EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

9 August 2017

Report by Deputy Chief Executive

REVIEW OF CASE - REVIEW/2017/14

ERECTION OF UPPER STOREY EXTENSION AT SIDE AND SINGLE STOREY REAR EXTENSION AT 22 QUARRYBRAE AVENUE, CLARKSTON

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:- 2017/0196/TP).
	Applicant:	Mr and Mrs McMannus.
	Proposal:	Erection of upper storey extension at side and single storey rear extension.
	Location:	22 Quarrybrae Avenue, Clarkston.
	Council Area/Ward:	Clarkston, Netherlee and Williamwood (Ward 4).

REASON FOR REQUESTING REVIEW

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

RECOMMENDATIONS

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

- (b) In the event that further procedure is required to allow it to determine the review, consider:-
 - 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 with came into effect on 3 August 2009 all appeals against decisions made in respect of local developments under delegated powers would be heard by a Local Review Body. The Local Review Body would also deal with cases where the appointed officer had failed to determine an application within two months from the date it was lodged.

NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW

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

9. The applicants are entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and have indicated that their stated 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 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 149 156);
- (b) Copies of objections/representations Appendix 2 (Pages 157 186);
- (c) Report of Handling by the planning officer under the Scheme of Delegation
 Appendix 3 (Pages 187 194);
- (d) Decision notice and reasons for refusal Appendix 4 (Pages 195 198); and
- (e) A copy of the applicants' Notice of Review and Statement of Reasons Appendix 5 (Pages 199 212).

15. The applicants have also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and are attached as Appendix 6 (Pages 213 - 218).

- (a) Refused Location Plan;
- (b) Refused Existing and Proposed Elevations Plan 4156_1;
- (c) Refused Existing and Proposed Ground Floor Plan 4156_2; and
- (d) Refused Block Plan and Existing and Proposed First Floor Plan.

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 <u>www.eastrenfrewshire.gov.uk</u> 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.

- 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

APPENDIX 1

APPLICATION

FOR

PLANNING PERMISSION





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HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

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

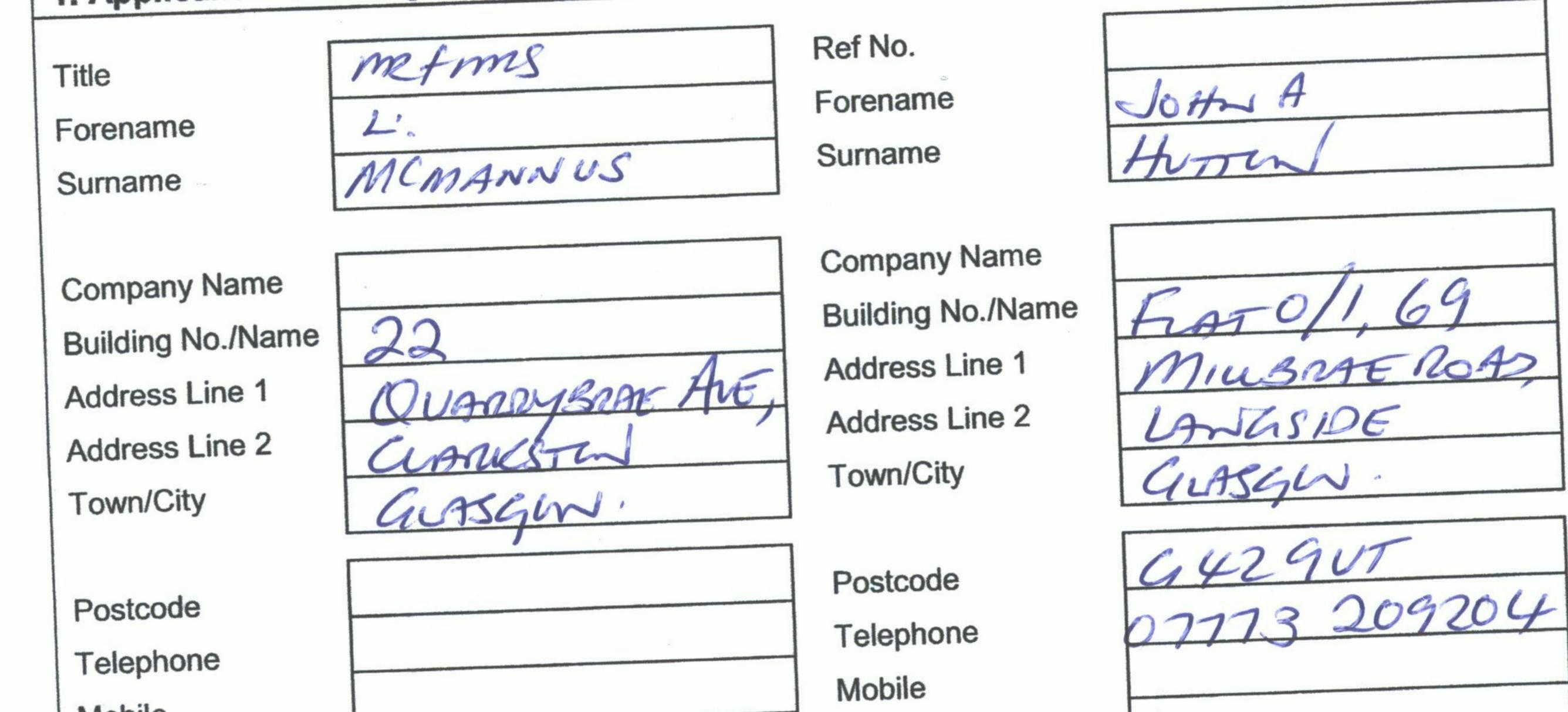
2013

Please refer to the accompanying Guidance Notes when completing this application PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS

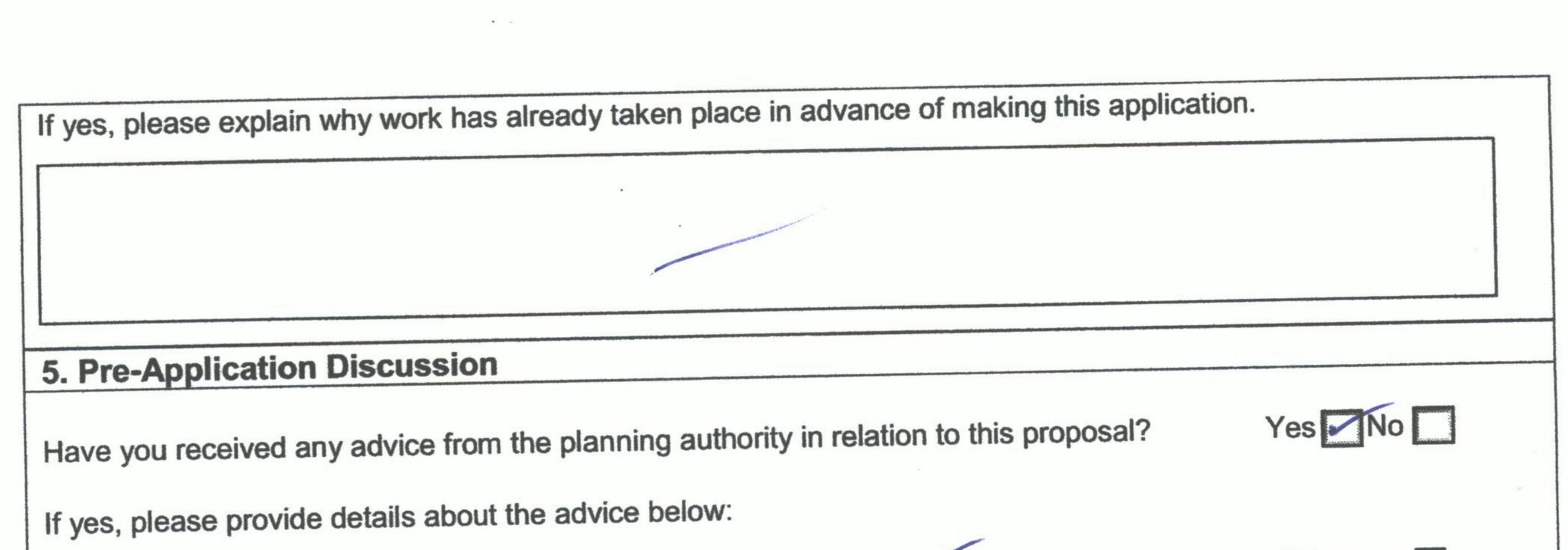
ELEÇTRONICALLY VIA https://www.eplanning.scot

1. Applicant's Details 2017/0196/1. 2. Agent's Details (if any)

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Mobile		East	50 E		
Fax		Fax			
Email		Email			
	ation of Proposed Develop	ment (ple	ease include	postcode)	
3. Address or Loca	ation of Proposed Develop				
22	2, QUARYBRAE				
	Cercust				
NB. If you do not hav	ve a full site address please ider	ntify the lo	cation of the si	te(s) in your accompanying	4 `2
documentation.					
4. Describe the Pr	roposed Works				
Please describe acci	urately the work proposed:				
	E 150 Stoney	EXT	N A	Sware STOROJ	
REAL EXTENSION					
Have the works already been started or completed Yes No					
If yes, please state	date of completion, or if not con	npleted, th	e start date:		
Date started:	Dat	e complete	ed:		
			1		



Meeting Telephone call Letter Email In what format was the advice given? 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: Froma Monerson Date: Ref No.: IN PRINCIPIE SHOULD BE OK! 6. Trees

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

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?

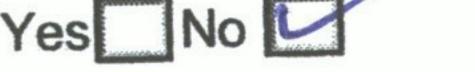
If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there with be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

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)

3	
3	
3	

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.

2

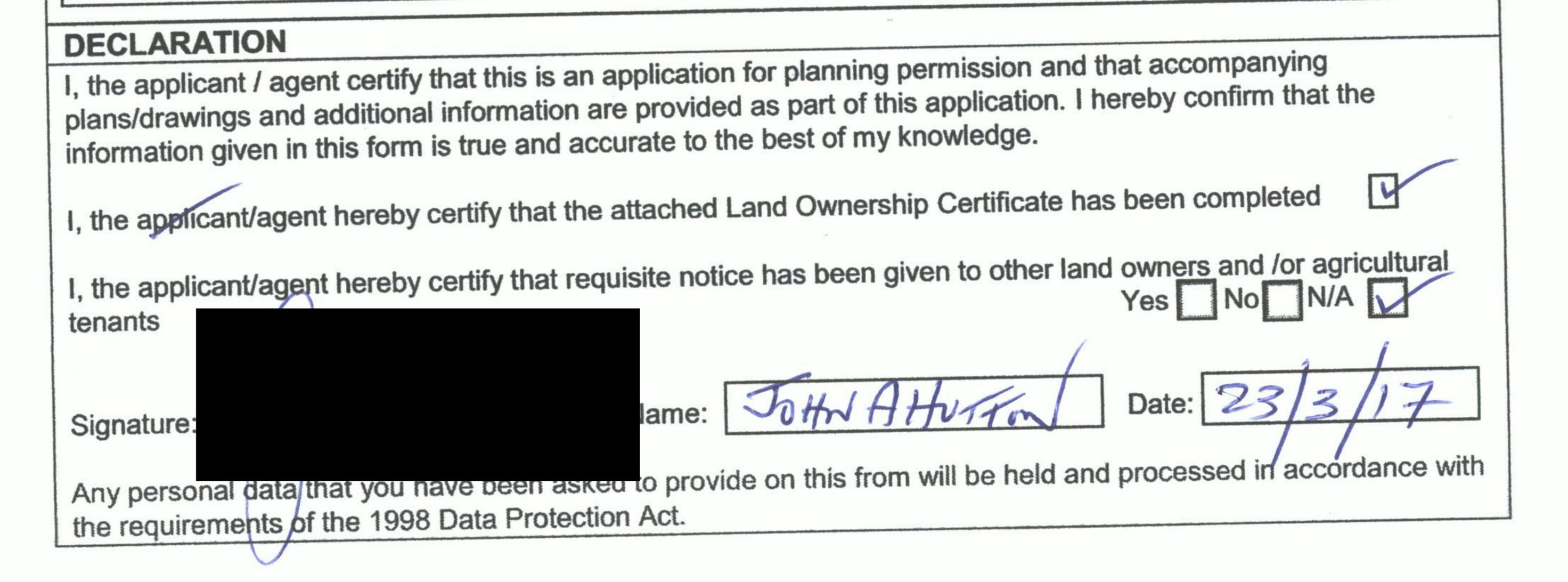
8. Planning Service Employee/Elected Member Interest

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

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?

