

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY9 August 2017Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2017/13ERECTION OF 1.7 METRE HIGH FENCE AT FRONT AND SIDE (PART
RETROSPECTIVE) AT LAUREL COTTAGE, HAZELDEN ROAD, NEWTON MEARNES**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:- 2017/0008/TP).
- Applicant: Mr Alan Browne.
- Proposal: Erection of 1.7 metre high fence at front and side (part retrospective).
- Location: Laurel Cottage, Hazelden Road, Newton Mearns.
- Council Area/Ward: Newton Mearns South and Eaglesham (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 his application. A copy of the applicant’s Notice of Review and Statement of Reasons is attached as Appendix 5.

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

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

11. 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, 9 August 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 93 - 100);
- (b) Copies of objections/representations – Appendix 2 (Pages 101 - 104);
- (c) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 105 - 112);
- (d) Decision notice and reasons for refusal - Appendix 4 (Pages 113 - 116); and
- (e) A copy of the applicant's Notice of Review and Statement of Reasons - Appendix 5 (Pages 117 - 126).

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 127 - 144).

- (a) Ordnance Survey Map;
- (b) Photo of Boundary Fence 01;
- (c) Photo of Boundary Fence 02;
- (d) Photo of Boundary Fence 03;
- (e) Photo of Boundary Fence 04;
- (f) Photo of Boundary Fence 05;
- (g) Photo of Boundary Fence 06;
- (h) Photo of Boundary Fence 07;
- (i) Photo of Boundary Fence 08;
- (j) Photo of Boundary Fence 09;
- (k) Photo of Boundary Fence 10;
- (l) Photo of Existing Wire Mesh Fence to be Replaced;
- (m) Photo of New Fence;
- (n) Several Photos of Old and New Fence
- (o) Refused – Block and Location Plan; and
- (p) Refused – Proposed Fence.

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:- July 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 100035744-001

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

Description of Proposal

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

Works will include the removal of the existing 1.2m, 2mm wire mesh fence and the erection of a new 1.7m, 5mm wire mesh fence. The new fence shall replace the existing fence along the southern and western boundaries and shall be erected along the same line/position. Included within this application is the confirmation of retaining wall positions, type and finish. The driveway, along with ramp access and other hard landscaping has also been included as they actually have been formed/built.

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

No Yes - Started Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

15/12/2016

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

Work on the fence has taken place in advance of this application as I (Alan Browne) had assumed that as the new fence was the same type of fence as the existing one and was under 1.8m in height that i did not need to inform anyone that i was carrying out this work.

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Laurel cottage"/>
First Name: *	<input type="text" value="Alan"/>	Building Number:	<input type="text" value="7A"/>
Last Name: *	<input type="text" value="Browne"/>	Address 1 (Street): *	<input type="text" value="Laurel cottage"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Hazelden Road"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G77 6RR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

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

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

I have spoken with Ralph Howden on site. The advice given was to submit a new planning application as the conditions of the original application were deemed to have lapsed.

Title:

Mr

Other title:

First Name:

Ralph

Last Name:

Howden

Correspondence Reference Number:

Date (dd/mm/yyyy):

05/01/2017

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mr Alan Browne

On behalf of:

Date: 05/01/2017

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

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

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

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

Declare – For Householder Application

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

Declaration Name: Mr Alan Browne

Declaration Date: 08/01/2017

Payment Details



Created: 08/01/2017 19:07

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**COPIES OF REPRESENTATIONS
AND
COMMENTS BY CASE OFFICER
AND
REPRESENTATIVE
ON NEW INFORMATION**

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Ack. 07/02/17.

0141-639 4643

RH.

RECEIVED

103

07 FEB 2017

Wheatlands,
Hazelden Road,
Newton Mearns,
Glasgow,

G77 6RR

6th FEBRUARY 2017

Head of Environment
East Renfrewshire Council.

Application No. 2017/0008/CP
Laurel Cottage - Hazelden Road.

I wish to comment on the above
retrospective (the job is half done) planning
application.

These already has

- 1) a dense laurel hedge
- 2) an adequate stob and wire fence

The work being carried out does not seem
necessary and the materials being
used which seem to be industrial rather
than domestic are out of place in the
semi rural environment where the property
is situated.

