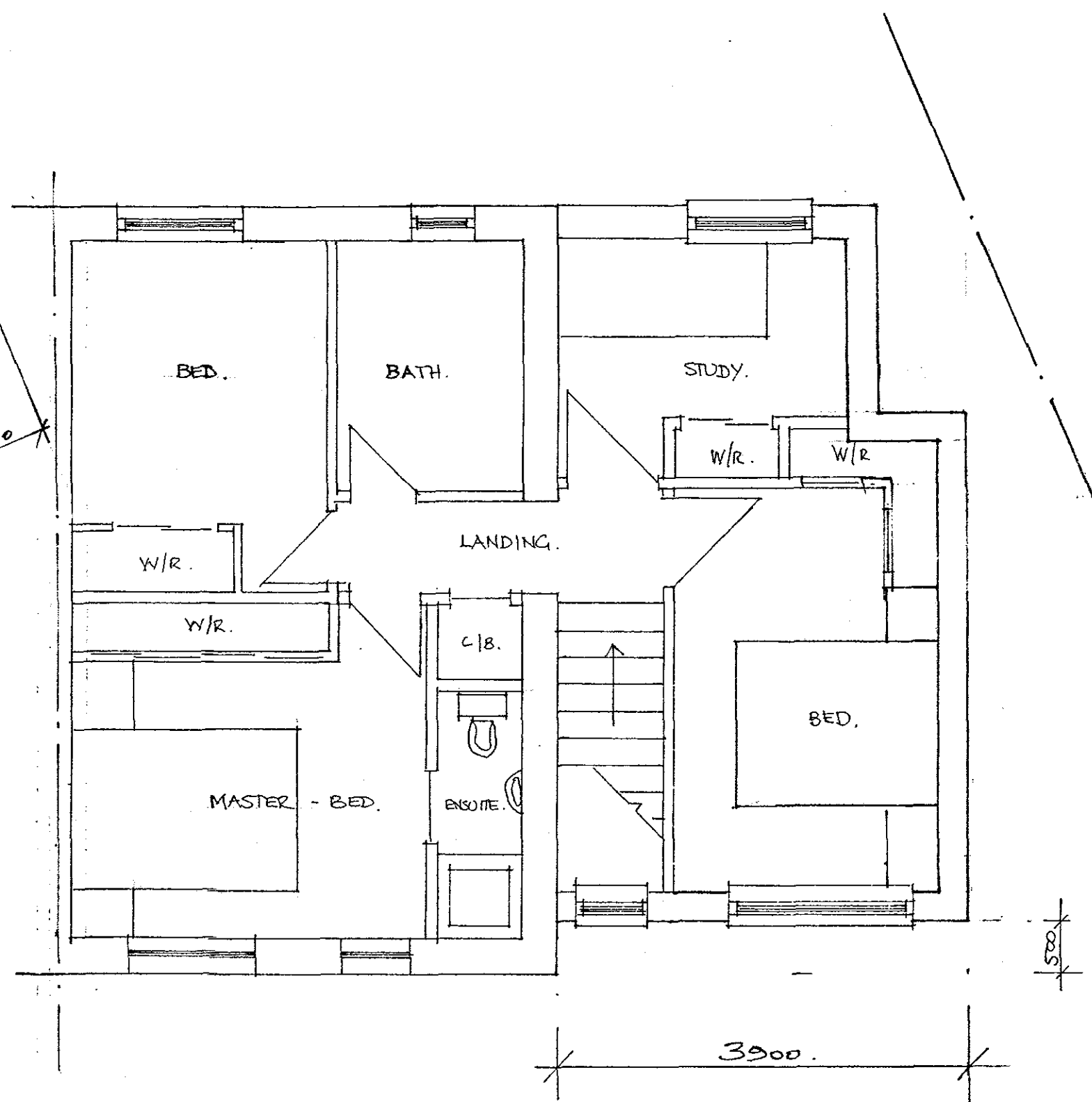
EXISTING G.F. PLAN.



EXISTING 1st FLOOR PLAN.



PROPOSED G.F. PLAN.



PROPOSED 1st FLOOR PLAN.

AMENDED PLANS RECEIVED  
Date: - 4 MAY 2017