

**Corporate and Community Services Department**

Council Headquarters, Eastwood Park, Giffnock, East Renfrewshire, G46 6UG

Phone: 0141 577 3000 Fax: 0141 577 3834

website: [www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk)

Date: 30 October 2020

When calling please ask for: Paul O'Neil (Tel No. 0141 577 3011)

e-mail:- paul.o'neil@eastrenfrewshire.gov.uk

TO: Councillors A Ireland (Chair), B Cunningham (Vice Chair), A Convery, J Fletcher,  
J McLean, S Miller and J Swift.

**LOCAL REVIEW BODY**

A meeting of the Local Review Body will be held on **Wednesday, 4 November 2020 at 2.00pm.**

The agenda of business is as shown below.

**Please note this is a virtual meeting.**

**Caroline Innes**

C INNES

DEPUTY CHIEF EXECUTIVE

**AGENDA**

1. Report apologies for absence.
2. Declarations of Interest.
3. Notice of Review – Review 2020/11 – Erection of one and a half storey side extension following demolition of existing extension (amended design) at 29 East Kilbride Road, Busby (Ref No: 2020/0307/TP) - Report by Deputy Chief Executive (copy attached, pages 3 - 150).

**This document can be explained to you in other languages and can be provided in alternative formats such as large print and Braille. For further information, please contact Customer First on 0141 577 3001 or email [customerservices@eastrenfrewshire.gov.uk](mailto:customerservices@eastrenfrewshire.gov.uk)**

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EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

4 November 2020

REPORT by Deputy Chief Executive

REVIEW OF CASE - REVIEW/2020/11

ERECTION OF ONE AND A HALF STOREY SIDE EXTENSION FOLLOWING  
DEMOLITION OF EXISTING EXTENSION (AMENDED DESIGN)  
AT 29 EAST KILBRIDE ROAD, BUSBY

**PURPOSE OF REPORT**

1. The purpose of the report is to present the information currently available to allow a review of the non-determination of the application for planning permission as detailed below. A determination should have been made 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.

**DETAILS OF APPLICATION**

2. Application type: Full Planning Permission (Ref: No: 2020/0307/TP).
- Applicant: Mr Paolo Di Mambro.
- Proposal: Erection of one and a half storey side extension following demolition of existing extension (amended design)
- Location: 29 East Kilbride Road, Busby.
- Council Area/Ward: Clarkston, Netherlee and Williamwood (Ward 4).

**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:-
- (a) to consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that it proceeds to determine the application under review; or
  - (b) that 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 (Chief Planning Officer).

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 the 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. Given the current restrictions that are in place associated with the Covid-19 pandemic it will not be possible for members of the Local Review Body to visit the site to carry out their inspection in accordance with the aforementioned decision.

13. Members will be aware that the Local Review Body has previously visited the site. In view of this, the Planning Adviser to the Local Review Body will take google street map screen shots of the site which will be circulated to Members before the meeting on 4 November 2020 at 2.00pm.



## INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

**14.** 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.

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

- (a) Application for planning permission – Appendix 1 (Pages 7 - 14);
- (b) Copies of Objections/Representations – Appendix 2 (Pages 15 - 104);
- (c) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 105 - 116);
- (d) Decision notice and reasons for refusal - Appendix 4 (Pages 117 - 122); and
- (e) A copy of the applicant's Notice of Review and Statement of Reasons - Appendix 5 (Pages 123 - 148).

**16.** 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 these are attached as Appendix 6 (Pages 149 - 156).

- (a) Refused – Location Plan;
- (b) Refused – Proposed Elevations; and
- (c) Refused – Proposed Plans.

**17.** 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.

**18.** All the documents referred to in this report can be viewed online on the Council's website at [www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk).

## 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:- September 2020

**APPLICATION  
FOR  
PLANNING PERMISSION**

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100264980-001

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)

Erection of one and a half storey side extension following demolition of existing extension

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

No  Yes - Started  Yes – Completed

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Arc Architectural Services Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Scott	Building Name:	
Last Name: *	Kennedy	Building Number:	25
Telephone Number: *	07799401577	Address 1 (Street): *	Cortmalaw Avenue
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G33 1TE
Email Address: *	scott@arcarchitecture.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Paolo	Building Number:	29
Last Name: *	Di Mambro	Address 1 (Street): *	East Kilbride Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Busby
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G76 8JY
Fax Number:			
Email Address: *	scott@arcarchitecture.com		

## Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

29 EAST KILBRIDE ROAD

Address 2:

BUSBY

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G76 8JY

Please identify/describe the location of the site or sites

Northing

656517

Easting

258177

## Pre-Application Discussion

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

Yes  No

## Trees

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

Yes  No

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

## Access and Parking

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

Yes  No

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

## 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: Scott Kennedy

On behalf of: Mr Paolo Di Mambro

Date: 04/06/2020

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 Scott Kennedy

Declaration Date: 04/06/2020

**Payment Details**

Pay Direct

Created: 04/06/2020 16:17

**COPIES OF OBJECTIONS/REPRESENTATIONS**

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## Comments for Planning Application 2020/0307/TP

### Application Summary

Application Number: 2020/0307/TP

Address: 29 East Kilbride Road Busby East Renfrewshire G76 8JY

Proposal: Erection of one and a half storey side extension following demolition of existing extension (amended design)

Case Officer: Mr Derek Scott

### Customer Details

Name: Mrs fiona forsyth

Address: 5 Printers Land, Busby, East Renfrewshire G76 8HP

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Our first and main objection is that the applicant fully intends to use the pedestrian footpath running from the carpark at Printers Land as a means to access his property (as he has done already without any permission from the residents of Printers Land and despite intervention from the police).

As an elderly couple both with mobility issues (one disabled who receives daily support from visiting carers) and a toddler granddaughter who visits daily, we feel that this is completely unacceptable, highly dangerous and ultimately reckless and life-endangering behaviour.

Not only does this pose a serious threat to the pedestrian residents who regularly use this footpath for walking on, it would also cause disruption by way of noise and air pollution in an otherwise very peaceful area frequently used by dog walkers, parents of young children and visitors.

Furthermore, we would have grave concerns about potential damage that could be caused to the footpath itself and the surrounding landscaped gardens should this proposal be accepted and access from the car park granted.

Our second objection is relating to the fact that this proposed extension would overlook our own property, facing directly in to our living room and communal garden area. Despite the presence of a fence, we feel that the extension would be an invasion of our privacy.

We strongly oppose the building of this extension.

Mr and Mrs Beaton

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## Comments for Planning Application 2020/0307/TP

### Application Summary

Application Number: 2020/0307/TP

Address: 29 East Kilbride Road Busby East Renfrewshire G76 8JY

Proposal: Erection of one and a half storey side extension following demolition of existing extension (amended design)

Case Officer: Mr Derek Scott

### Customer Details

Name: Miss Jillian Niblock

Address: 6 Printers Land, Busby, East Renfrewshire G76 8HP

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the planning application for the erection of a one and a half storey side extension at 29 East Kilbride Road due to a number of reasons.

1: there are no safe nor feasible routes of access to the property, I can only therefore assume that the applicant intends to use the footpath 'illegally' to transport building materials and have vehicles drive up and down the footpath, which is in no way built or designed for this purpose. Not only does this pose a risk to the many children and animals living within Printersland, it will also damage the grounds, including the greenspace that residents take pride in and pay to maintain. The applicant has already shown no regard to the maintenance of grounds, having attempted to drive his own vehicle across the said footpath, causing damage and resulting in police attendance. The applicant has also failed to repair a section of the boundary fencing which was damaged during construction work carried out by himself.

2: there would be an issue with increased traffic through Printersland, again causing safety concerns as the car park is not designed for heavy goods vehicles or construction traffic. If used for access purposes there would be major disruption caused as well as serious concerns around residents and visitors of Printersland being able to access their homes. There are a number of elderly and vulnerable residents who rely on care services requiring prompt access to their patients. If the car park was to be used for access purposes the increase in traffic would have a major impact on these services being able to carry out their job of supporting the elderly and vulnerable residents of Printersland.

3: I also note that Busby is a Conservation Area, If Printersland were to be used as a means of access I would have concerns over the impact upon the green space surrounding the property which is used by residents on a regular basis and I would also be concerned about the impact on our local wildlife. The applicant states that there are no trees around the site which is clearly untrue. He has also already had trees removed within his own property without permissions being

granted.



Planning services of East Renfrewshire Council  
2 Spiersbridge Way, Thornliebank  
East Renfrewshire  
G76 8JY

25<sup>th</sup> June 2020

E McKenzie  
27 Printers Land  
Clarkston  
Glasgow  
G76 8HP

Ref:2020/0307/TP

ERECTION OF A ONE AND A HALF STORY EXTENSION  
FOLLOWING DEMOLITION OF EXISTING EXTENSION (amended design)

This is my response to the 6<sup>th</sup> of Mr Di Mambros Planning Applications.

Mr Di Mambro continues to have little regard for the needs and sensitivities of the residents of Printers Land regarding Parking, Fences and boundaries as previously stated by me.

An even larger and more extensive build has the potential to have an even greater effect on light <sup>and</sup> being overseen for the properties that are closest to 29 EK road.

In these newest plans an historic plan of the site has been included. This predates the construction of Printers Land.

It includes a garage that never was I believe - a garden hut in that position was demolished shortly after Mr Di Mambros purchase and a car port that was removed many years ago.

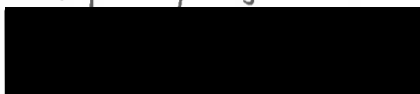
The Printers Land fences remain unrepaired. In addition the one adjacent to the pathway had a large portion of it deconstructed and refashioned into a wide gate with shrubbery removed so to do. This gate has been padlocked by Mr Di Mambro. Since February there have been several attempts to gain vehicular access to the site by Mr di Mambro and contractors whom he advised so to do. At these times there has been Police involvement. These paths are designed as footpaths only and have some of our services below them including gas pipes.

In already anxious times additional stresses are being created in a population that ranges from newborn babies through teenagers and working folk to those over 70.

This is our garden he has been trying to drive through.

It is beyond my comprehension how demolition and construction of an even larger extension than that previously applied for can be built on that site without considerable disruption and inconvenience to the residents here about whom Mr Di Mambro gives not one iota of consideration.

*Yours faithfully*



RESIDENT OWNER of No 27 PRINTERS LAND.

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20th September 2020

FAO PAUL O'NEIL  
 EAST Renfrewshire Council  
 Corporate and Community Services  
 Council HQ  
 Rouken Glen Road  
 Cuffnock  
 G76 6UG

Your ref: REVIEW/2020/11/PON/FM  
 Alt. ref: 100264980-001

PLANNING APPLICATION (Ref: 2020/0307/TP)

29 EAST KILBRIDE ROAD G76 8JY

Erection of a one and a half storey side extension  
 following demolition of existing extension (amended design)

Dear Mr O'Neil,

I attach a copy of my original letter regarding this extension (dated 25th June) in order not to repeat myself.

I wish to submit the following points in addition to the concerns already raised in that letter.

1. There has been a further infringement of the Road Traffic Act. The vehicle that had been driven over a footpath into the garden of No 29 EK Road was earlier this month returned to a position in our parking spaces in Printersland. Photographic evidence of this has been sent to the authorities.
2. Mr Di Mambro has continued to ignore appeals to repair our broken piece of boundary fencing and has done nothing about re-instating our fencing out of which he constructed a gate. These costs are now rising.
3. Their 2 vehicles rarely move from spaces in our parking area that should be available for the 4 residents with limited mobility who live close to these spaces and who, like myself will be paying around £270 per annum for that privilege.
4. This is stressful. Mr Di Mambro declares himself to be a builder but the site has been nothing but an eyesore for almost 3yrs now. It is difficult to envisage that rules and regulations will be kept.

Yours faithfully

RESIDENT OWNER

ATTACH.1

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Planning services of East Renfrewshire Council  
2 Spiersbridge Way, Thornliebank  
East Renfrewshire  
G76 8JY

25<sup>th</sup> June 2020

E McKenzie  
27 Printers Land  
Clarkston  
Glasgow  
G76 8HP

Ref:2020/0307/TP

ERECTION OF A ONE AND A HALF STORY EXTENSION  
FOLLOWING DEMOLITION OF EXISTING EXTENSION (amended design)

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In these newest plans an historic plan of the site has been included. This predates the construction of Printers Land.

It includes a garage that never was I believe - a garden hut in that position was demolished shortly after Mr Di Mambros purchase and a car port that was removed many years ago.

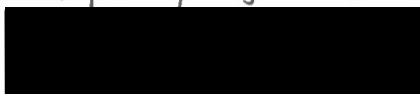
The Printers Land fences remain unrepaired. In addition the one adjacent to the pathway had a large portion of it deconstructed and refashioned into a wide gate with shrubbery removed so to do. This gate has been padlocked by Mr Di Mambro. Since February there have been several attempts to gain vehicular access to the site by Mr di Mambro and contractors whom he advised so to do. At these times there has been Police involvement. These paths are designed as footpaths only and have some of our services below them including gas pipes.

In already anxious times additional stresses are being created in a population that ranges from newborn babies through teenagers and working folk to those over 70.

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It is beyond my comprehension how demolition and construction of an even larger extension than that previously applied for can be built on that site without considerable disruption and inconvenience to the residents here about whom Mr Di Mambro gives not one iota of consideration.

*Yours faithfully*



RESIDENT OWNER of No 27 PRINTERS LAND.

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## Comments for Planning Application 2020/0307/TP

### Application Summary

Application Number: 2020/0307/TP

Address: 29 East Kilbride Road Busby East Renfrewshire G76 8JY

Proposal: Erection of one and a half storey side extension following demolition of existing extension (amended design)

Case Officer: Mr Derek Scott

### Customer Details

Name: Ms Lynn McLachlan

Address: 29 Printers Land, Busby, East Renfrewshire G76 8HP

### Comment Details

Commenter Type: Rec'd NeighbourNotification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application will affect my privacy as it will overlook my flat and garden. The proposer has already used the footpath leading directly to my flat to drive his own and much larger vehicles to his property and has intimated that he will continue to do so during the proposed building work. Obviously this is extremely dangerous and will also cause damage to the footpath. As the proposer has no vehicle access to his property, I am also very concerned that our private car park will be used by his and many more vehicles leaving fewer spaces for residents to park.

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**From:** [REDACTED]  
**To:** [O'Neil, Paul \[CE\]](#)  
**Subject:** Re: Local Review Body - New Review 2020/11 (Ref No:- 2020/0307/TP)  
**Date:** 30 September 2020 18:45:01

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Thank you for your e-mail. I have been told by my neighbour that I have to send my objections directly to you for them to be noted.

I would like to reiterate my previous objections which, if anything, are now worse. Mr De Mambro, in my opinion, is now deliberately leaving two cars parked in the first two spaces nearest to my flat. These two vehicles rarely move meaning I have to park, often, a lot further away. [REDACTED]

[REDACTED] If this extension is allowed to continue, obviously this will mean more vehicles parking in our PRIVATE car park and more possibility of [REDACTED] causing a lot of disruption to our lovely quiet neighbourhood.

Thank you for your attention,

Lynn McLachlan  
[Sent from Yahoo Mail on Android](#)

On Thu, 17 Sep 2020 at 17:20, O'Neil, Paul [CE]  
<[paul.o'neil@eastrenfrewshire.gov.uk](mailto:paul.o'neil@eastrenfrewshire.gov.uk)> wrote:

I attach, for your attention, a copy of my letter of today's date in connection with representations you submitted in respect of application 2020/0307/TP.

Paul O'Neil  
Committee Services Officer  
Department of Corporate and Community Services

Tel No. 0141 577 3011

e-mail:- [paul.o'neil@eastrenfrewshire.gov.uk](mailto:paul.o'neil@eastrenfrewshire.gov.uk)

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[www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk)

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our values



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Kindness



Trust

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OFFICIAL SENSITIVE – Protective measures/controls required (business sensitive, personal or special category information)

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\*\*\*\*\*



**From:** [REDACTED]  
**To:** [O'Neil, Paul \[CE\]](#)  
**Subject:** Fwd: Comments for Planning Application 2020/0307/TP  
**Date:** 01 October 2020 09:43:51

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Dear Paul,

Please find attached my original letter of complaint regarding the proposed development at 29 East Kilbride road.

Adding to these original comments which I feel are still correct and a true description of the issues raised with regards to this application I also want to add that since the original comments the applicant has again driven his car down the footpath without supervision from the police which I believe was the intended course of action.

The boundary fence has since also fallen into a state of disrepair due to the applicants actions within his property which in turn has led a section to fall into the private land of printers land damaging the grass underneath. We now as residents are having to seek quotes for repair even though we did not damage the fence.

The applicants two cars are continuously being parked in printers land private parking spaces leading me to believe that no care or concern to residents (to which some are disabled and need access for carers and nurses) has been considered and worries me for future antics if this application is granted. The applicant himself has even submitted to planning the written proof in form of a grounds plan proving categorically that the spaces he is using are private! Thus showing he is Blatantly ignoring council plans and showing total disrespect to the residents of printers land.

I still strongly object to these plans as well on intrusion of privacy as my property will indeed be one of the worst affected as it is very close to the proposed plan and I feel it could potentially damage my property value.

Also if work goes ahead being the fact the property is so close to me noise pollution will also be a huge factor as well. I being the mother of a young child also do not wish to have to worry of her being in danger due to machinery etc being used so close to a public footpath as the question still stands to **how** on earth he is to gain access to said property to actually carry out these building works!

Yours  
Shona Duncan  
31 printers land

----- Forwarded message -----

From: <[REDACTED]>  
Date: Thu, 18 Jun 2020 at 19:22  
Subject: Comments for Planning Application 2020/0307/TP  
To: <[REDACTED]>

Miss Shona Duncan,



You have been sent this email because you or somebody else has submitted a comment on a Planning Application to your local authority using your email address. A summary of your comments is provided below.

Comments were submitted at 7:23 PM on 18 Jun 2020 from Miss Shona Duncan.