If you have answered yes please provide details:

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LAND OWNERSHIP CERTIFICATES

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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

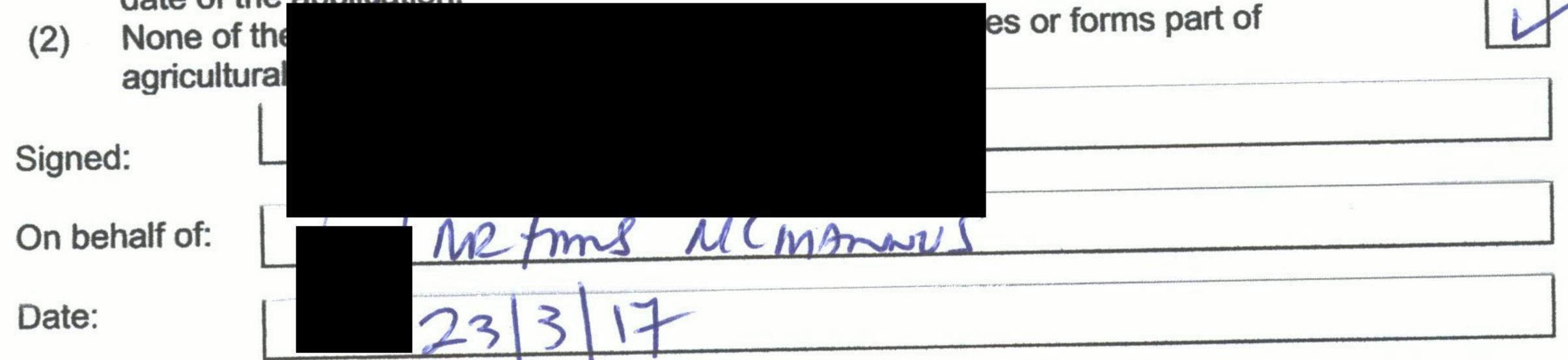
CERTIFICATE A

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.



• •

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



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 -

served notice on every person other than myself who, **I** have (1)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

None of the land to which the application relates constitutes or forms part of

(2)agricultural land

OF

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



APPENDIX 2

COPIES OF REPRESENTATIONS

AND

COMMENTS BY CASE OFFICER

AND

REPRESENTEE

ON NEW INFORMATION



From:Mr Coyle Sent:24 Apr 2017 14:34:24 +0100 To:Planning Subject:Planning Application 2017/0196/TP

Dear Sir/Madam,

Re: 2017/0196/TP | Erection of upper storey extension at side and single storey rear extension | 22 Quarrybrae Avenue Clarkston East Renfrewshire G76 7SA

I am writing to add commentary to the planning application detailed above.

Whilst some aspects of the application can be supported, I do have concern across several aspects relating to the upper storey conversion and garage removal - concerns which outline *material considerations* in respect of the application.

As an immediate neighbour to the site of the proposed development, I am of the view that the proposed upper storey development will have a serious and detrimental impact on the standard of living for all current occupants and future occupants of 18 Fereneze Avenue.

The proposed development of an upper storey extension by reason of its siting, size, depth/width, height and massingrepresents a form of development which would have an unacceptably adverse impact on the property at 18 Fereneze Avenue by reason of overlooking, loss of privacy, visually overbearing impact, loss of light and overshadowing.

The primary set of serious concerns directly relates to the upper storey conversion. For the reasons given below, <u>I would ask that serious consideration is given to refusing</u> planning consent for this upper storey aspect of the development. It will therefore fall to you, as the public authority, to investigate and verify this interference / incursion into our privacy to determine whether, or not, planning consent is refused in this instance.

<u>Overlooking / Loss of Privacy / Loss of Light / Overshadowing / Loss of Outlook /</u> Overbearing

With reference to Planning Proposal 2017/0196/TP Specifically to Diagram 4156/3 - Dated March 2017 File Number 2017_0196_TP-Block_Plan_Existing_and_Proposed_First_Floor_Plan_Proposed_Shed_and_Boundar y_F-42870

• Overlooking & Loss of Privacy:

The proposed upper storey extension, by reason of its' siting and proximity to the • boundary between the properties, would result in an unacceptable loss of privacy, adversely affecting the amenities enjoyed by all of the occupants at 18 Fereneze Avenue. The proposed site of upper storey development is at such an angle that the primary and secondary amenity areas within the garden, decked patio areas with seating, would be severely overlooked from the top rooms of the upper storey development, resulting in a serious invasion of privacy. Furthermore interior aspects within two rooms to the rear of the property at 18 Fereneze Avenue would also be overlooked. The angle and siting of this proposed upper storey development requires further investigation into its' suitability on what is a fairly unique corner siting within the local plan. Our right to privacy is enshrined within the Human Rights Act 1998 Part 1, Article 8 "Right to respect for private and family life - Everyone has the right to respect for his private and family life" and additionally within Protocol 1, Article 1 whereby "Protection of property -Every natural or legal person is entitled to the peaceful enjoyment of his possessions" - in this case possessions is inclusive of both home and gardens. I would urge you to consider the responsibilities of the council in these respects as I firmly believe that the proposed upper storey development is un-neighbourly, not in the public interest and would have a dominating impact on us and our right to the quiet enjoyment of our property at 18 Fereneze Avenue. Continuance with this aspect of the development would remove our substantive right to respect for privacy and a private family life.

• Loss of Light / Overshadowing

The orientation of the proposed upper storey development is such that the 0 sun will be excluded from the garden and two rooms at the rear of our property from sun rise until much later in the morning than is the case at present. The property at 22 Quarrybrae Avenue is set in such a way that the property and gardens at 18 Fereneze Avenue would be afforded significantly less natural light - a detrimental issue which will lead to significant overshadowing of our primary decked patio area and room to the rear of the property - meaning that both the living accommodation and gardens will appear more cramped and oppressive. This lack of direct light will be most keenly felt in mornings at all times outwith summer when the sun's arc is significantly lower in the sky. This sunlight has been enjoyed through a defined aperture between the buildings for an uninterrupted period since their development in the 1930's. In placing a proposed upper storey conversion at 22 Quarrybrae Avenue, the loss of natural light in the morning will be accompanied by significant overshadowing of internal and external garden areas for an extended period of each morning across an approximate period of two thirds of each year - a situation which I feel simply cannot be supported. I consider that the anticipated loss of natural light to these areas caused by the proposed upper storey extension will therefore deliver an unacceptable loss of light from our property, is unneighbourly and is not in the public interest. Additionally, the siting of the proposed upper storey development will result in a loss of outlook - i.e. the proposed development would have an adverse overbearing effect that would result in an unduly oppressive living environment at the rear of the property at 18 Fereneze Avenue for existing and future residents.

• Loss of Outlook / Overbearing

• The siting of the proposed upper storey development will result in a loss of outlook from 18 Fereneze Avenue. It would have an adverse overbearing effect that would result in an unduly oppressive living environment at the rear of the property for existing and future residents of 18 Fereneze Avenue.

The secondary set of concerns directly relates to the removal of the garage. For the reasons given below, <u>I would ask that consideration is given to granting planning consent</u> with conditions.

Encroachment / Trespass

With reference to Planning Proposal 2017/0196/TP Specifically to Diagram 4156/3 - Dated March 2017 File Number 2017_0196_TP-Block_Plan_Existing_and_Proposed_First_Floor_Plan_Proposed_Shed_and_Boundar y F-42870

- Some two years ago, the applicant encroached upon the boundary between the two properties by means of fencing off a small section of land alongside the extension at 18 Fereneze Avenue
- The extension at 18 Fereneze Avenue was not built to the boundary line as can be evidenced by ERC Planning Application Ref. No: 2013/0514/TP. The applicant was asked in May 2016 to remove this encroachment but has so far failed to act upon a reasonable request instead choosing to add an additional fence to the rear of the property thereby leaving the gable end of the extension exposed behind the garage at 22 Quarrybrae Avenue.
- Without my permission to access this small parcel of land for the purposes of garage removal or enjoyment of their garden, the applicant and any contractors would be in breach of a particular aspect of the law relating to trespass. As houses and gardens are exempt from universal access rights explained the Land Reform (Scotland) Act 2003, this will expose the applicant and any contractors to criminal proceedings as per the Criminal Justice and Public Order Act 1994 whose sections on trespass do apply in Scotland. Subsequent criminal charges relating to trespass may have an adverse effect upon the employment and professional standards of any individual who may be reported.

- Resultantly, I would like to request that the garage removal be granted planning consent with conditions conditions being that the encroachment is removed and continuance of the fence by the applicant linking front fence to rear fence of the property at 22 Quarrybrae Avenue a condition which should be met before the garage is removed. Furthermore, any proposed fence should be pegged / clearly delineated and agreed before any work commences.
- The applicant and any appointed tradesperson tasked with the construction of the fence should note that they will not be pursued for trespass in this instance.

This tertiary set of concerns relates to aspects of the upper storey design should the upper storey development be permitted to continue.

Overlooking / Loss of Privacy / Overbearing

With reference to Planning Proposal 2017/0196/TP Specifically to Diagram 4156/3 - Dated March 2017 File Number 2017_0196_TP-Block_Plan__Existing_and_Proposed_First_Floor_Plan__Proposed_Shed_and_Boundar y F-42870

• Side Elevation - Window

- The bedroom window on the side elevation of the proposed upper storey extension will directly overlook our back door patio area - a primary amenity area which is has been, and is currently, predominantly private. Given the height of the window above ground level, its' proximity to the boundary line and the angle of the building itself to our garden, this side elevation window will directly overlook the majority of this back door patio area, lead to a huge loss of privacy and lead to a significant loss of enjoyment of our external space.
- Furthermore, it will also, at extremely close quarters, directly overlook our son's bedroom and partially overlook the kitchen leading to a simultaneous loss of privacy, security and enjoyment in our internal space.
- Resultantly, <u>I would like to request that this upper storey side elevation</u> window is refused planning consent. If this is not possible, then significant consideration should be given to ensuring that the glazing on this window is of the patterned/textured/obscured variety to allow maximum transmission of light to the bedroom whilst simultaneously ensuring our privacy.