Yours faithfully

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REPORT OF HANDLING

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REPORT OF HANDLING

Reference: 2017/0008/TP

Date Registered: 30th January 2017

Application Type: Full Planning Permission

This application is a Local Development

Ward:

Co-ordinates: 253707/:654018

Applicant/Agent: Applicant: Agent:

Mr Alan Browne
Laurel Cottage
7A Laurel Cottage
Hazelden Road
East Renfrewshire
G77 6RR

Proposal: Erection of 1.7m high fence at front and side (part retrospective)

Location: Laurel Cottage
Hazelden Road
Newton Mearns
East Renfrewshire
G77 6RR

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

REPRESENTATIONS: 1 representation has been received: The representation can be summarised as follows:

The fence is an unnecessary addition to existing boundary treatments. The industrial nature of the materials used in forming the fence and that they are out of place with the semi-rural environment.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS: None

ASSESSMENT:

The application site consists of a detached house and curtilage which sits on Hazelden Road. The application house is still under construction and occupies one of two house plots created following on the demolition of a single house. The application house and its curtilage previously formed the garden grounds of the original house. The trees along both road frontages largely served as the boundary treatment between the site and the roadway supplemented in part by the remains of a low (approximately 1m high) post and mesh fence.

The site sits in a small grouping of houses to the south of Newton Mearns that are located in the Greenbelt. There are a variety of house types and they have a variety of boundary treatments. The site has a number of mature trees which are protected by a Tree Preservation Order. The largely open nature of the original garden and associated trees suited the semi-rural nature of the site and its transitional position between developed area and more open countryside.

Planning permission 2014/0721/TP for the erection of the house at this location contained a condition relating to the submission of details of any walls or fences. Approval was given under this condition for a 1.2m high wooden post and mesh fence and this was erected.

The application follows investigation of an enforcement complaint and is for the erection of a 1.7m high fence along both road frontages to the site. The fence along the Hazelden Road frontage has already been erected. At no point did the applicant contact the Council's Planning Service prior to the erection of this fence to ascertain whether planning permission would be required or not. It should be noted that it cannot be considered to be permitted development as it exceeds the height of any previous fence.

A line of fencing approximately 90m long has been erected along the Hazelden Road frontage. A further line of fence 60m long is proposed along the unnamed road on the southern boundary of the site. The fence is/will be formed from prefabricated green coloured wire mesh panels fixed to green coloured square section metal posts. It sits/will sit, close to the roadside in an elevated position, for the most part in front of the trees bordering the site.

The style of the fence proposed, particularly of this height, is more usually used as security fencing for commercial or institutional sites. It is not regularly used for residential use and examples of this are not in the surrounding area. Had the fence been submitted to comply with the condition on planning permission 2014/0721/TP this would not have been accepted given its position, height, design and materials.

The application has to be assessed against the relevant policies of the adopted Local Development Plan (LDP), in particular Policies D1 and D3 and any other material considerations. These policies seek to ensure that any development is sympathetic to and in character with the area.

Policy D1(1) states that developments should not result in a significant loss of character or amenity to the surrounding area. The applicant has listed a number of wire mesh fences in the wider area, including some further along Hazelden Road however they are a more traditional loose mesh fitted to timber posts. In addition most are shorter in height and those which are of a similar height to that which is the subject of this application surround commercial properties.

It is considered that the type of fencing proposed, particularly of this height, is inappropriate to this setting and that this has a detrimental impact on the character and amenity of the surrounding area. Even if the fence had been constructed of other materials, such as a timber, it is considered that its height and design would respectively be considered excessive and incongruous, particularly as it sits in an elevated position above the roadway. The open nature of the original site no longer exists. Its height, position and material used introduce a commercial and intrusive character to what had been a pleasing transition between semi-rural housing development and more open countryside. The fence is therefore considered contrary to Policy D1(1) of the Local Development Plan.

It was suggested to the applicant that the fence might be acceptable if taken to the inside of the tree line where it would be less visually intrusive. He did not seek to progress with this option.

In addition, since submission of the planning application the applicant indicated reducing the height of the fence to 1.2m to be considered under the condition of planning permission

2014/0721/TP and would withdraw the current application. However the fence has not been reduced in height nor has the application been withdrawn.

