

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY10 February 2021Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2020/16ALTERATIONS TO EXISTING RAISED DECKING AT REAR AT
14 DUNGLASS PLACE, NEWTON MEARNES**PURPOSE OF REPORT**

1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 in respect of the application detailed below.

DETAILS OF APPLICATION

2. Application type: Full Planning Permission (Ref: No: 2020/0298/TP).
Applicant: Ms Kayleigh Lawson.
Proposal: Alterations to existing raised decking at rear.
Location: 14 Dunglass Place, Newton Mearns.
Council Area/Ward: Newton Mearns North and Neilston (Ward 2).

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 confirmed that in her opinion the review can be concluded based on a review of the information provided.

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. Given the current restrictions that are in place associated with the Covid-19 pandemic it is not possible for the Local Review Body to visit the site at present. In the event the Local Review Body decides it wishes to carry out a site visit, consideration of the review will be continued until arrangements can be made to ensure all members of the Local Review Body and supporting officers can safely attend.

INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

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

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

- (a) Application for planning permission – Appendix 1 (Pages 65 - 72);
- (b) Copies of Objections/Representations – Appendix 2 (Pages 73 - 78);
- (c) Report of Handling by the planning officer - Appendix 3 (Pages 79 - 88);
- (d) Decision notice and reasons for refusal - Appendix 4 (Pages 89 - 92); and
- (e) Applicant's Notice of Review and Statement of Reasons - Appendix 5 (Pages 93 - 122).
- (f) Copies of additional objections/representations – Appendix 6 (Pages 123 - 126).
- (g) Applicant's response to additional objections/representations – Appendix 7 (Pages 127 - 130).

15. The following supporting information is also provided for consideration by the Local Review Body - Appendix 8 (Pages 131 - 142).

- a) Location Plan (Page 133)
- b) Drawing PP 001 – Existing Layout (Page 134)
- c) Drawing PP 001A – Existing Layout (Page 135)
- d) Drawing PP 004 – Existing Layout (Page 136)
- e) Drawing PP 002 – Proposed Layout (Page 137)
- f) Drawing PP 003 – Existing and Proposed Section and Elevations (Page 138)
- g) Drawing PP 003A - Existing and Proposed Section and Elevations (Page 139)
- h) Drawing PP 003B - Existing and Proposed Sections and Elevations (Page 140)
- i) Drawing PP 005 – Existing Sections and Elevation Page 141)

16. The Local Review Body is advised that initial consultation responses and representations received if any, relating to the application will be listed in the planning officer's Report of Handling.

17. All the documents referred to in this report can be viewed online on the Council's website at www.eastrenfrewshire.gov.uk/search-planning-applications

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:
Eamonn Daly, Democratic Services Manager

email: eamonn.daly@eastrenfrewshire.gov.uk
Tel: 07584 116619

Date:- 3 February 2021

PLANNING APPLICATION FORM

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100262440-001

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)

Alterations to existing raised structure to form new staircase and protective barrier at the rear of the property (in retrospect)

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

No Yes - Started Yes – Completed

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

04/03/2019

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

Applicant was unaware that a planning application was required as the existing deck was only an alteration and not a new structure.

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:	DMM GROUP LTD		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	D	Building Name:	<input type="text"/>
Last Name: *	MACDERMID	Building Number:	145
Telephone Number: *	07530591447	Address 1 (Street): *	KILMARNOCK ROAD
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	GLASGOW
Fax Number:	<input type="text"/>	Country: *	SCOTLAND
		Postcode: *	G41 3JA
Email Address: *	dmac.arc@gmail.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Miss	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	KAYLEIGH	Building Number:	14
Last Name: *	LAWSON	Address 1 (Street): *	DUNGLASS PLACE
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	GLASGOW
Extension Number:	<input type="text"/>	Country: *	SCOTLAND
Mobile Number:	<input type="text"/>	Postcode: *	G77 6XS
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

14 DUNGLASS PLACE

Address 2:

NEWTON MEARNS

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G77 6XS

Please identify/describe the location of the site or sites

Northing

656088

Easting

252361

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

A NUMBER OF EMAILS FROM DEREK SCOTT WITH REGARDS TO THE EXISTING RAISED DECK

Title:

Mr

Other title:

First Name:

DEREK

Last Name:

SCOTT

Correspondence Reference Number:

2019/0043/TP

Date (dd/mm/yyyy):

27/05/2020

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

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: D MACDERMID

On behalf of: Miss KAYLEIGH LAWSON

Date: 31/05/2020

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 D MACDERMID

Declaration Date: 31/05/2020

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COPIES OF OBJECTIONS/REPRESENTATIONS

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Planning Comments – Application Reference: 2020/0298/TP

This application is inaccurate in a number of respects. This structure was first built in August 2018 and was the subject of a previous application for planning permission in 2019 that was refused and subsequently refused on appeal to the Local Review Body, 2019/0043/TP. I would firstly question why this application was validated given it is not significantly different to the one refused last year and also refused on appeal to the Local Review Body in September 2019.

The structure presently in the garden was built in 2018 remains subject to the original comments made previously in relation to the previous application. This application doesn't appear to be substantially different. There was an existing brick wall and small decking area there before the present structure built in 2018, however it was not of the scale, height or degree of dominance as the present structure for which planning application is being sought at this time or in the previous application.

The gardens in the locality are sloped to the rear. This does not justify a structure of this scale and dominance in the area. This structure remains significantly impacting upon the privacy of neighbours both internally and externally. There is concern in relation to the overall height of the structure and also the ground height of the platform that is accessed by two sets of steps immediately adjacent to the property next door. This floor level allows significant overlooking of neighbouring properties, particularly the semi-detached property attached to this property.

Previous comments are noted below and referred to as still applicable. The dominance of the development in the locality within small garden grounds is significant and its height and scale is overbearing. The impact on privacy of neighbours is significant.

Scale of development – the garden grounds in the area are generally small and compact in scale. The scale of this structure is not in keeping with the small compact garden areas. The height of the development is excessive in the context of small garden areas. The property concerned is semi-detached and there are gardens immediately adjacent to the structure. This results in neighbours being significantly overlooked due to the height of the overall structure and the floor level within it. Those sitting on the structure would be directly overlooking neighbouring gardens and into neighbouring houses, particularly the house that is semi-detached to the property. This structure overlooks the back door patio area from an elevated position including the patio doors used to enter and exit the garden. The main living area of a neighbouring property is also to the rear of the property and is therefore overlooked by the structure.

Layout – the significant scale of the development in a small garden means the structure borders both immediate neighbours and this is not a discrete development within large garden grounds. The layout at floor level and the entire height of the structure is overbearing in the local area, dominating the view from the rear of neighbouring properties and overlooking those using neighbouring gardens from an elevated position.

Overlooking – this structure overlooks neighbouring properties to a large extent including areas of patio used for sitting out in the summer. There is also a significant part of the living space of neighbouring properties overlooked. There is a significant impact on the privacy within the garden area and within the home given the proximity of this development to neighbours. Large fencing has been erected, however this does not prevent overlooking from the structure given the elevated

height of the development and the fencing is in itself of significance given the small garden ground area, as to its scale and height. Persons on the decking are able to overlook the living room of the immediately adjacent property as well as the garden ground.

Loss of privacy – given the scale and height of the development neighbouring properties will suffer from a significant loss of privacy. Privacy is impacted both inside and outside neighbouring properties. The scale of the development is not suitable in the context of small garden grounds in the vicinity.

Please therefore consider these comments in determining the application as there is a significant impact on neighbouring properties of allowing such developments and an interference with neighbours' rights to peaceably enjoy their property and a clear interference with their privacy.

Katherine
Robb

From:Katherine Robb
Sent:3 Jul 2020 13:34:26 +0100
To:EN Planning
Subject:

Additional Comments re
2020/0298/TP

I would refer the Planning Service to this clear Scottish Government guidance that I was astounded was not referenced in the first application received in relation to this structure. This is clear as to the requirements for Planning Permission and is to protect the privacy of other neighbours.

Privacy is an important consideration in any planning matter and this structure involves a significant breach of privacy. The Planning Authority is urged to give this full consideration as the Scottish Government obviously consider it appropriate to be the subject of regulation. This is in addition to my existing comments. If the Planning system is to protect the environment of others I'd emphasise that this should be to the forefront of consideration.

<https://www2.gov.scot/Publications/2012/02/9140/5/3/4>

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REPORT OF HANDLING

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REPORT OF HANDLING

Reference: 2020/0298/TP

Date Registered: 18th June 2020

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 252361/:656088

Applicant/Agent:	Applicant:	Agent:
	Miss Kayleigh Lawson	D MacDermid
	14 Dunglass Place	145 Kilmarnock Road
	Newton Mearns	Glasgow
	East Renfrewshire	G41 3JA
	G77 6XS	

Proposal: Alterations to existing raised decking at rear

Location: 14 Dunglass Place
Newton Mearns
East Renfrewshire
G77 6XS

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

2019/0043/TP	Erection of raised decking at rear (in retrospect)	Local Review Dismissed	10.04.2019
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REPRESENTATIONS: One objection has been received and can be summarised as follows:

Overlooking
Size and scale inappropriate

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Supporting Statement – The statement describes the proposed alterations to the existing deck and states that overlooking will be reduced. Puts forwards reasons why the deck should be approved including reference to an existing deck in a neighbouring garden.

ASSESSMENT:

The application site comprises a two storey semi-detached dwelling and its curtilage within an established residential area. In common with the other properties on the north side of Dunglass Place, the rear garden slope up from the rear of the dwelling towards the rear boundary, shared with Glendoick Place. Flat areas of useable garden space have been formed closer to the houses. The remaining higher sloping sections whilst graded have been left supported by sections of retaining walling.

A number of residents have introduced adaptations between the lower flat level and the higher sloping areas. Some of the neighbouring gardens have parts of their gardens terraced. Of the dwellings visible from the site, 12 and 18 Dunglass Place also have timber decks elements of which are close to the mutual boundaries with other properties.

A raised timber deck and access steps have been erected in the rear garden, without planning permission and partly in place/on top of a pre-existing deck. The pre-existing deck was approximately 3m long and 5sqm in area and set 1.4 metres higher than the lower level of the rear garden. Access to the deck was via a set of timber steps that were more central to the applicant's rear garden.

The current deck is split level and measures 5.8m long. It has a main level in excess of 7sqm and a lower section closer to the mutual boundary with No 16 Dunglass Place. The deck is accessed via tiled and timber steps set immediately adjacent to the mutual boundary. The main level of the new deck stands approximately 1.5 metres above the garden ground.

Planning permission was refused for the current deck on 10 April 2019 under planning application reference 2019/0043/TP. A review to the Local Review Body was subsequently dismissed.

Planning permission is now sought to amend the configuration of the deck in an attempt to address the reasons for the refusal of application 2019/0043/TP. The deck retains its overall footprint, while the lower level closest to the boundary with number 16 Dunglass Place has been re-configured as steps and an area for planting. The upper level of the deck has not been reduced in height and remains approximately 2.8 metres from the side boundary with 16 Dunglass Place.

Following dismissal of the review, the applicant's agent was given written advice on 16 December 2019 on how best to proceed. This followed the submission of two options for considerations. Whilst neither option was agreed by the Planning Service one was favoured subject to the upper deck being moved further from number 16. This has not been reflected in the current submission.

The application requires to be assessed with regard to Policy D1 of the adopted East Renfrewshire Local Development Plan. Policy D1 requires that all development should not result in a significant loss of character or amenity to the surrounding area and should not give rise to excessive additional overlooking or overshadowing.

It is accepted that the proposed deck (as amended) would still be visually prominent. This is partly a result of its un-weathered finish and that it is seen in the context of un-weathered timber fencing. The proposed deck would nevertheless be acceptable in appearance and would not significantly detract from the character or visual amenity of the wider area. It would not give rise to overshadowing or loss of daylight and would not represent the over-development of the site.