• Rear Elevation - Window

- The bedroom window on the rear elevation of the proposed upper storey extension will directly overlook the majority of the grassed areas of the garden and rear garden patio area - a secondary amenity area which is ostensibly private. Given the proximity of the proposed upper extension to the boundary and the angle of the building itself to our garden, this window will overlook the majority of this rear garden patio area, lead to a significant loss of privacy within the garden as a whole and lead to a significant loss of enjoyment of our garden.
- Resultantly, <u>I would therefore like to request that this upper storey rear</u> elevation window as currently proposed be refused planning consent until serious consideration is given to either alternative forms of window structure or glazing. Alternative forms of window could be pursued by the applicants without further objection such as a Velux roof windows or high set horizontal ribbon windows set into the bedroom wall above natural head height (with the lower part of the window sill at 2 approximately metres). Again, if this is not possible, then significant consideration should be given to ensuring that the glazing on this window is of the patterned/textured/obscured variety to allow transmission of light to the bedroom whilst simultaneously ensuring our privacy.

Should you require any additional information, clarification of any comments made, or would like to arrange a visit then I can be contacted on 07759-527037.

I should be grateful if you would acknowledge receipt of this email at your earliest convenience.

Yours faithfully,

Tony Coyle 18 Fereneze Avenue, Clarkston, Glasgow, G76 7RY



18 Fereneze Avenue Clarkston, Glasgow, G76 7RY.

Tuesday, 11th July 2017

Dear Paul,

• REVIEW/2017/14

• 22 Quarrybrae Avenue, Clarkston, Glasgow, G76 7SU

I thank you for notification by letter of the formal review of this case to be heard by the elected members of the council.

I would like to have the opportunity to address recent additional information given by the applicant's representative, in further communications with you, to support their application for a review.

This representation seeks to address the following four points regarding "similar extensions" made by Mr John Hutton (representative) on behalf of the applicant:

- In an email to Ms Fiona Morrison (ERC Environment) on 26th May (2017_0196_TP-Correspondence_and_photos-442958.pdf), Mr Hutton gives the addresses of seven properties and states that "... take into consideration the following addresses where similar extensions have been carried out. 5 Woodside Gardens. 5, 39 and 101 Campsie Gdns and 5, 16 and 43 Fereneze Ave. All these properties are close to Quarrybrae Ave and are two-storey!!"
- Secondly, in the Notice of Review Section 6 (2017_0196_TP-Notice_of_Review-442953.pdf), Mr Hutton writes "WE BROUGHT TO ATT" OF PLANNING SEVERAL ADDRESSES OF SIMILAR EXTENSIONS + FEEL THAT THESE HAVE NOT BEEN TAKEN INTO ACCOUNT! "
- Thirdly, in the Notice of Review Section 6 (2017_0196_TP-Notice_of_Review-442953.pdf), Mr Hutton writes *"LETTER ATTACHED REGARDING OTHER PROPERTIES* IN THE LOCAL AREA VERY SIMILAR TO THE EXTENSION PROPOSED!"
- Finally, in the Notice of Review Section 8 (2017_0196_TP-Notice_of_Review-442953.pdf), Mr Hutton writes "LETTER ATTACHED CLEARLY OUT LINING OUR REASONS FOR THE REFUSAL! PHOTO'S SHOWING EXTENSION AT 5 WOODSIDE GDNS WITH SIMILAR FOOTPRINT TO OUR PROPOSAL, IN RELATION TO 2, LOMONDSIDE AVE, CLARKSTON"

Firstly, in this respect, I would like to address the factually inaccurate representation made by Mr Hutton in his various forms of correspondence – notably within the email to Ms Fiona Morrison (ERC Environment) and latterly in the Notice of Review.

Whilst I cannot comment on the content of the letter submitted by Mr Hutton, I do wish to comment on what has been presented as fact for the purposes of this review.

On closer inspection, it can be evidenced that four of the seven properties presented to support the applicant's argument for a formal review of this case **do not** have a two-storey side extension at all.

The four properties which do not have a two-storey extension are **5 & 39 Campsie Gardens** and **16 & 43 Fereneze Avenue**.

I did not feel it appropriate to invade the privacy of the residents by taking documentary photographs of the properties concerned to justify this argument – however I have provided public domain images from Google Maps/Street View for your perusal as shown below:



Whilst the Google Street View photographs may have been taken several years ago, I can attest that, in respect of these four properties, they are an accurate representation at the time of writing this letter.

These four properties all possess a single storey extension at side or rear – however they do not possess a two-storey extension, and are therefore not similar to the application site in any way whatsoever.

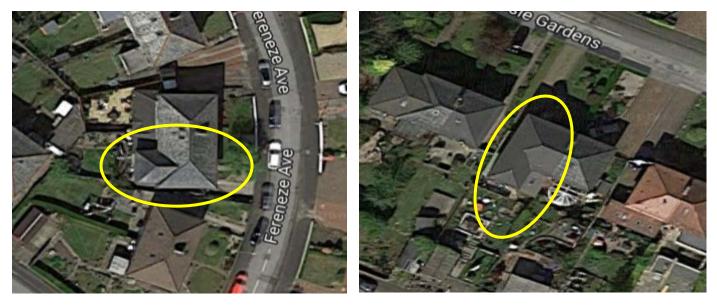
Resultantly, they should be viewed as irrelevant as part of this review.

Secondly, in this respect, I would like to address two of the remaining three properties which do have, as Mr Hutton correctly suggests, a two-storey extension.

The two properties which do have a two-storey extension are **5 Fereneze Avenue & 101 Campsie Gardens** - I have provided an aerial view of these extensions as Google Street View of the Campsie Gardens property is not an up-to-date image.

5 Fereneze Avenue

101 Campsie Gardens



Aside from the fact that these two properties do have a two-storey extension, I consider that these two properties do not reflect any other similarity to the application site and should be viewed as irrelevant for the following reasons:

- 101 Campsie Gardens is not in the immediate vicinity of the application site
- Both properties run parallel to (or almost parallel to) adjacent properties they do not lie perpendicular to any other adjacent property as per the application site
- Both two-storey conversions have a significantly smaller width/dimension/footprint when compared to the existing footprint of the application site
- Neither property appears to have been built upon an existing first floor structure as per the application site
- Both conversions involve rear extension wrap-around extensions whereas the application site does not
- Neither property, due to their siting, directly overlooks the amenity areas or principal apartments of neighbouring properties
- On the rear/garden wrap-around section of each extension, and using the 45-degree splay rule, neither part of the rear extension appears to be straying into the 45-degree splay.
- Although each extension has passed planning, 5 Fereneze Avenue does not have an upstairs window along the side extension at the driveway whilst 101 Campsie Gardens has two small windows with a cill height presumably > 1.7 metres or thereby
 - therefore no overlooking issues as per the application site

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Finally, in this respect, I would like to address the seventh property at **5 Woodside Gardens** to which Mr Hutton and his client have pinned most credence within their correspondence and also deemed to of similar footprint.

Aerial views of that site and the applicant's site can be viewed below:

5 Woodside Gardens – in relation to 2 Lomondside Avenue



22 Quarrybrae Avenue – in relation to 18 Fereneze Avenue



There are only two similarities in this instance.

The first similarity relates to the respective sites of 5 Woodside Gardens and the application site, due to their almost perpendicular orientation to the neighbouring plots.

The second similarity is that 5 Woodside Gardens has been previously granted permitted development of a two-storey conversion.

However, it is there that any similarity with the application site ends.

I consider that 5 Woodside Gardens - and its' relationship to 2 Lomondside Avenue - does not reflect any other similarity to the application site and should be viewed as irrelevant for the following reasons:

- I do not consider the property at 5 Woodside Gardens to be in the immediate vicinity of the application site
- The two-storey conversion at 5 Woodside Gardens has entirely different footprint in both length and width compared to the application site
- The two-storey extension at 5 Woodside Gardens falls several metres shy of the boundary with 2 Lomondside Avenue from visual inspection of the aerial photograph it is an approximate garage width (4 metres?) away from the mutual boundary between the plots and in no way representative of the application site
- The two-storey extension does not appear to have been built upon an existing first floor structure as per the application site
- The vertical height of the two-storey extension is smaller than that proposed by the application site – as evidenced by the upper & lower storey front elevation windows in the documentary photographs provided by Mr Hutton set at a lower level to existing windows
- The middle to rear extension at 2 Lomondside Avenue is significantly different to the front to middle extension at 18 Fereneze Avenue – therefore the relationship of 5 Woodside Gardens to 2 Lomondside Avenue is entirely different to the relationship of 22 Quarrybrae Avenue to 18 Fereneze Avenue
- The ground at 2 Lomondside Avenue outside the side extension appears to be being used as a very narrow pathway to the garden in complete opposition to the primary amenity area at the rear of 18 Fereneze Avenue which would be significantly overshadowed and overlooked with resultant loss of privacy
- Whilst the two-storey extension on 5 Woodside Gardens does have a window upstairs on the side elevation, by reason of the large rear extension on the property at 2 Lomondside Gardens, it does not directly overlook aspects of the neighbouring property or gardens at 2 Lomondside Avenue – as opposed to the application site side elevation window which would introduce significant overlooking of the primary amenity area, principal apartments (kitchen and bedroom) and garden grounds at 18 Fereneze Avenue

 The upper storey rear elevation at 5 Woodside Gardens does not have a window as per the application site – instead the space where a window may normally reside has been fully rendered - therefore no overlooking from this window onto the garden grounds or rear amenity areas within 2 Lomondside Avenue.

Resultantly and for the reasons stated, I am in full agreement with Ms Fiona Morrison (ERC Environment), that all seven properties presented as "similar extensions" by Mr Hutton, have no tangible relationship to the application site.

I do intend to make a further representation regarding commentary made by Mr Hutton in his Grounds for Review document (2017_0196_TP-Grounds_of_Review-441965.pdf) and this should be with you later this week.

I should be grateful to have this communication passed to the Local Review Group and receive confirmation of receipt of this letter at your earliest convenience.

Yours sincerely,

Tony Coyle

18 Fereneze Avenue Clarkston, Glasgow, G76 7RY.

Thursday, 13th July 2017

Dear Paul,

• REVIEW/2017/14

• 22 Quarrybrae Avenue, Clarkston, Glasgow, G76 7SU

I would like, in this second and final review representation to the Local Review Body, to address some of the commentary made by Mr John Hutton in his Grounds for Review document (2017_0196_TP-Grounds_of_Review-441965.pdf) which was submitted on behalf of the applicant.

Mr Hutton lists six (bullet pointed) issues. I will discuss five of these issues and leave the third bullet point, regarding the reasons for refusal, for the planners to discuss with the elected members.

Bullet Point Number 1 – Footprint

Mr Hutton writes:

The proposed upper storey extension does not alter the existing footprint of the current single storey extension at the property. The current footprint will remain the same in terms of its proximity to the mutual boundary with the erection of an upper storey.

In response to this statement, I must question whether Mr Hutton is fully aware of the existing footprint, distance to the mutual boundary or guidelines relating to two-storey conversions and how they differ to single storey conversions at all.