## **Application Summary**

**Address:** [29 East Kilbride Road Busby East Renfrewshire G76 8JY](#)

**Proposal:** Erection of one and a half storey side extension following demolition of existing extension (amended design)

**Case Officer:** Mr Derek Scott

[Click for further information](#)

## Customer Details

**Name:** Miss Shona Duncan

**Email:**



**Address:** [31 Printers Land, Busby, East Renfrewshire G76 8HP](#)

## Comments Details

**Commenter Type:** Member of Public

**Stance:** Customer objects to the Planning Application

**Reasons for comment:**

**Comments:** Notes for objection

Will over shadow my view

Will block out light

Intrude on my  
privacy due to  
the size of the  
extension  
overlooking  
my bedroom

the applicant  
has full intent  
To which he  
has verbalised  
to use the  
footpath, that  
leads from the  
car park that  
services  
printers land  
and all the  
residents, to  
transport  
materials and  
also motor  
vehicles and  
machinery to  
his property.  
This will cause  
disruption and  
mean  
machinery  
and vehicles  
will be driven  
within 5 feet  
of my  
bedroom  
window again  
intruding on  
my privacy.  
Also this is a  
danger to life  
of the public  
and residents  
and their  
children and  
animals who  
use the path  
daily.  
This has been  
demonstrated  
on 3 occasions  
during  
lockdown as  
to when the  
applicant  
drove his own  
car up the  
footpath and  
also instructed  
2 further  
tradesmen to  
access his  
property via

the back  
access (the  
public  
footpath that  
runs through  
the private  
property of  
printers land)

The applicant  
has stated  
very clearly  
his intent to  
use this  
footpath like  
his own  
personal  
driveway to  
access his  
property.

Now with the  
previous  
application  
that was  
approved the  
notes  
attached  
clearly stated  
that he must  
seek approval  
from  
neighbouring  
residents if  
access is  
needed, all of  
the above  
actions have  
been done  
without this  
and therefor  
he has broken  
the rules set  
by the council  
also he has  
without  
consultation  
adapted the  
boundary  
fence to  
create a  
double fronted  
gate to which  
we presume  
he is going to  
try and use as  
a drive,  
supporting the  
statement  
above.

Plants and shrubbery have been damaged and removed by the applicant on doing this, again without any permission from the residents of printers land.

If the case is that he continues to break the stipulations set out by the council I can Only but strongly object against the application for this extension.

As we have been informed that the type of material used to make the footpath isn't strong enough to sustain the weight of machinery the applicant will require to build the extension and this application was to be approved I'd like to know exactly when and how the council plan rectifying any damage done to the footpath and the utilities that run beneath it?? As I am lead to believe that I pay a



management  
fee for a  
reason! ie the  
maintenance  
of printers  
land and  
grounds and i  
will not be  
paying any  
repair costs if  
said applicant  
or anyone he  
employs  
damages our  
property, car  
park or land.  
I also would  
like to know  
how willing  
the council is  
to pay out  
compensation  
if any  
accidents  
were to  
happen? as if  
this planning  
application is  
approved, I  
and all  
residents will  
hold east  
Renfrewshire  
council  
accountable  
along with the  
applicant for  
any  
damage/injury  
to any person  
or private  
property.

\*\*\*\*\*

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This footnote also confirms that this e-mail message has been swept  
for the presence of computer viruses.

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## Comments for Planning Application 2020/0307/TP

### Application Summary

Application Number: 2020/0307/TP

Address: 29 East Kilbride Road Busby East Renfrewshire G76 8JY

Proposal: Erection of one and a half storey side extension following demolition of existing extension (amended design)

Case Officer: Mr Derek Scott

### Customer Details

Name: Miss Shona Duncan

Address: 31 Printers Land, Busby, East Renfrewshire G76 8HP

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Notes for objection

Will over shadow my view

Will block out light

Intrude on my privacy due to the size of the extension overlooking my bedroom

the applicant has full intent To which he has verbalised to use the footpath, that leads from the car park that services printers land and all the residents, to transport materials and also motor vehicles and machinery to his property. This will cause disruption and mean machinery and vehicles will be driven within 5 feet of my bedroom window again intruding on my privacy.

Also this is a danger to life of the public and residents and their children and animals who use the path daily.

This has been demonstrated on 3 occasions during lockdown as to when the applicant drove his own car up the footpath and also instructed 2 further tradesmen to access his property via the back access (the public footpath that runs through the private property of printers land)

The applicant has stated very clearly his intent to use this footpath like his own personal driveway to access his property.

Now with the previous application that was approved the notes attached clearly stated that he must seek approval from neighbouring residents if access is needed, all of the above actions have been done without this and therefor he has broken the rules set by the council also he has without

consultation adapted the boundary fence to create a double fronted gate to which we presume he is going to try and use as a drive, supporting the statement above.

Plants and shrubbery have been damaged and removed by the applicant on doing this, again without any permission from the residents of printers land.

If the case is that he continues to break the stipulations set out by the council I can Only but strongly object against the application for this extension.

As we have been informed that the type of material used to make the footpath isn't strong enough to sustain the weight of machinery the applicant will require to build the extension and this application was to be approved I'd like to know exactly when and how the council plan rectifying any damage done to the footpath and the utilities that run beneath it?? As I am lead to believe that I pay a management fee for a reason! ie the maintenance of printers land and grounds and i will not be paying any repair costs if said applicant or anyone he employs damages our property, car park or land.

I also would like to know how willing the council is to pay out compensation if any accidents were to happen? as if this planning application is approved, I and all residents will hold east Renfrewshire council accountable along with the applicant for any damage/injury to any person or private property.

# Comments for Planning Application 2020/0307/TP

## Application Summary

Application Number: 2020/0307/TP

Address: 29 East Kilbride Road Busby East Renfrewshire G76 8JY

Proposal: Erection of one and a half storey side extension following demolition of existing extension (amended design)

Case Officer: Mr Derek Scott

## Customer Details

Name: Ms Morag Steven

Address: 36 Printers Land, Busby, East Renfrewshire G76 8HP

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the planning application for the erection of a one and a half storey side extension at 29 East Kilbride Road for the following reason:

One the application form, the applicant stated that they are not proposing a new or altered vehicle access from a public road. I also note the many failed attempts by the applicant to obtain permission for driveway access to the property from East Kilbride Road. I can therefore assume they have given up trying to obtain permission for this access and will be attempting to access the property (before, during and after construction) through the private development of Printers Land.

This presents the following problems:

1. Printers Land (including the car park, road, footpath, trees and landscaped area to the north and west boundaries of 29 East Kilbride Road) is private land, jointly owned and maintained by the owners of the 36 properties of Printers Land.
2. There is no right of access through Printers Land to 29 East Kilbride Road (vehicular or pedestrian).
3. With the car park of Printers Land having been constructed at the same time as the Printers Land properties, it is only big enough for the current 36 properties, there are no extra spaces for more cars nor can any afford to be lost for construction routes, deliveries, etc.
4. Regarding construction routes, if agreement was to be reached with the 36 owners of Printers Land to access 29 East Kilbride Road through their private land, an access road would have to be constructed to traverse the area from the car park to the property, after which the existing\* fence, footpath and landscaping would require to be reinstated. (That is, it would NOT be acceptable in any way to have vehicular access via the existing footpath owned and maintained by Printers Land owners). \*the fence as existing PRIOR to the applicant damaging the fence and removing a section to install a vehicular access gate off the footpath.
5. Increased traffic through Printers Land. The car park is not designed for construction traffic

alongside the cars and pedestrians. If the car park was to be used as the way of access this would cause major disruption and safety concerns to the residents of Printers Land, with parts of the car park unusable for cars and no way to delineate traffic routes from pedestrian routes. Cars would require to be parked further away from properties, either in an unsafe place or such that more pedestrians would have to cross the route of the construction vehicles. Several children live in Printers Land and to have construction vehicles going up and down the car park on a regular basis would simply not be safe.

I also note that the applicant states that there are no trees adjacent to the site which is untrue. There are existing trees immediately to the north of their red line boundary, in the area owned by the owners of Printers Land.

## Comments for Planning Application 2020/0307/TP

### Application Summary

Application Number: 2020/0307/TP

Address: 29 East Kilbride Road Busby East Renfrewshire G76 8JY

Proposal: Erection of one and a half storey side extension following demolition of existing extension (amended design)

Case Officer: Mr Derek Scott

### Customer Details

Name: Mr Douglas Still

Address: 35 Printers Land, Busby, East Renfrewshire G76 8HP

### Comment Details

Commenter Type: Rec'd Neighbour Notification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My property is immediately adjacent to the property which is the subject of this application and I am concerned about access to the site for the proposed works. In particular, the question of how materials and machinery will be transported to the site, which has no vehicle access, has not been addressed. Since the last application for this property, a car has been driven through the Printers Land private gardens to access the site. Contractors have previously been instructed to drive industrial vehicles through the gardens to access the site. On each occasion, this involved passing within inches of my property. The private gardens of the Printers Land development shown in the drawings include grass, trees, shrubs and pathways. Along with the car park, they are owned and maintained by the home owners of Printers Land. I am concerned about the obvious potential hazards of driving vehicles through private grounds, as both elderly and very young residents are frequent users of these facilities. I am also concerned about my ability to leave and access my property as I see fit, should vehicles again be driven through the gardens which provide access to the car park. I would ask that this is considered and addressed when deciding on this matter.

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**From:**Jillian McGregor  
**Sent:**28 Jun 2020 17:45:37 +0100  
**To:**EN Planning  
**Subject:**Objection to planning application 2020/0307/TP

Dear Sirs

I write to confirm my objection to the proposed planning.

This building will block light for some of our Printersland residents.

The building will overshadow views for some of our Printersland residents.

The building will intrude on the privacy of some of our Printersland residents given new proposed size and where it is in relation to properties in Printersland.

There is no access to this property.

Planning has been thankfully declined for his proposed driveway and he has been illegally using the Printersland footpath as his own driveway. We have both elderly, disabled, children and animals all over our estate. Using a footpath for vehicles is a danger to life and he has confirmed his intention to continue doing this and has advised machinery and vehicles already during lockdown to use this path when approaching his property. Additionally, we have been advised that the footpath is not designed for vehicles and simply cannot withstand the weight without damage. How can you possibly grant planning when there is no safe way to gain access??? This also causes significant disruption in our estate. Mr Dimambros instructions for machinery going up this path has already caused damage which the residents are liable for and any further use will, I'm sure, cause further damage.

We additionally have gas pipes under this footpath therefore this for access is potentially life threatening.

Mr Dimambro has shown no regard for the Printersland property and has already removed plants and shrubs without our consent in order to make changes to our boundary fence, also without consent, to erect a double gate for his personal access. His previous application clearly stated that he must obtain approval from residents of access is needed. Indeed, we have had to engage with the police on multiple occasions due to his actions. Given the lawless way he has conducted himself since he moved into the property I doubt that he would suddenly change this attitude.

I hope common sense prevails and this application will be declined.

Regards

Jillian McGregor

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**From:** Peter Mcconnell  
**Sent:** 29 Jun 2020 15:13:27 +0100  
**To:** EN Planning  
**Subject:** 2020/0307/TP

Peter and Philomena Mcconnell  
33 Printersland G768HP

[REDACTED]

The extension will totally overshadow our property as well as neighbouring properties. It will block out all light to both our house and our garden. It will look directly into our bedroom and sitting room taking away our privacy. I grow organic vegetables and fruit and without light this would not be possible. The extension would overshadow the main garden area for the residents which is utilised to maximum for sunbathing and children playing and dog exercising. The residents wish to place large growing bags in this area to grow organic vegetables which would not be possible with all light blocked out. There are 36 houses in Printersland development and parking can become difficult at times. Some residents have carers, doctors and health visitors attending on a daily basis. The amount of traffic this extension would bring about could endanger the health of residents if carers, doctors and health visitors could not gain access. Many residents have reduced mobility and if parking wasn't available due to extra traffic how could they manage to get shopping back to their houses. Our services lie under the footpath, gas pipes etc. Dimmbro has instructed tractors, diggers, large 4x4 lorries, vans and trailers to be driven up our footpath to bring supplies for his extension. This is in fact putting our health and safety and our lives at risk. When you granted permission for the first application for an extension you added guidance notes to accompany the application. None of the conditions were complied with. I feel if you grant permission for an even larger extension you are putting the residents of Printersland even more at risk. I will forward a copy of the guidance notes and explain where the residents were not consulted.

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**From:** [REDACTED]  
**To:** [EN Planning](#)  
**Subject:** 2020/0307/TP  
**Date:** 29 June 2020 15:16:35  
**Attachments:** [IMG\\_8032.PNG](#)  
[ATT00001.txt](#)

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Peter and Philomena Mcconnell page 2

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**From** [REDACTED]  
**Sent:** 29 Jun 2020 15:32:37 +0100  
**To:** EN Planning  
**Subject:** 2020/0307/TP

Paragraph 4 states it's the applicants responsibility to obtain approval of neighbouring landowners should any part of the development encroach over the boundary or if entry is required during construction.

[REDACTED] If permission is granted for this very large extension I feel it would have a tremendous effect on our community especially the safety of children and the access for very vulnerable people. Without access to 29 East Kilbride road there is no safe way of transporting necessary materials without putting sick people, elderly people, young children babies and pets at risk. Thank you Peter and Philomena McConnell

Sent from my iPhone

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**From:** [REDACTED]  
**Sent:** 29 Jun 2020 16:00:53 +0100  
**To:** EN Planning  
**Subject:** 2020/0307/TP

Peter and Philomena McConnell. I noticed after many unsuccessful attempts at permission for an access to EastKilbride Rd [REDACTED] Diggers and large 4x4 vehicle's have been entering and exiting his property [REDACTED] required by planning. He has written to several neighbours including myself to inform us of his intent to bring vehicles and materials up the public footpath. A copy of the letter can be forwarded if requested. The shrubs and gardens [REDACTED]. I hope the residents our property our safety and our lives will be taken into consideration when processing this application. Thank you Peter and Philomena McConnell

Sent from my iPhone

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**From:** \*Roads

<[\\*roads@eastrenfrewshire.gov.uk](mailto:*roads@eastrenfrewshire.gov.uk)>

**Date:** 11 September 2020 at 12:02:01 BST

**To:** "[REDACTED]"

<[REDACTED]>

**Subject: Resident Driving on Footpath;  
Printersland, Clarkston (EN/82/09/03;  
2264364)**

Dear Mrs McConnell

I refer to your earlier correspondence regarding the above matter and would thank you for bringing this to our attention.

As you may be aware, driving a vehicle along a footway, footpath or cycle track is an offence under the Roads (Scotland) Act 1984. It is my understanding that the police have previously attended to discuss this with the resident in question.

In terms of what this Service could do to prevent the movement of vehicles along the footpath in question I would advise as follows. This Service will be using the Roads (Traffic Calming) (Scotland) Regulations



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(Traffic Calming) (Scotland) Regulations 1994 to install bollards at appropriate locations to promote the safety of persons using the road concerned. As per the Regulations a consultation with various stakeholders is required. Following this consultation I will arrange for the necessary works to be completed.

I trust the above to be of assistance and would thank you, once again, for bringing this to our attention.

Yours Sincerely

Ross McDowall  
 Technical Officer (Traffic)  
 East Renfrewshire Council  
 2 Spiersbridge Way  
 Thornliebank  
 G46 8NG

\*\*\*\*\*  
 \*\*\*\*\*

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**From:** [REDACTED]  
**To:** [O'Neil, Paul \[CE\]](#)  
**Subject:** 2020/0303/TP  
**Date:** 30 September 2020 14:40:09  
**Attachments:** [ATT00001.txt](#)  
[ATT00002.txt](#)  
[ATT00003.txt](#)

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I took these pictures yesterday to demonstrate the take over by Mr DiMambro He is well aware the parking belongs to the residents yet insists on both parking his 2 cars there and instructing other visitors to.He also has instructed lorries to drive up the path.If this massive extension is to go ahead some of the vulnerable residents would become prisoners in their own homes.I cannot stress enough the level of traffic this extension would bring about and Printersland could not sustain it Thank you for giving me this opportunity to bring you up to date Thankyou Peter and Philomena Mcconnell .