In terms of overlooking however the potential for overlooking would not be decreased significantly, principally in respect of the immediate neighbour at No 16 Dunglass Place. This is due to the minimal changes to the existing (as-built) deck.

It is accepted that it was always possible to overlook neighbouring gardens from the upper portions of the applicant's garden. The established amenity relationship between the properties has been heavily influenced by this factor. The pre-existing deck allowed overlooking. However that overlooking was from a point effectively in the mid-point of the applicant's garden approx. 4.5m from the mutual boundary. The proposed deck increases this potential significantly. An individual utilising the deck will be just 2.8m from the mutual boundary at an elevated position that affords a more direct and intrusive level of overlooking into the neighbours lower garden area and internal apartments. The boundary treatment offers little mitigation.

The option of introducing additional screening on the decking would result in an incongruously high (1.8m higher than the deck level), right angled structure that in itself would also detract from the amenity of the adjacent property.

The proposal would therefore be contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as the proposed deck would give rise to an unacceptable level of overlooking towards the adjacent property at 16 Dunglass Place.

It is noted that the applicant's supporting statement makes reference to an existing deck at number 18 Dunglass Place. However each application is assessed on its own merits and the proposed deck has been assessed and is considered to be unacceptable in terms of overlooking.

In terms of material considerations the objection is noted as summarised above. It is considered that the matters raised are adequately addressed in the preceding paragraphs.

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

In conclusion, the above proposal is considered to be contrary to the terms of Policy D1 of the adopted East Renfrewshire Local Development Plan. There are no material considerations that indicate the application should not be refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None.

REASON FOR REFUSAL:

1. The proposed decking is contrary to the terms of Policy D1 of the East Renfrewshire Local Development Plan as it will by reason of its height and proximity have a dominant and detrimental impact on the amenity and privacy of the adjacent property at No 16 Dunglass Place, Newton Mearns.

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.: 2020/0298/TP
(DESC)

DATE: 24th November 2020

DIRECTOR OF ENVIRONMENT

Reference: 2020/0298/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.

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.

GOVERNMENT GUIDANCE: None

Finalised 24th November 2020 – AC(1)

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DECISION NOTICE
AND
REASONS FOR REFUSAL

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

REFUSAL OF PLANNING PERMISSION

Ref. No. **2020/0298/TP**

Applicant:

Miss Kayleigh Lawson
14 Dunglass Place
Newton Mearns
East Renfrewshire
G77 6XS

Agent:

D MacDermid
145 Kilmarnock Road
Glasgow
G41 3JA

With reference to your application which was registered on 18th June 2020 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Alterations to existing raised decking at rear

at: 14 Dunglass Place Newton Mearns East Renfrewshire G77 6XS

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

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

- The proposed decking is contrary to the terms of Policy D1 of the East Renfrewshire Local Development Plan as it will by reason of its height and proximity have a dominant and detrimental impact on the amenity and privacy of the adjacent property at No 16 Dunglass Place, Newton Mearns.

Dated 24th November 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

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	LOCATION		
Block Plan Proposed	002		
Elevations Proposed	003		

GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS

REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY

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

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

CONTACT DETAILS

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

**General Inquiry lines 0141 577 3895 or 0141 577 3878
Email planning@eastrenfrewshire.gov.uk**

**NOTICE OF REVIEW
AND
STATEMENT OF REASONS**

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100262440-005

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	DMM GROUP LTD		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	D	Building Name:	<input type="text"/>
Last Name: *	MACDERMID	Building Number:	145
Telephone Number: *	07530591447	Address 1 (Street): *	KILMARNOCK ROAD
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	GLASGOW
Fax Number:	<input type="text"/>	Country: *	SCOTLAND
		Postcode: *	G41 3JA
Email Address: *	dmac.arc@gmail.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Miss"/>	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="K"/>	Building Number:	<input type="text" value="14"/>
Last Name: *	<input type="text" value="LAWSON"/>	Address 1 (Street): *	<input type="text" value="DUNGLASS PLACE"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	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="G77 6XS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="East Renfrewshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="14 DUNGLASS PLACE"/>
Address 2:	<input type="text" value="NEWTON MEARNS"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GLASGOW"/>
Post Code:	<input type="text" value="G77 6XS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="656088"/>	Easting	<input type="text" value="252361"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Alterations to existing raised decking at rear

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.

SEE ATTACHED SUPPORTING STATEMENT IN RELATION TO REFUSAL NOTICE

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)

1. SUPPORTING STATEMENT (REV A) 2. PP 004 EXISTING LAYOUT 3. PP 005 EXISTING SECTIONS AND ELEVATION 4. PP 002 PROPOSED LAYOUT, 5. EXISTING PICTURES AND SUPPORTING STATEMENT 6. SUPPORTING STATEMENT IN RELATION TO REFUSAL NOTICE 7. EMAIL DATED 16TH DECEMBER 2019

Application Details

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

2020/0298/TP

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

01/06/2020

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

14/11/2020

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 D MACDERMID

Declaration Date: 11/12/2020

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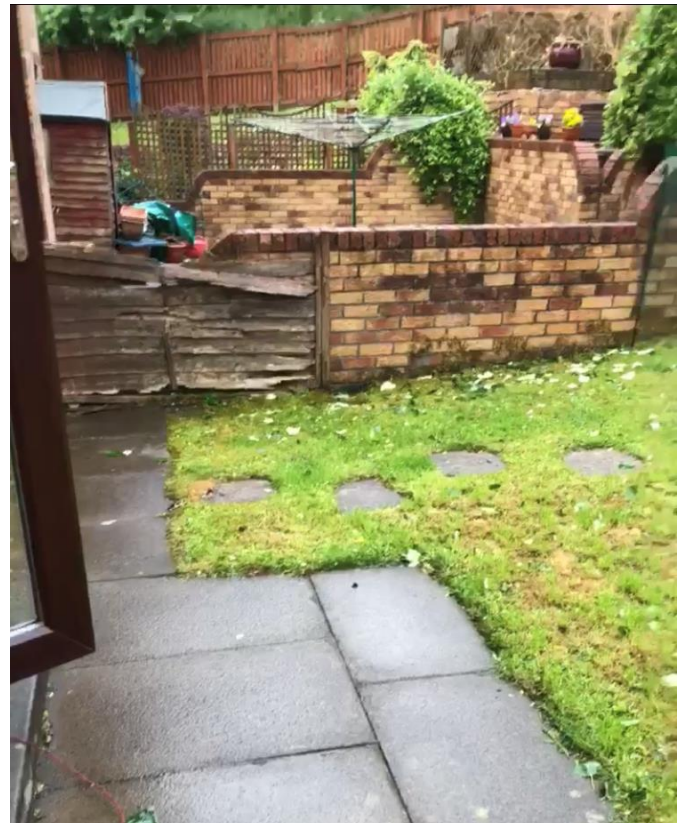


Old height of wall and decking with handrail attached

New decking and facing

As you can see from the images above the old fence hand rail was in line with number 12's fence, this is till the case as pictured in the second image.

Image of the wall between number 14 and 16, can see from lower level into the internal apartments
Less privacy before as there was only a small 3ft wall which increase in height between both properties

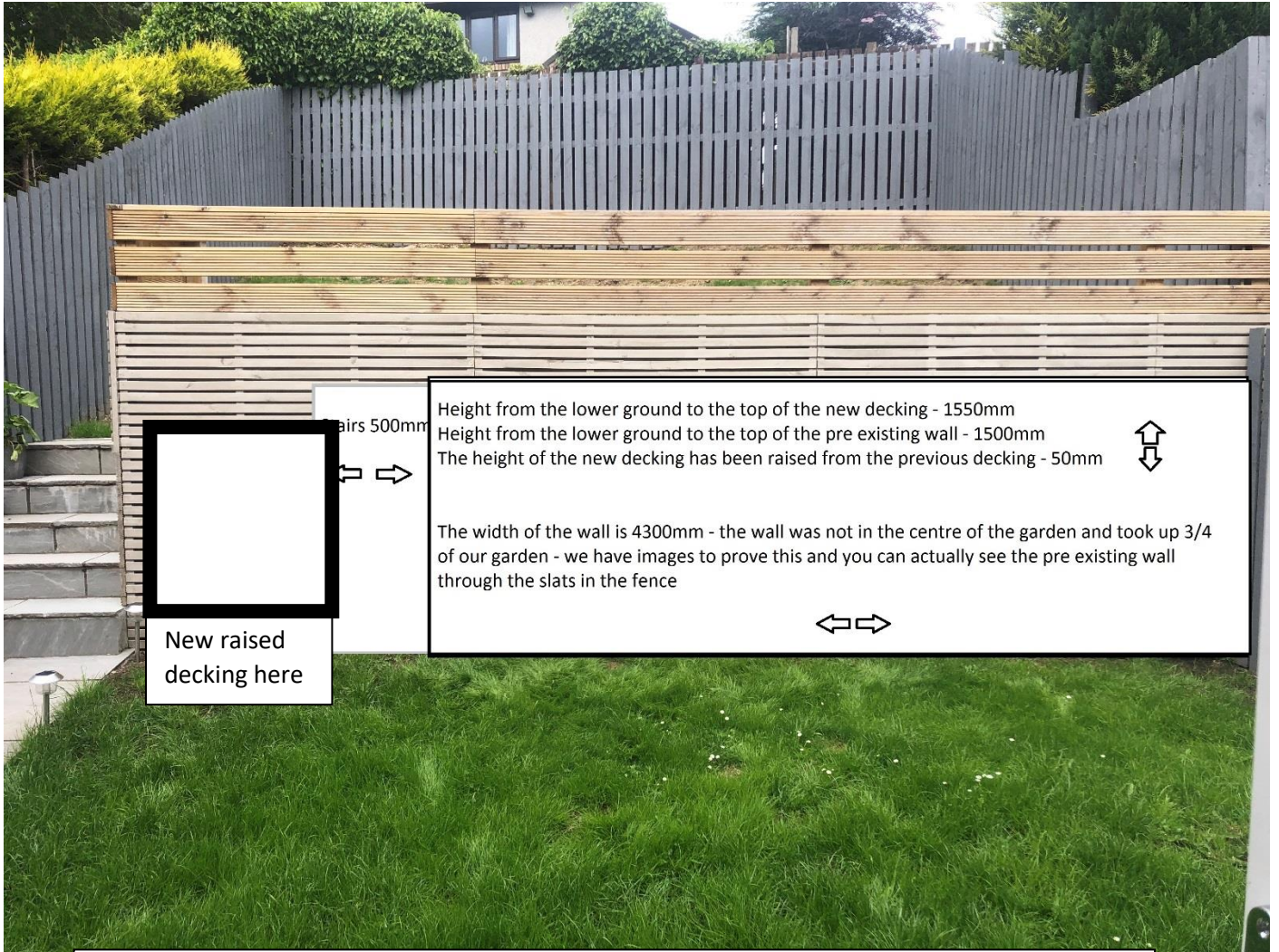




Images of the new fence which separates both neighbours providing more privacy



← I have outlined where the wall used to sit before the fence was added to the garden. This highlights the lack of privacy beforehand



New raised decking here

stairs 500mm
Height from the lower ground to the top of the new decking - 1550mm
Height from the lower ground to the top of the pre existing wall - 1500mm
The height of the new decking has been raised from the previous decking - 50mm
The width of the wall is 4300mm - the wall was not in the centre of the garden and took up 3/4 of our garden - we have images to prove this and you can actually see the pre existing wall through the slats in the fence

The new decking above with the wooden slat facings covering the wall. The boxes indicate where the old wall is situated height and length wise along with the stairs. The stairs were never central in the garden



← Image of pre-existing wall stairs and previous decking
Image shows the stairs were not central to the garden and the wall is further out into the garden

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Image taken from the top of garden – showing no matter where situated you can see into each neighbour's garden

Each of the properties have an inclined towards the rear part, our garden has a much steeper incline and our garden is raised higher than number 16

There will always been overlooking unfortunately





Image above – Confirms how much overlooking we have in comparison to number 18

Also shows the difference in heights for Number 18's decking and handrail



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SUPPORTING STATEMENT IN RELATION TO REFUSAL NOTICE 2020/0298/TP

Having reviewed the report of handling in relation to the refusal of the alterations to pre-existing raised decking to the rear of the garden ground at 14 Dunglass Place, Newton Mearns I would like to offer the following information as support to this application.