In submitted block plan and elevation drawings which have been refused, Mr Hutton provided adequate detail/dimensions of ancillary items such as the boundary fence and garden shed, but omitted any detail pertaining to length, depth or height of any structure which was to be built with bricks and mortar or distance to the mutual boundary – this therefore questions whether he is best placed to provide commentary on either the existing footprint or proximity to the mutual boundary.

Many council guidelines exist online for reference and offer similar advice on aspects to be considered in the case of two-storey extensions at the pre-planning stage – one such set of online advice appears here for information:

• size, height, orientation and materials

• proximity to the boundary and windows of adjacent properties

• It does not cause any significant loss of daylight to the principal habitable rooms* in neighbouring properties

• It maintains a minimum distance of 25m between the first floor main window of the extension and your neighbour's facing windows

• If it has blank walls, it should still maintain a minimum distance of 12m from the main windows of neighbouring buildings

It appears that most of this basic information – presuming ERC guidelines are similar in nature - regarding respect for neighbouring properties was completely disregarded and not adequately taken into account by Mr Hutton.

Bullet Point Number 2 – 5 Woodside Gardens

Mr Hutton writes:

One such extension exists at 5 Woodside Gardens, Clarkston within 200 yards of the proposed development. This extension is almost identical in terms of aspect, design and proximity to the neighbouring property at 2 Lomondside Gardens. This almost mirrors the footprint of 18 Fereneze Avenue from where representations have been made in relation to the proposed extension at 22 Quarrybrae Avenue. This similar development was highlighted to the Planning Officer prior to the review application and she concluded that it was 'nothing like the proposed development at 22 Quarrybrae Avenue' and immediately discounted it. This statement is not factually correct.

This alleged similarity was fully discussed in my first written response – dated 11th July - to the Local Review Body. I would be most interested to hear some detail from Mr Hutton on the reasons why he feels that these sites are "almost identical".

As discussed in my first letter of representation, the site mentioned here at 5 Woodside Gardens bears no other tangible relationship to the application site other than a similar orientation.

I also do not consider that 5 Woodside Gardens reflects the built form in either my line of view/immediate vicinity of the application site.

Bullet Point Number 4 – Various Issues

For clarity, I have split this response into several areas which will be independently addressed.

4) a) Mr Hutton writes:

It is worthy of note that 18 Fereneze Avenue is located in a slightly elevated position to the proposed development and therefore this reduces the impact of perceived 'scale and massing'.

Again, as per the omitted dimensions on the submitted plans, no set of quantifiable data has been supplied here by Mr Hutton other than a rather vague "slightly elevated position".

May I suggest that this alleged huge reduction to the impact of massing and scale of the application site suggested by Mr Hutton can be measured in the low numbers of inches – perhaps 6 inches in old money or 15 cm in new money. When an edifice of some 800 cm in height (inclusive of roof structure) is planned at less than 1 metre from the boundary, I would suggest most strongly that 15 cm or thereby is completely insignificant towards minimising the issues raised, and in percentage terms, would only be a negligible 2% reduction.

4) b) Mr Hutton writes:

The proposed development overlooks the rear garden of 18 Fereneze Avenue and the building line of the neighbouring property does not correspond to the building line of the proposed extension. The direct line of sight from the main communal kitchen window at 18 Fereneze Avenue is directly across the side garden of 22 Quarrybrae Avenue affording a clear, uninterrupted view to the street and residential properties beyond. The main line of sight from the lower ground bedroom window which is incorporated within the single storey extension at 18 Fereneze Avenue is directly across the rear garden at that property and the rear garden of 22 Quarrybrae Avenue affording uninterrupted views. These views will not alter with the erection of an upper storey extension.

I would firstly like to thank Mr Hutton for recognising that the <u>"proposed development</u> overlooks the rear garden of 18 Fereneze Avenue".

Mr Hutton appears, in this section of his response, to be erroneously discussing "views" – as this word appears several times in his response.

I should reiterate that at no point in my previous submission dated 24th April did I discuss a "loss of view". What was discussed was: "The siting of the proposed upper storey development will result in a **loss of** <u>outlook</u> from 18 Fereneze Avenue. It would have an **adverse overbearing effect** that would result in an **unduly oppressive living environment** at the rear of the property for existing and future residents of 18 Fereneze Avenue".

Perhaps Mr Hutton is unclear as to the subtle differences between a loss of outlook and, as he puts it, a loss of "view".

However, I would like to address Mr Hutton's factually incorrect assertion that the "views" from each principal apartment will not alter, I have attached a documentary photograph overleaf taken from the (straight ahead) perspective at the kitchen sink/window. Mr Hutton asserts that there is a "clear, uninterrupted view from the kitchen to the street and residential properties beyond".

It is also worthy of note that the applicant at 22 Quarrybrae Avenue purchased a set of bamboo shrubs (coincidentally just days after the planning permission was initially refused) and has lined them up against the wooden fence directly outside this kitchen window.

In looking at this photograph, the reader is therefore asked to envisage the resulting "view" when an upper storey rising to some 7 metres, a 3 metre high shed (arguably fractionally taller than the existing garage structure) are placed in situ alongside a possible bamboo screen (future high hedge?) rising to some 4 metres or thereby.



Considering the assertion by Mr Hutton that the "view" would not change, it really beggars belief to the casual observer that he could suggest so in writing and is another reminder of the lack of thought which has coursed its' way through his entire application. The "view" would be significantly and detrimentally changed for the present and future residents of 18 Fereneze Avenue.

However, I should state on record, that I am fully aware that a loss of view would not affect planning decisions – I simply wanted to set the record straight regarding Mr Hutton's baseless conclusion in his submission. My earlier commentary on loss of outlook has therefore not been addressed by Mr Hutton.

4) c) Mr Hutton writes:

In terms of 'proximity to the mutual boundary', 'overshadowing' and 'loss of light' the proposed upper storey extension is north westerly facing and 18 Fereneze Avenue sits on a north west axis to the proposed development.

The occupants at 22 Quarrybrae Avenue have noted that the east facing side of 18 Fereneze Avenue receives full sunlight between 0600hrs to 0700hrs and thereafter, the sun continues to move west away from the proposed development site at 22 Quarrybrae Avenue. Due to the proximity of the proposed development to the mutual boundary, no overshadowing or loss of light will occur. The comments contained within the 'Report of Handling' are factually incorrect.

I thank Mr Hutton for his less than comprehensive discussion on full sunlight levels on the "east wall" at 18 Fereneze Avenue between the hours of 6 a.m. & 7 a.m.

I had no idea that I had an east wall – for example, the home report on 18 Fereneze Avenue states that "the front of the property faces approximately south west" thereby making it impossible to have an "east wall".

However, putting the compass points aside, this observation was presumably recorded by the residents at Quarrybrae Avenue in the region of the summer solstice – sometime between initial planning refusal and the review submission – although it is noticeable that the date of this observation is, yet again, missing.

Whilst I do not dispute this aspect of the information supplied, that some sunlight appeared at some particular point/height on a wall of some particular compass orientation at some point in the early hours of the morning, I know of no person who is outside soaking up the solar rays or quietly reading a book at these hours of the day.

Instead of taking into account the size and scale of the proposed development and commissioning a full daylight and sunlight survey of the properties concerned, Mr Hutton has arrived, based on practically no evidence whatsoever, at the factually incorrect conclusion that "no overshadowing or loss of light will occur". What's also evident, as proved later in **Appendix 1**, is that this 6 -7 a.m. misinformation by Mr Hutton is at a time early morning when the sun is nowhere near the proposed development and has passed through a different aperture over Kilpatrick Gardens.

What Mr Hutton has spectacularly also failed to do is follow up his early hours nonrevelation with what happens between 8 a.m. and approximately 2 p.m. – the time period when the proposal for an upper storey conversion would change light levels for the worse markedly.

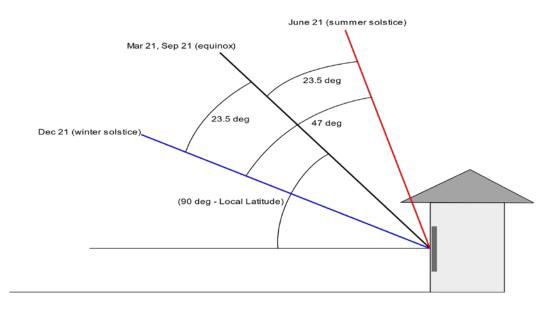
To counter Mr Hutton's factually incorrect statement, I have provided documentary photographs taken on the morning of 10th July 2017 during a cloudy morning (which aided photographic pinpointing of the suns movement across 22 Quarrybrae Avenue). The 10th of July falls some 19 days after the summer solstice/longest day.

Whilst I would not normally wish to photograph another individual's property or invade their privacy, it was my understanding that the applicant and his family were away on holiday at this time so would not have been inconvenienced.

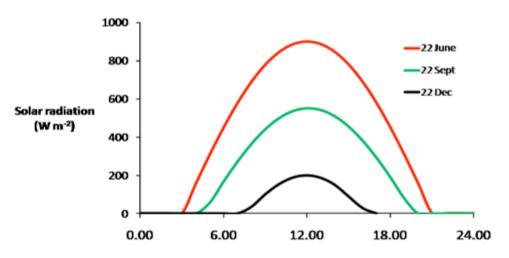
The set of photographs in **Appendix 1** were taken between 7.55 a.m. and 11.40 a.m. from the seated perspective on our back steps – our primary amenity area - and clearly show the effect of future overshadowing of the primary amenity area at 18 Fereneze Ave from the proposed development. They also categorically show that Mr Hutton's 6 – 7 a.m. sunlight statement is completely irrelevant.

On looking at the photographs, the reader is asked during these hours to visualise the effect of overshadowing and loss of direct sunlight on the primary amenity area of 18 Fereneze Avenue when:

- the proposed upper storey conversion and pitched roof overhang are in situ
- the sun's trajectory on its' westward trajectory is not as high during other seasons as shown in the diagram below:



 the diminishing solar radiation intensity values throughout the seasons - as shown in the graph below:



What is abundantly clear is that there will be a severe and detrimental impact on overshadowing and loss of light of the primary amenity area at 18 Fereneze Avenue for the majority of the year – even in the height of summer this proposed edifice would cast shadows into this amenity area – and I find that this is entirely unacceptable.

However, this is not the end of the overshadowing / loss of light issue. As stated in my response of 24th April, there will be a detrimental impact on the garden grounds as well. As the sun continues westwards between 11.40 a.m. and approximately 2 p.m., it traverses behind/above and to the side of the proposed upper storey extension. The final photograph

in Appendix 1 details the existing shadow – taken at 10.31 a.m. on 13th July 2017 – caused by the existing roof structure. As the sun would therefore pass behind the proposed upper storey extension, and at a significantly closer aspect to the mutual boundary, even in the height of summer this shadow would be significantly more obtrusive. Move 6 weeks or so either side of midsummer and anyone can see that the garden grounds would be shrouded increasing degrees of shade and gloom throughout the seasons.

I find that the anticipated loss of light and overshadowing of this aspect of the garden grassed lawn area and primary amenity area, between the hours of 8 a.m. and 2 p.m., is entirely unacceptable and has not in any way been addressed satisfactorily by Mr Hutton.