In early May 2017 the applicant submitted photographs of recent planting of mixed hedge species between the proposed fence and the roadway. He suggested that this hedging would in time obscure views of the fence from the roadway. He indicated that he would withdraw the current application if the proposed fence could otherwise be accepted at its current height of 1.7m. He did not make clear by what process he wished the fence approved however from previous correspondence it appears that he sought to have it accepted under the terms of the relevant condition of planning permission 2014/0721/TP. The submission also made reference to a new Laurel hedge planted to the inside of the proposed fence and recent planting of Beech whips. The applicant was advised that this submission would instead be considered as additional information in support of the current application.

The mixed hedging is planted along a narrow strip of ground between the proposed fence and the sloping ground to the side of the roadway. It is very immature and would take many years to grow to a height which would obscure the proposed fence even in ideal planting conditions. In this context the mixed hedging will have to compete for light and nutrients with the existing tree canopy and the more mature and vigorous laurel hedging.

This recent submission by the applicant is not considered to offer reasonable and timeous mitigation. Indeed the hedging may never mature to a scale and height which would obscure the fence.

Policy D3 relates to development in the Greenbelt and requires that any development respects the character of the area. It is considered that the existing and proposed fence is of an inappropriate style for this semi-rural setting and will in particular have a negative impact on the site and surrounding area. The proposal is therefore considered contrary to Policy D3 of the Local Development Plan.

In summary the application is considered to be contrary to Policies D1 and D3 of the Local Development Plan in that it has/would have a detrimental impact on the character and visual amenity of the area. It is therefore recommended that planning permission is refused.

RECOMMENDATION: Refuse

REASONS FOR REFUSAL:

1. The development is contrary to Policies D1(1) and D3 of the adopted East Renfrewshire Local Development Plan as the design, height and appearance of the fence is considered to be inappropriate for this location and has/will have a detrimental impact on the character and visual amenity of the surrounding area.

PLANNING OBLIGATIONS: None

ADDED VALUE:

The application has been submitted following an investigation/complaint.

BACKGROUND PAPERS:

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

Ref. No.: 2017/0008/TP

(RAHO)

DATE: 9th June 2017

DIRECTOR OF ENVIRONMENT

Reference: 2017/0008/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 D3

Green Belt and Countryside Around Towns

Development in the green belt and countryside around towns as defined in the Proposals Map, will be strictly controlled and limited to that which is required and is appropriate for a rural location and which respects the character of the area.

Where planning permission is sought for development proposals, within the green belt or countryside around towns and these are related to agriculture, forestry, outdoor recreation, renewable energy and other uses appropriate to the rural area, the Council will consider them sympathetically subject to compliance with other relevant policies of the Plan. Any decision will, however, take into consideration the impact the proposals will have on the function of the green belt and countryside around towns and the viability of important agricultural land. Development must be sympathetic in scale and design to the rural location and landscape.

Further detailed information and guidance is provided in the Rural Development Guidance Supplementary Planning Guidance.

GOVERNMENT GUIDANCE:

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

Finalised 09/06/2017.IM.

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**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. **2017/0008/TP**

Applicant

Mr Alan Browne
Laurel Cottage
7A Laurel Cottage
Hazelden Road
East Renfrewshire
G77 6RR

Agent:

With reference to your application which was registered on 30th January 2017 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of 1.7m high fence at front and side (part retrospective)

at: Laurel Cottage, Hazelden Road, Newton Meams, East Renfrewshire, G77 6RR

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 development is contrary to Policies D1(1) and D3 of the adopted East Renfrewshire Local Development Plan as the design, height and appearance of the fence is considered to be inappropriate for this location and has/will have a detrimental impact on the character and visual amenity of the surrounding area.