Within the report of handling, it has stated that the application is for the erection of raised decking at rear (in retrospect). However, this has clearly been detailed within the Planning Application as a replacement of an existing decking.

The drawings submitted show the existing decking being 4.2m long behind a retaining wall. The proposed drawings show modest design alterations in the form of a new access stair with mid-landing and alterations to reclad the existing retaining wall while also providing a low-level planting area. The raised deck area was a like for like replacement of the 4.2m long decking area. As part of the recladding to the existing retaining wall my client has removed the unsafe open protective barrier to form a closed protective barrier which is an extended feature of the cladding and offers additional privacy for both client and objectors alike.

When asking for advice from the Planning Department an email dated 16th December 2019 was received advising that the decking should be reduced by 1 meter from the boundary of 16 Dunglass Place. However, as the reporting officer has confirmed in the Report of Handling *'the decking retains its overall footprint and the upper level of the deck remains approximately 2.8 metres from the side boundary with 16 Dunglass Place'*. It was considered to reduce the decking by 1 meter, however this would result in the mid landing being 3.3m and the raised deck being 3.2m in length. When taking this advice from Planning it was assumed that the existing overlooking issues from the pre-existing decking is no worse than the proposed overlooking issues. We also felt it was unfair that a reduction in length should be requested as the decking is clearly a like for like replacement.

The reporting officer then goes on to state that there is an increase in overlooking by an individual utilising the deck by way of the access steps and mid-landing to reach the replacement decked area. However, previously in the email dated 16th December the Planning Officer requested an increased mid landing area which as he states in the report would now result in an increase in overlooking! It should also be considered that the overlooking would have previously been an issue as this was the only route to access the rear garden ground. Additional works were carried out at the time of the replacement decking to provide additional privacy for both client and objectors with the replacement of a boundary wall approximately 0.75m in height (picture 4 within existing pictures and supporting statement), which has now been replaced with a 2m timber fence (picture 5, 6, 7) which now ensure an increase in privacy for both client and objectors alike. The fence is considered to be PD.

Within the report it details *'the option of introducing additional screening on the decking would result in an incongruously high (1.8m higher than the deck level), right angled structure that in itself would also detract from the amenity of the adjacent property'*. At no point has there been any mention of screening being used on the decking and there is no drawing detailing a screen 1.8m higher than the deck level. This may however be confused by the closed protective barrier between the mid-landing and top deck area.

It is accepted that the proposed deck (as amended) would still be visually prominent. However, there has always been a raised deck at the rear of the property and any impact would be self-contained and would not impede the character of the residential area or the main street scene.

As detailed within the Planning Officers report it states that the *'deck retains its overall footprint'* and that the *'The upper level of the deck remains approximately 2.8 metres from the side boundary with 16 Dunglass Place'*. Given the decking size is a like for like replacement of the existing 4.2m decking it would be fair to assume that the existing overlooking issues from the pre-existing decking is no worse than the proposed overlooking issues. I would further add that the new closed protective barrier together with the introduction of a 2m high boundary fence now offers more privacy for both client and objectors alike than what was previously on site.

SUPPORTING STATEMENT (rev A)

The original retaining wall that forms part of the rear garden ground within all neighbouring properties will remain in place and the original unsafe timber decked platform (refer to drawing PP 004 and PP 005), behind the retaining wall and protective barrier will be removed and replaced with a new timber board to the deck and new horizontal timber cladding system covering the retaining wall. The length and width of the decked area will remain the same with the introduction of new steps and a raised planting area.

The existing raised structure will have new steps and a mid-landing turning away from the boundary of no. 16 leading to the raised area which is the same length and width of the original raised structure. The mid landing area at the turning point will be the same width as the steps and is not a sufficient width or length to be used as a lower decked area for seating. A protective barrier will be provided across the steps and landing area also incorporating a small planting section.

The existing retaining wall will remain in place and be overclad with a modern horizontal timber cladding with a shadow gap that will also act as a protective barrier to the existing/renewed raised platform.

As the decked area has not changed and with the introduction of the closed protective barrier there will be less of an overlooking issue than what was previously on site and as such, I feel that the proposals at no point will give rise to any additional overlooking.

Please note that this is a retrospective application which is only a replacement of the original decking with minor works to alter the decking in its current layout to what has been proposed and detailed within the new drawings provided.

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Dear Kayleigh,

I note you are unsure as to why your proposed deck requires planning permission.

The proposed deck constitutes development as defined by the Town and Country Planning (Scotland) Act 1997 (as amended). It does not fall within any of the classes of “permitted development” (ie, development that does not require planning permission) as defined with the General Permitted Development (Scotland) Order 1992 (as amended). It is clear from the drawings submitted that the proposed deck is not the same structure as the pre-existing deck. (Even if it is an alteration of that deck it is clearly different). Planning permission is therefore required for the proposed deck.

I wrote to your architect on 16 December 2019 and 5 February to advise the way forward. I would stand by those comments. It is now for your architect to advise you on how best to proceed.

Kind regards,

Derek Scott

Planning Officer

Environment (Development Management)

East Renfrewshire Council

Tel: 0141 577 3034

Fax: 0141 577 3885

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www.eastrenfrewshire.gov.uk

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contact you by post, email or telephone and to maintain our records. The council will use this information because we need to do so to perform a task carried out in the public interest. You can find out more about how we handle this information and your rights in respect of it by going to www.eastrenfrewshire.gov.uk/dataprotection If you do not have access to a computer and wish a paper copy please let us know by contacting us at dpo@eastrenfrewshire.gov.uk or by telephone at 0141 577 3001.

From: kayleigh lawson [REDACTED]
Sent: 29 February 2020 11:30
To: Scott, Derek
Cc: Darren Mac
Subject: Re: 14 DUNGLASS PLACE, NEWTON MEARNNS G77 6XS

Hi Derek,

Could you please provide an update to both myself and Darren in terms of the garden.

I am unsure why there would be any need for the planning application for the works as you will see from the drawings, the pictures and your site visits that the only works that have been completed are to the repair/replacement of the existing structure that has been in place for well over 4 years

Kind regards

Kayleigh

From: D Mac [REDACTED]
Date: 26 February 2020 at 14:42:52 GMT
To: "Scott, Derek" <Derek.Scott@eastrenfrewshire.gov.uk>
Subject: Re: 14 DUNGLASS PLACE, NEWTON MEARNNS G77 6XS

Good afternoon Derek,

Can you advise if you have had a chance to view my last email?

As advised in my last email the client Has only repair/replacement the existing lawful structure that has been in place for more than 4 years.

I am happy to discuss further if you wish to call which might be easier than emailing?

Kind regards,

Darren.

[REDACTED]

Sent from my iPhone

On 13 Feb 2020, at 01:06, Darren Mac [REDACTED] wrote:

Derek,

I note your comments and have amended the plans with regards to the total rise and going for the steps which now show a total of 8 risers.

The decking length is the same size as existing and I am unsure why a reduction in length is now an issue.

Just to clarify, all the works that have been completed is to clad the existing wall and add new steps and landing detail closer to the boundary of No. 16.

My client is willing to remove the lower deck area and incorporate a low level planting bed and a narrower landing leading to the higher deck area.

I am still unsure why there would be a need for a Planning Application for the works as you will note from the drawings, pictures provided and your site visits the only works that have been completed is the repair/replacement of an existing lawful structure that has been in place for more than 4 years.

Regards,

Darren

M: [REDACTED]

E: [REDACTED]

From: Scott, Derek [<mailto:Derek.Scott@eastrenfrewshire.gov.uk>]
Sent: 05 February 2020 12:48
To: 'Darren Mac'
Subject: RE: 14 DUNGLASS PLACE, NEWTON MEARNES G77 6XS

Hi Darren,

Thanks for your email and the attachments dated 29 January 2020.

In answer to your question, planning permission would be required for the development indicated in your email. However, the submitted layout plan appears to be identical to option A submitted for comment in December 2019 and does not reflect the advice given in my email to you of 16 December 2019. I note, however that the proposed elevation shows one less step indicating a reduction in the height of the deck, although the proposed layout plan appears to be unaltered.

Kind regards,

Derek Scott

Planning Officer

Environment (Development Management)

East Renfrewshire Council

Tel: 0141 577 3034

Fax:0141 577 3885

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www.eastrenfrewshire.gov.uk

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From: Darren Mac [REDACTED]
Sent: 29 January 2020 16:03
To: Scott, Derek
Subject: RE: 14 DUNGLASS PLACE, NEWTON MEARNES G77 6XS

Good afternoon Derek,

Can you please advise if my client makes the changes as per the attached drawings if a further Planning Application would be required?

Attached are the drawings with the sectional details and elevations both existing and proposed.

As you will note from your recent site visit there has been no change to the overall length of the decking which is evident by the existing retaining wall which is left in place and can easily be seen behind the new cladding.

Kind regards,

Darren

M: 07530 591 447

E: [REDACTED]

From: Scott, Derek [<mailto:Derek.Scott@eastrenfrewshire.gov.uk>]

Sent: 16 December 2019 15:54

To: 'Darren Mac'

Subject: RE: 14 DUNGLASS PLACE, NEWTON MEARNNS G77 6XS

Darren,

Many thanks for your email and the attachments.

Having considered the matter I would favour option A with the narrower steps but with the upper deck area pushed 1 metre further from the boundary with number 16. This would entail the landing area being extended by 1 metre in length.

Before submitting an application, it would be useful if you could clarify the use and treatment of the resulting void area between the steps and the deck. It could be used as a planter to help soften the impact of the deck. At this stage a section and elevation would also assist.

This advice is given without prejudice and does not bind the Council to any future course of action.

Kind regards,

Derek Scott

Planning Officer

Environment (Development Management)

East Renfrewshire Council

Tel: 0141 577 3034

Fax:0141 577 3885

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From: Darren Mac [REDACTED]
Sent: 13 December 2019 14:18
To: Scott, Derek
Cc: 'kayleigh lawson'
Subject: RE: 14 DUNGLASS PLACE, NEWTON MEARNES G77 6XS

Good afternoon Derek,

Can you please provide me with an update on the above property.

I note that you were keen last week to get an answer back to Kayleigh in terms of how to progress with the application.

Again can you please advise if my client was to make the changes as per the drawings provided, either option A or B would this still be subject to a planning application?

Regards,

Darren

M: [REDACTED]

E: [REDACTED]

From: D Mac [REDACTED]
Sent: 06 December 2019 12:21
To: Scott, Derek
Cc: kayleigh lawson
Subject: Re: 14 DUNGLASS PLACE, NEWTON MEARNNS G77 6XS

Good afternoon Derek,

Thank you for your email and assistance with this application.

In terms of a site visit I can confirm that no changes have been made since your last site visit.

I believe that yourself and Ian have visited the site and taken pictures on more than 3 occasions and don't see the benefit of any further visits at this point in time.

Can you advise that if my client was to make the changes as per the drawings provided, either option A or B would this still be subject to a planning application?

Kind regards,

Darren.

Sent from my iPhone

On 6 Dec 2019, at 11:26, Scott, Derek <Derek.Scott@eastrenfrewshire.gov.uk> wrote:

Dear Kayleigh,

Thank you for your email.

It appears from the plans you submitted that both options retain the upper section of the deck as built with the lower section and access steps being amended. I will visit the site in due course and advise you on the acceptability of both options.