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**From:** [REDACTED]  
**To:** [O'Neil, Paul \[CE\]](#)  
**Subject:** 3020/0307/TP  
**Date:** 30 September 2020 14:22:55  
**Attachments:** [IMG\\_8055.PNG](#)  
[ATT00001.txt](#)

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The letter from the company whose van was parked in our private parking spaces

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Dominic cassiday &gt;

Delivered

Yesterday 19:45

We have investigated your report and concluded that you should take these issues up with your neighbour .We can advise that our employee was collecting logs for his own use and on his own time following response to an advertisement placed by your neighbour. He advised that he parked his van under the instruction of your neighbour and that your neighbour removed the panel of his boundary fence of his property.



iMessage



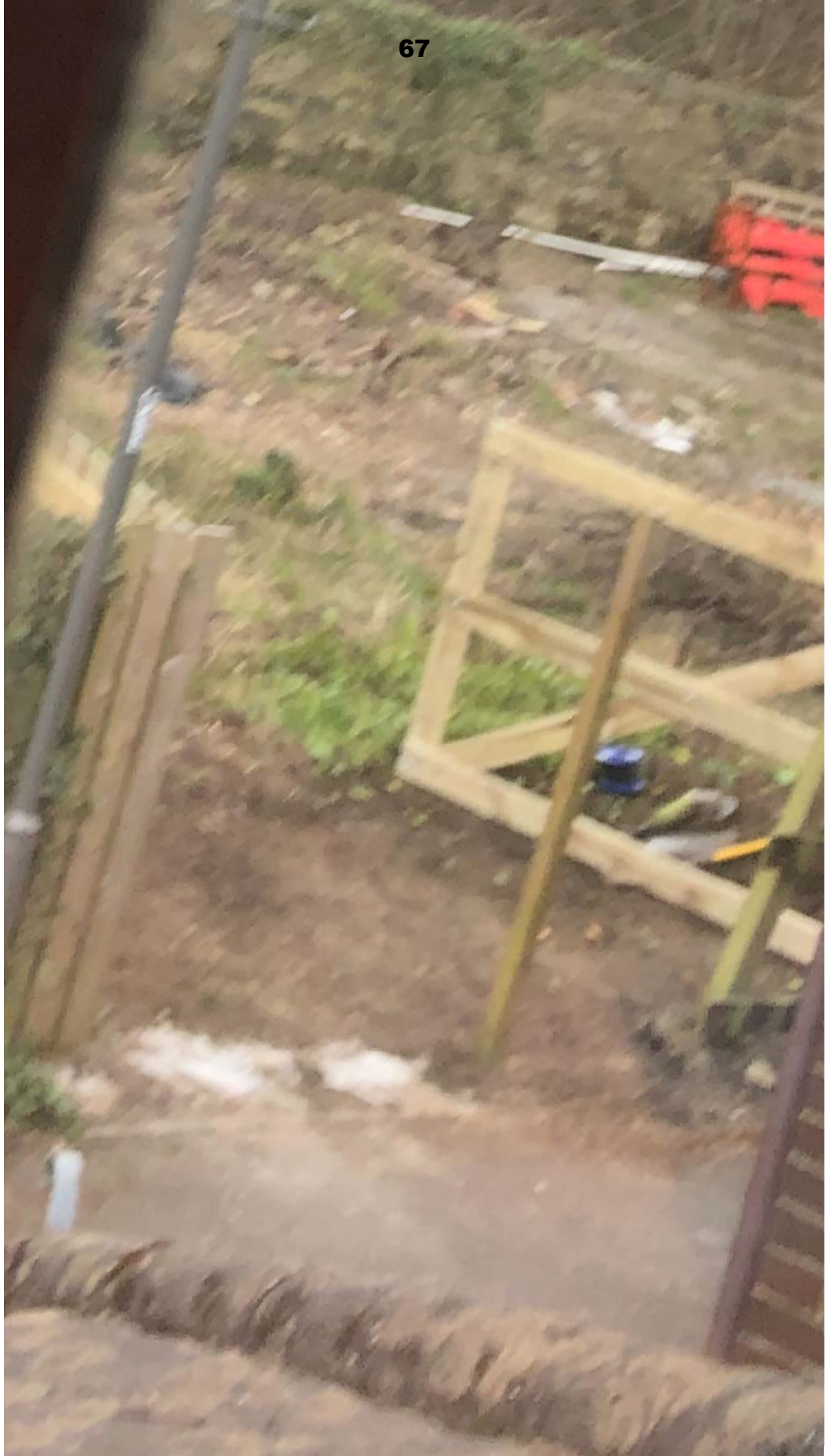
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**From:** [REDACTED]  
**To:** [O'Neil, Paul \[CE\]](#)  
**Subject:** 2020/0307/TP  
**Date:** 30 September 2020 14:09:04  
**Attachments:** [IMG\\_8223.PNG](#)  
[ATT00001.txt](#)

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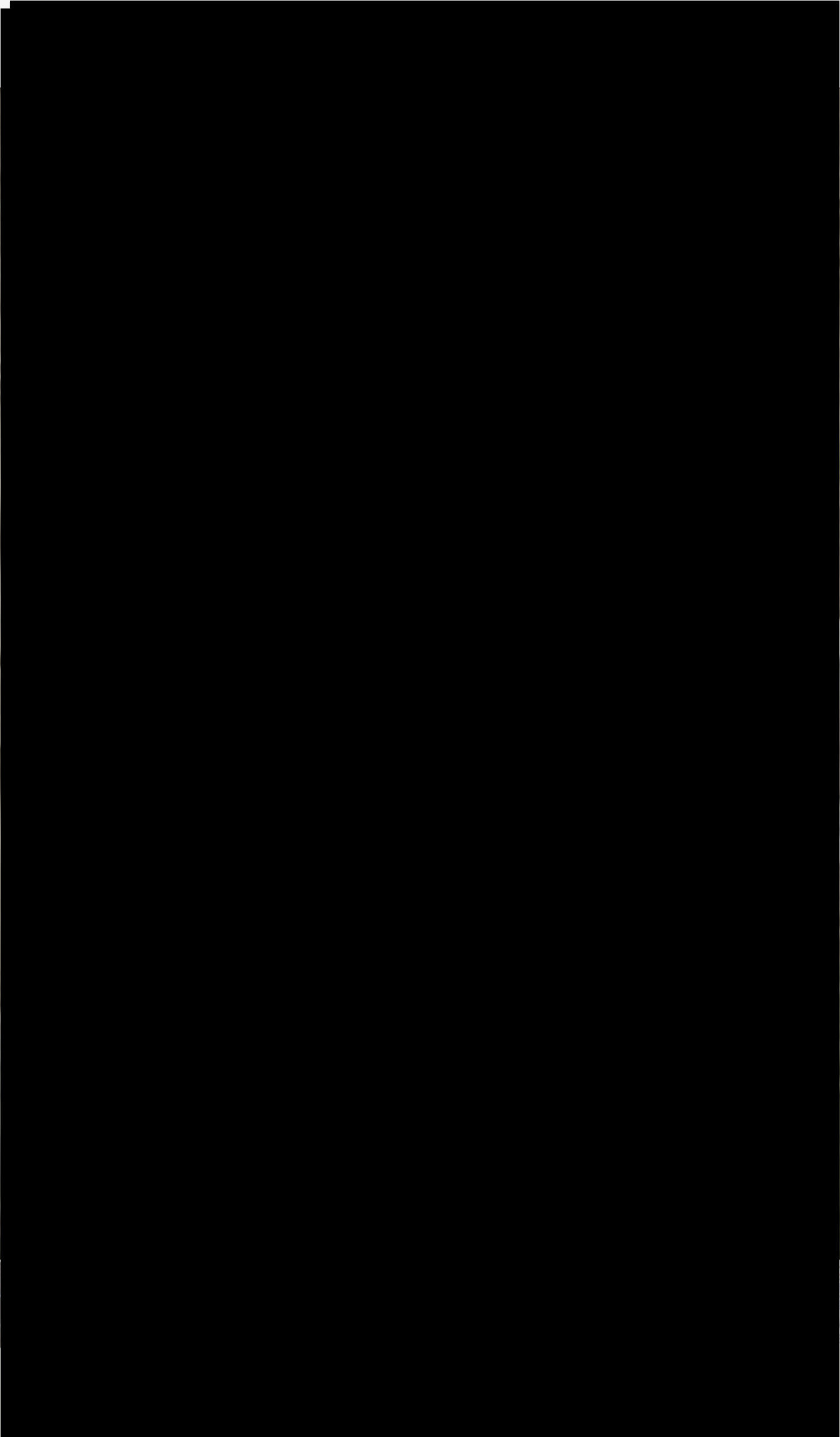
Removal of our fence to make gates ignoring notes that accompanied planning and no consultation with neighbours

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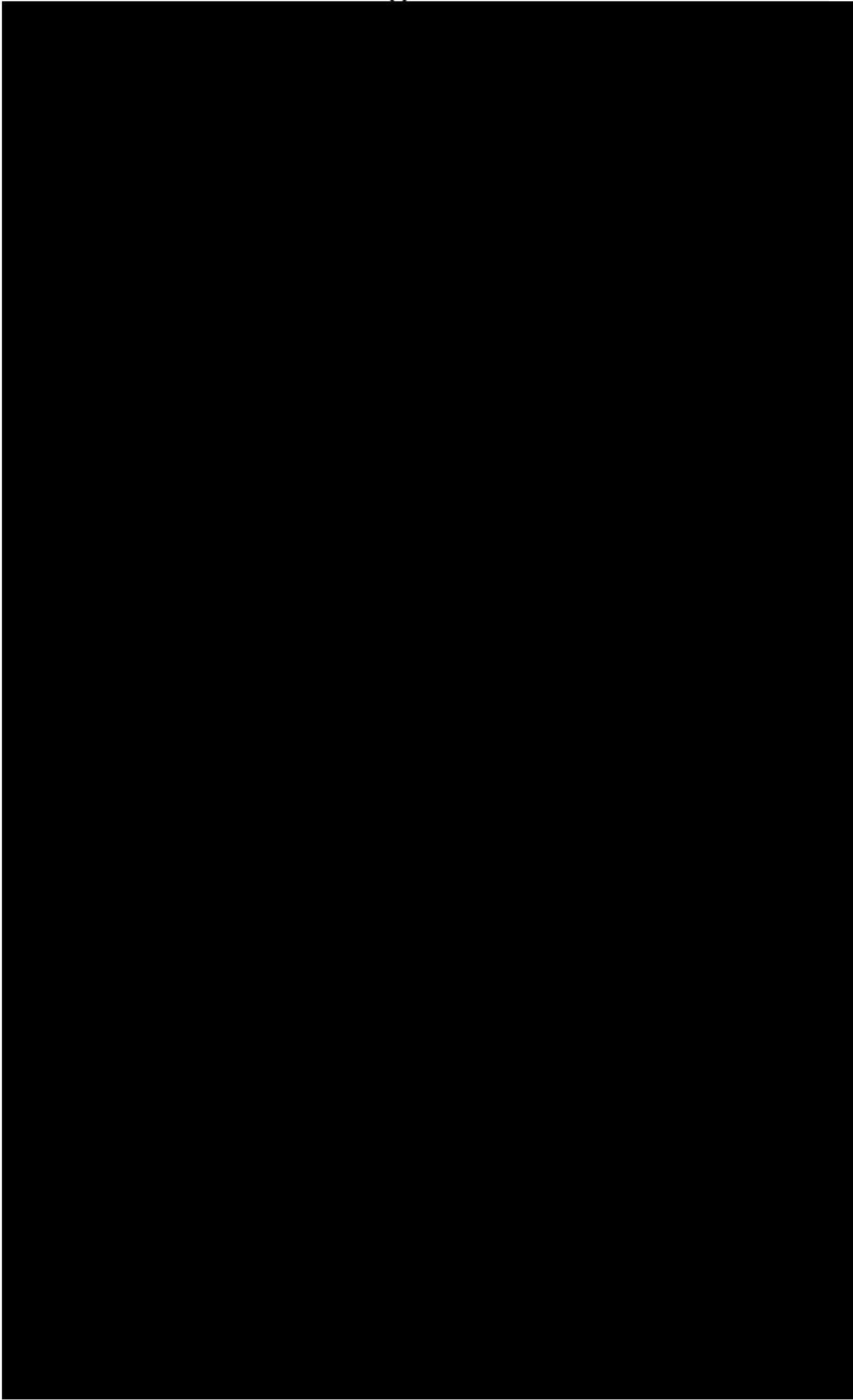


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**From:** [REDACTED]  
**To:** [O'Neil, Paul \[CE\]](#)  
**Subject:** 2020/0307/TP  
**Date:** 30 September 2020 14:06:19  
**Attachments:** [IMG\\_9991.PNG](#)  
[ATT00001.txt](#)

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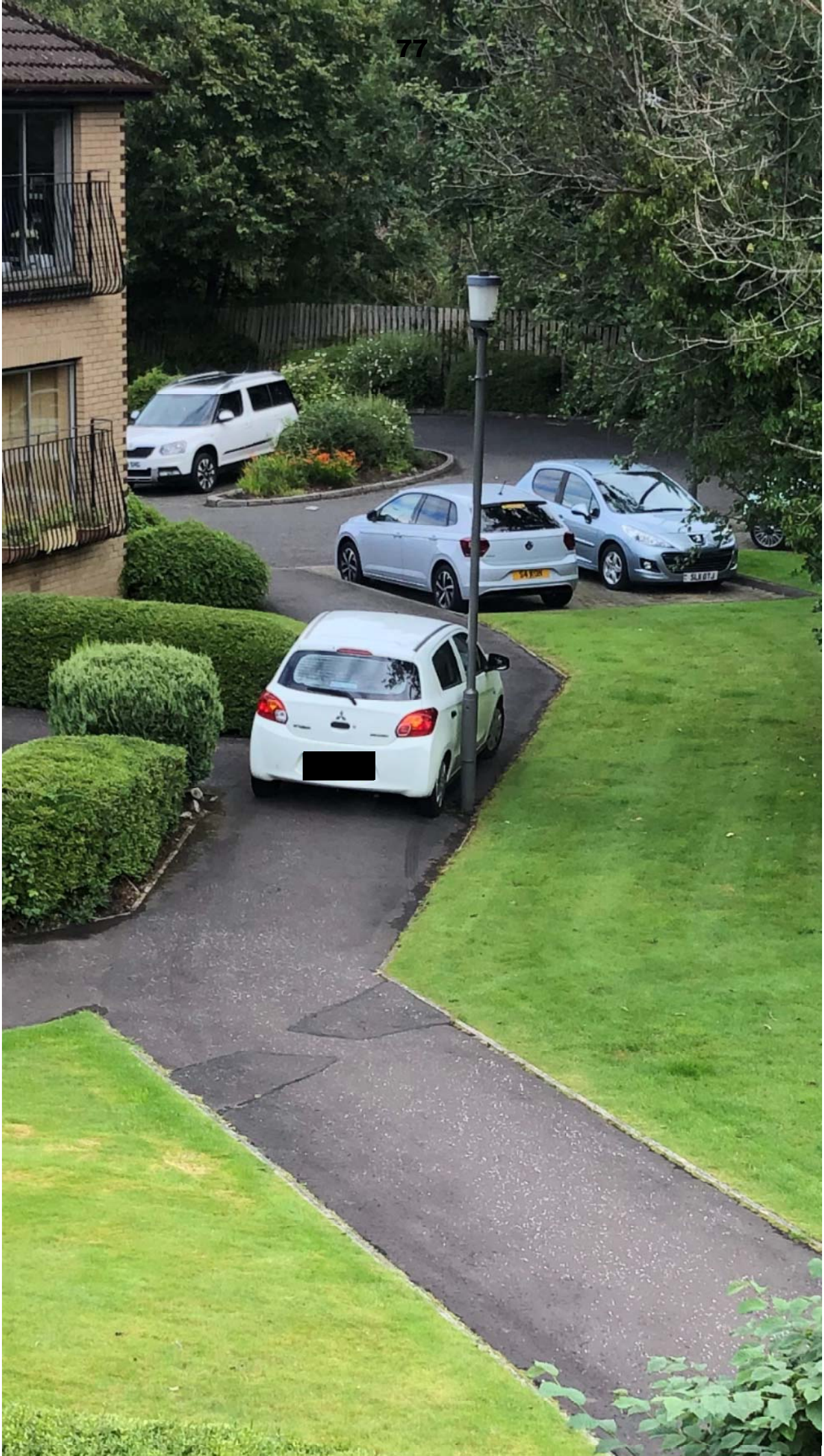
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**From:** [REDACTED]  
**To:** [O'Neil, Paul \[CE\]](#)  
**Subject:** 2020/0307/TP  
**Date:** 30 September 2020 13:57:04  
**Attachments:** [REDACTED]  
[ATT00001.txt](#)  
[REDACTED]  
[ATT00002.txt](#)  
[ATT00003.txt](#)

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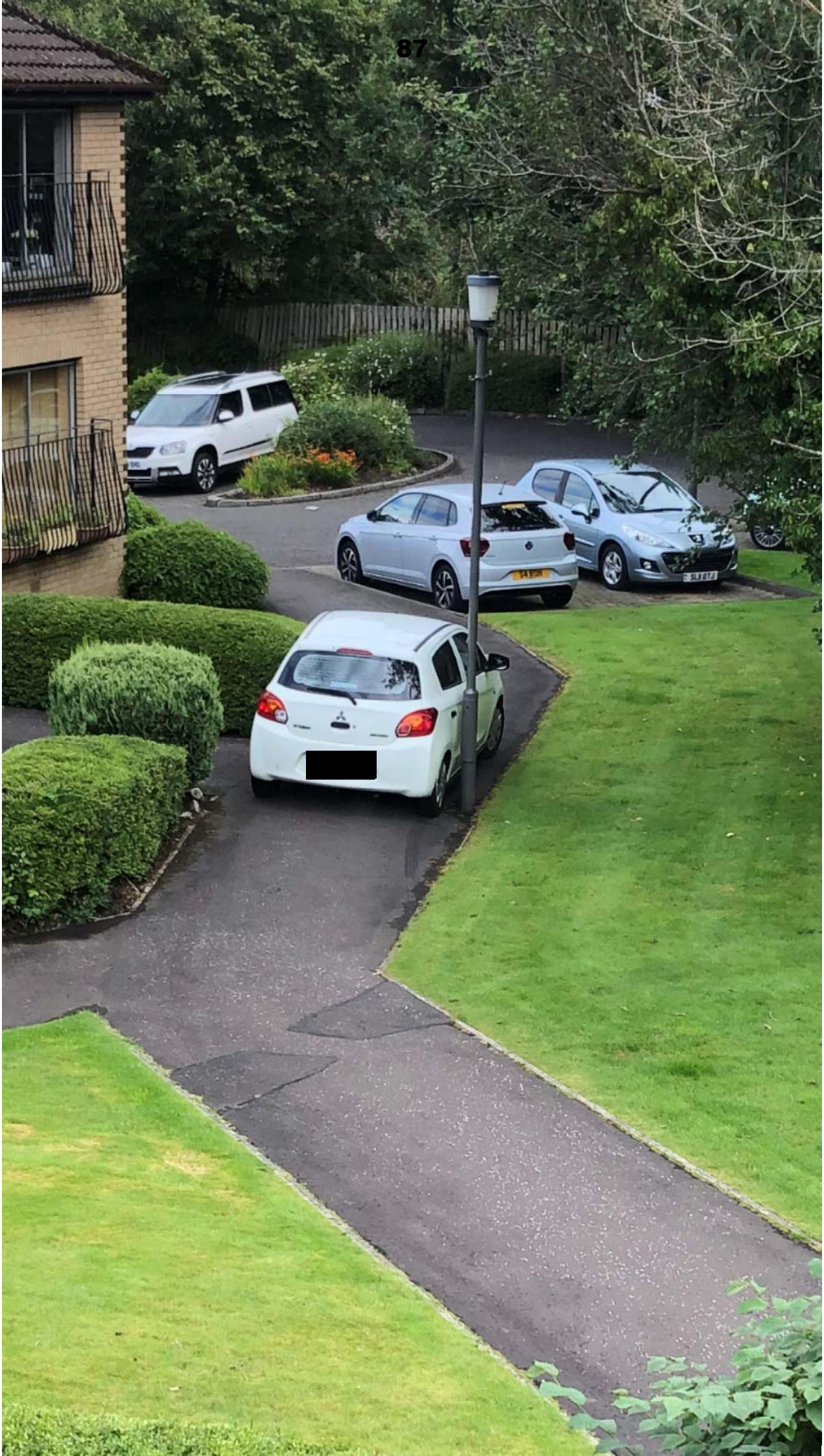
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**From:** [REDACTED]  
**To:** [O'Neil, Paul \[CE\]](#)  
**Subject:** 2020/0307/TP  
**Date:** 30 September 2020 13:56:45  
**Attachments:** [REDACTED]  
[ATT00001.txt](#)  
[REDACTED]  
[ATT00002.txt](#)  
[ATT00003.txt](#)

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**From:** [REDACTED]  
**To:** [O'Neil, Paul \[CE\]](#)  
**Subject:** 29EastKilbride rd  
**Date:** 30 September 2020 13:51:08

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Good afternoon Mr O'Neil .Since I last commented on 2020/0307/TP various other developments have happened. There was another [REDACTED] putting both residents, residents animals and our lamp post at risk. Please find attached the following images.