Dated 9th 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

Plan Description	Drawing Number	Drawing Version	Date on Plan
Block Plan and Location Plan	0/1		
Fencing	0/2		

GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS

REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY

1. If the applicant is aggrieved by a decision to refuse permission (or by an approval subject to conditions), the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review can be submitted online at www.eplanning.scotland.gov.uk. 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 100055161-001

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

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Laurel cottage"/>
First Name: *	<input type="text" value="Alan"/>	Building Number:	<input type="text" value="7A"/>
Last Name: *	<input type="text" value="Browne"/>	Address 1 (Street): *	<input type="text" value="Laurel cottage"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Hazelden Road"/>
Telephone Number: *	<input type="text" value="07817400321"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G77 6RR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="alanbrownefutura1@gmail.com"/>		

Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

LAUREL COTTAGE

Address 2:

HAZELDEN ROAD

Address 3:

NEWTON MEARNS

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G77 6RR

Please identify/describe the location of the site or sites

Northing

654018

Easting

253707

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)

Review of refusal of Erection of 1.7m high fence at front and side (part retrospective)

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 to Review document 1

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)

Photos of fence in question Photos of recently planted hedgerow photos of neighbouring boundary materials review document 1

Application Details

Please provide details of the application and decision.

What is the application reference number? *

2017/0008/TP

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

30/01/2017

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

09/06/2017

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

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 Alan Browne

Declaration Date: 12/06/2017

Alan Browne

Laurel Cottage

Hazelden Road

Newton Mearns

G77 6RR

With reference to the application for the removal of the existing wire mesh fence and erection of a new wire mesh fence. The proposed wire mesh fence appearance is as per the photographs taken by Ralph Howden on site. These photos may show the fence in both a complete and incomplete state. Along the north western boundary the fence posts have been trimmed to within 50mm of the top of the fence and thus, this section of fence is deemed complete. The fence posts along to the south western boundary from the driveway have still to have the posts trimmed to the correct height, therefore this section is incomplete. The fence to the southern boundary is not as yet erected.

This fence type has been chosen after considerable consideration of various styles and types of fence that could provide a secure boundary for young children and pets whilst at the same time have as little visual impact as possible. This particular style of fence would seem to be the preferred option when fencing off tree lined areas such as the perimeter of this plot.

The fence panels are 3m wide to reduce the number of posts required. It is 1.7m in height. The colour chosen is dark green, again, to minimise visual impact. I have attached a couple of photos of the same fence erected at the care home opposite Mearns Castle High School to show how this fence looks in situ. I have also attached a set of photos showing old versus new.

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Alan Browne,
Laurel Cottage
Hazelden Road
G77 6RR

Review Document 1

The reasons for requesting a review of the planning departments decision regarding the erection of this fence are listed below.

1. The Height of the fence is no higher than other boundary fences/walls along this road.
2. The Design of this fence is a modern wire mesh fence. The existing fence is also wire mesh. The difference is merely the mesh thickness, which has been upgraded from 2mm to 5mm and colour; from silver to green. Green painted metal posts instead of wood. In other words, we are replacing new for old.
3. Due to the vast variation in boundary fences and walls along this road, and given the various states of disrepair of said fences/walls, appearance would seem to be a personal preference rather than a policy. Please refer to submitted photos in original application showing neighbouring boundaries.

Also, there is a planted hedgerow in front of this fence that will, within a short period of time, completely cover up the fence. Therefore the issue of appearance is a temporary one. This should have been taken into consideration given that Ralph Howden stated in an earlier email that he would grant permission for the fence if it was erected behind the existing Laurel hedgerow. As it happens, the fence is to be erected behind this hedgerow along the southern boundary . However as the Laurel Hedgerow along the western boundary is set back, up to 6 metres from the boundary and given that the existing and historic (over 40 years)fencing position is exactly where the new fence has been erected, along with the fact that EVERY other property has their boundary fence/wall along their actual boundary and not up to 6m in. It is very confusing that the Planning department consider it acceptable that in this case it should be moved in order for it to be in keeping with the rest of the properties in the area. Which it clearly would not.

According to the planning department, the fence is considered to be inappropriate for this location and has/will have a detrimental impact on the character and visual amenity of the surrounding area. In answer to this, this fence is of the highest quality and has been erected to the highest standard. This type of fencing, whose origins came from the industrial sector (as did many residential innovations), is becoming ever more popular in all manner of developments. From Residential care homes to Schools, Council run woodland areas to Private residencies. In fact, within East Renfrewshire, it has been used for all the above already. Neighbouring councils are already approving it without contention for residential new builds. If it is appropriate for the council to use it to fence off woodland areas, why is it inappropriate for me to use it on what is, to a casual observer, a woodland area to the front of my property? If it is acceptable for other private

residences, for example along the Eaglesham road at waterfoot, to have it, why is it unacceptable for me. If it is acceptable for residential care homes where older people live, why is it unacceptable for me?