Kind regards,

Derek Scott

Planning Officer

Environment (Development Management)

East Renfrewshire Council

Tel: 0141 577 3034

Fax:0141 577 3885

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From: kayleigh lawson [REDACTED]
Sent: 06 December 2019 08:48
To: Scott, Derek
Cc: EN Planning
Subject: Fwd: 14 DUNGLASS PLACE, NEWTON MEARNES G77 6XS

Good morning Derek,

Please find attached updated drawings with regards to my decking.

As you will see from the proposals we have changed the proposed decking size to what was originally on site keeping it like for like. You will also note we have changed the handrail/protective barrier at the decking edge to blend in with the timber cladding that covers the existing retaining wall.

I have provided two options which can be completed on site once I have your full agreement.

Option A. lowered deck area between stairs removed and now an enlarged landing area only. The width of the top 3 steps has also been reduced so as not to appear to be an enlargement to the decking. Handrail from the stairs to be formed and follow the pitchline of the stairs.

Option B. Lowered deck area between stairs removed and now an enlarged landing area only. The lowered stair widths have been increased and the top 3 steps have also been reduced so as not to appear to be an enlargement to the decking. A handrail will be installed at the steps following the pitchline of the stairs.

Given that the decking has not been increased with only minor alterations to the stair position and widths together with new timber cladding being introduced over the retaining wall and protective barrier, could you please advise if any of the attached are acceptable?

As you will note I am very busy at work during the day and unable to answer any phone calls or email, can I please ask that you forward all future correspondence to my agent and discuss any concerns directly with Darren MacDermid.

Darren can be contacted on [REDACTED] or by email at [REDACTED]

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**COPIES OF ADDITIONAL
OBJECTIONS/REPRESENTATIONS**

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|Response to request for review. – 14 Dunglass Place, Newton Mearns

I would refer to my earlier comments in particular with reference to the scale of the development and the issue of overlooking causing a lack of privacy. The last LRB was clear that the scale of the structure was excessive. There has been no substantive change to the scale of the structure in the proposal.

The Scottish Government has provided guidance on such structures for decking as it is foreseen that such structures should be regulated. If there's other structures in the locality that are of significant scale then these should be similarly regulated. It could not be foreseen that such a structure would be permitted solely because the garden ground is sloping. There is an established right to privacy that property owners are entitled to.

There has to be recourse to Planning for enforcement of such structures and the last LRB was clear as to what issues had to be addressed before any such revised structure would be agreed to, particularly with reference to scale and the overlooking of neighbouring properties.

I attach a link to the Scottish Government Guidance for reference. All persons are entitled to have their right to privacy respected in relation to their property and this structure is grossly invasive in this regard.

There is no need for such a structure in the garden of this scale and in particular the lower height being accessed by stairs that are considerably higher than the structure that was there previously as is the entire structure significantly higher, with overlooking taking place to a large extent. The stairs are also moved to being immediately next to a neighbouring property, unlike the structure that was there previously. This structure has been in place since August 2018 despite a previous refusal of retrospective planning permission. This new proposal fails to address the issues of scale or privacy. The earlier LRB should be referred to for the terms of the refusal that was already upheld by the LRB in September 2019.

<https://www.mygov.scot/add-decking-house/>

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**APPLICANT'S RESPONSE TO ADDITIONAL
OBJECTIONS/REPRESENTATIONS**

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RESPONSE TO OBJECTORS LETTER IN RELATION TO REFUSAL NOTICE 2020/0298/TP

Having reviewed the objector's letter and comments I would offer further clarification to the Appeal Panel that the works are for the replacement of an existing deck and at no point a new raised deck. The existing deck was constructed prior to my clients owning the property and dates back to 2009.

The structure in its current condition will be altered and the new sizes given in the proposed layout drawings are to the exact dimensions of the existing decking which has been replaced. All sizes are given in the existing and proposed layout drawings.

Attached are the existing drawings (PP 001 and PP 003) Planning had requested that these drawings be amended to show the current layout as existing (PP 001 rev A & PP 003 rev A). However, the drawings attached should be used to show the existing layout on site prior to the current layout and the proposed layout.

Since the last Local Review Body appeal has taken place my client has had discussions and emails with Planning to make changes to the deck, however the changes requested by Planning was to make the deck 1m smaller than the pre-existing deck moving it 1m further from the neighbouring boundary. The proposed changes shown in proposed drawing (PP 002) keeps the deck to the same size as existing with only a new access step arrangement being proposed with a soft raised planting area.

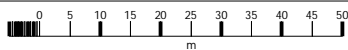
We feel that the changes being proposed to alter the deck in its current condition to the existing size is a fair compromise and that the overlooking issues and lack of privacy that the complainer has outlined will be no worse than what was originally on site. It should also be noted that there have been no complaints raised about the existing deck dating back to 2009 or any other neighbours raised decking in the street.

We also feel that the new closed 2m boundary timber fence together with the replacement of the existing open protective barrier to a new closed protective barrier offers far more privacy than what was on site prior to works.

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PLANS/DRAWINGS

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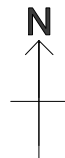


14 Dunglass Place,
Glasgow,
Newton Mearns,
East Renfrewshire
G77 6XS

OS MasterMap 1250/2500/10000 scale
Sunday, May 31, 2020, ID: MPMBW-00878754
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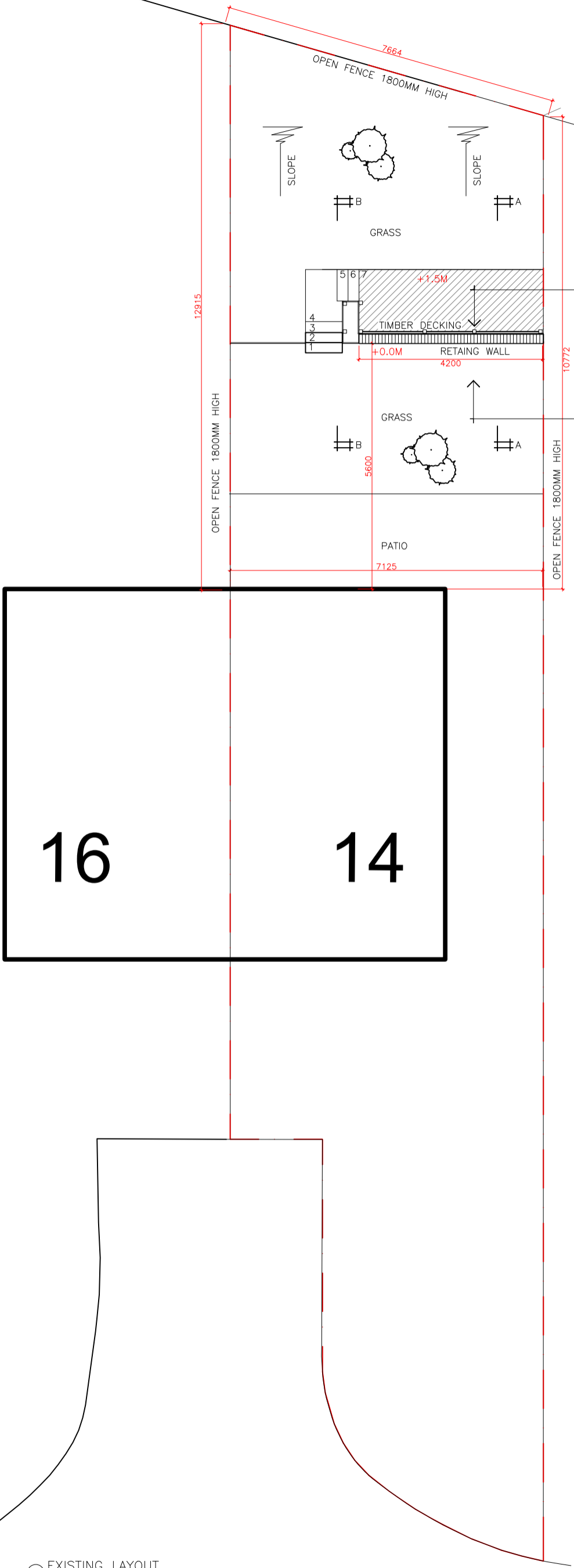
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EXISTING LAYOUT

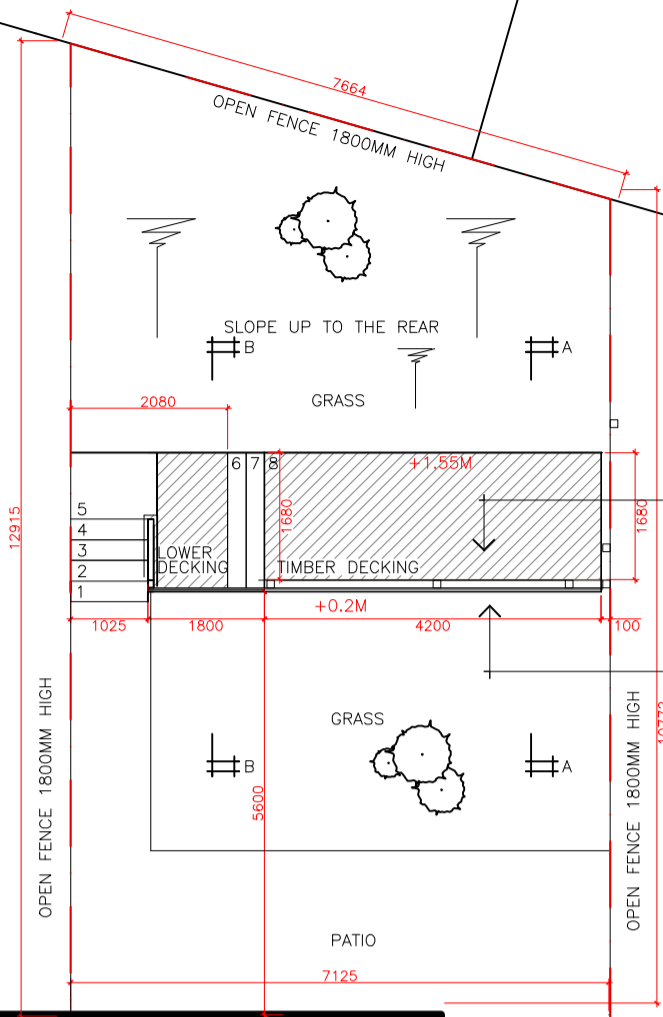
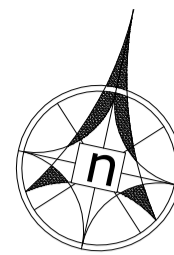