Sent from my iPhone

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**From:** [REDACTED]  
**To:** [O'Neil, Paul \[CE\]](#)  
**Subject:** Fwd: Quote QS-QU-5971 Russell Stewart for Hacking and Paterson  
**Date:** 30 September 2020 14:12:56  
**Attachments:** [ATT00001.htm](#)  
[Quote # QSQU5971.pdf](#)  
[ATT00002.htm](#)

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The bill to restore the fence back to its original condition.

Sent from my iPhone

Begin forwarded message:

**From:** Peter McConnell [REDACTED]  
**Date:** 2 September 2020 at 14:54:46 BST  
**To:** [REDACTED]  
**Subject:** Fwd: Quote QS-QU-5971 Russell Stewart for Hacking and Paterson

I can forget legal action incase I loose .Too big a chance to take .Last bill was [REDACTED].Look at new bill .

Sent from my iPhone

Begin forwarded message:

**From:** Craig Cosgrove <[ccosgrove@hackingandpaterson.co.uk](mailto:ccosgrove@hackingandpaterson.co.uk)>  
**Date:** 2 September 2020 at 14:41:58 BST  
**To:** Peter McConnell [REDACTED]  
**Subject:** FW: Quote QS-QU-5971 Russell Stewart for Hacking and Paterson

Ms McConnell,

Please see the attached quotation, as discussed.

Kind regards,

Craig J Cosgrove

Property Manager

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# QUOTE

Hacking and Paterson  
1 Newton Terrace  
Glasgow  
Lanarkshire  
G3 7PL  
UNITED KINGDOM

**Date**  
31 Aug 2020

**Expiry**  
31 Aug 2021

**Quote Number**  
QS-QU-5971

**Reference**  
35871 33 Printers Land

**VAT Number**  
243804221

Northwest Roofing &  
Building Ltd  
0141 9442970 /  
07932224899  
admin@northwestroofin  
g ltd.co.uk  
www.northwestroofingl  
t.co.uk  
Company Reg: SC499838  
VAT REGISTRATION No :  
243 8042 21

**Russell Stewart**

Description	Quantity	Unit Price	VAT	Amount GBP
1. Cut back defected rail on boundary fence. 2. Dig new holes between fence and pour post crete 3. Install new 4x4 posts to loose areas of boundary fence (approx 30m) 4. Install new timber rail and slats to defected areas only (approx 10m) 5. Clear all debris from site.	1.00			
			Subtotal	
			TOTAL VAT 20%	
			<b>TOTAL GBP</b>	

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## Reply to objections and added objections

There is a lot of one-sided ill feeling. My extension has become personal to the point I am having personal insults now. I cannot help but feel there is a level of misunderstanding within Printer Land. My house was here first and my owner owned the land which is now Printer Land. There was a road leading to the house which was never removed. So legally still exists. It may be a pavement but a right of way lives for vehicular access as it was never removed by an enactment. Also as part of the deeds of Printer Land a right of access for necessary purposes. Below is the Roads (Scotland) ACT.

The Road(Scotland)Act section 129 part (5)(d) gives me a right to drive over a public footpath:

(5)Subject to section 64 of this Act, a person who, in a footway, footpath or cycle track, as the case may be drives, rides, leads or propels a vehicle or horse, or any swine or cattle, commits an offence:

Provided that the foregoing provisions of this subsection do not apply—

(a)where and in so far as the vehicle or animal is being taken across the footway, footpath or cycle track;

(b)in relation to a pedal cycle which is either not being ridden or is being ridden on a cycle track;

(c)except on a cycle track where there is no public right of passage on foot, in relation to—

(i)a perambulator, push-chair or other form of baby carriage; or

(ii)an invalid carriage whose motive power is provided solely by its rider or some other person, or by an electric motor, or by a combination of these sources; or

(d)where there is a specific right so to drive, ride, lead or propel.

Blocking legal access is a breach of Human rights. The police have agreed to aid bringing in materials if it is necessary. Such as Cement. A public authority can't block access even more so Barr access for repairing ones home. It would be illegal to do so and a breach of human rights 1998 under Protocol 1 article 1 a right to peaceful enjoyment. The house even if I were to leave it as is will need repaired. Although I intend to extend the house.

The points and the comments while I sympathise with them as they feel they own all the roads and paths and fences. Its must be hard to accept that they do not. They show the ill feeling in their many comments, and they seem to blame me for things that have no bearings on me. Below is a picture of rotted wood. The fence is very old. I offered when I bought my house to replace the entire fence at my expense as I was wishing to have a level view from my house at the back. I intend to lay the back to a full level lawn and some parking. The fence dips along the back and looks ugly. They would of needed pay zero for me replacing the fence as I would have borne all costs myself which I told the



McConnell's. Mrs McConnell 33 Printer Land told me I should not touch her fence; I see the comment will be costing them combined over 4K. If you read a previous objection in prior planning application, she declares herself the saviour of the fence. I wonder if she feels that way now with the price tag on repairing it. If I were a neighbour in Printer Land, I would be asking why did you want to stop him fixing the fence? If they could turn back time I wonder if they would act as rashly. With my inability to replace the fence I therefore proceeded to build a wall internal to my land which means I do not need the fence. The fact that a 30-year-old fence has fallen due to wood rot is now not my problem. If they had accepted my offer instead of creating a one-sided argument, they could have saved a lot of expense for both parties. I have no ill feelings only feel sorry that they do not realise they are wasting their time and money. When they had a willing neighbour(me) that was willing and able to replace the entire fence for free.



The picture overleaf shows how the uprights have rotted from being 30 years old in the ground. Should be grateful the fence lasted so long. The innuendo which Mrs McConnell suggests is slanderous and has no truth. I did not push over the fence. It rotted. I would state definitively this is untrue and to state I “did” is false. Although this shows this one-sided personal attack.



On the fence. I would draw your attention to the fact the fence borders the footpath. I am perfectly entitled to change a boundary fence with a footpath. There is no reason I cannot change how I would access the footpath via the fence. It is between me and the footpath. So, there is no party in between me and the footpath that has a vested interest on how I access the footpath if I meet planning law. Which permitted development allows me to change and modify my fences if not taller than the one replaced. The one I replaced was leaning dangerous. The gates although not fully finished as done during lockdown and material was scarce.

I now turn to parking. Again, I have a right to park in Printer Land the police have advised the owners, so they are flogging a dead horse here. Again, my house was there first. Owners of my house have parked in Printer Land since the development was built. With my house parking in Printer land since 1988 when it was built. Between me and the old owner we have well over 20 years parking. So, to say I cannot park is false. I cannot



help that I also need to park and currently I am trying to deal with a front driveway. As it is not ideal to park in Printer Land just, I have nowhere else to. So, I will park anywhere I legally can. If owners in Printer Land are aggrieved at me parking in Printer Land. I would maybe suggest supporting an application for a driveway rather than objecting as the only alternative to parking in Printer Land. Although you are fully entitled to object. It is a mere suggestion. As objecting and having applications refused is certainly not going to free up parking spaces. Please accept this as only a suggestion. I fully wish you to be involved in the planning process whatever form that may be.

The next points away from the personal attack is best answered by Mr Scott the planning officer: He states:

*The proposed extension would not be considered to give rise to significant additional traffic generation. The proposal lies out with the Busby Conservation Area. The site is not covered by a Tree Preservation Order or a nature designation. The pre-existing trees and shrubs have been removed prior to the consideration of this and the previous application. The condition of boundary fences is not relevant to the consideration of this application. Loss of view is not a material planning consideration. The proposal relates to the extension of an existing dwelling, therefore the manner in which the applicant proposes to access the site, including for construction traffic would be a private legal matter. Any damage to the public road network including any public footpaths, would be a matter for the roads authority **It is not therefore a material planning consideration.***

Added to the comment by Mr Scott I would like to add on light my house is a fair distance away from the neighbours. In the order of 16M and windows will not be facing house in Printer Lands windows. So, there would be near zero overlooking and near zero blocking of light. Which if you read prior objections the objectors were complaining I removed trees on the boundary which would have blocked light. I hope they appreciate the added light I have allowed into Printer Land.



I enclose picture of the house gaps between me and neighbours and my gable of my house. Showing it originally was 15M or so.





Gable showing original sandstone showing my house originally 15M or so wide, Flat bit seems repaired as it must off feel down shown in the uneven join from sandstone to blocks.

It is material that I have no other method to extend my house and that the design keeps the character of what is there as well as there are no pre-defined lines on East Kilbride road to follow. As advised on the granting of planning application 20190855TP.

## Conclusion

My last point is this. The house needs repaired objectors elude to this although they seem to want planning refused and the house to be left as is. This logic I cannot understand. It cannot be left as is and if it is it will just continue to look terrible. It needs repaired. They say comments like I am a builder, but my ground looks terrible. Of course, they are. I fully accept this comment as true. I wish to extend and upgrade the entire site. It seems pointless to repair a house you will be extending. So, it deteriorates further. I whole heartily agree that I want to improve the house. Why I have spent so much at 202 on each planning application plus architects' drawings of which there are a few to try and achieve that end. But how can I improve the house without getting permission. I cannot extend the house without planning permission. I will keep applying as I see no alternative and if the neighbours feel stressed, I apologise but this process will take as long as needed to I get a reasonable 2 story design passed. I wish the one that passed I could build but it was in effect due to the roof slope means a single storey extension with the cost of a double storey as upstairs rooms were very curtailed with eaves taking up a large amount of floor space. I hope the neighbours consider I want to extend my house and not excessively and not even out of character. I am trying to preserve the design of the house. The plans are reasonable. Certainly not excessive and there is **material considerations that support the extension**. The **same material considerations exist in this planning application as the one that passed**. I do not have site lines on east kilbride road, I can only extend to the side and the lower ridge line keep the existing section as dominating plus the added porch to this section. As well as the dormas follow more the current design with the angle than the low slope design of the one that passed.

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O'Neil, Paul [CE]

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**From:** EN Planning  
**Sent:** 05 February 2019 10:18  
**To:** O'Neil, Paul [CE]  
**Subject:** FW: Review 2019/01  
**Attachments:** IMG\_4496.JPG; ATT00001.txt

-----Original Message-----

**From:** Peter Mcconnell [REDACTED]  
**Sent:** 03 February 2019 13:05  
**To:** EN Planning  
**Subject:** Review 2019/01

My perimeter fence had been removed without my permission I also had to further stop the attempt to demolish the whole perimeter fence without my permission

Objection comment from Mrs McConnell from 2018.

I wonder if she feels she was the saviour of the perimeter fence now she has a bill for well over 4K. I offered to replace this for free £0. I ended up building a wall inside.

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## REVIEW STATEMENT

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# REPORT OF HANDLING

Reference: 2020/0307/TP

Date Registered: 5th June 2020

Application Type: Full Planning Permission

This application is a Local Development

Ward: 4 -Clarkston, Netherlee And Williamwood

Co-ordinates: 258177/:656517

Applicant/Agent:

Applicant:

Mr Paolo Di Mambro  
29 East Kilbride Road  
Busby  
G76 8JY

Agent:

Scott Kennedy  
25 Cortmalaw Avenue  
Glasgow  
G33 1TE

Proposal: Erection of one and a half storey side extension following demolition of existing extension (amended design)

Location: 29 East Kilbride Road  
Busby  
East Renfrewshire  
G76 8JY

**CONSULTATIONS/COMMENTS:** None.

**PUBLICITY:** None.

**SITE NOTICES:** None.

**SITE HISTORY:**

2018/0102/TP	Formation of driveway	Withdrawn	16.05.2018
2018/0299/TP	Erection of two storey rear extension	Refused	06.07.2018
2018/0385/TP	Formation of driveway incorporating reduction in ground levels and erection of boundary wall	Local Review Dismissed	17.09.2018
2018/0691/TP	Formation of driveway incorporating reduction in ground levels and reduction in height of boundary wall	Local Review Dismissed	09.01.2019
2019/0098/TP	Formation of driveway incorporating reduction in		12.04.2019

	ground levels and reduction in height of boundary wall with formation of lowered and raised kerbs at footpath at front		
2019/0614/TP	Formation of driveway incorporating reduction in ground levels and reduction in height of boundary wall with construction of island in centre of road (with signs at either end) and re-alignment of part of East Kilbride Road	Refused	13.12.2019
2019/0855/TP	Erection of one and a half storey side extension following demolition of existing extension	Granted	24.02.2020
2020/0372/TP	Formation of driveway onto East Kilbride Road and alterations to boundary wall	Application returned	13.07.2020

**REPRESENTATIONS:** Nine Objections have been received and can be summarised as follows:

- Overshadowing
- Overlooking
- Loss of daylight
- Increased traffic
- Loss of view
- Access to the site – including during the construction phase
- Impact on conservation area
- Impact on wildlife
- Loss of trees
- Fences remain unrepaired.

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

**SUPPORTING REPORTS:**

Supporting Statement – In the supporting statement the applicant states that the amended design of the extension will improve the character of the existing house and provide additional space within the extension.



**ASSESSMENT:**

The application site comprises a detached one and a half storey dwelling and its curtilage and lies to the north side of East Kilbride Road, Busby, within an established residential area. The dwelling is a traditional double bay sandstone villa with a narrow plan form, wall head dormers and a subordinate projection with a lower ridge line to the side. It has a roof pitch of 45 degrees and is externally finished in cream painted sandstone and render with a slate roof. The subordinate projection to the side projects forward of the principal section of the existing dwelling by 2.2 metres with a small flat-roofed front extension. The existing dwelling has a footprint of 102.6 square metres. The total width of the existing dwelling is approximately 16 metres wide. The principal section measures approximately 10.5 metres wide. The dwelling is aligned with and immediately backs on to the adjacent railway embankment and sits with its principal elevation at an approximate 45 degree angle to East Kilbride Road. Given its location immediately adjacent to the railway embankment, the property has no garden area to the rear. The majority of the amenity space and garden ground is located to the side and front of the dwelling.

The curtilage was until recently characterised by established trees and shrubs although the applicant has cleared the entire site and formed areas of hardstanding. The property once had a sandstone retaining wall that fronted East Kilbride Road; however the applicant has removed this and re-graded the ground in front of the dwelling. The dwelling has no vehicular access or in-curtilage parking. There are loading and parking restrictions adjacent to the site on East Kilbride Road. A footway, linking parking areas associated with an adjacent residential development at Printer's Land with East Kilbride Road, runs adjacent to the south-west boundary of the site.

Planning permission is sought for the erection of a one and a half storey side extension following the demolition of the existing subordinate side and front projections. The proposed extension measures 10.8 metres wide by 10 metres deep by approximately 7.4 metres high. It comprises a ridge line lower than that of the original dwelling. It comprises an asymmetrical pitched roof that has a varied pitch gambrel style plane on the front elevation that covers a projection forward of the existing dwelling of 4 metres. Two front-facing wall head dormers are proposed. The extension is proposed to be externally finished in render coloured to match the existing. Both the original house and the extension are proposed to be roofed with grey concrete roofing tiles.

The application requires to be assessed against Policies D1 and D14 of the adopted East Renfrewshire Local Development Plan. Policy D1 requires that all development should not result in a significant loss of character to the surrounding area and Policy D14 requires that extensions should complement the character of the existing building in terms of its style, form and materials. The adopted Supplementary Planning Guidance: Householder Design Guide (SPG) that supports and forms part of Policy D14 is also relevant. The SPG states that side extensions should not exceed 50% of the width of the original dwelling and that they should be set back at least 0.5 metres from the front building line. It also states that dormer windows should be set wholly within the roof plane and not built off the wall head and that developments should have the same roof design of the house, particularly when visible from public view.

The extant planning permission 2019/0855/TP that was granted on 24 February 2020 permits the erection of a smaller side extension. The previous extension was granted as an exception to the terms of the Local Development Plan and the SPG as its width, forward projection and slightly shallower front roof plane were not considered to be dominant or incongruous features when viewed from East Kilbride Road

In this current application, the side extension projects a further 1.85 metres forward of the original dwelling to a total of 4 metres. The roof design has been amended accordingly with the gambrel style front roof plane introduced. The two proposed front-facing dormers are also increased in depth to meet the re-positioned wall head. This amended roof design is at odds with the

traditional pitched roof design of the existing dwelling and as such would detract from the original character of the building. Given this inappropriate design and its increased size relative to the approved extension with its enlarged wall head dormers, the proposed extension would be a dominant and incongruous feature when viewed from East Kilbride Road. As such, the proposed extension would be detrimental to the visual amenity of the area.

Therefore whilst the width, forward projection and wall head dormers of the previous extension were not considered to have a significant impact on character and visual amenity, this is not the case with this proposal given the increased front projection and amended roof design which are considered to be visually intrusive and incongruous and therefore would not be acceptable.

