EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

6 April 2016

Report by Deputy Chief Executive

REVIEW OF CASE - REVIEW/2016/03

ERECTION OF TWO STOREY REAR EXTENSION WITH RAISED DECKING AND ERECTION OF FRONT PORCH AT 30 EVAN CRESCENT, GIFFNOCK

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:- 2015/0772/TP).
	Applicant:	Mr Ian Campbell.
	Proposal:	Erection of two storey rear extension with raised decking and erection of front porch.
	Location:	30 Evan Crescent, Giffnock.
	Council Area/Ward:	Giffnock and Thornliebank (Ward 3).

REASON FOR REQUESTING REVIEW

3. The applicant has requested a review on the grounds that the Council's appointed officer refused the application.

RECOMMENDATIONS

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

- (b) In the event that further procedure is required to allow it to determine the review, consider:-
 - 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 (Planning, Economic Development and City Deal).

7. The report highlighted that historically appeals against planning decisions were dealt with by Scottish Ministers. However, following the introduction of the new planning provisions with came into effect on 3 August 2009 all appeals against decisions made in respect of local developments under delegated powers would be heard by a Local Review Body. The Local Review Body would also deal with cases where the appointed officer had failed to determine an application within two months from the date it was lodged.

NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW

8. The applicant in submitting the review has stated the reasons for requiring the review of the determination of his application. A copy of the applicant's Notice of Review and Statement of Reasons is attached as Appendix 5.

9. The applicant is entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and has indicated that the review can be determined based on the information submitted only without the need for 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. Members will recall however that at the meeting of the Local Review Body on 4 November 2015, it was decided that the Local Review Body would carry out unaccompanied site inspections for a trial period of 6 months for every review case it received prior to the cases being given initial consideration at a meeting of the Local Review Body.

12. In accordance with the above decision, the Local Review Body has agreed to carry out an unaccompanied site inspection immediately before the meeting.

INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

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

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

- (a) Application for planning permission Appendix 1 (Pages 7-14);
- (b) Copy of representations Appendix 2 (Pages 15-18);
- (c) Report of Handling by the planning officer under the Scheme of Delegation Appendix 3 (Pages 19-26);
- (d) Decision notice and reasons for refusal Appendix 4 (Pages 27-30); and
- (e) The applicant's Notice of Review and Statement of Reasons Appendix 5 (Pages 31-42).

15. The applicant has also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and these are attached as Appendix 6 (Pages 43-53):

- (a) Refused Location plan 337 001;
- (b) Block plan as existing -337 002;
- (c) Refused Proposed block plan 337 003;
- (d) Existing Floor plans 337 100;
- (e) Refused Proposed ground floor plan 337 200A;
- (f) Refused Proposed first floor plan 337 201A;
- (g) Existing west and east elevations 337 101;
- (h) Refused Proposed west and east elevations 337 203A; and
- (i) Refused Proposed north and south elevations 337 204A;

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

17. All the documents referred to in this report can be viewed online on the Council's website at <u>www.eastrenfrewshire.gov.uk</u> with the exception of any representations that have been made to the application.

RECOMMENDATIONS

- **18.** The Local Review Body is asked to:-
 - (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
 - (i) it proceeds to determine whether the decisions taken in respect of the application under review should be upheld, reversed or varied; and
 - (ii) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed.
 - (b) In the event that further procedure is required to allow it to determine the review, consider:-
 - what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;
 - (ii) what procedure or combination of procedures are to be followed in determining the review.