Sean McDaid, Head Planning officer, has also confirmed in writing that it is entirely acceptable for me to replace the existing 1.2m wire mesh fence with this exact type of fence as long as i keep it the same height (or lower). Therefore, it is only the height of this fence that is in contention, not design or appearance.

D1(1) The development should not result in a significant loss of character or amenity to the surrounding area; How can a fence have a detrimental impact on the character and visual amenity of the surrounding area if it cannot be seen?

Please also note from East Renfrewshire Local Development Plan:

D1(6) Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime; This wire mesh fence is to replace an existing smaller, more fragile wire mesh fence that can easily be pulled down. This is to ensure that my property is made more safe and secure for my family.

D3 Development in the green belt and countryside around towns as defined in the Proposals Map, will be strictly controlled and limited to that which is required and is appropriate for a rural location and which respects the character of the area. This is a wire mesh fence. This semi rural setting is exactly where you would expect to see a fence of this type.

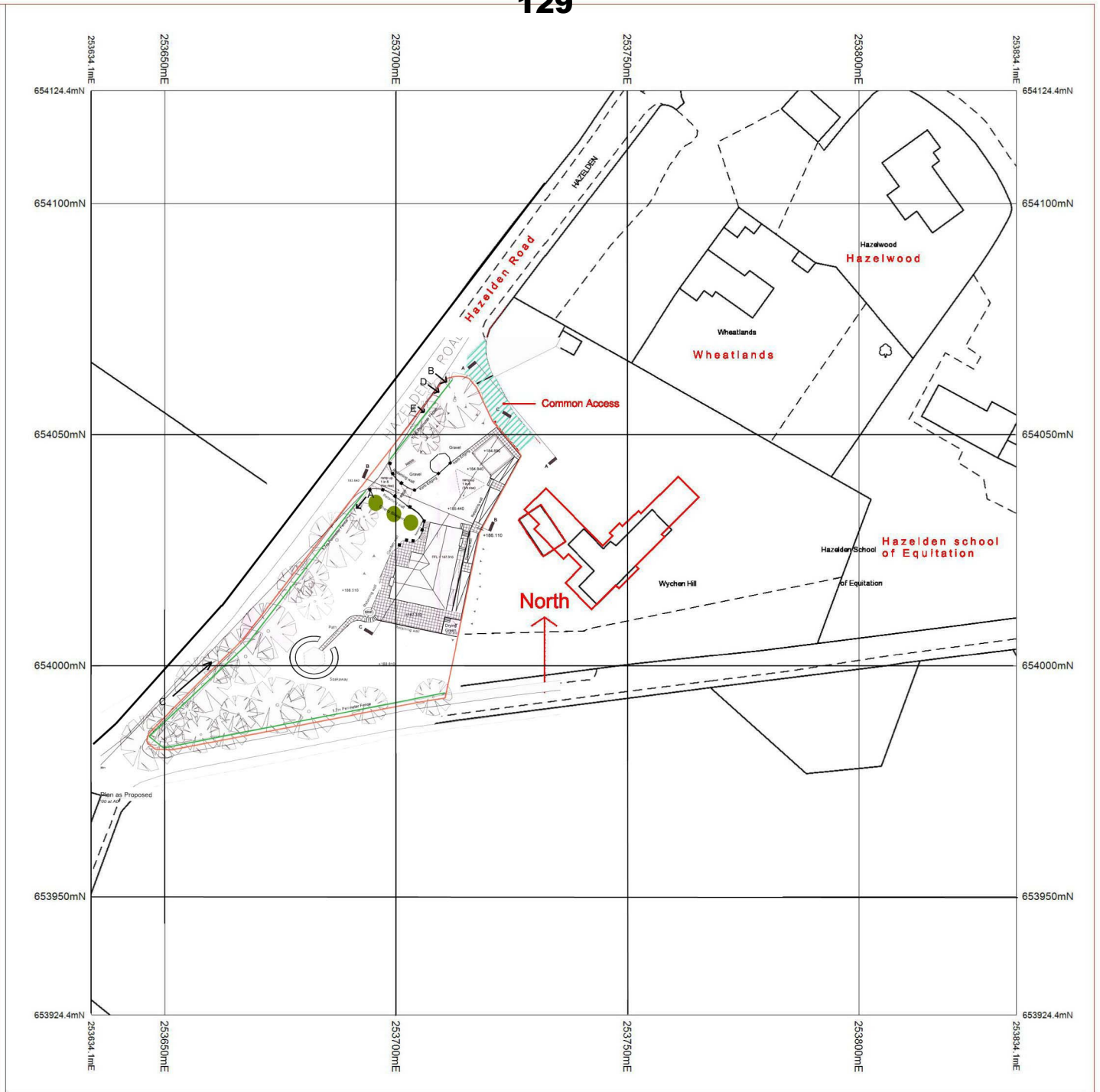
Even if we ignore all the compelling arguments above. There is still one glaring flaw in this refusal.