Given the design of the proposals and the separation distance to the adjacent residential development, there would be no significant additional overlooking, overshadowing or loss of daylight. The window to window overlooking distance between windows on the proposed extension and the closest dwelling at number 35 Printers Land is approximately 16 metres. However, given the orientation of the dwellings relative to each other, this is not direct and would not constitute a significant additional overlooking issue.

Nevertheless, the proposal is considered to be contrary to Policies D1 and D14 of the adopted East Renfrewshire Local Development Plan and to the specific terms of the SPG, for the reasons given above.

The points of objection not specifically addressed above are considered as follows:

The proposed extension would not be considered to give rise to significant additional traffic generation. The proposal lies out with the Busby Conservation Area. The site is not covered by a Tree Preservation Order or a nature designation. The pre-existing trees and shrubs have been removed prior to the consideration of this and the previous application. The condition of boundary fences is not relevant to the consideration of this application. Loss of view is not a material planning consideration. The proposal relates to the extension of an existing dwelling, therefore the manner in which the applicant proposes to access the site, including for construction traffic would be a private legal matter. Any damage to the public road network including any public footpaths, would be a matter for the roads authority. It is not therefore a material planning consideration.

The Proposed Local Development Plan 2 is a material consideration and with regard to this planning application, the relevant policies are considered to be D1 and D1.1. The aforementioned policies largely reflect the adopted Local Development Plan policies. Consequently, for reasons stated above, it is considered that the proposed works are contrary to the relevant policies in the Proposed Local Development Plan.

In conclusion, the proposed development is considered to be visually intrusive and incongruous etc and therefore contrary to the policy requirements of the adopted East Renfrewshire Local Development Plan and to the terms of the supporting adopted Supplementary Planning Guidance: Householder Design Guide. There are no material considerations that indicate the application should not be refused. It is therefore recommended that the application is refused for the reasons set out below.

**RECOMMENDATION:** Refuse

**PLANNING OBLIGATIONS:** None.

**REASONS FOR REFUSAL:**

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as the proposed extension, by virtue of its width, forward projection, large wall head dormers and gambrel style front roof plane would be a dominant and incongruous feature that would detract from the visual amenity of the area.
2. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as the proposed extension, by virtue of its width, forward projection, large wall head dormers and gambrel style front roof plane would detract from the character and design of the existing dwelling.
3. The proposal is contrary to specific terms of the adopted Supplementary Planning Guidance: Householder Design Guide as the proposed extension exceeds 50% of the width of the original house; includes a significant forward projection and large wall head dormers; and has an inappropriate gambrel style front roof plane, all to the detriment of the character and design of the original house and to the detriment of the visual amenity of the area.

**ADDITIONAL NOTES:** None.

**ADDED VALUE:** None

**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3861.

Ref. No.: 2020/0307/TP  
(DESC)

DATE: 4<sup>th</sup> September 2020

**DIRECTOR OF ENVIRONMENT**

**Reference: 2020/0307/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 soloms 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.

### **Proposed Local Development Plan 2**

#### Policy D1

##### Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable

- quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
  8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
  9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
  10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
  11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
  12. There will be a general presumption against all proposals that involve landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
  13. Backland development should be avoided;
  14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
  15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces 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 Guidance;
  16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
  17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
  18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
  19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and



20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

#### Policy D1.1

##### Extensions and Alterations to Existing Buildings for Residential Purposes

Proposals will be assessed against the following criteria:

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. Should complement the scale and character of the existing building, neighbouring properties and their setting, particularly in terms of style, form and materials;
3. The size, scale and height of any development must be appropriate to and not adversely impact or dominate the existing building;
4. Should not create an unbroken or terraced appearance;
5. Where additional bedrooms are proposed or a garage/driveway is being converted to another use other than for the parking of a vehicle, proposals will be required to provide parking in accordance with the Council's Roads Development Guide; and
6. Should avoid over-development of the site by major loss of existing front and rear garden space. No more than 50% of the rear garden should be occupied by the development.

Further detailed information and guidance will be set out in the Householder Design Guide Supplementary Guidance.

**GOVERNMENT GUIDANCE:** None

Finalised 4<sup>th</sup> September 2020 – AC(1)

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**DECISION NOTICE  
AND  
REASONS FOR REFUSAL**

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**119**  
**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.        **2020/0307/TP**

**Applicant:**

Mr Paolo Di Mambro  
29 East Kilbride Road  
Busby  
Scotland  
G76 8JY

**Agent:**

Scott Kennedy  
25 Cortmalaw Avenue  
Glasgow  
Scotland  
G33 1TE

With reference to your application which was registered on 5th June 2020 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

**Erection of one and a half storey side extension following demolition of existing extension (amended design)**

**at: 29 East Kilbride Road Busby East Renfrewshire G76 8JY**

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

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

1. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as the proposed extension, by virtue of its width, forward projection, large wall head dormers and gambrel style front roof plane would be a dominant and incongruous feature that would detract from the visual amenity of the area.
2. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as the proposed extension, by virtue of its width, forward projection, large wall head dormers and gambrel style front roof plane would detract from the character and design of the existing dwelling.
3. The proposal is contrary to specific terms of the adopted Supplementary Planning Guidance: Householder Design Guide as the proposed extension exceeds 50% of the width of the original house; includes a significant forward projection and large wall head dormers; and has an inappropriate gambrel style front roof plane, all to the detriment of the character and design of the original house and to the detriment of the visual amenity of the area.

Dated            4<sup>th</sup> September 2020



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

# 120

<b>Plan Description</b>	<b>Drawing Number</b>	<b>Drawing Version</b>	<b>Date on Plan</b>
Location Plan	001		
Plans Proposed	005		
Elevations Proposed	006		

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

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

1. If the applicant is aggrieved by a decision to refuse permission (or by an approval subject to conditions), the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review can be submitted online at [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk). Please note that beyond the content of the appeal or review forms, **you cannot normally raise new matters** in support of an appeal or review, unless you can demonstrate that the matter could not have been raised before, or that its not being raised before is a consequence of exceptional circumstances. Following submission of the notice, you will receive an acknowledgement letter informing you of the date of the Local Review Body meeting or whether further information is required.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

### CONTACT DETAILS

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

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



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**NOTICE OF REVIEW  
AND  
STATEMENT OF REASONS**

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100303333-001

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"/>
First Name: *	<input type="text" value="Paolo"/>	Building Number:	<input type="text" value="29"/>
Last Name: *	<input type="text" value="Di Mambro"/>	Address 1 (Street): *	<input type="text" value="East Kilbride RD"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G76 8JY"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

## Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

29 EAST KILBRIDE ROAD

Address 2:

BUSBY

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G76 8JY

Please identify/describe the location of the site or sites

Northing

656517

Easting

258177

## 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)

Planning application 2020/0307/TP Erection of one and a half storey side extension following demolition of existing extension(amended design)

## 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.

There is no other method to extend other than to the side and the house needs work. That said I am unclear why a side extension of a bit more than 5M on a 15M house is greater than 50%. Also the projection from current side lines is as stated there is no sight lines curtailing design. As well as the extension taking on the character of the current house to have it more spread through the house and removing the ugly flat roof. All this was acceptable in the application 2019/0855/TP.

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)

Supporting statement, elevation for planning number 2019/0855/TP, report handling 2019/0855/TP, Refusal notice, local plan, Plan of adopted road at PrinterLand, Elevation and plans for Planning number 2020/0307/TP.

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

2020/0307/TP

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

05/06/2020

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

04/09/2020

## 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 Paolo Di Mambro

Declaration Date: 09/09/2020



I would like to review refusal of my extension planning number 2020/0307/TP and show that the extension proposed is in keeping with the character of the original house.

On approval of planning application 2019/0855/TP the planner noted a few points which is relevant to the current application.

The first is that:

It is accepted that the proposed two storey extension exceeds 50% of the width of the original dwelling even accounting for the demolition. This is contrary to the strict interpretation of the SPG. In this instance, the constrained nature of the site given the dwelling's proximity to the railway embankment dictates that there is little scope to extend this dwelling other than to the side.

*My comment*

*While I accept this is true there is little scope for expanding any other way than sideways, I do feel that the planners seem to have taken the current house as being formed with an extension and that the original house was only the thinner 5.7M section. Looking at plans dating back of the original construction I would advise the house has not changed since its first build therefore there is no extension. I am not sure why the council changed the description to say demolition of the extension. I would state that a 5M addition to the side does is not 50% increase in width on a 15M house.*

Second is:

It is also acceptable that the side extension projects forward of the existing building line which again is contrary to the strict interpretation of the SPG. Whilst this is a feature of the existing extension, the increased massing requires this issue to be assessed. Given the orientation of the dwelling relative to East Kilbride Road, the forward projection would not encroach on any established street building lines and lower ridge line, the proposal is acceptable in appearance.

Third is :

The proposal would therefore not detract from the character or visual amenity of the wider area.

*My comment*

*The design is very similar to this design with the dormas more similar given the roof design to the current dormas. **The reason the one that passed cannot be used is that the extension of the roof space and slope of the roof make the rooms mostly unusable.** This is fixed in the new design and is not a large departure from the design that passed. Also, and with reference to the current design the Dormas of the smaller section are exactly mirrored in the new section. This makes a more consistent design of the dormas through the house as each have an exact same look. Rather than have a more elongated section from the dorma to the roof which sets the two houses apart and are not as aesthetically pleasing.*

*Given there is little scope for extension and the design complements that of the original house by taking on all the character which is captured in the dormers and removes a flat roof from the house. This will add to the aesthetics of the area and certainly not detract from it. There is no site lines that constrain the forward projection and the whole side roof will be lower than the thinner section to show it is subservient to the smaller house but the character of my house is in the dormers. Which I preserve into the extension.*

*Also adding the porch onto the smaller section also improves the design as being the dominant section of the house and returns the porch which was on the original house built in 1894.*

*On another note on light and overlooking I am amply away from neighbouring properties to render any impact I have on their properties negligible. Also, I hope they now have more light than when I took over the property given I removed trees away which were on my boundaries which were substantially taller and would have had a considerable effect on light in PrinterLand.*

*I ask that the plans be approved.*

## Supporting statement

Having looked at starting to build the approved extension. It was noted a few items just needed enhanced or would render the design of the house not fully optimal to enhance the character of the original house.

The original house that I bought had a porch which had issues which resulted in it being removed before it became a health hazard. Currently this has been replaced with tarpaulin, but the aim would be to reinstate this feature back into the house. Making only 1 entrance into the front of the house which is in the main house. Now I live in the house I felt this would be better than using the door that passed planning and we currently use as a porch on this section sets the tone of the design stronger. The emphasis of the design has been the main house.

The main house on the proposal that passed there seemed to lack this Porch and to enhance this section as the main house reinstating the original porch seemed to set the tone for this section better. Therefore, the porch was added back into the house design. This compliments this section better as the main house. With only 1 entrance in this elevation which is into the main house.

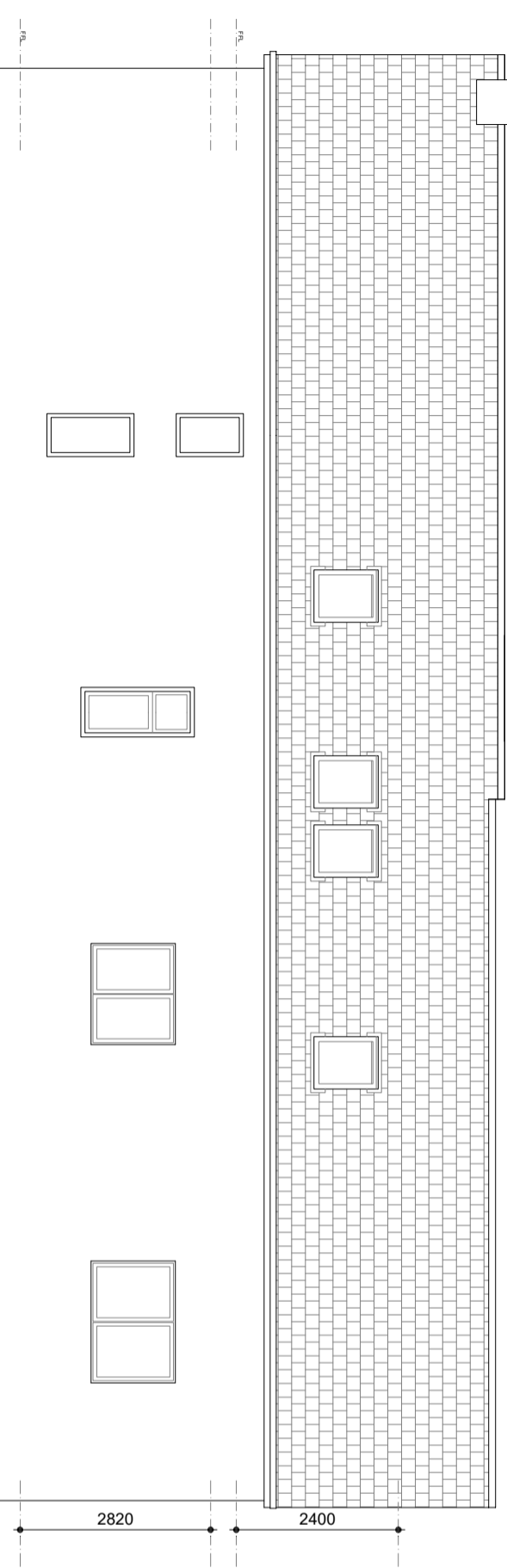
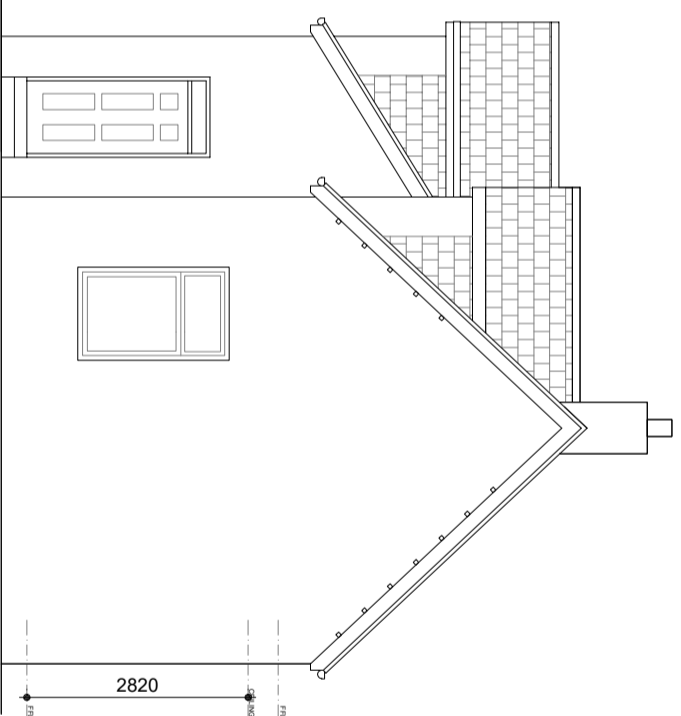
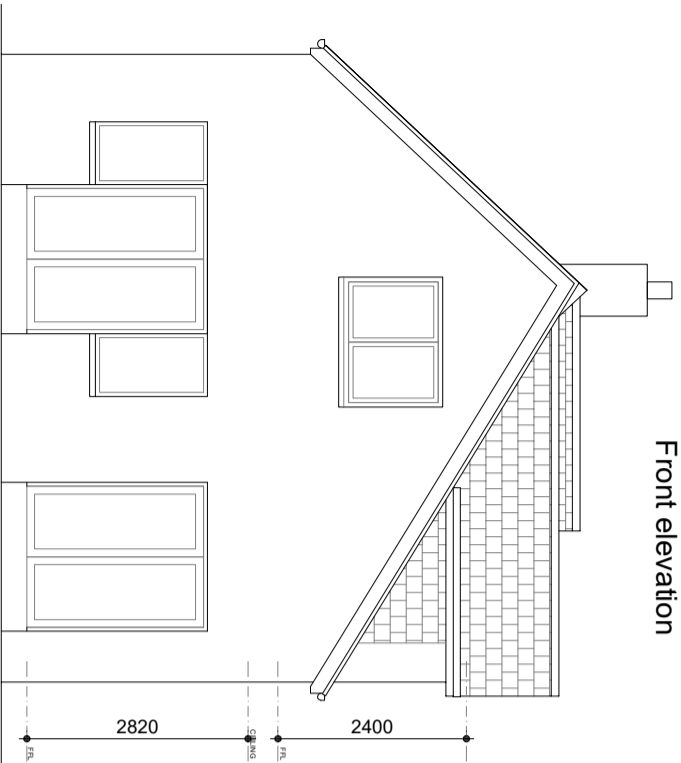
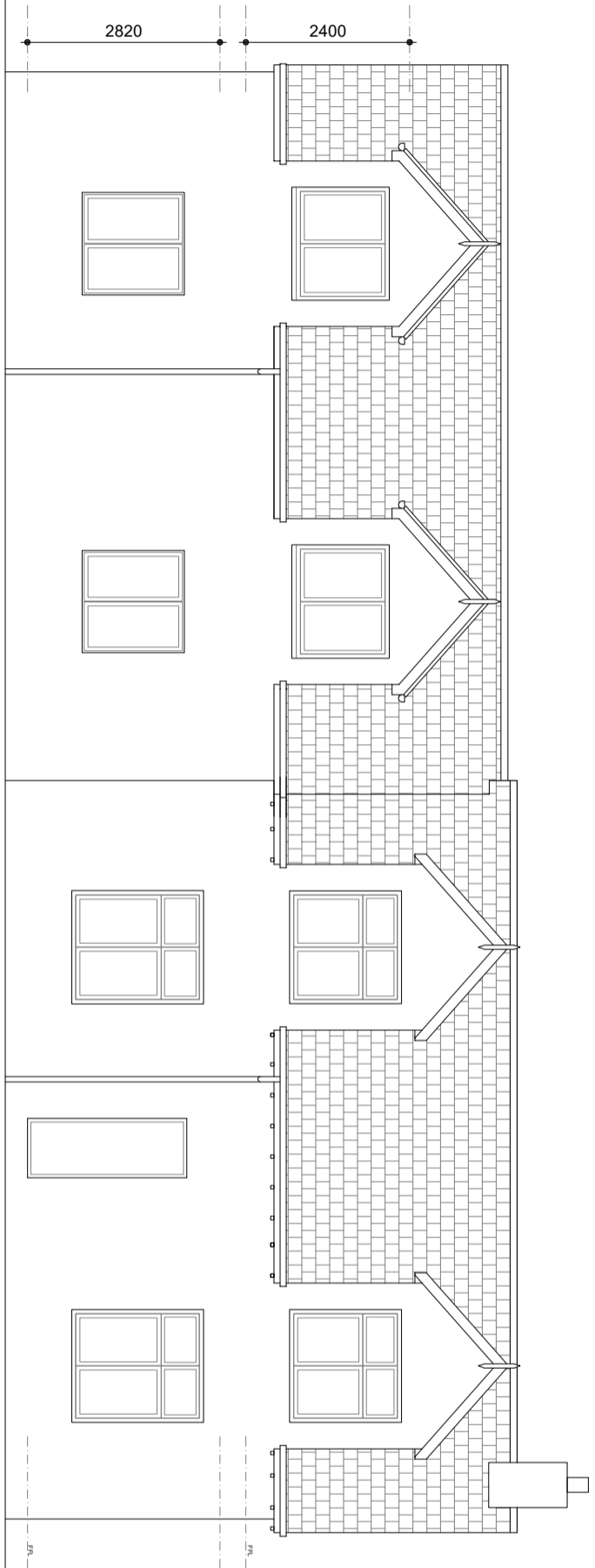
The next issue was the slope of the roof and size of the extension. It caused issues with the room size making most of the rooms unusable therefore there was 2 things needed to bring this back to a good size. This was by adding 2M further out and matching the rear slope to the front elevation of the new section. I did look at taking the roof room heights down throughout the building, but this made the old house rooms seem like new built sizes of 2.4M. Which are good if the house was a new built, but it is an old sandstone house. Part of the character is in the height of the ceilings. Therefore, adding the 2M and changing slopes enhances the character by saving the ceiling heights internal and the slope of the dormer would be the same throughout the house. So, we understand that the extension is seeking to serve the character throughout the building, internal and external.