Report Author: Paul O'Neil, Committee Services Officer

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:- March 2016

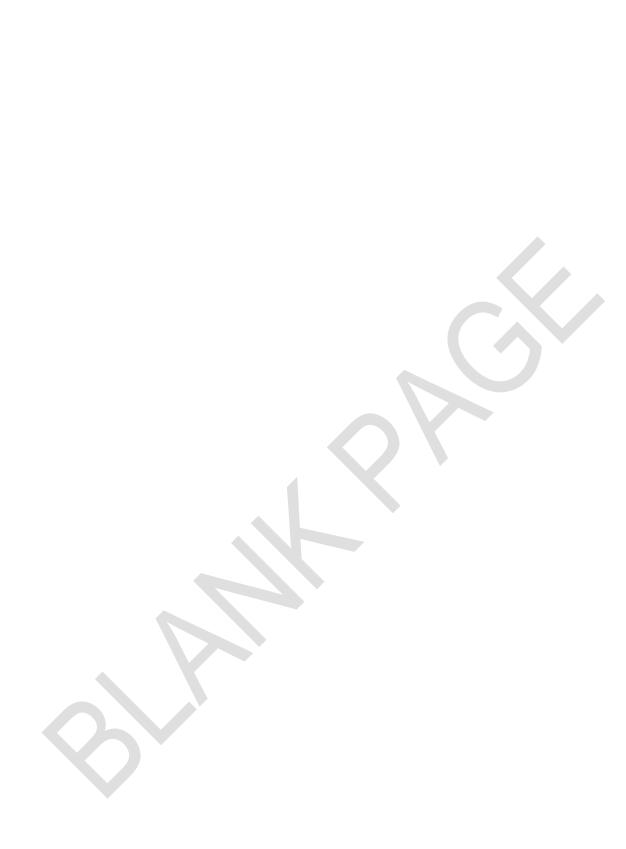
KEY WORDS:

A report presenting information to allow the Local Review Body to review the decision taken by the appointed officer to refuse the application for planning permission in terms of the scheme of delegation.

Key Words:- Local Review Body, Notice of Review, Statement, Reasons.

APPENDIX 1

APPLICATION FORM





2 Spiersbridge Way Thornliebank Glasgow G46 8NG

Tel: 0141 577 3001

Fax: 0141 577 8411

Email: planning@eastrenfrewshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 000138062-001

The online ref number 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)

Two storey extension to the rear of the property with dual pitched roof and hipped gable. Single storey porch to front entrance with pitched roof.

Walls rough cast render to match existing house.

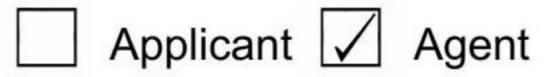
Roof concrete roof tiles to match existing house.

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)



Page 1 of 5

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

First Name: *

Last Name: *

Telephone Number: *

Convery	Prenty	Architects	Ltd
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Stuart

Prenty

0141 237 1718

You must enter a Building Name or Number, or both:*

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

20	
High Craighall road	
Craighall Business Park	

Extension Number:		Town/City: *	Glasgow		
Mobile Number:		Country: *	UK		
Fax Number:		Postcode: *	G4 9UD		
Email Address: *	stuart@cparch.co.uk				
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 both:*	e or Number, or		

Other Title:		Building Name:	
First Name: *	lan	Building Number:	30
Last Name: *	Campbell	Address 1 (Street): *	Evan Crescent
Company/Organisation:		Address 2:	
Telephone Number:		Town/City: *	Giffnock
Extension Number:		Country: *	Glasgow
Mobile Number:		Postcode: *	G46 6NJ
Fax Number:			
Email Address:			

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Site	Add	ress	Detai	ls

Planning Authority:

East Renfrewshire Council

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

Address 1:

Address 2:

Address 3:

Address 4:

30 EVAN CRESCENT	Address 5:	
GIFFNOCK	Town/City/Settlement:	GLASGOW
	Post Code:	G46 6NJ

Please identify/describe the location of the site or sites.

Northing	658568	Easting	257013	
Pre-Applica	tion Discussion			
Have you discussed your proposal with the planning authority? *				
Pre-Application Discussion Details				
In what format was the feedback given? *				

Meeting

Telephone

Email Letter

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)

2 letters received giving comment on applicants sketch drawings.

01.06.15 from Alison Mitchell

26.06.15 also from Alison Mitchell.

The later drawing commented on revised sketches and suggested that any proposal must include a ridge below the existing house roof and a hipped gable. The previous correspondence instructed that the rear extension must not extend more than 4m from the existing rear wall. The proposals lodged here seek to conform with these advisory notes.