Ralph Howden Stated that if this fence was positioned behind a hedge then he would accept it. I repeatedly informed him that i was planting a new hedgerow in front of the fence to do just that but was ignored several times. Once the hedgerow was planted, Sean Mcdaid was sent photographs as evidence and he assured me that he would pass this new relevant information on to Ralph.

Given the history of decisions and other inconsistent instructions with regards to the handling of the fence application and indeed the original house applications, it is clear that this refusal has it's roots somewhere other than policies D1(1) and D3.

PLANS/PHOTOGRAPHS/DRAWINGS

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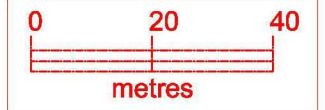


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 Serial Number: 23070
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 Production Date: 04 Feb 2013 09:02

Location Plan
1 : 1250

this is a true copy of the plan referred to in
 the application dated.....January 2017



Proposed new fence
 Alan Browne
 Laurel Cottage
 Hazelden Road
 Newton Mearns
 G77 6RR

1st property on
hazelden road
1m wire mesh fence
in green



131

Hazeldean house boundary wall
with 1.8m wire mesh fence
directly opposite



Hazeldean house
rendered walling approx
132
1.7m tall.

Wall and fence to other
side is an old entrance
no longer in use



133

Hazeldean house side boundary
1.2-1.4m wire mesh fencing



walton manor side boundary
along road to additional housing
Approx 1.8m wall

134



135

Walton manor facing brick and
stone walling to boundary



136

wychwood front boundary
stone walling approx 1-1.2m high

The Gables

side boundary as seen from the road
Black mesh fencing approx 1.2m high

137



138

The Gables front boundary
Dry stone walling



Hazelden cottage

139





LOCATION E
ON BLOCK PLAN



Actual fence in situ. Posts are 80mm square. Fence is 5mm dark green wire. Fence panels are 3.0m wide and 1.7m high.