This extension seeks to add all its elements from the original house and show by looking which is the main house. The one that has the entrance from the front elevation is the main house.

This leaves ample garden at the side elevation which is the back garden as it would be reasonable to identify this as the rear garden although off the side elevation due to the way the house is orientated on the plot. The house has little frontage to East Kilbride road and only seeks a small addition to the current line that the house visible from east Kilbride Road. It is well over 2M from the boundary. The lay out of the house at the section of the extension has frontage onto a foot path more than East Kilbride road. In terms of East Kilbride road, the design has little impact given that most of the design happens at the back section which has frontage onto a footpath. This footpath has a 2M high fence so it would not impact the street scope of this footpath if a footpath is to be considered for street scope. In terms of Printer Land again we have a 2M fence, but we also have ample garden between the house and Printer Land. The above was noted on the passing of the original drawing and the same holds true with this design. As a percentage of the footprint. The design is about 50 percent addition of the original house. The house currently on the plot not changed from its original build seen on the location plan.

I hope you appreciate the effort to enhance and preserve the main character of this beautiful unloved house.

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Buff coloured walls to match existing  
 Marley modern (grey) roof tiles  
 White uPVC windows and eaves  
 White uPVC gutters and downpipes.

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Notes:

Do not scale from drawing  
 All dimensions to be confirmed on site and any discrepancies notified to Arc Architectural Services

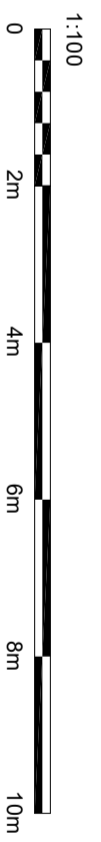
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**arc architectural services ltd**  
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 mail@arcarchitecture.com  
 25 cortmalaun avenue, glasgow g33 1te

Mr. Paolo Di Mambro  
 29 East Kilbride Road  
 Busby  
 East Renfrewshire  
 G76 8JY

Proposed extension  
 Proposed elevations

SCALE 1:100 DATE Dec 19 BY  
 DWG NO P-441-004 REV A



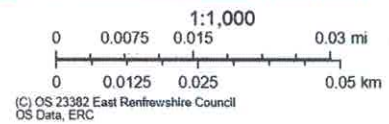
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### Adopted Roads at Printers Land Busby



October 3, 2019

- Adoption Category**
- Road
  - Footpath
  - Verge
  - Footway

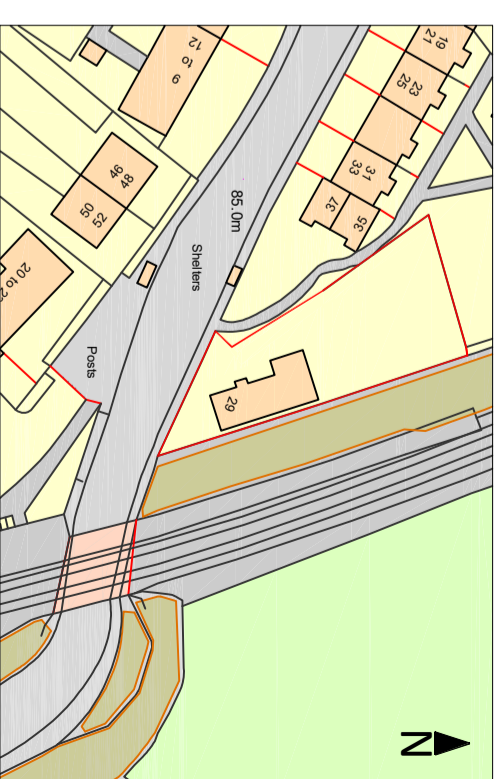


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Site plan 1:500



Location plan 1:1250

Existing footprint = 124m<sup>2</sup>  
 House footprint = 111m<sup>2</sup>  
 Garage footprint = 13m<sup>2</sup>

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**arc architectural services ltd**

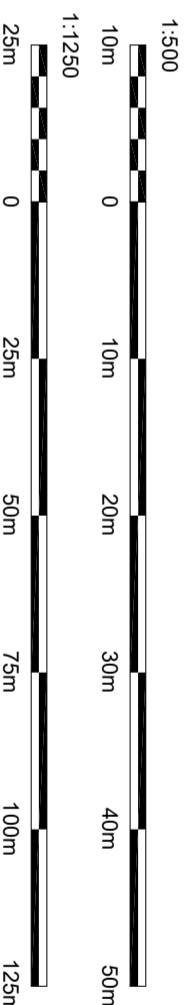
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Mr. Paolo Di Mambro  
 29 East Kilbride Road  
 Busby  
 East Renfrewshire  
 G76 8JY

Proposed extension  
 Existing location plan & site plan

SCALE 1:1250 / 1:500 DATE Jun '20 BY

DWG NO P-441-001 REV



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# REPORT OF HANDLING

Reference: 2019/0855/TP

Date Registered: 14th January 2020

Application Type: Full Planning Permission

This application is a Local Development

Ward: 4 -Clarkston, Netherlee And Williamwood

Co-ordinates: 258177/:656517

Applicant/Agent:

Applicant:

Mr Paolo Di Mambro

29 East Kilbride Road

Busby

G76 8JY

Agent:

Scott Kennedy

25 Cortmalaw Avenue

Glasgow

G33 1TE

Proposal: Erection of one and a half storey side extension following demolition of existing extension

Location: 29 East Kilbride Road  
Busby  
East Renfrewshire  
G76 8JY

## CONSULTATIONS/COMMENTS:

Network Rail

No objection.

**PUBLICITY:** None.

**SITE NOTICES:** None.

## SITE HISTORY:

2018/0102/TP	Formation of driveway	Withdrawn	16.05.2018
2018/0299/TP	Erection of two storey rear extension	Refused	06.07.2018
2018/0385/TP	Formation of driveway incorporating reduction in ground levels and erection of boundary wall	Local Review Dismissed	17.09.2018
2018/0691/TP	Formation of driveway incorporating reduction in ground levels and reduction in height of boundary wall	Local Review Dismissed	09.01.2019
2019/0098/TP	Formation of driveway incorporating reduction in	Refused	12.04.2019

ground levels and reduction in height of boundary wall with formation of lowered and raised kerbs at footpath at front

2019/0614/TP	Formation of driveway incorporating reduction in ground levels and reduction in height of boundary wall with construction of island in centre of road (with signs at either end) and re-alignment of part of East Kilbride Road	Refused	13.12.2019
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**REPRESENTATIONS:** Three objections have been received and can be summarised as follows:

Out of character  
 Overlooking  
 Overshadowing  
 Loss of daylight  
 Noise during construction phase  
 Lack of detail on plans and no indication of the applicant's plans for his garden  
 Access to the site

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

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

**ASSESSMENT:**

The application site comprises a detached two storey dwelling and its curtilage and lies to the north side of East Kilbride Road, Busby, within an established residential area. The dwelling is a traditional double bay sandstone villa with a narrow plan form, wall head dormers and a subordinate projection with a lower ridge line to the side. It has a roof pitch of 45 degrees and is externally finished in cream painted sandstone and render with a slate roof. The subordinate addition to the site also projects forward of the principal section of the existing dwelling by 2.2 metres with a small flat-roofed front extension. The boundaries are characterised by sandstone walls and timber fencing. The existing dwelling has a footprint of 102.6 square metres. The total width of the existing dwelling is approximately 16 metres wide. The principal section measures approximately 10.5 metres wide. The dwelling is aligned with and immediately backs on to the adjacent railway embankment and sits with its principal elevation at an approximate 45 degree angle to East Kilbride Road. Given its location immediately adjacent to the railway embankment, the property has no garden area to the rear. The majority of the amenity space and garden ground is located to the side and front of the dwelling.

The curtilage was until recently characterised by established trees and shrubs although the applicant has cleared the entire site and formed areas of hardstanding. The property once had a sandstone retaining wall that fronted East Kilbride Road, however the applicant has removed this and re-graded the ground in front of the dwelling. The dwelling has no vehicular access or in-curtilage parking. There are loading and parking restrictions adjacent to the site on East Kilbride Road. A footway, linking parking areas associated with an adjacent residential development at Printer's Land with East Kilbride Road, runs adjacent to the south-west boundary of the site.

Planning permission is sought for the erection of a two storey side extension following the demolition of the existing subordinate side and front projections. The proposed extension measures 10.8 metres wide by 8 metres deep by approximately 7.4 metres high. It comprises a ridge line lower than that of the original dwelling. It comprises an asymmetrical pitched roof that covers a projection forward of the existing dwelling of 2 metres. In terms of its design, it echoes that of the remaining original dwelling with a plain elevational treatment with two equally spaced front-facing wall head dormers. The extension is proposed to be externally finished in render coloured to match the existing. Both the original house and the extension are proposed to be roofed with grey concrete roofing tiles.

The application requires to be assessed against Policies D1 and D14 of the adopted East Renfrewshire Local Development Plan. Policy D1 requires that all development should not result in a significant loss of character to the surrounding area and Policy D14 requires that extensions should complement the character of the existing building in terms of its style, form and materials. The adopted Supplementary Planning Guidance: Householder Design Guide (SPG) that supports and forms part of Policy D14 is also relevant. The SPG states that side extensions should not exceed 50% of the width of the original dwelling and that they should be set back at least 0.5 metres from the front building line. It also states that dormer windows should be set wholly within the roof plane and not built off the wall head.

In terms of its general form and design, the proposed extension is considered to more or less mirror and complement that of the original dwelling. The shallower front-facing roof pitch is noted. However when viewed from East Kilbride Road this would be largely obscured by the intervening original wall head dormers, lessening its visual impact on the streetscape. When viewed front-on from the adjacent footway at Printer's land, the roof pitches would be less perceptible. It would be noticeable from within the applicant's side garden and from parts of Printer's Land, however its visual impact would not be as severe as would justify a refusal of the application.

It is accepted that the proposed two storey side extension exceeds 50% of the width of the original dwelling even accounting for the demolition. This is contrary to the strict interpretation of the SPG. In this instance, the constrained nature of the site given the dwelling's proximity to the railway embankment dictates that there is little scope to extend this dwelling other than to the side.

Given the space available to the side, the additional width would not give rise to over-development and there would be no encroachment towards any other dwelling. Further the complementary design and lower ridge height ensures the development is acceptable in appearance.

It is also accepted that the side extension projects forward of the existing building line which again is contrary to the strict interpretation of the SPG. Whilst this is a feature of the existing extension, the increased massing requires this issue to be assessed. Given the orientation of the dwelling relative to East Kilbride Road, the forward projection would not encroach on any established street building line or read as a dominant or incongruous feature on the street scape. Again, given the overall design and lower ridge line, the proposal is acceptable in appearance.

The proposal would not therefore detract from the character or visual amenity of the wider area.

Given the above, should the proposal be otherwise acceptable, planning permission can be granted as an exception to the specific terms of the SPG.

Given the design of the proposals and the separation distance to the adjacent residential development, there would be no significant additional overlooking, overshadowing or loss of daylight.

The proposal is therefore considered to generally comply with the terms of the adopted East Renfrewshire Local Development Plan. Where it does not there are material considerations that justify granting planning permission as an exception to the terms of the SPG.

The points of objection not specifically addressed above are considered as follows:

It is inevitable that there will be a degree of noise disturbance during the completion of any development. This cannot preclude development and any specific environmental nuisance can be addressed by the Council's Environmental Health Service. It is considered that adequate information has been submitted with which to consider and determine the application. The applicant's plans for his garden are not relevant to the consideration of this application. The lack of access to the site has been noted above. However, access is a private legal matter and not therefore a material planning consideration. If planning permission is granted, it does not confer upon the applicant any access right or indicate that the Council considers that an access right exists. The applicant will have to address this issue independently of the planning process. A note can be attached to any planning permission granted reminding the applicant of this.

The Proposed Local Development Plan 2 is a material consideration and with regard to this planning application, the relevant policies are considered to be D1 and D1.1. The aforementioned policies largely reflect the adopted Local Development Plan policies. Consequently, for reasons stated above, it is considered that the proposed works generally accord with the relevant policies in the Proposed Local Development Plan.

In conclusion, the proposed development is considered to generally accord with the policy requirements of the adopted East Renfrewshire Local Development Plan. Where it does not, there are material considerations that justify an exceptional grant of planning permission. There are no material considerations that indicate the application should not be approved. It is therefore recommended that the application is approved.

**RECOMMENDATION:** Grant

**PLANNING OBLIGATIONS:** None.

**ADDITIONAL NOTES:**

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

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas

protection measures within the foundations), be submitted alongside any subsequent application for Building Warrant approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

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

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

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

The applicant is reminded that there are parking and loading restrictions on East Kilbride Road adjacent to the application site.

The applicant is reminded that the granting of this planning permission does not confer any access rights. Access is a private legal matter that will require to be addressed independently of the planning process.

**ADDED VALUE:** None

**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3714.

Ref. No.: 2019/0855/TP  
(DESC)

DATE: 24th February 2020

**DIRECTOR OF ENVIRONMENT**

**Reference: 2019/0855/TP - Appendix 1**

**DEVELOPMENT PLAN:****Strategic Development Plan**

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

**Adopted East Renfrewshire Local Development Plan**

Policy D1 - Detailed Guidance for all Development

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

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



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

#### Policy D14 - Extensions to Existing Buildings and Erection of Outbuildings and Garages

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

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

Side extensions should not create an unbroken or terraced appearance.

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

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

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

### **Proposed Local Development Plan 2**

#### Policy D1 - Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;

2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
12. There will be a general presumption against all proposals that involve landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
13. Backland development should be avoided;
14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces 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 Guidance;

16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and
20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

Policy D1.1 - Extensions and Alterations to Existing Buildings for Residential Purposes

Proposals will be assessed against the following criteria:

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. Should complement the scale and character of the existing building, neighbouring properties and their setting, particularly in terms of style, form and materials;
3. The size, scale and height of any development must be appropriate to and not adversely impact or dominate the existing building;
4. Should not create an unbroken or terraced appearance;
5. Where additional bedrooms are proposed or a garage/driveway is being converted to another use other than for the parking of a vehicle, proposals will be required to provide parking in accordance with the Council's Roads Development Guide; and
6. Should avoid over-development of the site by major loss of existing front and rear garden space. No more than 50% of the rear garden should be occupied by the development.

Further detailed information and guidance will be set out in the Householder Design Guide Supplementary Guidance.