Title:	Ms	Other title:	
First Name:	Alison	Last Name:	Mitchell
Correspondence Reference Number:	PREAPP/2015/0197	Date (dd/mm/yyyy):	26/06/15

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? *

No Yes

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? *

No Yes

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose 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? *

No Yes

Certificates and Notices

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

One Certificate must be completed and submitted along with this 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 ? *

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

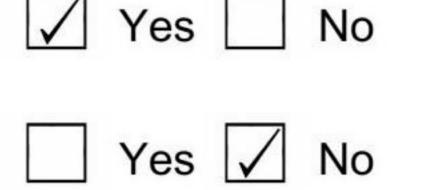
Certificate Required

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

Certificate A

Land Ownership Certificate

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



Regulations 2013	e under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Certificate A	
1	
I hereby certify that –	
lessee under a lease	than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates e period of 21 days ending with the date of the accompanying application.
(2) - None of the land	I to which the application relates constitutes or forms part of an agricultural holding.
Signed:	Stuart Prenty
On behalf of:	Mr Ian Campbell
Date:	30/11/2015
	Please tick here to certify this Certificate. *

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Checklist - Application for Householder Application

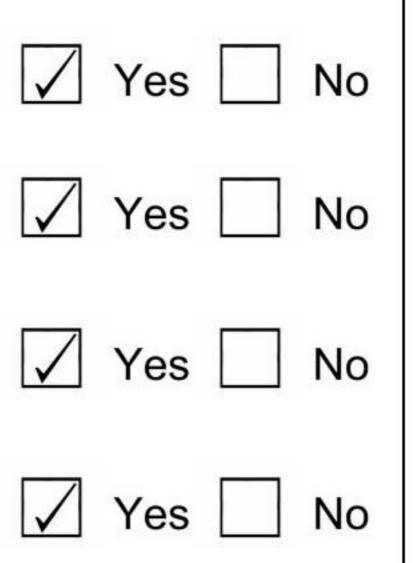
Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority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

a) Have you provided a written description of the development to which it relates?. *

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? *

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.? *

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.



e) Have you provided a certificate of ownership? *

f) Have you provided the fee payable under the Fees Regulations? *

g) Have you provided any other plans as necessary? *

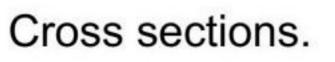
Continued on the next page

A copy of 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.
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\checkmark	Yes	No
\checkmark	Yes	No
\checkmark	Yes	No



Site layout plan/Block plans (including access).

Roof plan.

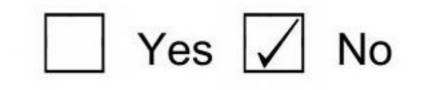


Photographs and/or photomontages.

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. *

A Supporting Statement – you may wish to provide additional background information or justification for your proposals. 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:

Stuart Prenty

Declaration Date:	30/11/2015
Submission Date:	30/11/2015
Payment Details	
	Created: 30/11/2015 10:46



APPENDIX 2

COPIES OF REPRESENTATIONS



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APPENDIX 3

REPORT OF HANDLING



21 REPORT OF HANDLING

Reference: 2015/0772/TP

Application Type: Full Planning Permission

Date Registered: 30th November 2015

This application is a Local Development

Ward: Co-ordinates: Applicant/Agent:	3 -Giffnock And Thornliebank 257013/:658568 Applicant: Mr Ian Campbell 30 Evan Crescent Giffnock East Renfrewshire G46 6NJ	Agent: Convery Prenty Architects Ltd 20 High Craighall Road Craighall Business Park Glasgow G4 9UD
Proposal:	Erection of two storey rear extensio front porch	n with raised decking and erection of
Location:	30 Evan Crescent Giffnock East Renfrewshire G46 6NJ	

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY: None

REPRESENTATIONS:

One representation has been received:

The representation can be summarised as follows:

Impact of upper storey on sunlight and warmth received in the morning

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Supporting Statement The two storey terraces in Evan Crescent are narrow. The proposal meets the requirements of Policy D1 and D14 but the application of the requirement in the SPG for a 2m set back would prevent any 2 storey rear extension in the area. The SPG is a guide and should not override other recommendations. Mitigating circumstances would include: designed to minimise overshadowing; no properties located to the rear; extension required for family needs and desire to remain in area; single storey extension would not meet family needs.