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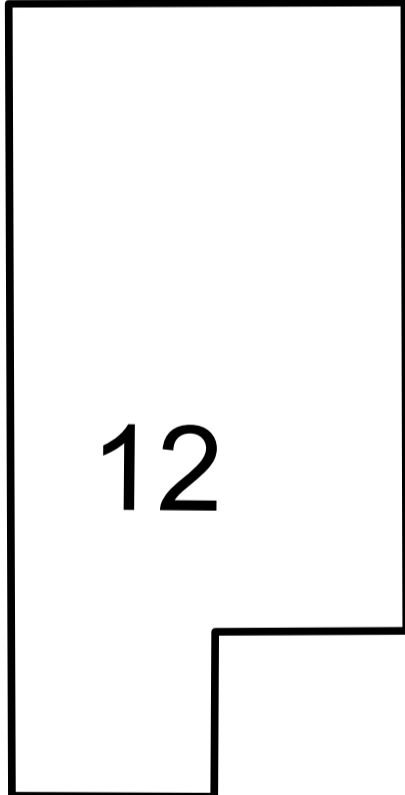
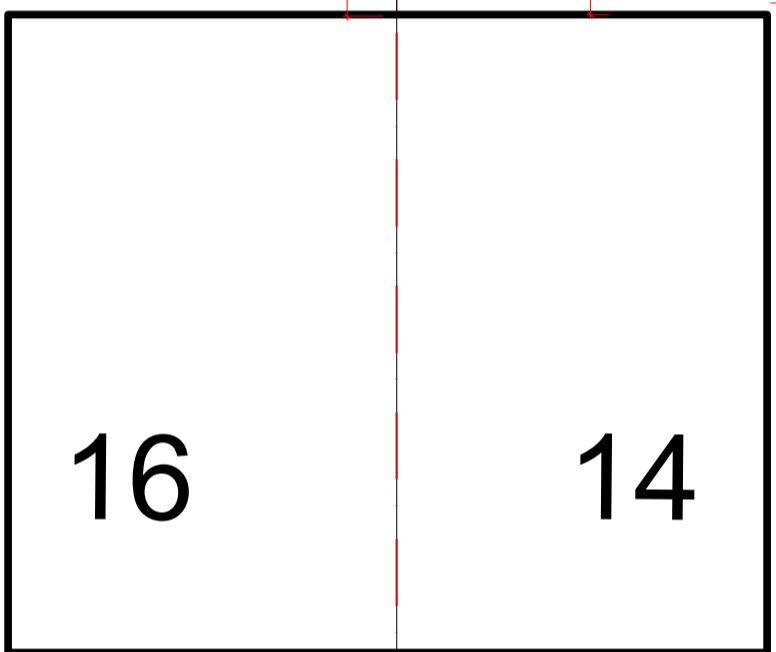
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Project:-	PROPOSED RAISED DECKING TO THE REAR GARDEN		
Title:-	EXISTING LAYOUT		
Drawing No.	PP 001	Rev:-	
Scale:-	1/100		

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HANDRAIL AND PROTECTIVE BARRIER AT A HEIGHT OF 1.1M FROM FINISHED DECKING LEVEL

RETAINING WALL TO REMAIN IN PLACE AND BE CLAD WITH TIMBER STRAPS ONLY



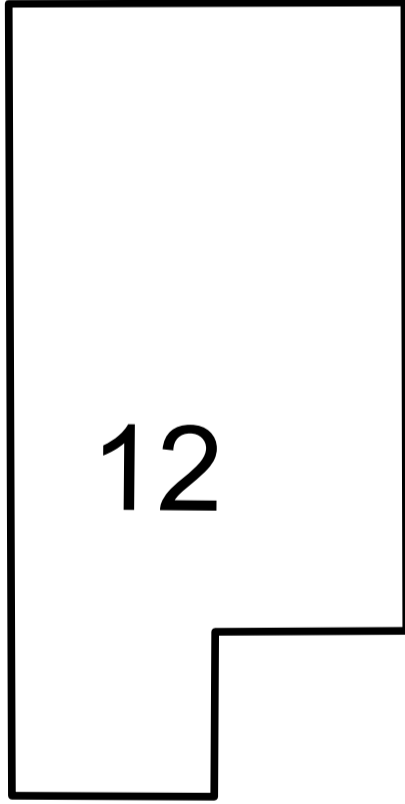
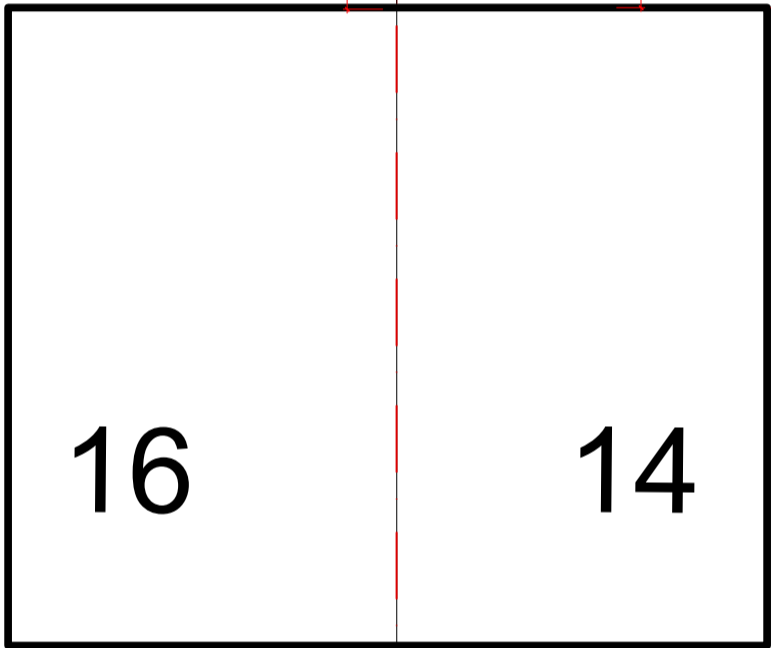
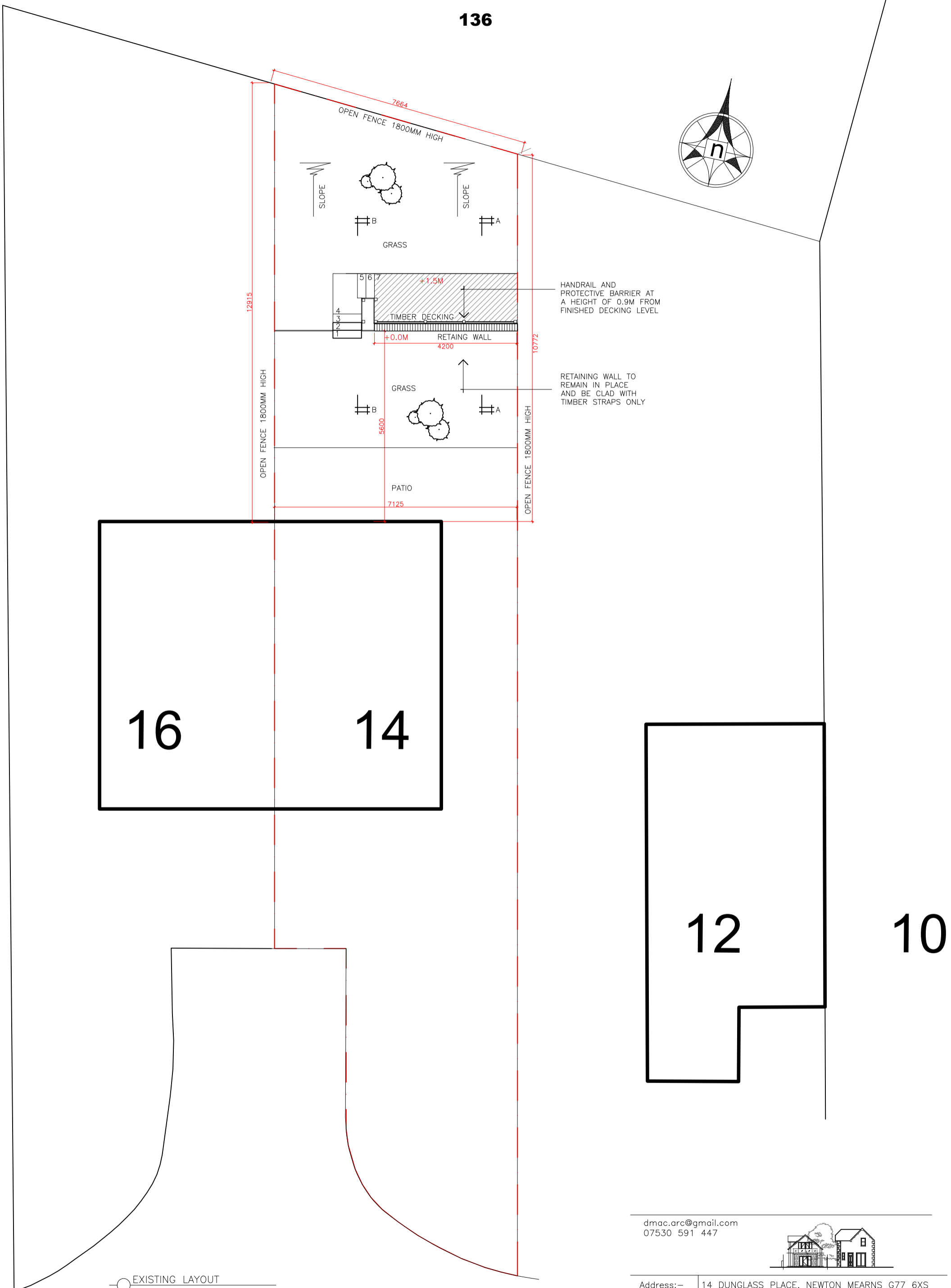
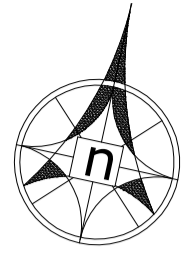
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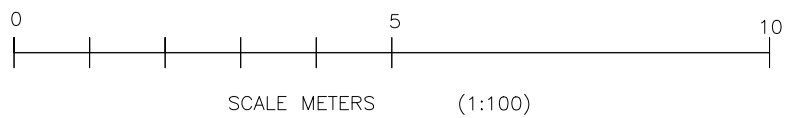
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Project:-	PROPOSED RAISED DECKING TO THE REAR GARDEN		
Title:-	EXISTING LAYOUT		
Drawing No.	PP 001	Rev:-	A
Scale:-	1/100		



EXISTING LAYOUT

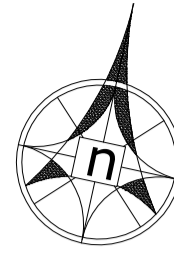


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Title:-	EXISTING LAYOUT		
Drawing No.	PP 004	Rev:-	
Scale:-	1/100		

137



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HANDRAIL TO BE FORMED AT REDUCED HEIGHT TO ACCOMMODATE FOR STAIRS AND LANDING