Bullet Point Number 5 – Loss of Privacy

Mr Hutton writes:

) With regards to 'loss of privacy' the proposed extension upper storey rear window would overlook the rear garden of 18 Fereneze Avenue. This is no more intrusive than other properties within the immediate vicinity overlooking this garden (16 Fereneze Avenue) and others from upper windows. There is no direct line of sight into the proposed development into surrounding properties.

The applicants would be prepared to move the location of this rear window which was suggested to the Planning Officer, but was discounted.

It would seem that Mr Hutton and his client have paid scant regard to the impact on loss of privacy and seems to be holding onto the fact that there are other windows elsewhere on established plots (or a plot with a single storey conversion) with a minimal view over the garden.

What he and his client have singularly failed to do is to address the almost 100% overlooking of every area of our garden from the two proposed windows or any mitigating factors thereof. This invasion of privacy will also directly open up the entirely private primary and secondary amenity areas within the garden.

Mr Hutton and his client are clearly of the opinion that the garden, primary and secondary amenity areas will be overlooked (section 4b response above) but there appears to be a "so what" attitude pervading every aspect of this response. I find that this is disrespectful and entirely unneighbourly given the proximity of the proposed development to the mutual boundary.

Bullet Point Number 6 – Planning Guarantee?

Mr Hutton writes:

The 'Report of Handling' states that there were no 'pre-planning discussions' with the Planning Service which is factually incorrect. The architect, Mr John Hutton had informal discussions with the Planning Officer prior to the submission of the application and following its submission. The Planning Officer indicated to Mr Hutton in the early stages of planning that she could forsee no noteable issues with the proposed development. It would appear

that following the receipt of one representation from the occupants of 18 Fereneze Avenue this changed her mindset leading to this refusal.

Mr Hutton is clearly of the opinion that a pre-planning meeting (now "discussions") took place – again the detail of these are missing.

- What was the date/time of alleged informal discussions
- Were these discussions via telephone or were they face-to-face?
- Were they via email, text, WhatsApp or post etc?
- Did Mr Hutton get any written/verbal feedback?

Mr Hutton is also apparently of the opinion that 'in principle' at a pre-planning steer by the planning officer is a guarantee of success in granting planning permission and that the planning officer at this point has some sort of fixed mindset – given that "her mindset" was miraculously changed with one representation.

This is quite simply not the case. Such pre-planning discussions are used to deliver better quality applications which stand a better chance of a successful outcome – there are no guarantees as a planning officer has to take into account many other factors before arriving at a decision. There appears to be resentment seeping through this final response that a single representation could somehow, incomprehensibly, derail Mr Hutton's plans. Given the orientation of the application site and the siting of the proposed extension, I would suggest that there really could only be one affected neighbour. To decry a single representation from a neighbouring property as somewhat reprehensible and suggest that it affected the mindset of a planning official is outstandingly unprofessional.

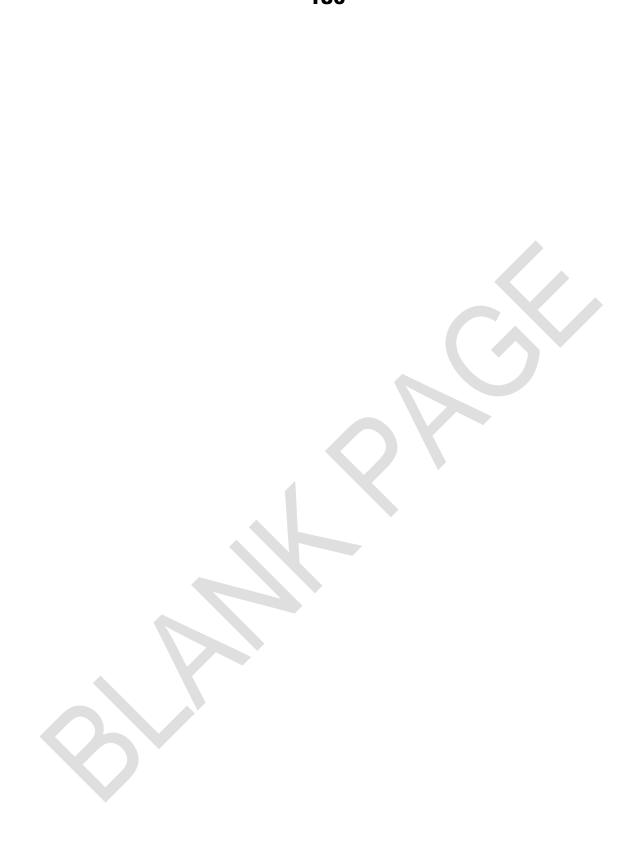
It is interesting to note that the applicant and his representative are only now, at this late review stage, getting around to scratching the surface (an I use that term loosely) of our serious concerns regarding this proposal in relation to loss of light/overshadowing/loss of privacy/overlooking/loss of outlook & overbearing – issues which, out of respect for the neighbouring properties, should have been fully addressed at the pre-planning stage.

However, the response from Mr Hutton in his Grounds for Review document is both dismissive of our concerns and wholly inadequate in content and detail.

Resultantly, it has not diminished my strong opposition to this proposed development and I respectfully ask for the refusal to stand unopposed.

Yours sincerely,

Tony Coyle



181 Appendix 1

Movement of Sun around 22 Quarrybrae Avenue

Images taken on: 10th July 2017 between 7.55 a.m. and 11.45 a.m.

Weather conditions: Dull/overcast cloud cover – allowing the path of sun to be imaged accurately:

<u>7.55 a.m.</u>

Sunlight now moving behind existing roof structure of 22 Quarrybrae Avenue with top end of amenity area now in shade. Note that at 6 - 7 a.m. (the time given by Mr Hutton), the sun would be to the left of the this structure and nowhere near the proposed extension.



<u>8.45 a.m.</u>

Sun directly above proposed roof structure – primary amenity area in shade.



<u>9.30 a.m.</u>

Sun directly above proposed roof structure – primary amenity area in shade.



<u>10.15 a.m.</u>

Sun directly above proposed roof structure - primary amenity area in shade



<u>11.40 a.m.</u>

Note change of perspective: Facing the single storey extension at 22 Quarrybrae Avenue

Trajectory of sun nearing maximum height (as detailed on graph on page 5) but remains directly above proposed roof structure – primary amenity area in shade.

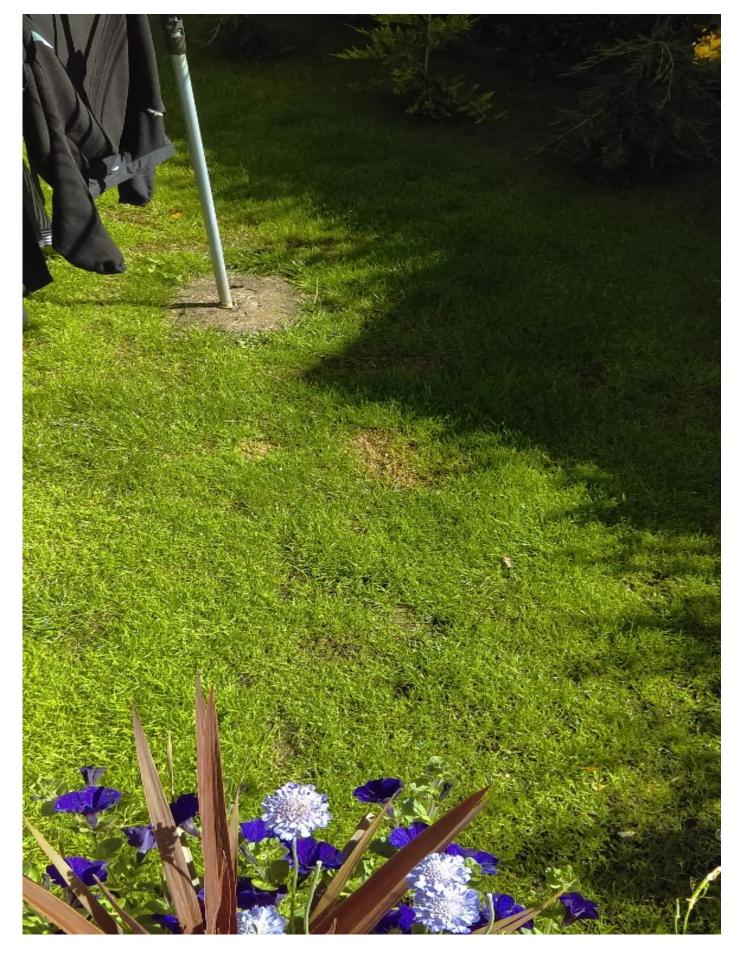
This photograph allows the reader to envisage the path of the sun on its' westward movement between 11.40 a.m. and approximately 2 p.m. as it moves behind/around the proposed extension and roof structure.

- Red Arrow summer approx. height/trajectory behind proposed development
- Green Arrow spring/autumn approx. height/trajectory behind proposed development
- Blue arrow winter approx. height/trajectory behind proposed development



186 <u>Shadow from existing corner roof structure of 22 Quarrybrae Avenue</u>

Taken on 13th July at 10.31 a.m.



APPENDIX 3

REPORT OF HANDLING



REPORT OF HANDLING

Reference: 2017/0196/TP

Date Registered: 5th April 2017

Application Type: Full Planning Permission

This application is a Local Development

Ward: Co-ordinates:	4 -Netherlee Stamperland Williamwood 256527/:657441	
Applicant/Agent:	Applicant:	Agent:
	Mr. And Mrs. McMannus	Mr John Hutton
	22 Quarrybrae Avenue	Flat 0/1
	Clarkston	69 Millbrae Road
	East Renfrewshire	Langside
	G76 7SA	Glasgow
		G42 9UT

Proposal: Erection of upper storey extension at side and single storey rear extension Location: 22 Quarrybrae Avenue Clarkston East Renfrewshire G76 7SA

CONSULTATIONS/COMMENTS: None.

- PUBLICITY: None.
- SITE NOTICES: None.

SITE HISTORY:

2008/0084/TP	Erection of single storey	Approved Subject	09.04.2008
	side and front extension	to Conditions	

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

Concerns relating to overlooking, overshadowing, visual impact and privacy

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

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

ASSESSMENT:

The site comprises a two storey semi-detached property that is situated within an established residential area made up of similar semi-detached house types. Occupying a substantial corner plot, bounded by a low level wall and hedging, the property has previously been extended to the front and side at single storey level. There is a detached single garage to the side that can be accessed by way of Fereneze Avenue.

Planning permission is sought to extend the property further by erecting an upper floor extension over the existing side extension, a single storey extension at the rear, a shed and a 1.8m high timber fence around the boundary of the site. Comprising a hipped roof, the upper floor extension measuring approximately 4m in width and 8.1m in depth, would provide two additional bedrooms. The single storey rear extension measuring 3m in depth and 6.4m in width would provide additional kitchen space and storage. There is no indication of proposed external materials.

The shed measuring 3m x 3m and 2.8m in height would sit forward of the side elevation of the house following the removal of the existing garage.

The 1.8m high timber fence would enclose the side garden ground, positioned within the curtilage adjacent to the low level wall and hedge.