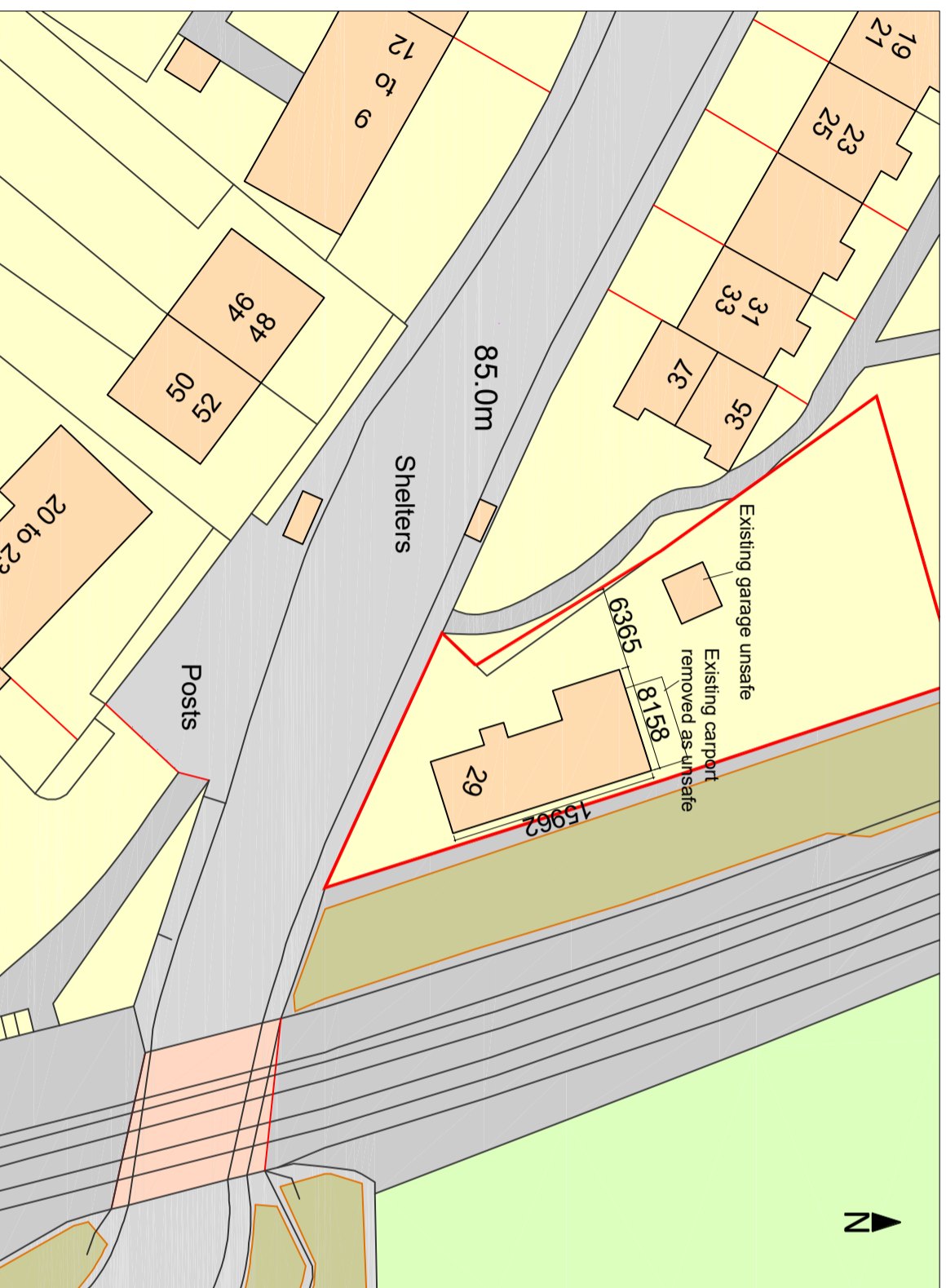
**GOVERNMENT GUIDANCE:** None

Finalised 24<sup>th</sup> February 2020 – AC(1)

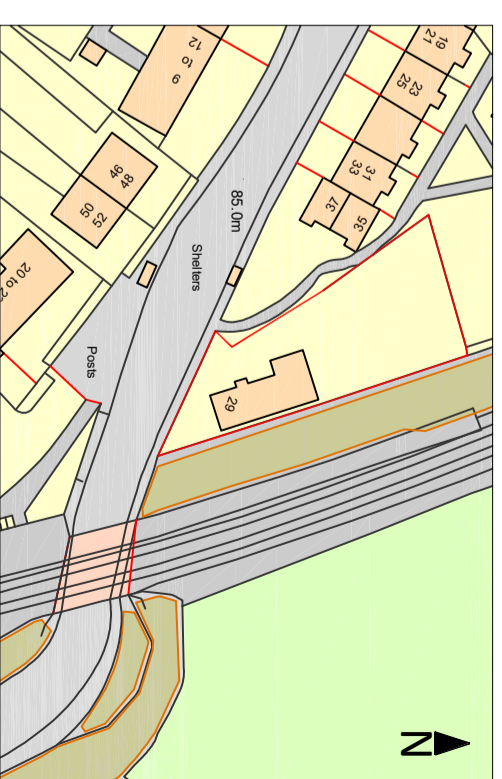
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**PLANS/PHOTOGRAPHS/DRAWINGS**

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Site plan 1:500



Location plan 1:1250

Existing footprint = 124m<sup>2</sup>  
 House footprint = 111m<sup>2</sup>  
 Garage footprint = 13m<sup>2</sup>

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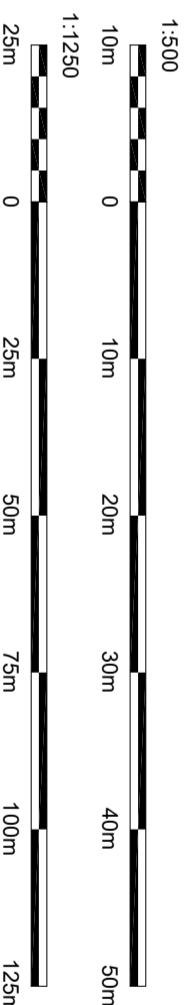
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Proposed extension  
 Existing location plan & site plan

SCALE 1:1250 / 1:500 DATE Jun '20 BY

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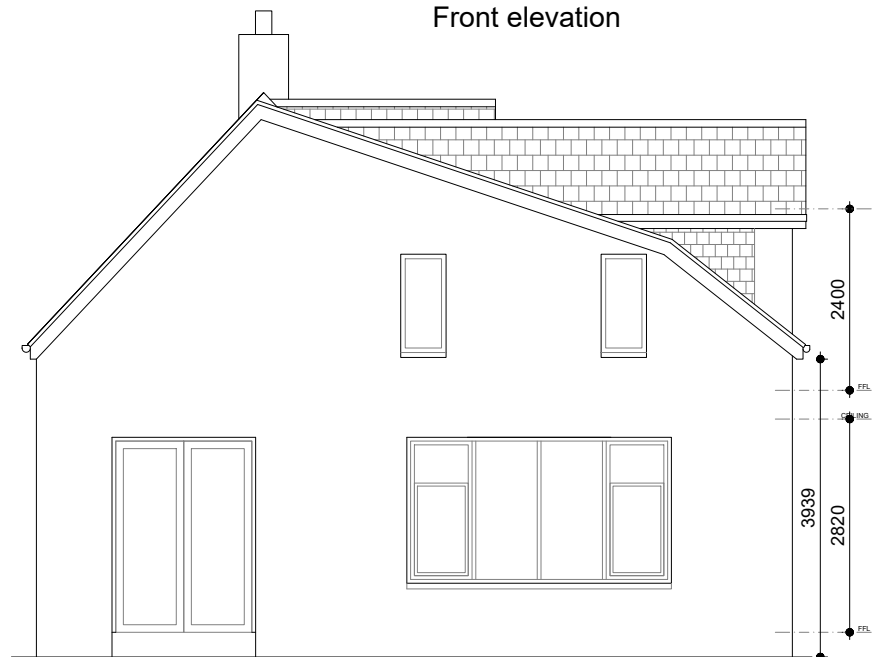


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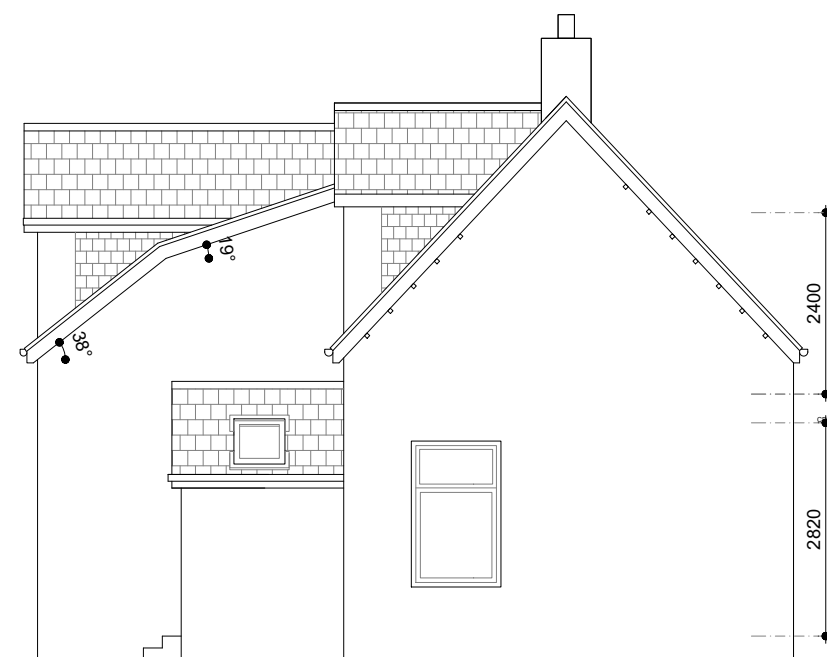


Front elevation

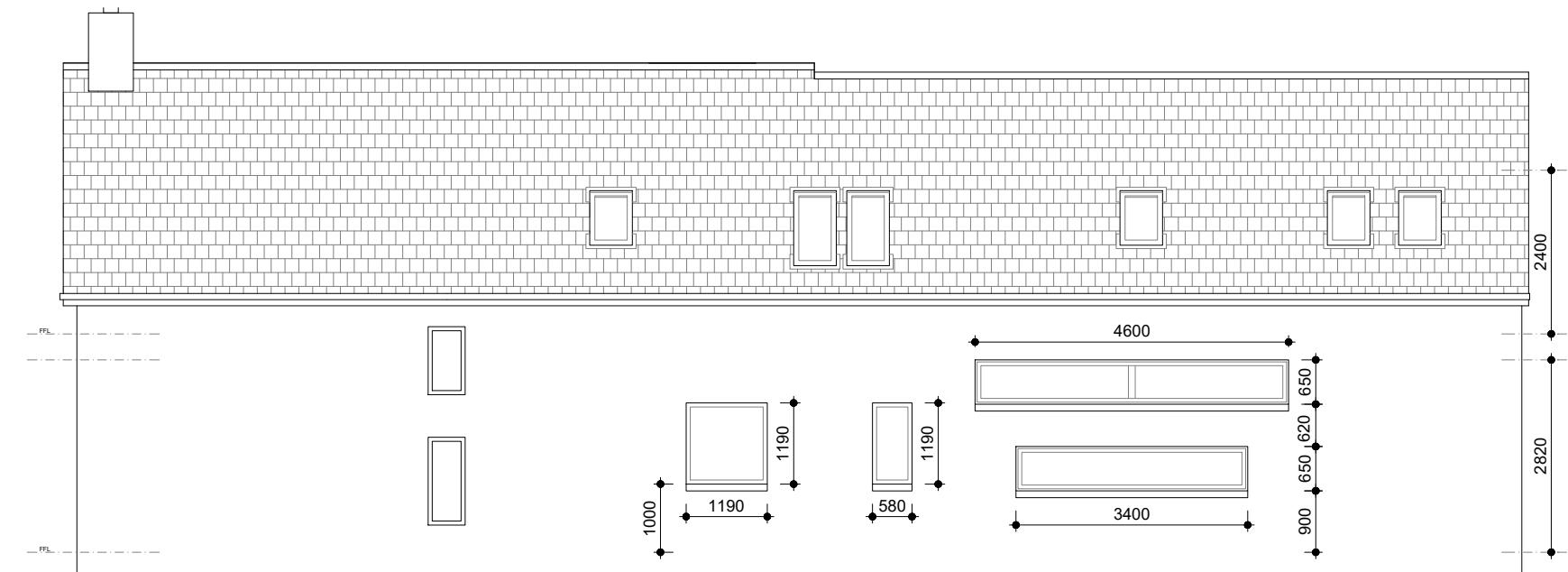
Buff coloured walls to match existing  
 Marley modern (grey) roof tiles  
 White uPVC windows and eaves  
 White uPVC gutters and downpipes.



Side elevation



Side elevation



Rear elevation

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Proposed extension  
 Proposed elevations

SCALE 1:100

DATE Jun '20

BY

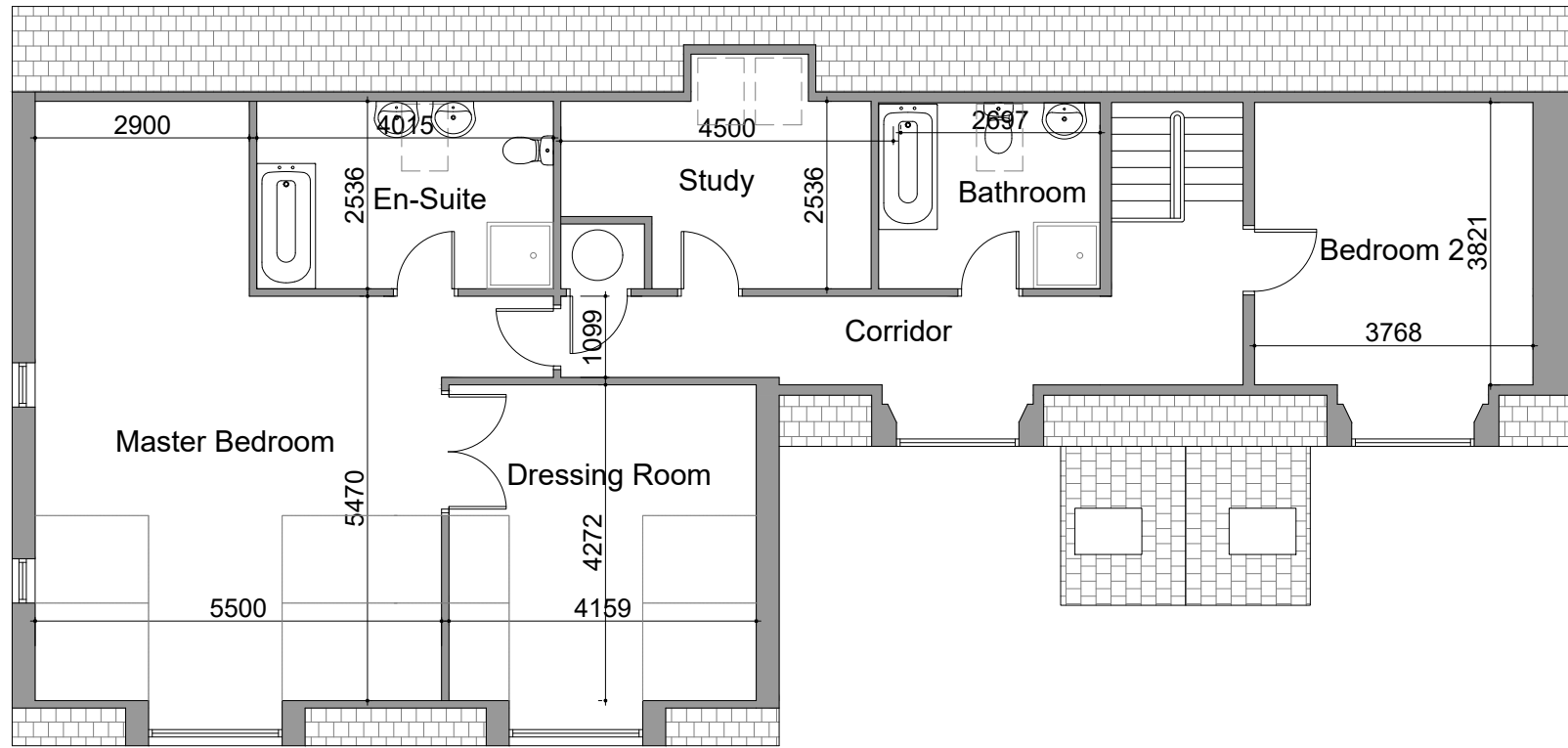
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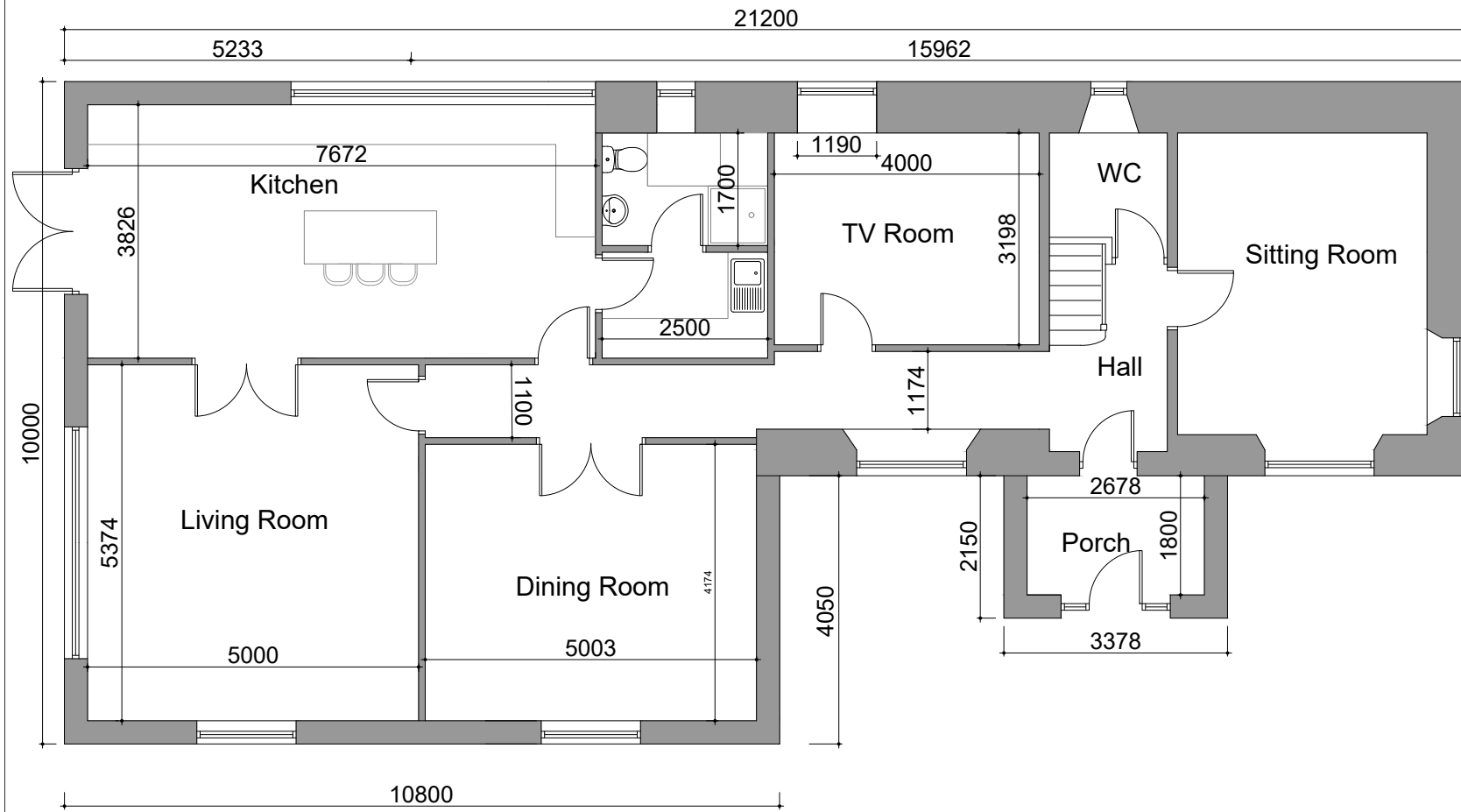
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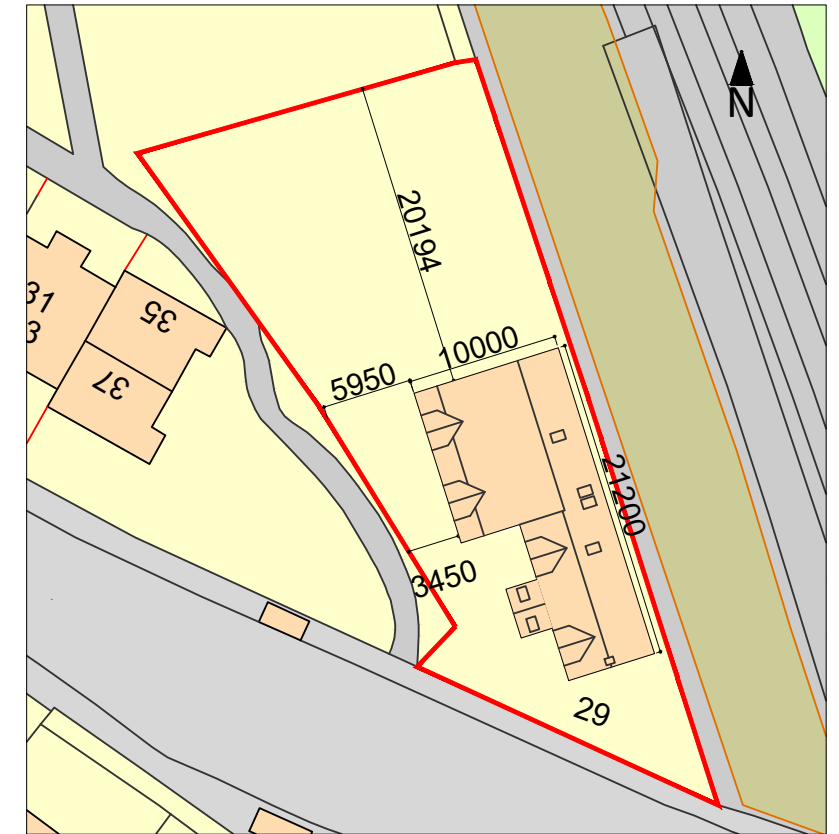