2080mm x 880mm LANDING FOR STAIRS

LOW LEVEL PLANTING AREA WITH TIMBER CLADDING TO THE FRONT ELEVATION

SLOPE UP TO THE REAR

GRASS

LOW LEVEL PLANTING

TIMBER DECKING

GRASS

PATIO

HANDRAIL AND PROTECTIVE BARRIER AT A HEIGHT OF 1.1M FROM FINISHED DECKING LEVEL

RETAINING WALL TO REMAIN IN PLACE AND BE CLAD WITH TIMBER STRAPS ONLY

OPEN FENCE 1800MM HIGH

OPEN FENCE 1800MM HIGH

OPEN FENCE 1800MM HIGH

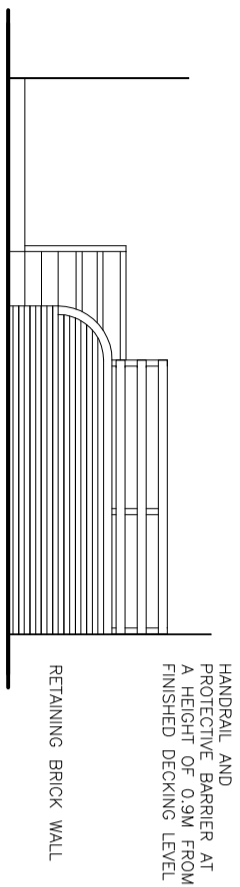
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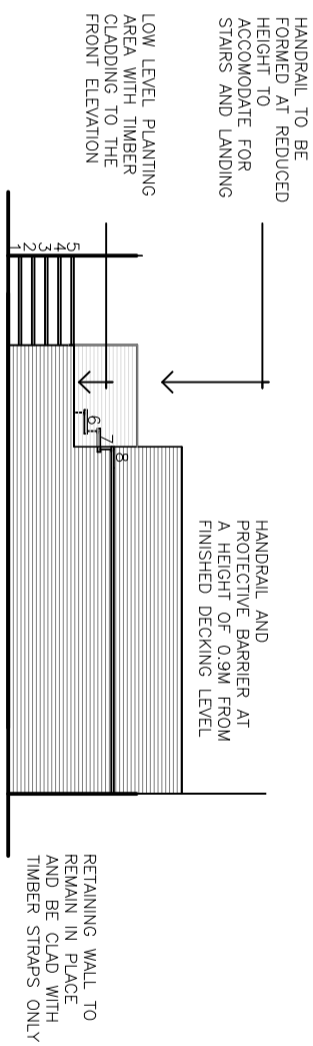
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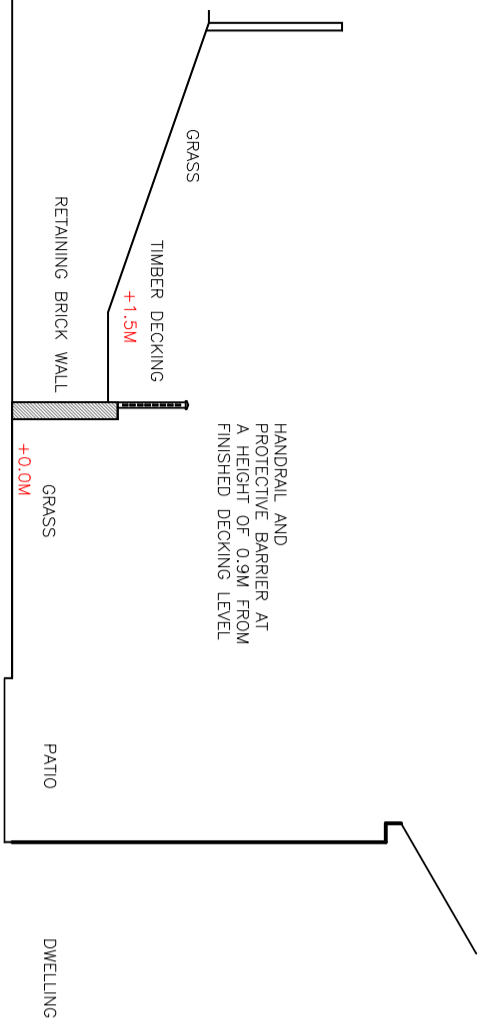
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Title:-	PROPOSED LAYOUT		
Drawing No.	PP 002	Rev:-	
Scale:-	1/100		



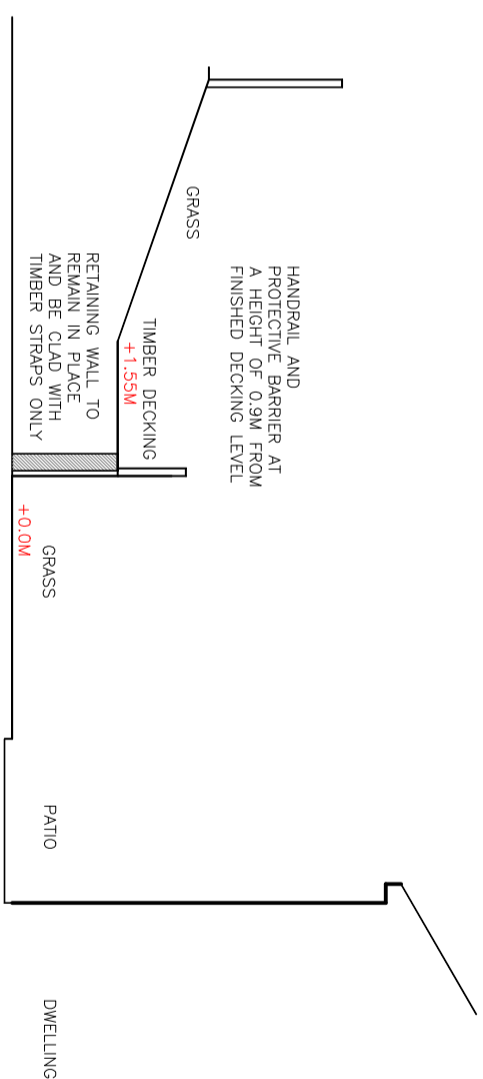
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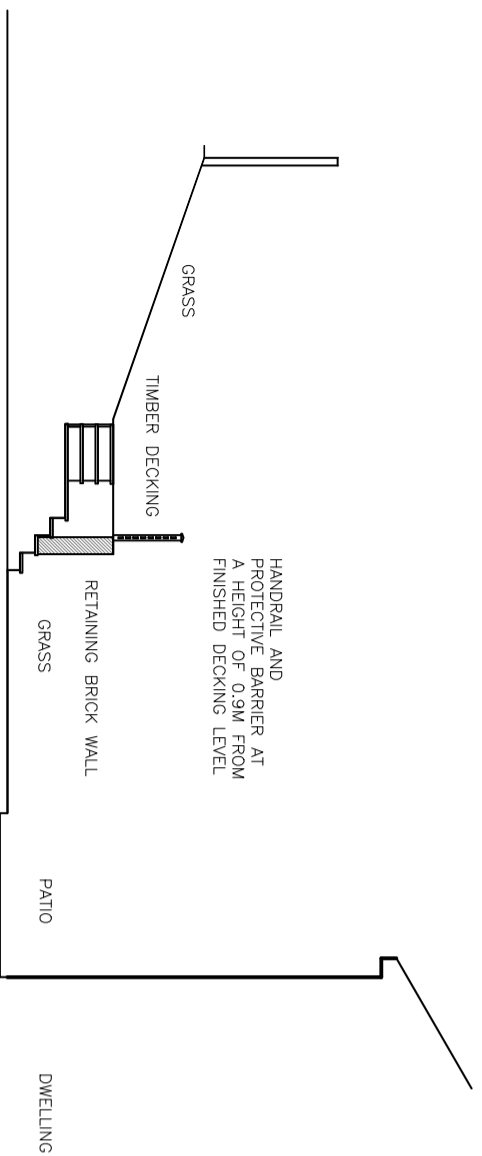
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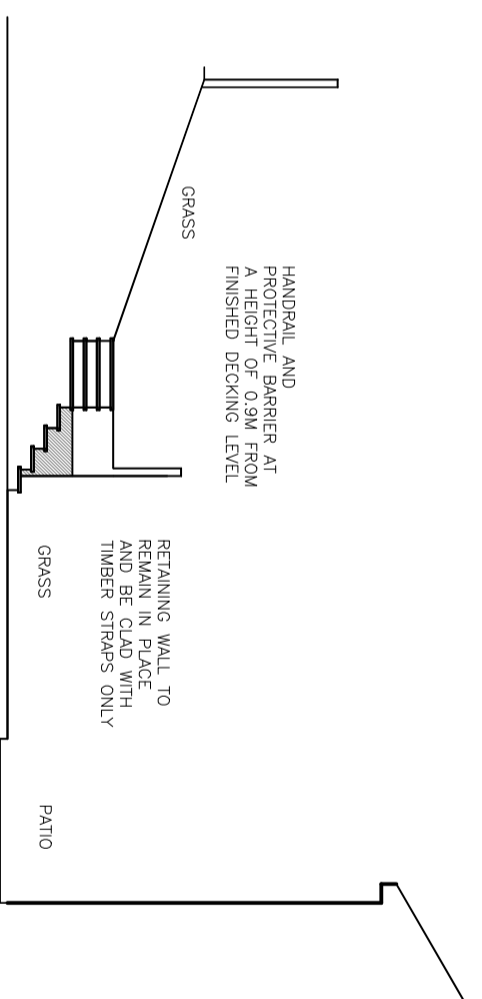
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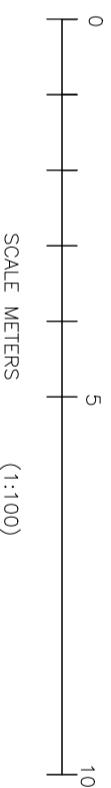
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SECTION B-B (EXISTING)



SECTION B-B (PROPOSED)