ASSESSMENT:

The site is located on the east side of Evan Crescent which is a short cul-de-sac situated within an established residential area characterised by a variety of house types and built forms. Evan Crescent comprises two storey terrace houses and the application property is a mid-terrace house within a row of four. To the rear of the house, there is a low timber decking accessed from the back door. The adjoining property at 28 Evan Crescent has a conservatory extension built up to the mutual boundary which is

delineated by a section of timber fencing and prevents overlooking from the side glazed panel. On the opposite side boundary (to 32 Evan Crescent), there is also a single panel of fencing and thereafter both side boundaries have robust hedging/fencing. To the rear of the terrace, there is a small burn and an established treed area to the rear of the nearby Huntly Playing Fields.

Planning permission is being sought for the erection of a front porch and a two storey rear extension. The former will project 0.730m beyond the bay window and would be 1.565m wide with a door opening on the front elevation and solid side walls. Externally, the structure would be finished in render with a shallow lean-to roof.

The two storey rear extension would project 3.5m from the back wall across the full width of the house, i.e. 4.940m, and would accommodate a new kitchen on the ground floor and two bedrooms on the upper floor. On both sides, there would be a parapet wall, approximately 5.6m high behind which there would be a dual pitched ridged roof, with a hipped gable, tying into the existing roof below the ridge. The new ridge would be approximately 7m high. French doors would open out onto a small area of decking projecting approximately 1.5m from the back of the extension over approximately 2.8m at a height of approximately 0.4m. There would be two windows on the upper floor rear elevation. No details of external materials but it would be expected that the extension would be finished in render and red tiles to match the house.

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

Policy D1 is a general criteria based policy that applies to all forms of development. It is considered that criteria 1, 2 and 3 are the most valid in this case. Criterion 1 refers to the prevention of significant loss of character and amenity of the area. Evan Crescent, and the neighbouring and the immediate locale, is characterised, as previously stated, by terraced houses, many of which have been altered and extended. The proposal involves two areas, the front porch and the two storey rear extension. Neither element would have a significant impact on the character and amenity of the area; the porch being of an appropriate scale and design and the two storey extension being at the rear of the property.

With reference to the two storey rear extension, however, in terms of its more immediate impact, it is considered that, its size, scale and massing, (effectively presenting a blank wall almost 3.5m deep and almost 6m high) hard on the mutual boundary, would dominate the rear elevation of the house. This would be the first two storey rear extension in the area and therefore it does not reflect the built form in the locality. On that basis, it has to be considered that the proposal to conflicts with criterion 2 of Policy D1.

Criterion 3 presumes against proposals which would have an adverse impact on the neighbouring properties in terms of sunlight and /or overlooking. The site is set on a west/east axis with the potential for overshadowing of side neighbours. Overshadowing calculations have been carried out for June and September. These calculations indicate that the rear of the terrace will start experiencing additional and direct overshadowing approximately after midday. The same pattern is evident for September although the shadows are longer. This aspect, in isolation, may not be significant but it is a direct consequence of the height and massing of the rear extension, as outlined above, directly on the common boundary with its neighbours. In that regard, the proposal is considered to have a marked and immediate impact in the level of sunlight/daylight reaching the adjacent houses particularly No 28.

There is no significant overlooking from the proposed extension. However, the above consideration renders the proposal contrary to Policy D1(3). In combination, therefore, the proposal is considered to be contrary to the terms of Policy D1.