A



C



B



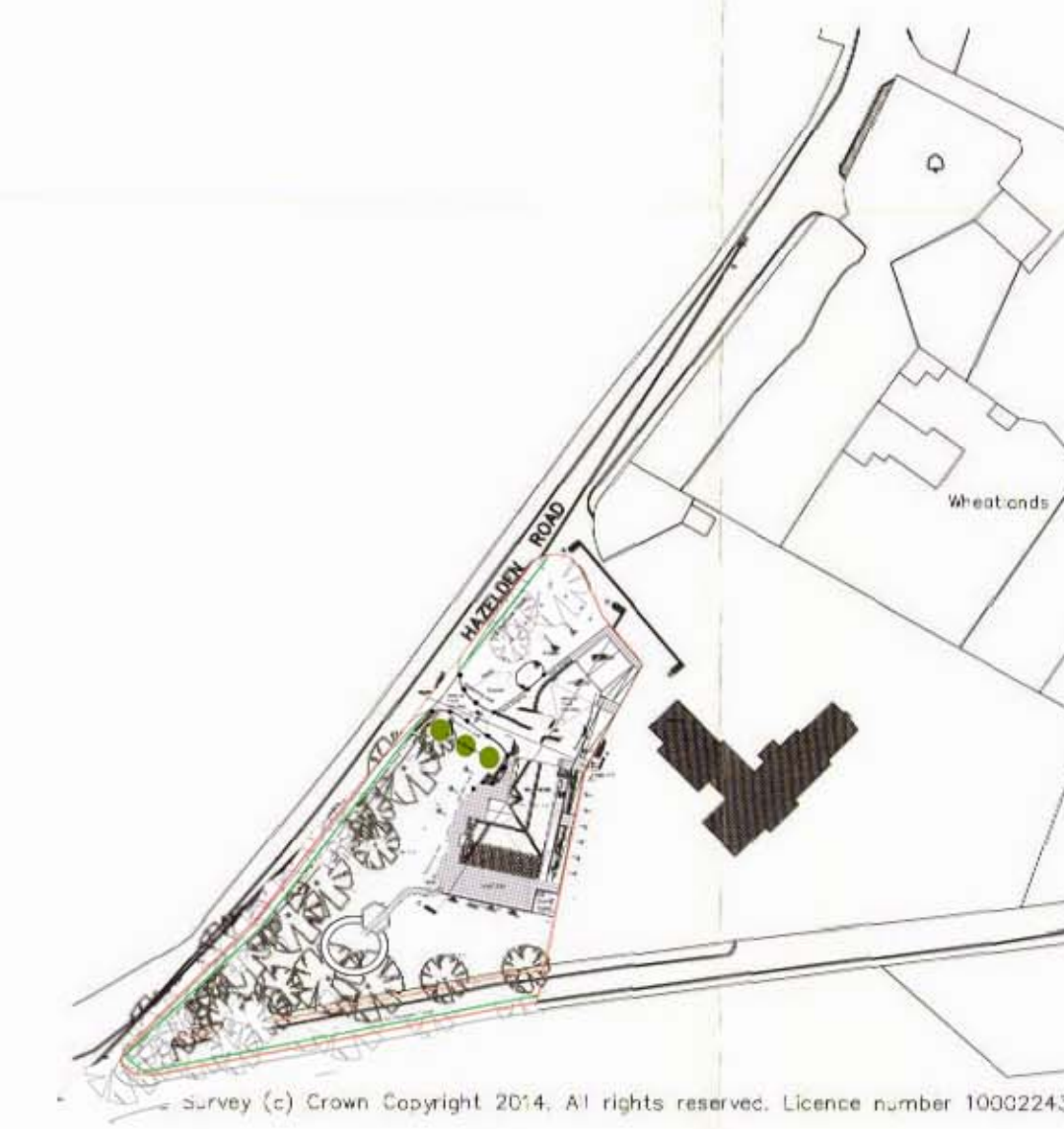
D

Hard Landscaping

Retaining walls and other walling will be finished in a smooth white render in keeping with the dwellinghouse. Driveway to be finished using Tarmac Brevia. This is a free draining hard standing surface.

Ramp access begins at the western side of th garage and carries around the structure before heading towards the house itself. This has ensured that the average slope is around 1:20.

1.7m dark green wire mesh fence to replace existing 1.0m silver wire mesh fence. Posts to be cut to no more than 50mm above fence height.