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

Policy D1 contains a number of criteria that applies to all forms of development. It is considered that criteria 1, 2 and 3 are relevant in this case. Criterion 1 refers to the prevention of significant loss of character and amenity of the surrounding area.

The area is characterised by similar semi-detached house types, the majority of which have been altered and extended. The proposal can be readily accommodated at the site and therefore would not have an immediate impact on the character of the surrounding area. However as a result of orientation, scale and massing the proposal would have an immediate impact on the amenity of neighbouring properties, particularly towards the rear garden ground of the neighbouring property at 18 Fereneze Avenue.

18 Fereneze Avenue is a similar house type and the development would effectively present a 6m high structure, not including the hipped roof, within 1m of the mutual boundary. This would visually dominate the rear garden area of this house.

This would be the first extension of this scale and massing in the immediate area and therefore it does not reflect the built form in the locality. On that basis, the proposal conflicts with criterion 1 and 2 of Policy D1.

Criterion 3 presumes against proposals which would have an adverse impact on neighbouring properties in terms of overshadowing or overlooking. The site is set on a north-west/south-east axis with the potential for overlooking and overshadowing of neighbours, particularly the neighbouring property at 18 Fereneze Avenue as the proposed upper floor extension is located close to the mutual boundary.

On that basis, the proposal is contrary to Policy D1(3) in terms of overlooking and overshadowing.

Policy D14 sets out six general criteria for assessing all residential extensions/alterations of which three are considered to be appropriate to the development proposal i.e. any extension 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 and the development should avoid over-development of the site.

It is considered that the proposed upper floor extension conflicts with Policy D14 on the basis of overdevelopment notably in terms of the massing and relationship of the two storey extension to the neighbouring properties.

Policy D14 is accompanied and supported by the adopted Supplementary Planning Guidance (SPG) - Householder Design Guide which provides more detailed design guidance for extensions to certain house types.

Firstly, it should be noted that the SPG lists a number of general principles which will be considered, namely that extensions should not dominate or overwhelm neighbouring properties. Again, as outlined above, this proposal particularly in respect of the two storey rear element fails this general principle.

This upper floor extension will result in a two storey extension very close to the mutual boundary and this will have a direct impact on the neighbouring property in terms of scale, massing, overlooking and overshadowing.

On that basis, the application should be refused as contrary to the Development Plan unless there are material considerations which would justify setting aside the SPG and approving the application.

It should also be noted that no pre-application discussions took place with the Planning Service prior to submission of the application. Such discussions would have highlighted the issues in respect of the relevant policies and SPG.

The applicant was advised during the processing of the application that the proposal failed to comply with Council policy. The applicant has, in response, reduced the length of the upper extension. However, it is not considered that the impact of the extension in terms of massing and overlooking has been sufficiently reduced to justify approval of the application.

Comments from the occupants of 18 Fereneze Avenue regarding overlooking, loss of privacy, visual impact, loss of light and overshadowing have been addressed in the paragraphs above.

Drawing all the above matters together, whilst it is considered that the rear extension, shed and timber fence comply with policy, this planning application must be determined as a whole. The proposed upper floor extension is considered to conflict with Policies D1 and D14 of the adopted Local Plan and the SPG - Householder Design Guide. Consequently, there are no material considerations which would justify setting aside the development plan and approving the application.

Accordingly it is recommended that the proposed planning application is refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None

REASONS FOR REFUSAL:

- The proposed upper storey extension would, by reason of siting, scale, massing and proximity to the mutual boundary, be contrary to Policy D1(1), D1(2), Policy D1(3) and Policy D14 of the adopted East Renfrewshire Local Development Plan as it will have a detrimental impact on the amenity of the neighbouring properties.
- The proposed upper storey rear extension would, by reason of its proximity to the side boundaries, be contrary to the adopted Supplementary Planning Guidance (SPG) - Householder Design Guide as it does not comply with the general principles and the specific guidance on extensions contained therein and will have a consequent dominant and overwhelming impact on the neighbouring properties.

ADDITIONAL NOTES: None

ADDED VALUE:

Design, layout and/or external material improvements have been achieved during the processing of the application to ensure the proposal complies with the Council's Local Plan policies.

BACKGROUND PAPERS:

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

Ref. No.: 2017/0196/TP (FIMO)

DATE: 12th June 2017

DIRECTOR OF ENVIRONMENT

Reference: 2017/0196/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

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

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;
- 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 12/06/17 IM(1)

APPENDIX 4

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. 2017/0196/TP

Applicant

Mr. And Mrs. McMannus 22 Quarrybrae Avenue Clarkston East Renfrewshire G76 7SA Agent: Mr John Hutton Flat 0/1 69 Millbrae Road Langside Glasgow G42 9UT

With reference to your application which was registered on 5th April 2017 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of upper storey extension at side and single storey rear extension

at: 22 Quarrybrae Avenue Clarkston East Renfrewshire G767 SA

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:-

- The proposed upper storey extension would, by reason of siting, scale, massing and proximity to the mutual boundary, be contrary to Policy D1(1), Policy D1(2), Policy D1(3) and Policy D14 of the adopted East Renfrewshire Local Development Plan as it will have a detrimental impact on the amenity of the neighbouring properties.
- 2. The proposed upper storey rear extension would, by reason of its proximity to the side boundaries, be contrary to the adopted Supplementary Planning Guidance (SPG) -Householder Design Guide as it does not comply with the general principles and the specific guidance on extensions contained therein and will have a consequent dominant and overwhelming impact on the neighbouring properties.

Dated 12th 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
Location Plan	001		
Plans Proposed	4156/3		
Plans Proposed	4156/2		
Elevations Proposed	4156/1		

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 acknowledgementletter 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

APPENDIX 5

NOTICE OF REVIEW

AND

STATEMENT OF REASONS





NOTICE OF REVIEW

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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 Forename Surname	ME fores DEIENA MEMANNES	Ref No. Forename Surname	Joth HUTTON	
Company Name Building No./Name Address Line 1 Address Line 2 Town/City	22 QUAREYBEATE AVE CERTICISTON GLASGOW	Company Name Building No./Name Address Line 1 Address Line 2 Town/City	FLATOIL, 69 MILLERATE BOAD LANGSIDE GLASGON	
Postcode Telephone Mobile Fax Email	6767SA	Postcode Telephone Mobile Fax Email	642 JUT 07773 209204 n n	
3. Application Details Planning authority Planning authority's application reference number Site address				
2'	2 QUAREYBRAE	AVE,		

CLARKSTONI

Description of proposed development

5. .

REAR SINGLE STOREY EXTENSION.

Date of application 5/417 Date of decision (if any) 12/617

202

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)

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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

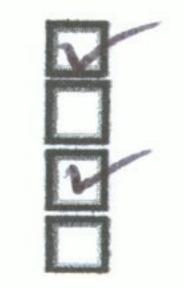
Conditions imposed on consent by appointed officer

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.

WE BROUGHT TO ATTNOF PLANNE SEVERAL ADDUSSES

OF SIMILAR EXTENSIONS & FEEL THESE HAVE NOT BEEN TAKENINTO ACCOUNT!

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:

203

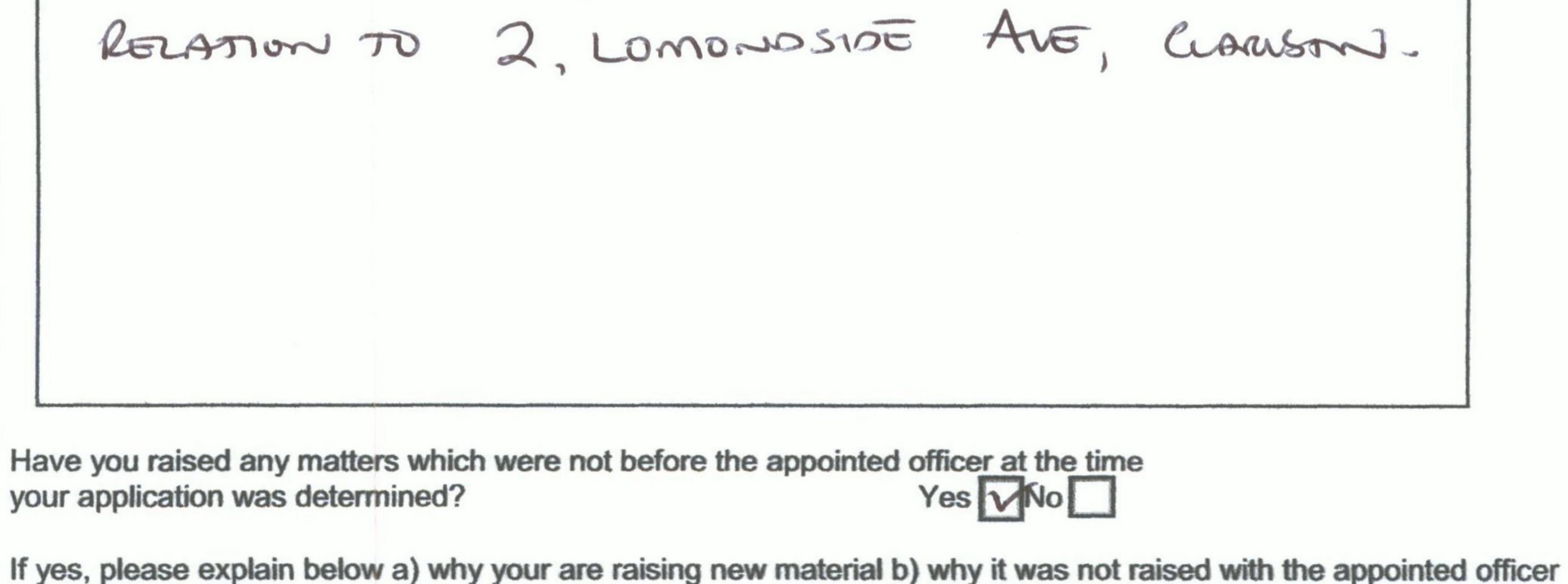
8. Statement

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.

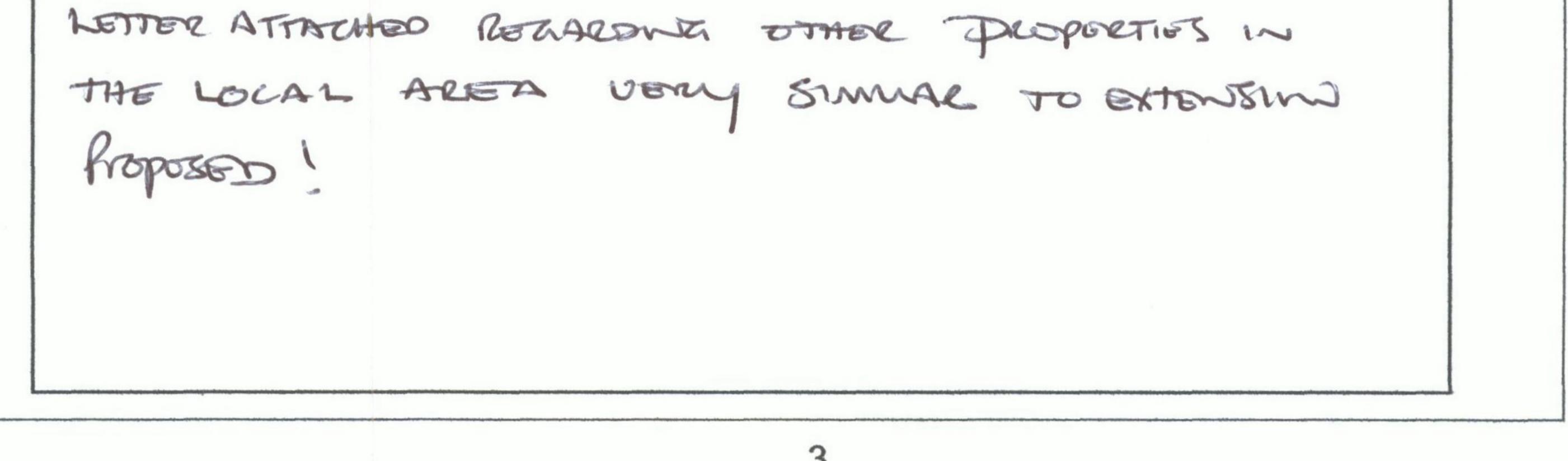
If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

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.