Policy D14 sets out six general criteria for assessing all residential extensions/alterations of which three are considered to be appropriate to the development proposal i.e.: any extension must complement the existing character of the property particularly in terms of style, form and materials; the size, scale and height of any development must be appropriate to the existing building and the development should avoid over-development of the site.

Noting the terms outlined above, it is considered that the proposed rear extension conflicts with policy D14 on the basis of overdevelopment notably in terms of the massing and relationship of the two storey extension to the neighbouring properties.

Policy 14 has a supporting Supplementary Planning Guidance (SPG) – Householder Design Guide which provides more detailed design guidance for extensions to certain housetypes.

The SPG is a new document approved and formally adopted by the Council in June 2015 as a means of managing residential extensions which require planning permission. It is intended to strike a balance between householder aspirations to extend their property and securing a reasonable standard of amenity for any adjacent residential properties. Since June 2015, the Planning Service has refused applications which do not comply with the SPG unless there are significant material considerations that would justify an alternative view.

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

The aim is to seek a balance between the two aforementioned considerations. Guidance on two storey rear extensions on terraced and two storey houses is specifically referred to in the SPG due, for example, to potential issues of overshadowing and dominating of the adjoining properties. The setback of 2m is aimed at mitigating the impact of a two storey rear extension. The SPG does not give an explanation behind the advice but paragraph 1.1.2 clarifies its intent i.e. "appropriate development is central to maintaining the quality of the built environment and in particular ensuring that extensions to existing buildings are in proportion and that the spaces between the buildings are not diminished to a point where the environment and amenity are significantly affected". This is particularly important in smaller more modest houses where the relationship with neighbours is closer. While additional direct overshadowing, as previously stated, may not be a significant issue, the visual impact of the height of the extension on the mutual boundaries would impact on the neighbours and use of the conservatory for the occupants of 28 Evan Crescent in particular. The minimum separation distance of 2m is considered to be an appropriate mechanism to maintain an acceptable relationship with the neighbouring properties. The application site cannot meet this requirement. The parapet walls, for example, highlight the constraints of the site and the attempt to manage the full width of the extension in the confined space available.

The implications, in this instance, are clear. The SPG requires that two storey rear extensions should be setback 2m from the side boundaries of a terraced house. On that basis, the application should be refused as contrary to the Development Plan unless there are material considerations which would justify setting aside the SPG and approving the application.

The terraced houses in Evan Crescent are narrow and are only approximately 5m wide. To provide a 2m set back from one or both of the side boundaries would not be practicable

Although every application is treated on its own merits, in terms of material considerations, it is noted, as referred to above, that there are no two storey rear extensions in Evan Crescent. If consent was issued for the application site, the proposal could be repeated in this and other terraces to the wider detriment of residential amenity.

The supporting comments of the applicant outlined above are noted but do not justify setting aside the requirements of the SPG and approving the application.

Additionally, a representation has been received from the occupant of No 28 Evan Crescent regarding the impact of the second storey on their property including a rear conservatory which supports the Planning Services concerns regarding the overwhelming visual impact of a full two storeys along the mutual boundary. The planning application for the extension to 32 Evan Crescent reference, 2015/0829/TP, has been approved but is not deemed material to the consideration of this application.

There would be no issues, in principle, to a single storey rear extension at the application site and the SPG does not require a setback from a mutual boundary for this type of development. It is noted the applicant advises that a single storey extension would not meet the additional space requirements of the family and the desire to stay in the locality. While the Planning Service acknowledges the aspirations of the applicant, these are not material to the consideration of the planning application. With regard to the pre-application discussions with the Planning Service, it should be noted the applicant was made aware of issues in respect of the SPG in June 2015 through the pre-application process.

Drawing all the above matters together, whilst it is noted that the proposed front porch complies with policy, a planning application must be determined as a whole. The proposed two storey rear extension is considered to conflict with the policy considerations and more specifically the SPG- Householder Design Guide as discussed in the report above. There are no material considerations which would justify setting aside this document and approving the application.