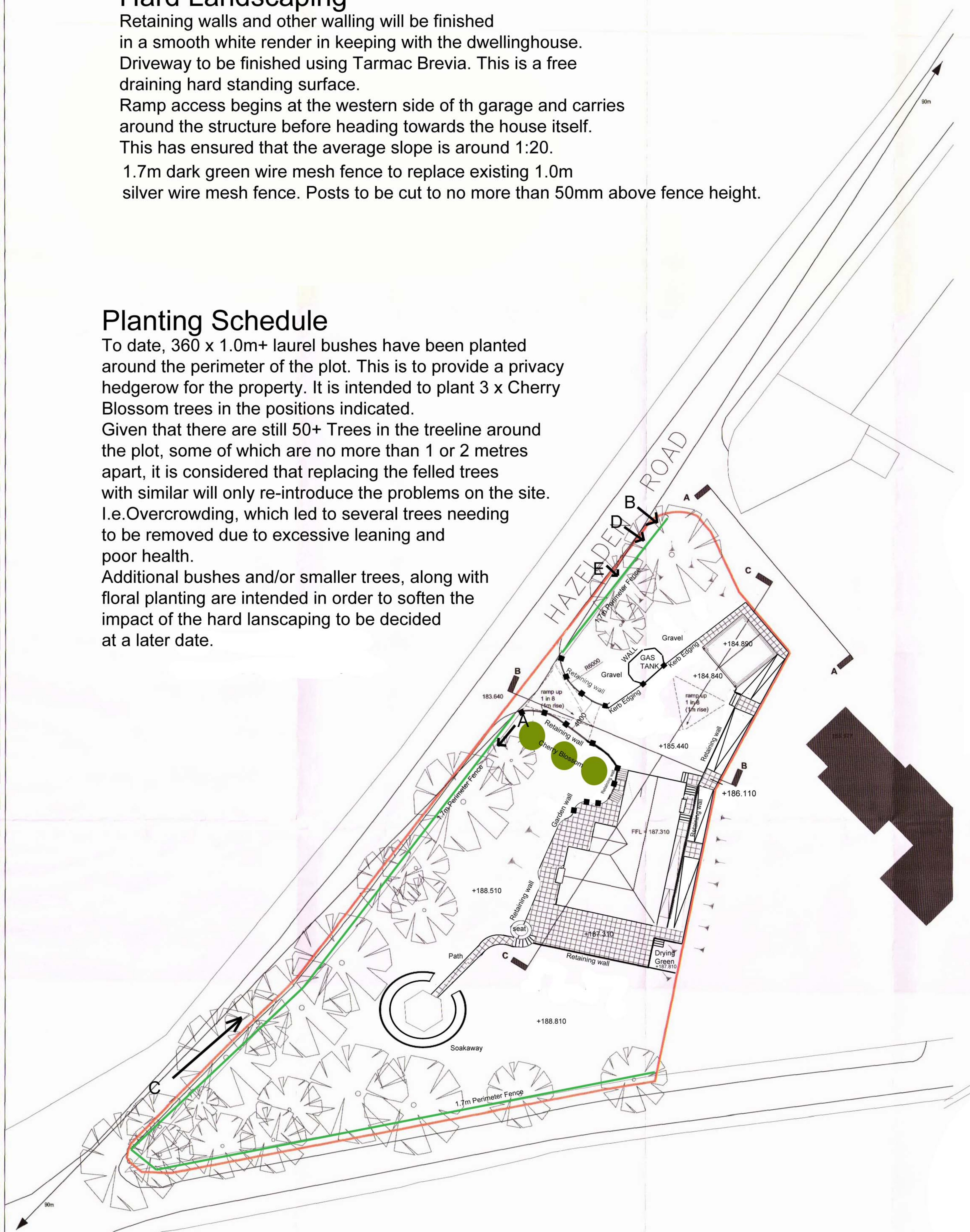
Location Plan as Proposed
scale 1:1250 at A0

Planting Schedule

To date, 360 x 1.0m+ laurel bushes have been planted around the perimeter of the plot. This is to provide a privacy hedgerow for the property. It is intended to plant 3 x Cherry Blossom trees in the positions indicated.

Given that there are still 50+ Trees in the treeline around the plot, some of which are no more than 1 or 2 metres apart, it is considered that replacing the felled trees with similar will only re-introduce the problems on the site. I.e. Overcrowding, which led to several trees needing to be removed due to excessive leaning and poor health.

Additional bushes and/or smaller trees, along with floral planting are intended in order to soften the impact of the hard lanscaping to be decided at a later date.



Block Plan as Proposed
scale 1:200 at A0

BLOCK AND LOCATION PLANS	
PROJECT	Removal of existing and erection of new wire fence
CLIENT	Mr Alan Browne Laurel Cottage Hazelden Road Newton Mearns G77 6RR

LOCATION E
ON BLOCK PLAN



Actual fence in situ. Posts are 80mm square. Fence is 5mm dark green wire. Fence panels are 3.0m wide and 1.7m high.