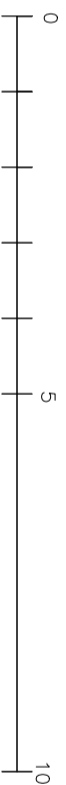
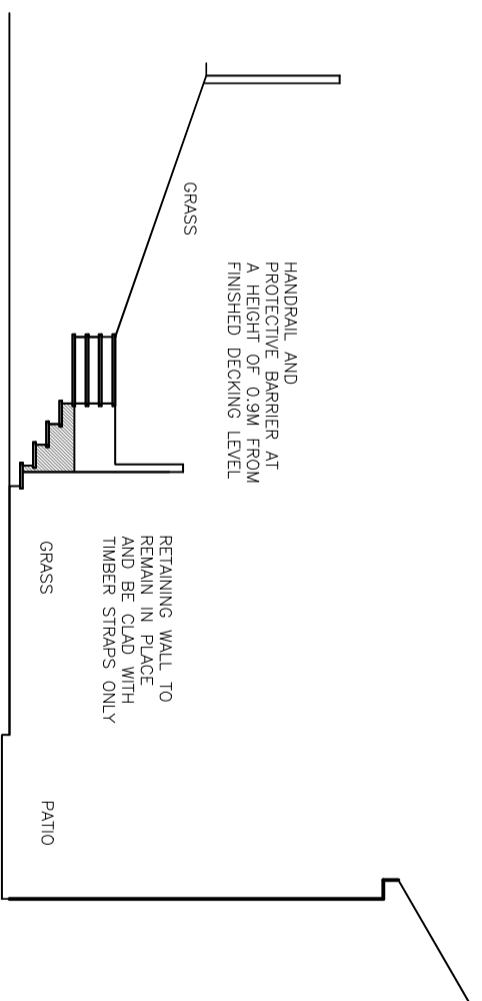
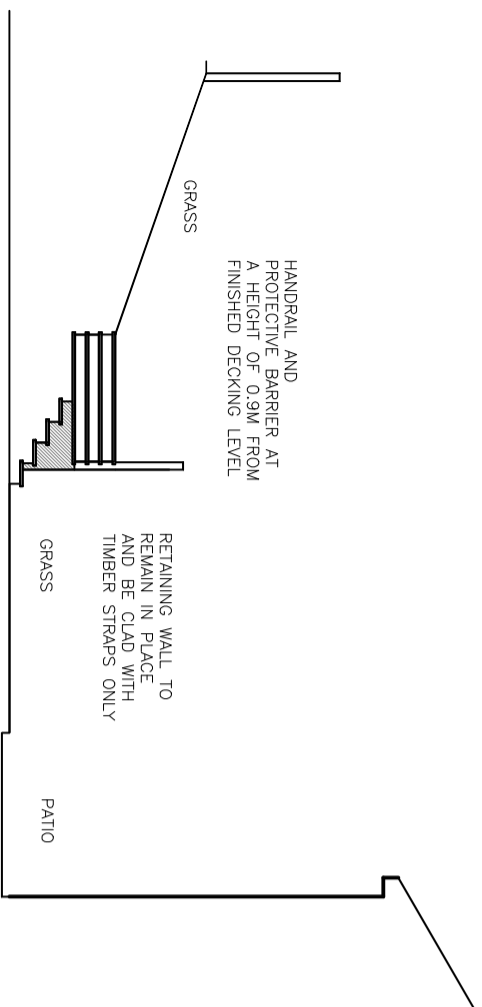
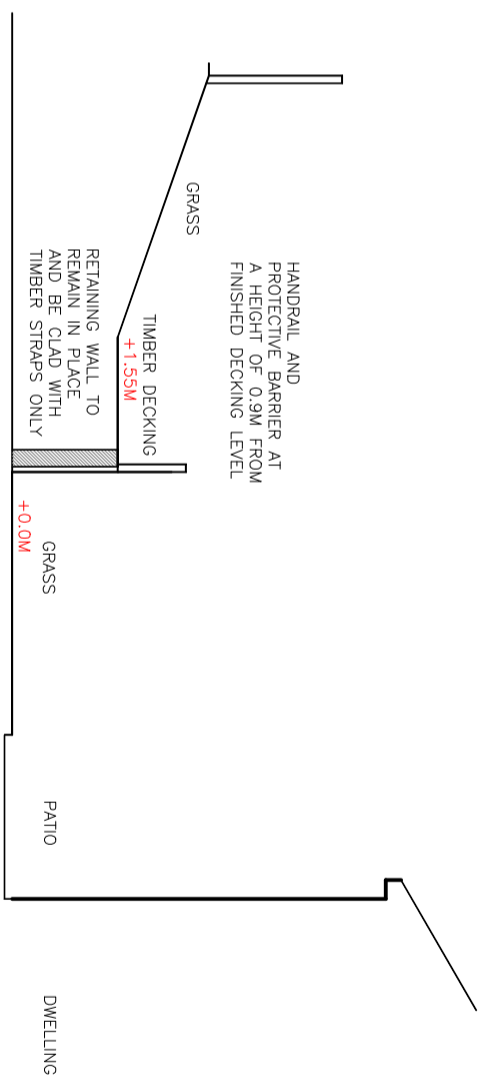
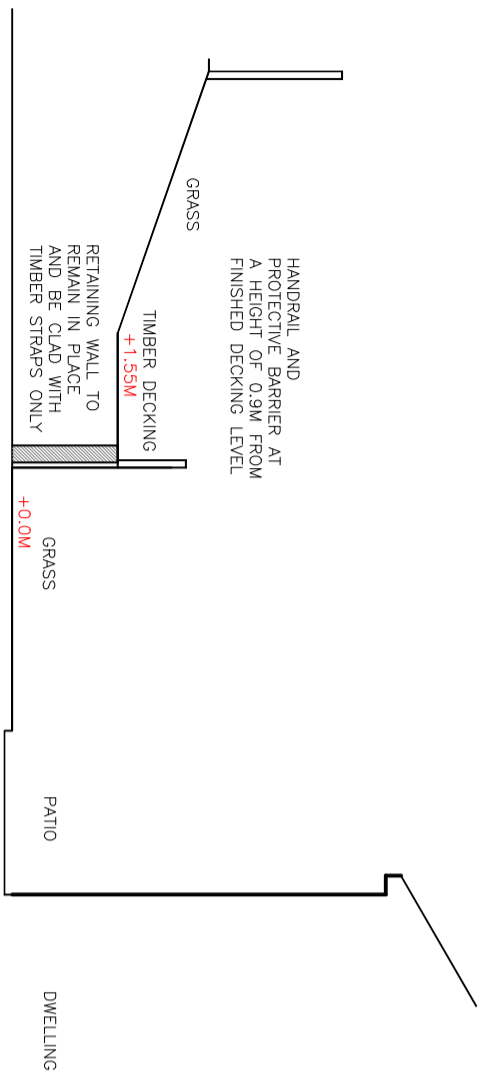
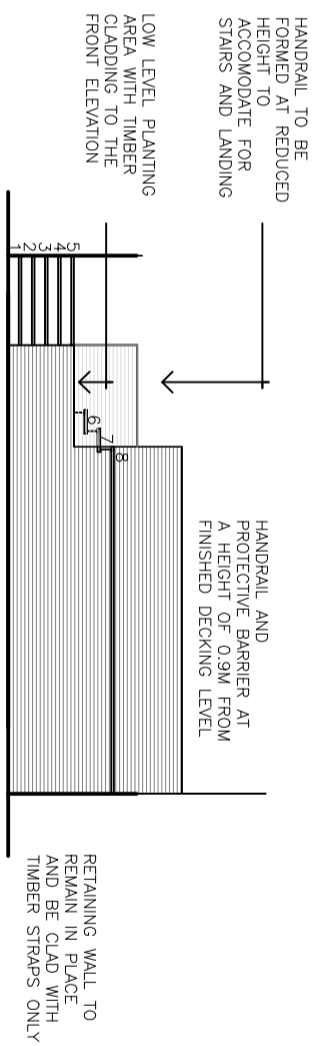
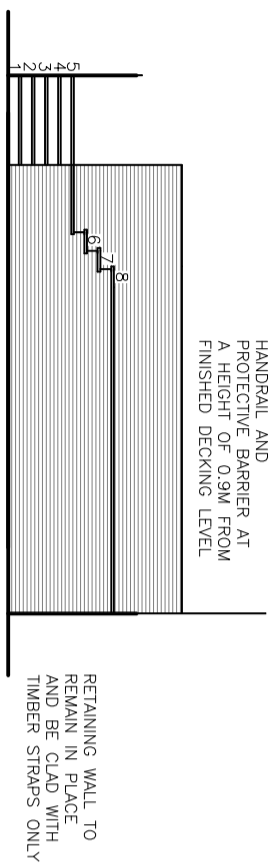
SCALE METERS (1:100)



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Address:- 14 DUNGLASS PLACE, NEWTON MEARNS G77 6XS
Project:- PROPOSED RAISED DECKING TO THE REAR GARDEN

Title:-	EXISTING AND PROPOSED SECTION AND ELEVATIONS	
Drawing No.	PP 003	Rev:-
Scale:-	1/100	



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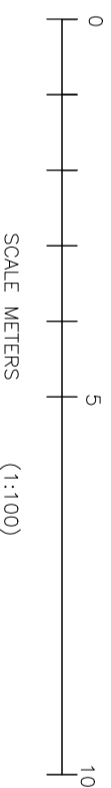
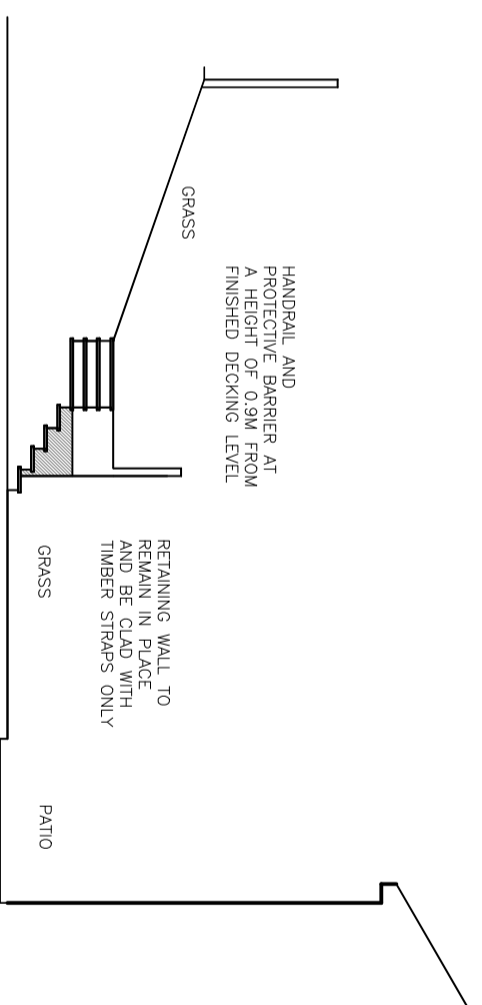
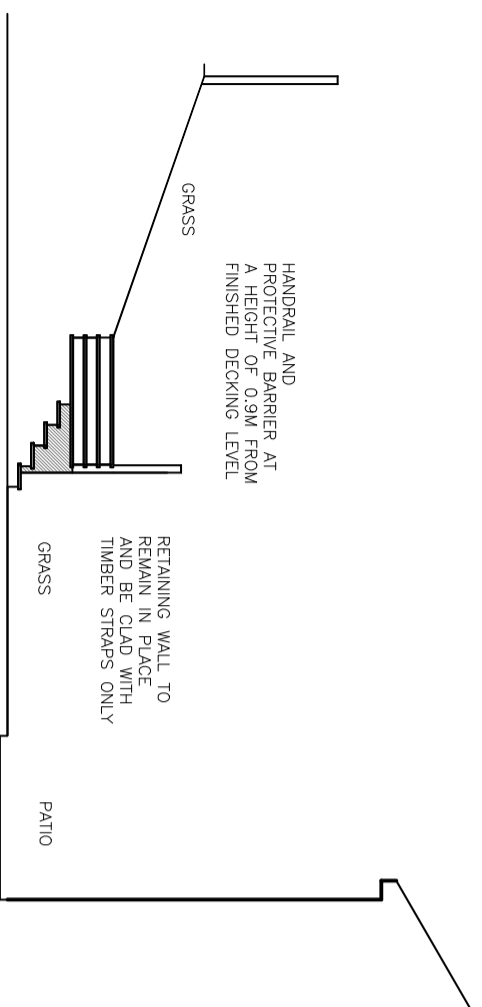
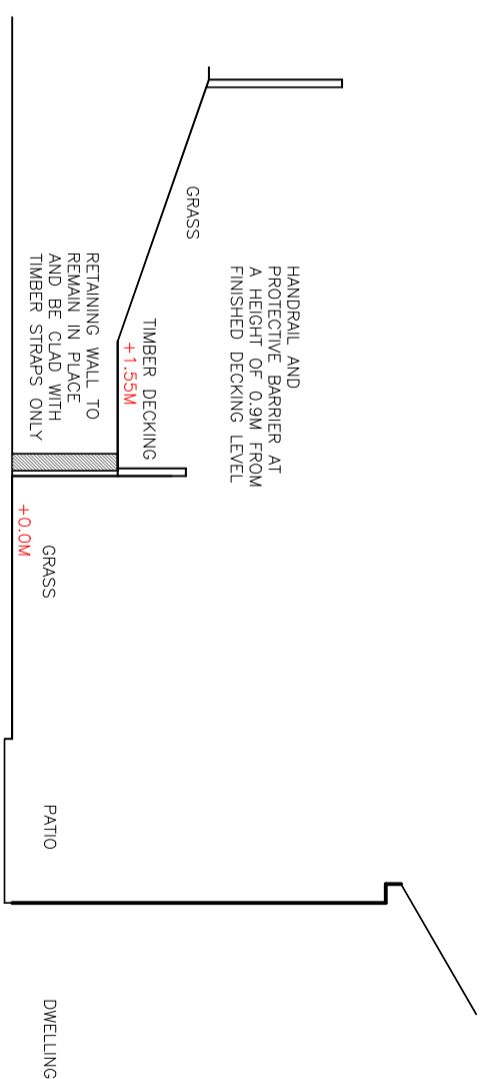
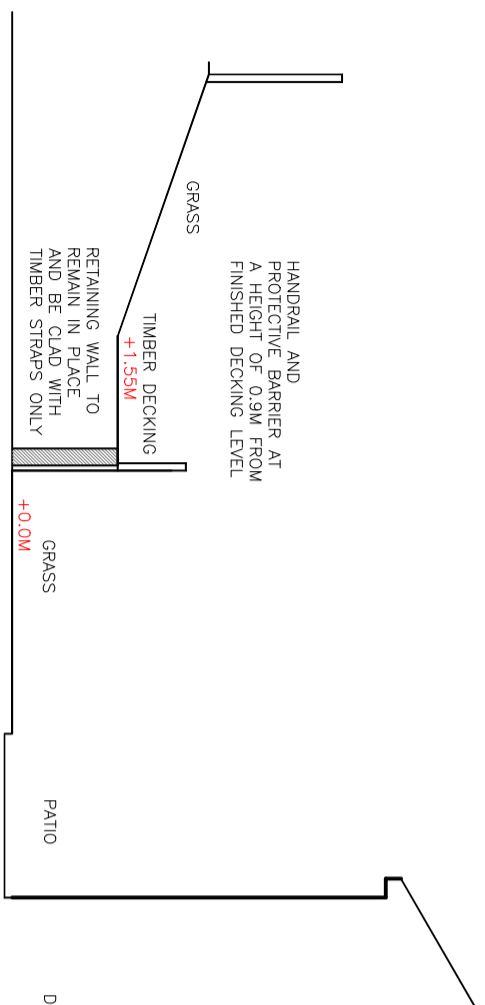
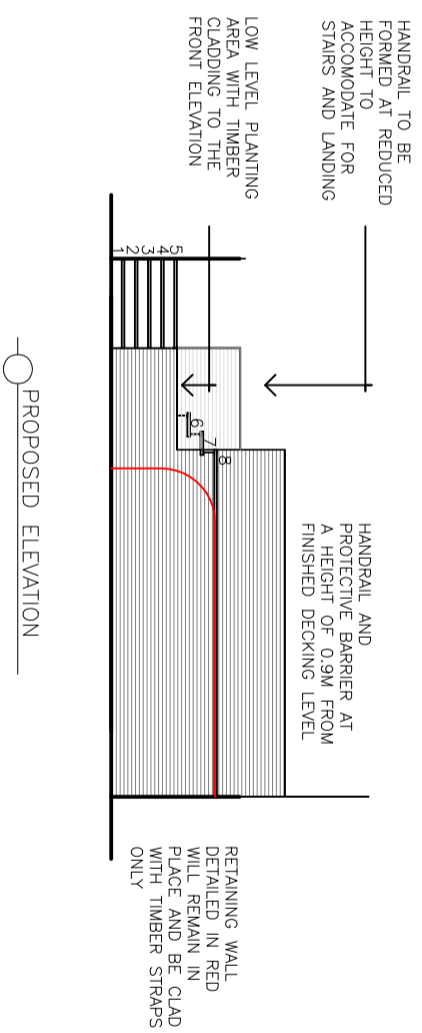
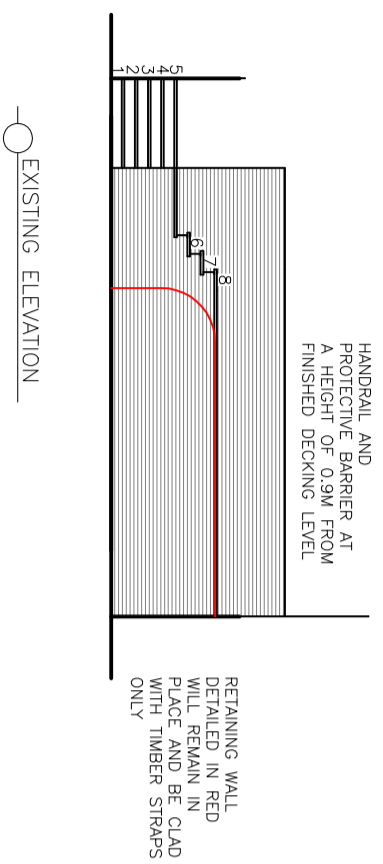
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Project:- PROPOSED RAISED DECKING TO THE REAR GARDEN