Accordingly, it is recommended that the proposed planning application must be refused

RECOMMENDATION: Refuse

Reason for refusal:-

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

PLANNING OBLIGATIONS: None

ADDED VALUE: None

BACKGROUND PAPERS:

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

Ref. No.: 2015/0772/TP (ALMI)

DATE: 25th February 2016

DIRECTOR OF ENVIRONMENT

Reference: 2015/0772/TP - Appendix 1 **DEVELOPMENT PLAN:**

Strategic Development Plan

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

Adopted East Renfrewshire Local Development Plan

Policy D1

Detailed Guidance for all Development

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

- 1. The development should not result in a significant loss of character or amenity to the surrounding area;
- 2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;

- 3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
- 4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
- 5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
- 6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
- 7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
- 8. The Council will not accept 'backland' development, that is, development without a road frontage;
- 9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
- 10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
- 11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
- 12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
- 13. Where applicable, new development should take into account the legacy of former mining activity;
- 14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
- 15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
- 16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Policy D14

Extensions to Existing Buildings and Erection of Outbuildings and Garages Any extensions must complement the existing character of the property, particularly in terms of style, form and materials.

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

Side extensions should not create an unbroken or terraced appearance.

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

Dormer windows should not in general dominate the existing roof, nor rise above or break the existing

ridgeline or hip of the roof, and should be finished in materials to match existing roof finishes.

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

GOVERNMENT GUIDANCE: None relevant

Finalised 25/02/2016.IM.

APPENDIX 4

DECISION NOTICE

AND

REASONS FOR REFUSAL



29

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. 2015/0772/TP

Applicant

Mr Ian Campbell 30 Evan Crescent Giffnock East Renfrewshire G46 6NJ Agent: Convery Prenty Architects Ltd Mr. Stuart Prenty 20 High Craighall Road Craighall Business Park Glasgow G4 9UD

With reference to your application which was registered on 30th November 2015 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of two storey rear extension with raised decking and erection of front porch

at: 30 Evan Crescent Giffnock East Renfrewshire G46 6NJ

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

Dated 25th February 2016



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	337-001		
Block Plan Proposed	337-003		
Elevations Proposed	337-203	A	
Elevations Proposed	337-204	A	
Proposed floor plans	337-200	A	
Proposed floor plans	337-201	A	

GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS

REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY

- 1. If the applicant is aggrieved by a decision to refuse permission (or by an approval subject to conditions), the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review can be submitted online at www.eplanning.scotland.gov.uk. Alternatively, you can download a Notice of Review form (along with notes for guidance) from www.eastrenfrewshire.gov.uk/planning-appeals-reviews which should be returned to The Planning Service, 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, East Renfrewshire G46 8NA. You may also call the Council on 0141 577 3001 to request the Notice of Review Form. Please note that beyond the content of the appeal or review forms, you cannot normally raise new matters in support of an appeal or review, unless you can demonstrate that the matter could not have been raised before, or that its not being raised before is a consequence of exceptional circumstances. Following submission of the notice, you will receive an acknowledgementletter informing you of the date of the Local Review Body meeting or whether further information is required.
- 2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

CONTACT DETAILS

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

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

APPENDIX 5

NOTICE OF REVIEW

AND

STATEMENT OF REASONS





Renfreushire			
2 Spiersbridge Way Thor	nliebank G46 8NG Tel: 0141 577 3001 Er	nail: planning@eastrer	frewshire.gov.uk
Applications cannot be va	alidated until all the necessary documentation	on has been submitted	and the required fee has been paid.
Thank you for completing	this application form:		
ONLINE REFERENCE	100005360-001		
	e unique reference for your online form onl ease quote this reference if you need to co		ority will allocate an Application Number when ority about this application.
Applicant or A	Agent Details		
	n agent? * (An agent is an architect, consu in connection with this application)	ltant or someone else a	acting
Agent Details			
Please enter Agent detail	s		
Company/Organisation:	Convery Prenty Architects		
Ref. Number:		You must enter a B	uilding Name or Number, or both: *
First Name: *	Stuart	Building Name:	
Last Name: *	Prenty	Building Number:	20
Telephone Number: *	0141 237 1718	Address 1 (Street): *	High Craighall Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G4 9UD
Email Address: *	stuart@cparch.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
Individual Dorganisation/Corporate entity			