First floor plan 1:100



Ground floor plan 1:100

1:100



Site plan 1:500

Existing footprint = 148m<sup>2</sup>  
Proposed footprint = 175m<sup>2</sup>

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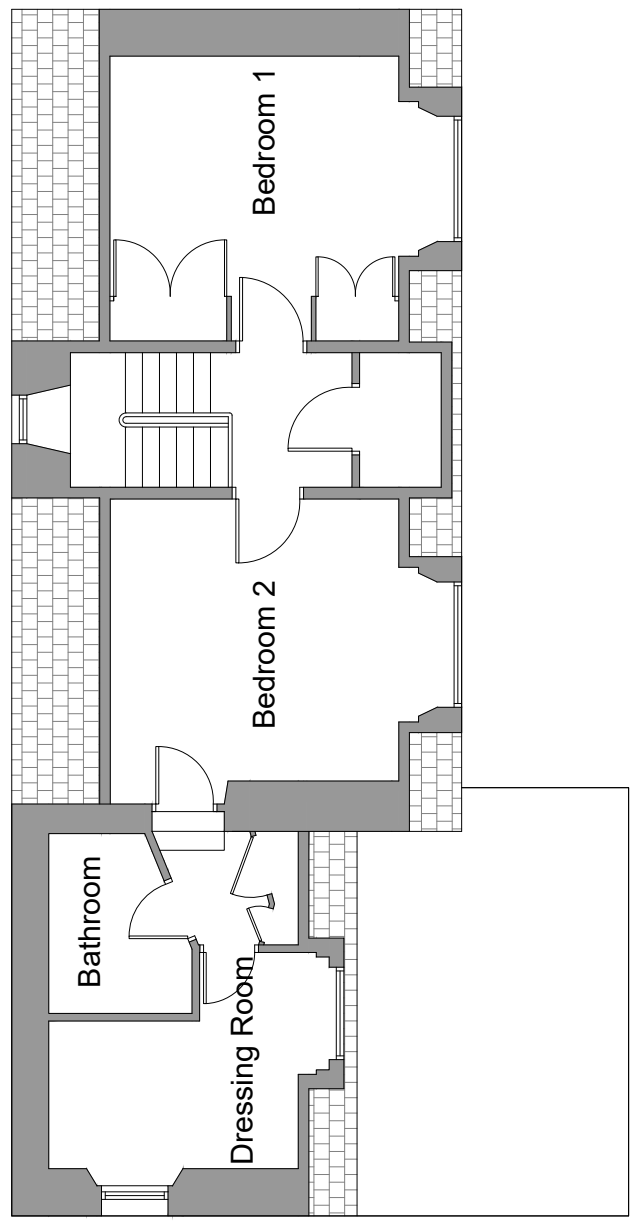
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Proposed extension  
Proposed floor plans

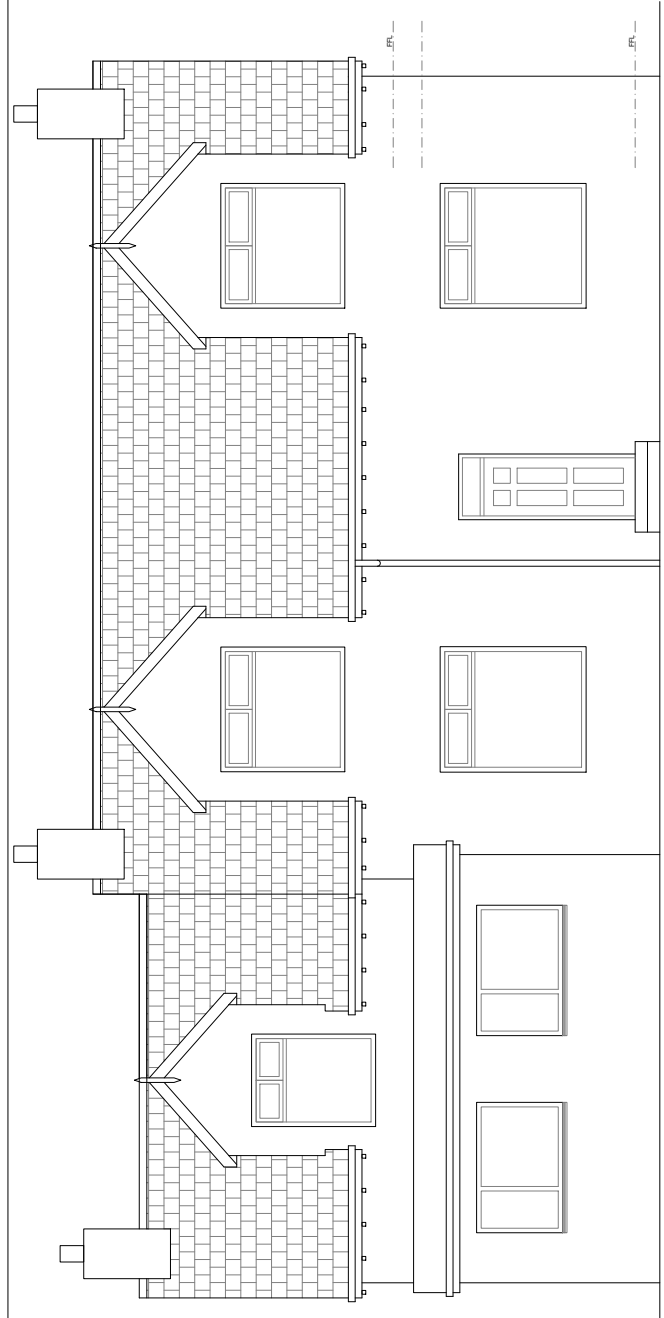
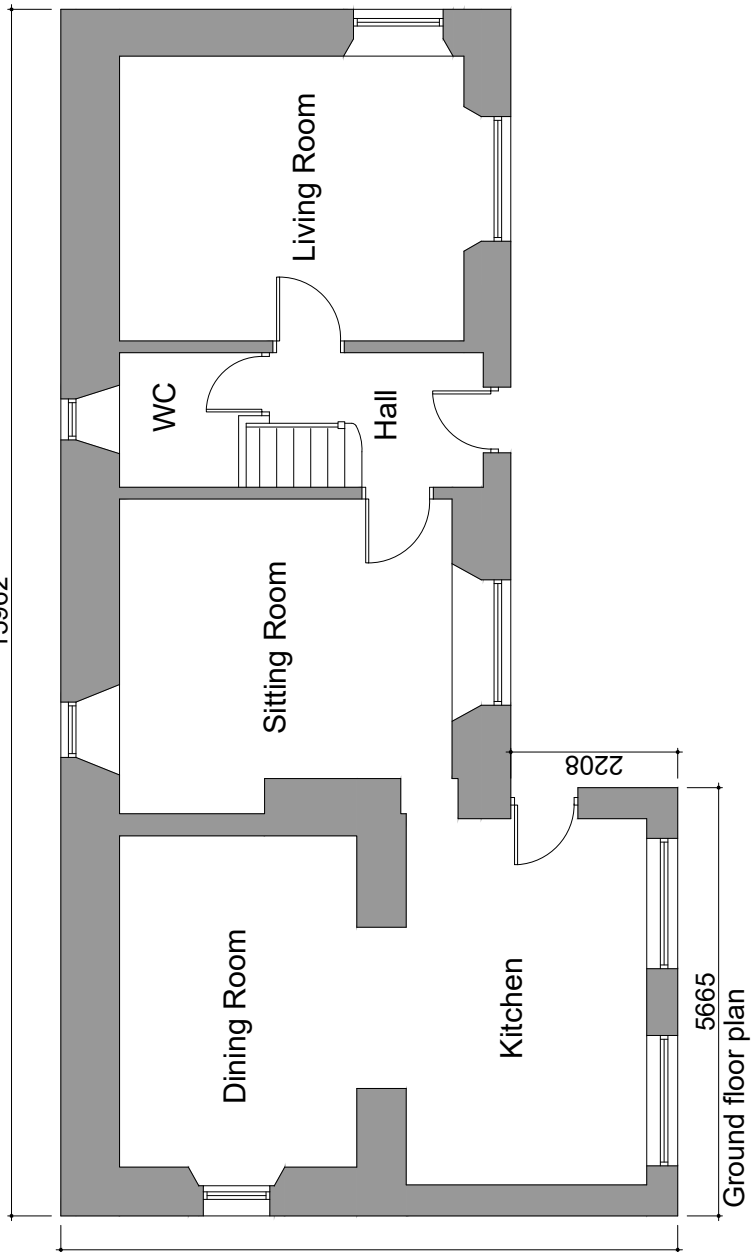
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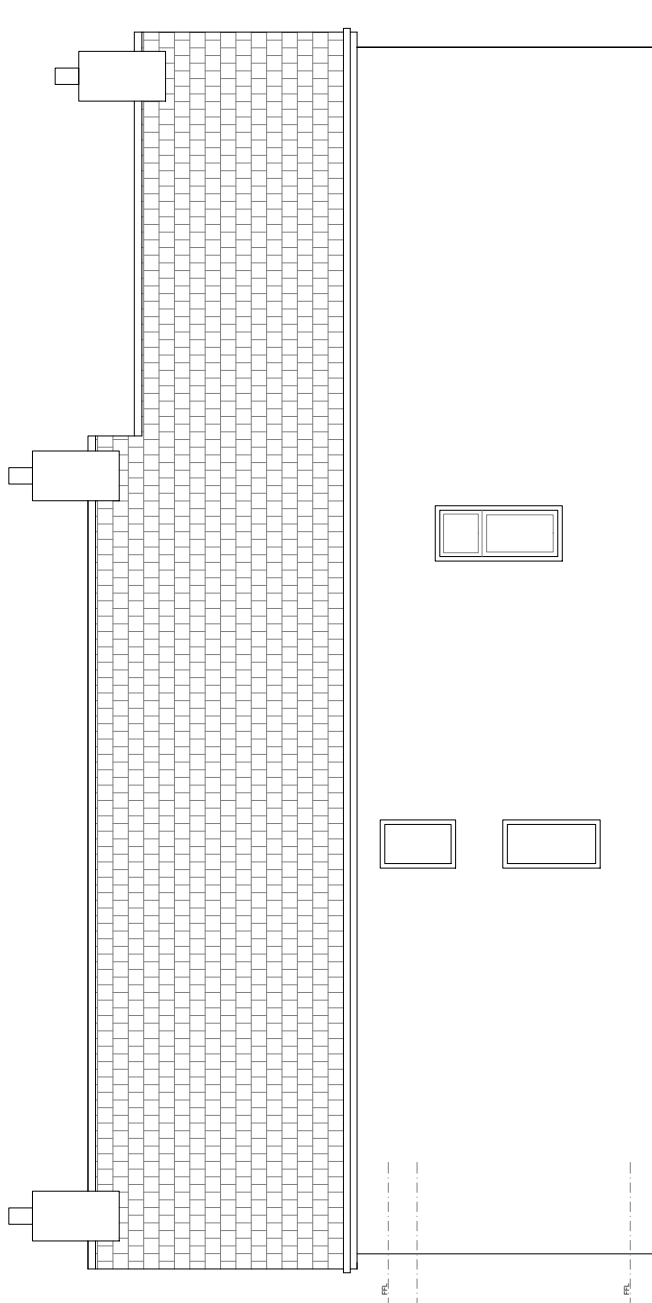
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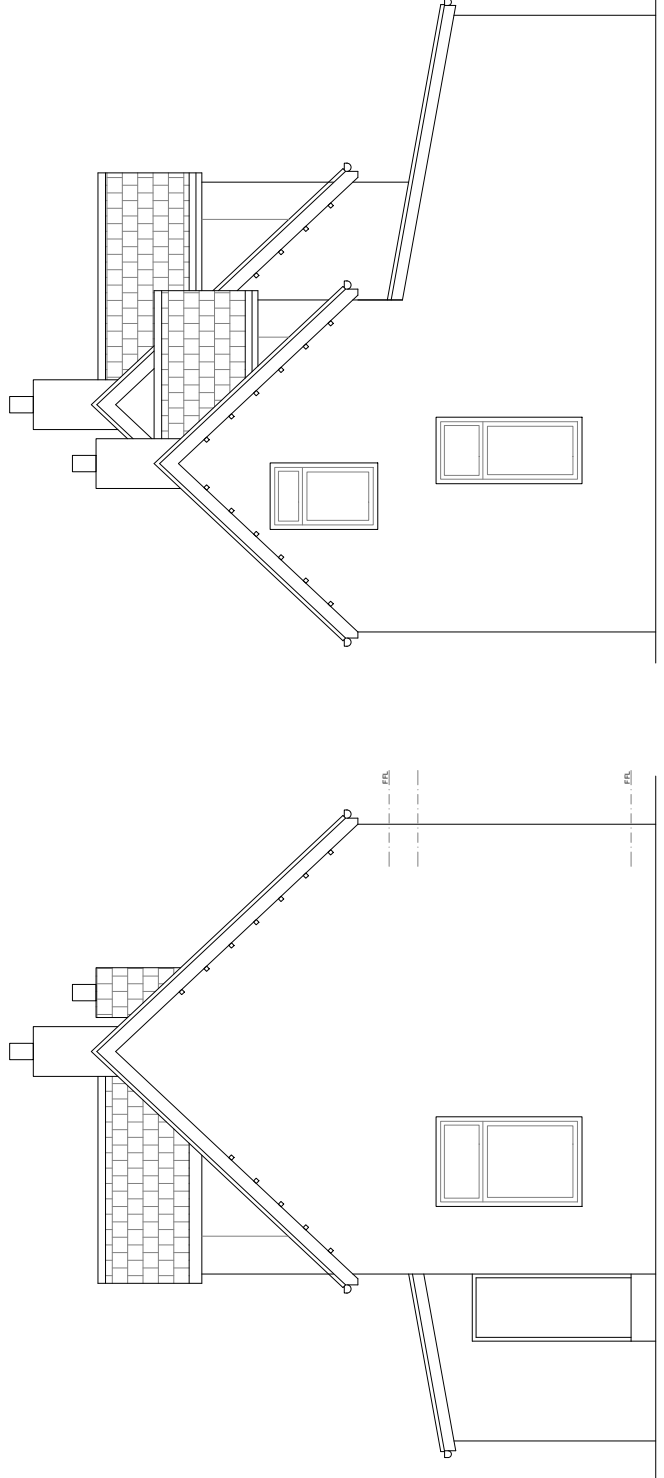
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Front elevation



Rear elevation



Side elevation

Side elevation

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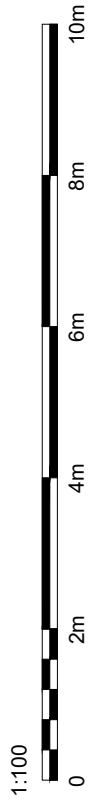
25 cortmalaw avenue, glasgow g33 1te

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Proposed extension  
Existing floor plans and elevations

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