THE REFUSAL! PHOTO'S SHOWING EXTENSION AT 5 WOODSIDE GONS WITH SIMILAR FOOTPRINT TO OUR PROPOSAL IN



before your application was determined and c) why you believe it should now be considered with your review.



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

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LETTER ATTACHED.
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DRGS FOR PROPOSANS.
LORAN PLAN.
Compose e-mail.
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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

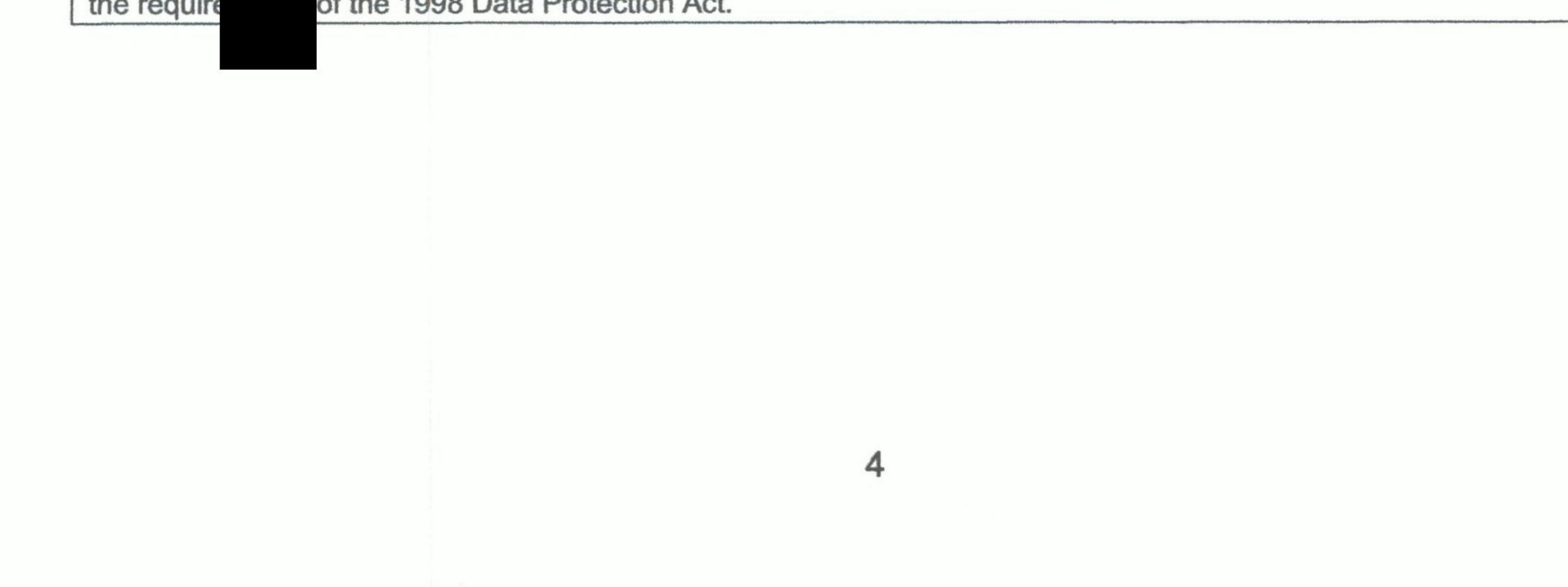
All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.





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 ent hereby serve notice on the planning authority to review the application as set out on this form I, the appli ting documents. I hereby confirm that the information given in this form is true and accurate to the and in the edge. best of my TOTAL A HUTTON Date: 2716/17 Signature: Name: a that you have been asked to provide on this form will be held and processed in accordance with Any perso of the 1998 Data Protection Act. the require



1) A previous planning application was granted on 9/4/08 for a single storey extension which was subsequently erected at the property and remains in place to date.

The 'Report of Handling' under the 'Assessment' heading comments as follows:

'This upper floor extension will result in a two storey extension very close to the mutual boundary...'

The proposed upper storey extension does not alter the existing footprint of the current single storey extension at the property. The current footprint will remain the same in terms of its proximity to the mutual boundary with the erection of an upper storey.

2) The 'Report of Handling' under the 'Assessment' heading comments as follows:

'The area is characterised by similar semi-detached house types, the majority of which have been altered and extended. The proposal can be readily accommodated at the site and therefore would not have an immediate impact on the character of the surrounding area... This would be the first extension of this scale in the immediate area and therefore it does not reflect the built form in the locality.'

This statement appears contradictory in content and is not factually correct. There are many examples of similar housing in the immediate area which have had upper storey extensions approved and erected. The details of these addresses was provided to the Planning Officer prior to the review application for consideration.

One such extension exists at 5 Woodside Gardens, Clarkston within 200 yards of the proposed development. This extension is almost identical in terms of aspect, design and proximity to the neighbouring property at 2 Lomondside Gardens. This almost mirrors the footprint of 18 Fereneze Avenue from where representations have been made in relation to the proposed extension at 22 Quarrybrae Avenue. This similar development was highlighted to the Planning Officer prior to the review application and she concluded that it was 'nothing like the proposed development at 22 Quarrybrae Avenue' and immediately discounted it. This statement is not factually correct.

3) The 'Report of Handling' comments refers to Policy D14 which 'sets out six general criteria for assessing all residential extensions/alterations of which three are considered to be appropriate to the development proposal...'

Two of the three criteria appear not to be relevant to this application although they are sighted as reasons for refusal:

i) '...any extension must complement the existing character of the property particularly in terms of style, form and materials...'

The proposed development would complement the existing character of the property in terms of style and utilise the same materials as the existing house.

ii) '...the development should avoid over-development of the site.'

This comment directly contradicts earlier references in the 'Report of Handling' stating 'The proposal can be readily accommodated at the site and therefore would not have an

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immediate impact on the character of the surrounding area... ' and refers to the property 'occupying a substantial corner plot'.

It is therefore difficult to understand how two of the three criteria is relevant to this proposed development and comments are clearly contradictory.

4) One of the reasons for refusal of this proposed development contained within the 'Report of Handling' is that '...of siting, scale, massing and proximity to the mutual boundary...' and 'shadowing' to 18 Fereneze Avenue.

It is worthy of note that 18 Fereneze Avenue is located in a slightly elevated position to the proposed development and therefore this reduces the impact of perceived 'scale and massing'.

The proposed development overlooks the rear garden of 18 Fereneze Avenue and the building line of the neighbouring property does not correspond to the building line of the proposed extension. The direct line of sight from the main communal kitchen window at 18 Fereneze Avenue is directly across the side garden of 22 Quarrybrae Avenue affording a clear, uninterrupted view to the street and residential properties beyond. The main line of sight from the lower ground bedroom window which is incorporated within the single storey extension at 18 Fereneze Avenue is directly across the rear garden at that property and the rear garden of 22 Quarrybrae Avenue affording uninterrupted views. These views will not alter with the erection of an upper storey extension.

In terms of 'proximity to the mutual boundary', 'overshadowing' and 'loss of light' the proposed upper storey extension is north westerly facing and 18 Fereneze Avenue sits on a north west axis to the proposed development.

The occupants at 22 Quarrybrae Avenue have noted that the east facing side of 18 Fereneze Avenue receives full sunlight between 0600hrs to 0700hrs and thereafter, the sun continues to move west away from the proposed development site at 22 Quarrybrae Avenue. Due to the proximity of the proposed development to the mutual boundary, no overshadowing or loss of light will occur. The comments contained within the 'Report of Handling' are factually incorrect.

5) With regards to 'loss of privacy' the proposed extension upper storey rear window would overlook the rear garden of 18 Fereneze Avenue. This is no more intrusive than other properties within the immediate vicinity overlooking this garden (16 Fereneze Avenue) and others from upper windows. There is no direct line of sight into the proposed development into surrounding properties.

The applicants would be prepared to move the location of this rear window which was suggested to the Planning Officer, but was discounted.

6) The 'Report of Handling' states that there were no 'pre-planning discussions' with the Planning Service which is factually incorrect. The architect, Mr John Hutton had informal discussions with the Planning Officer prior to the submission of the application and following its submission. The Planning Officer indicated to Mr Hutton in the early stages of planning that she could forsee no noteable issues with the proposed development. It would appear that following the receipt of one representation from the occupants of 18 Fereneze Avenue this changed her mindset leading to this refusal.



6/27/2017

Gmail - 22 Quarrybrae Avenue



John Hutton <jhplanning@gmail.com>

22 Quarrybrae Avenue

1 message

Leigh McManus To: "jhplanning@gmail.com" <jhplanning@gmail.com>

Attached as requested John Thanks Leigh

Tue, Jun 27, 2017 at 8:48 AM



5, WOODSIDE CIDNS -> RELATIONSHIP WITH

2, LOMANDSIDE AUE

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6/27/2017 · *

Gmail - 22 Quarrybrae Avenue

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5/30/2017

Gmail - 22, Quarry brae Ave, Clarkston



John Hutton <jhplanning@gmail.com>

22, Quarry brae Ave, Clarkston

3 messages

John Hutton <jhplanning@gmail.com> To: "Morrison, Fiona (Environment)" <Fiona.Morrison2@eastrenfrewshire.gov.uk>

With reference to the planning application for the above my client would like you to take into consideration the following addresses where similar extensions have been carried out. 5, Woodside Gdns.5, 39 and 101, Campsie Gdns. 5, 16 and 43, Fereneze Ave. All these properties are close to Quarrybrae Ave and are two storey! Yours John A Hutton.

211

John Hutton <jhplanning@gmail.com> Draft

Fri, May 26, 2017 at 9:44 AM

1/2

Fri, May 26, 2017 at 9:43 AM

[Quoted text hidden]

Morrison, Fiona (Environment) <Fiona.Morrison2@eastrenfrewshire.gov.uk> Tue, May 30, 2017 at 5:26 PM To: John Hutton <jhplanning@gmail.com>

Hello John,

I have had a look at these examples and I would suggest that there is no comparison between any of these sites and the application site. The relationship between neighbouring properties is completely different.