Title:- EXISTING AND PROPOSED SECTION AND ELEVATIONS

Drawing No. PP 003 Rev:- A

Scale:- 1/100



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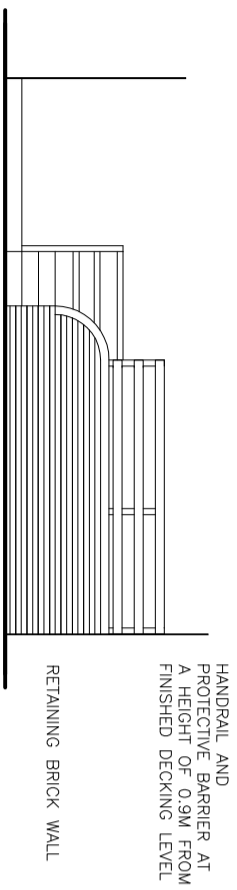
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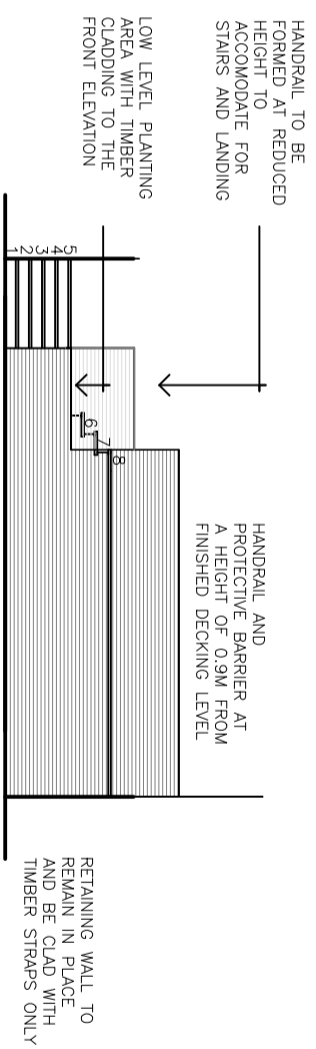
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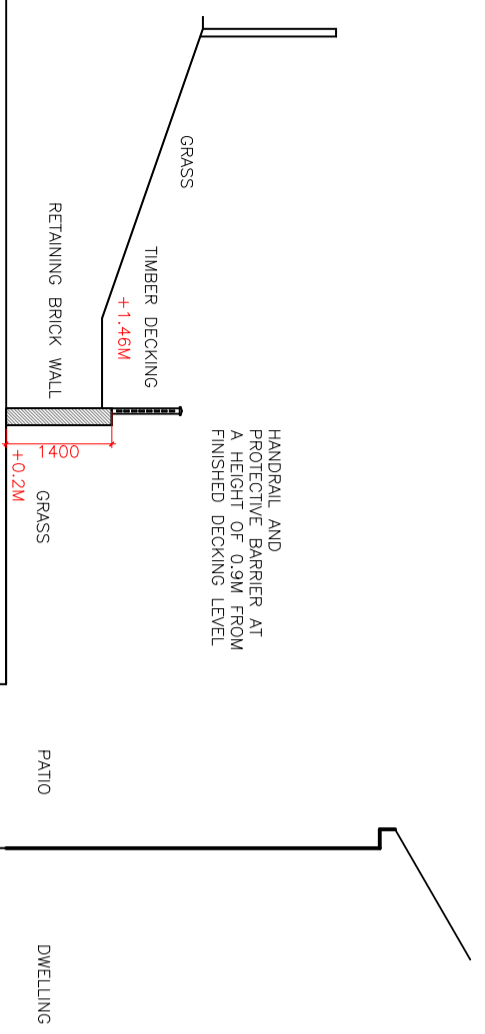


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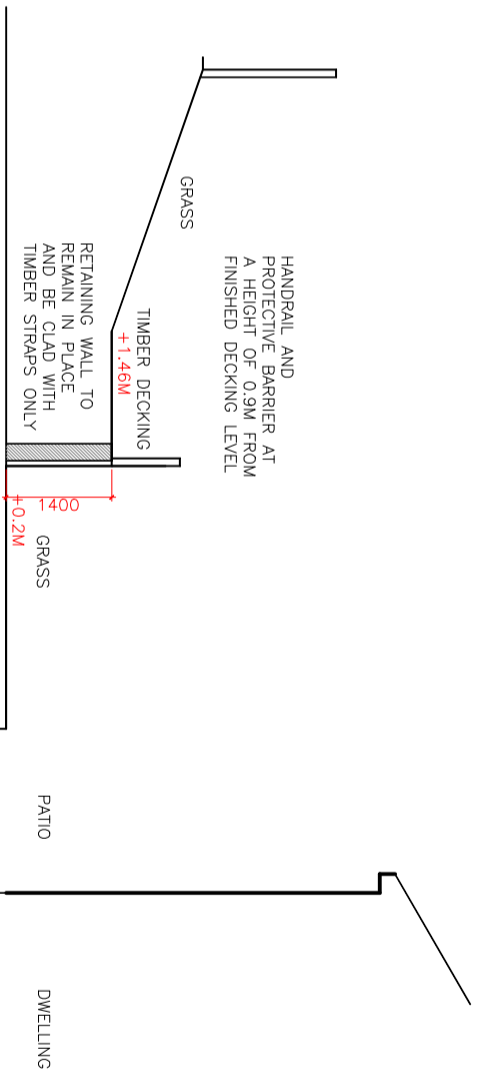


PROPOSED ELEVATION

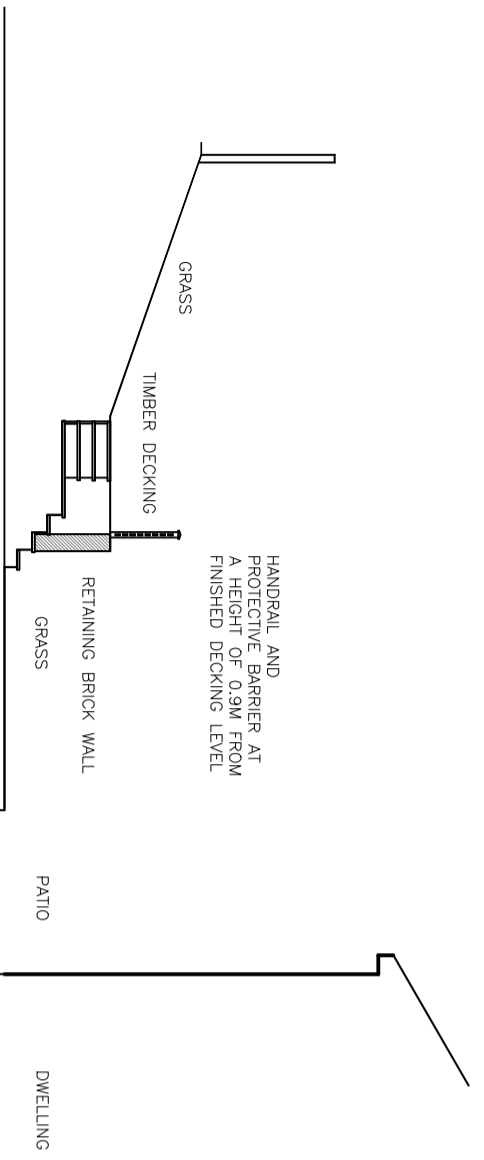
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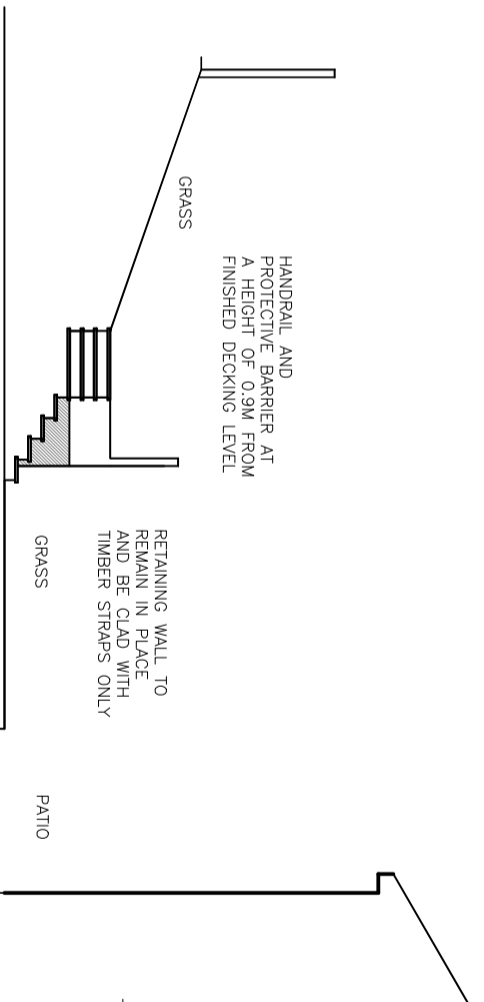
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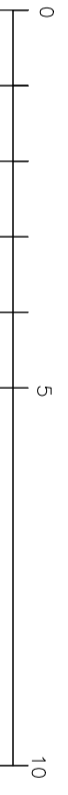
SECTION A-A (PROPOSED)



SECTION B-B (EXISTING)



SECTION B-B (PROPOSED)



SCALE METERS (1:100)

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Address:- 14 DUNGLASS PLACE, NEWTON MEARNS G77 6XS
Project:- PROPOSED RAISED DECKING TO THE REAR GARDEN

Title:-	EXISTING SECTIONS AND ELEVATION	
Drawing No.	PP 005	Rev:-
Scale:-	1/100	

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