Regards

Fiona

Fiona Morrison

Development Management

East Renfrewshire Council

0141 - 577 - 3895

fiona.morrison2@eastrenfrewshire.gov.uk

From: John Hutton [mailto:jhplanning@gmail.com] Sent: 26 May 2017 09:43

https://mail.google.com/mail/u/0/?ui=2&ik=04cc51618d&view=pt&search=inbox&th=15c5a2eaa9ba84e0&sim1=15c43ec94a3c9786&sim1=15c5a2eaa9ba84e0

5/30/2017

Gmail - 22, Quarry brae Ave, Clarkston

To: Morrison, Fiona (Environment) Subject: 22, Quarry brae Ave, Clarkston

With reference to the planning application for the above my client would like you to take into consideration the following addresses where similar extensions have been carried out. 5, Woodside Gdns.5, 39 and 101, Campsie Gdns. 5, 16 and 43, Fereneze Ave. All these properties are close to Quarrybrae Ave and are two storey! Yours John A Hutton.

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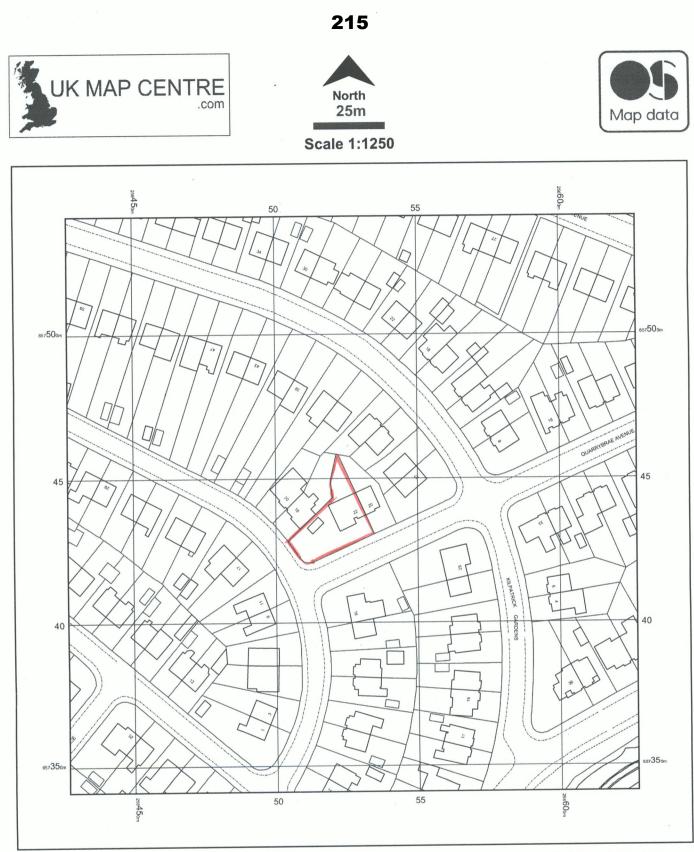


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APPENDIX 6

PLANS/PHOTOGRAPHS/DRAWINGS



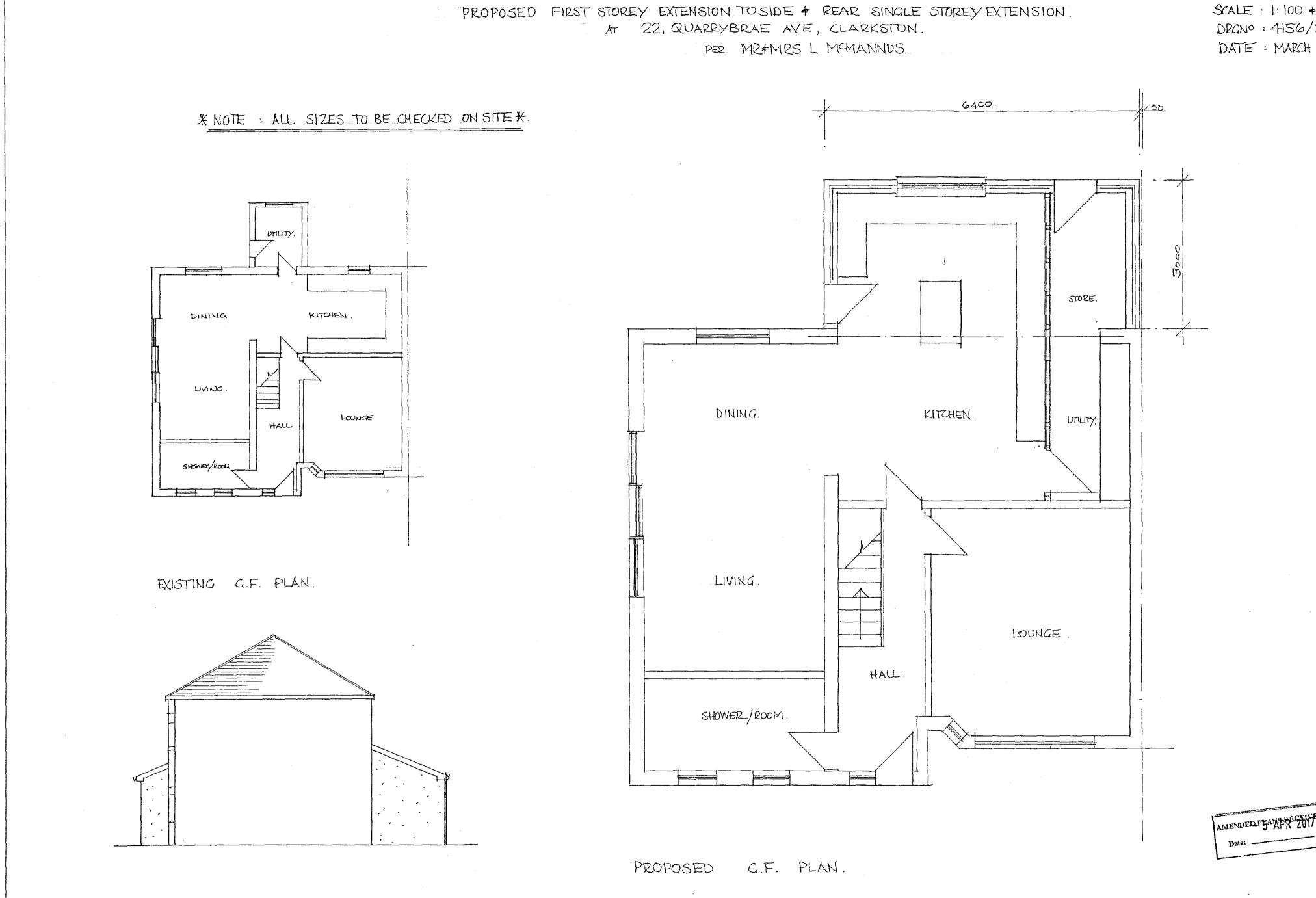


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Supplied by: www.ukmapcentre.com Serial No:111871 Centre Coordinates:256527,657441 Production Date: 22/03/2017 12:37:12



DRGNO: 4156/1. DATE : MARCH 2017



PROPOSED SIDE ELEVATION FROM NEIGHBOURS

217

SCALE : 1:100 + 1.50. DRGNO: 4156/2. DATE : MARCH 2017.

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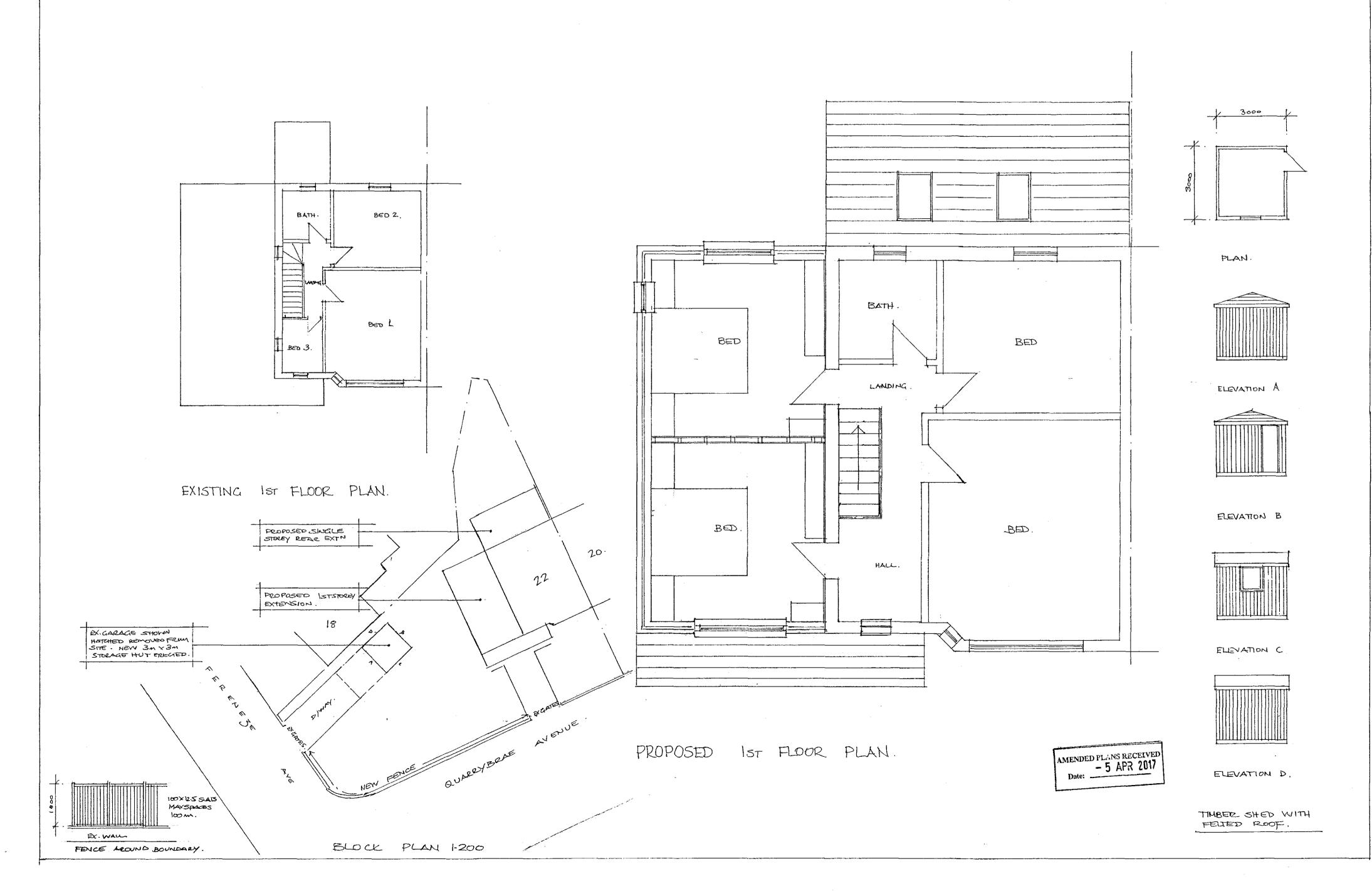
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PROPOSED FIRST STOREY EXTENSION TO SIDE + REAR SINGLE STOREY EXTENSION. AT 22, QUARRYBRAE AVE, CLARKSTON. PER MR&MRS L MCMANNUS



SCALE : 1:100 + 1.50 DRGNO : 4156/3. DATE : MARCH 2017.