Applicant Det	ails		
Please enter Applicant de	etails		
Title:	Mr	You must enter a Bu	uilding Name or Number, or both: *
Other Title:		Building Name:	
First Name: *	lan	Building Number:	30
Last Name: *	Campbell	Address 1 (Street): *	Evan Crescent
Company/Organisation		Address 2:	Giffnock
Telephone Number: *		Town/City: *	East Renfrewshire
Extension Number:		Country: *	SCOTLAND
Mobile Number:		Postcode: *	G46 6NJ
Fax Number:			
Email Address: *			
Site Address	Details		
Planning Authority:	East Renfrewshire Council		
Full postal address of the	site (including postcode where availa	ble):	
Address 1:	30 EVAN CRESCENT		
Address 2:	GIFFNOCK		
Address 3:			
Address 4:			
Address 5:			
Town/City/Settlement:	GLASGOW		
Post Code:	G46 6NJ		
Please identify/describe the location of the site or sites			
1			

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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)
Erection of two storey rear extension with raised decking and erection of front porch
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 a seeking a review of the planning authority's decision (or failure to make a decision). Your statemer must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as 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.
A supporting document is enclosed outlining mitigating circumstances for this location and takes issue with the current SPG (effective Summer 2015). We believe the main reason for objection is the strict enforcement of a new SPG which blights all 2 storey rear extensions of terraced houses by enforcing a 2m boundary stand off unique to ERC. Simply put - there are few mid terraces which can comply with this SPG and we do not believe the SPG was created to dominate Scottish Planning Policy.
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
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 Document (Word Document) Original application drawings Location Plan 337-001 Block Plan Proposed 337 - 003 Elevations Proposed 337 - 203A Elevations proposed 337 - 204A Proposed Floor Plans 337 -200A Proposed Floor Plans 337 - 201A			
Application Details			
Please provide details of the application and decision.			
What is the application reference number? *	2015/0772/TP		
What date was the application submitted to the planning authority? *	30/11/2015		
What date was the decision issued by the planning authority? *	25/02/2016		
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. *			
In the event that the Local Review Body appointed to consider your application decides to in			
Can the site be clearly seen from a road or public land? *	Yes X No		
Is it possible for the site to be accessed safely and without barriers to entry? *	🗙 Yes 🗌 No		
If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)			
The application is for a rear extension to a mid terraced house. As explained in the supporting documentation No30 Evan Crescent is unusual in that there are no properties backing onto the plot. There is a high level railway line. There is no rear lane or path along the rear boundary. It is not possible to view the rear of the property (therefore the extension is only of interest to the immediate neighbours - who didn't object). Access can be arranged by contacting the agent or applicant.			

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 a review? *	and reference number of the application which is the subject of this	X Yes 🗌 No	
	n behalf of the applicant, have you provided details of your name hether any notice or correspondence required in connection with the or the applicant? *	X Yes No N/A	
	ent setting out your reasons for requiring a review and by what f procedures) you wish the review to be conducted? *	X 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 a part of your review.			
	ocuments, material and evidence which you intend to rely on hich are now the subject of this review *	X 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 Steve Convery		
Declaration Date:	03/03/2016		

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O'Neil, Paul [CE]

From:	Stuart Prenty <stuart@cparch.co.uk></stuart@cparch.co.uk>
Sent:	02 February 2016 12:01
То:	Mitchell, Alison (Env)
Subject:	RE: planning application 2015/0772/TP 30 Evan Crescent Giffnock

Good morning Alison,

Thank you for taking the time to explain the Council Planning Departments opinion on this application and for inviting a response.

I have reacquainted myself with the SPG (adopted June 2015) which you also enclosed.

While the SPG is clear that 2 storey rear extensions require to be set back 2m from side boundaries it also states that each application will be viewed on its own merits and assessed over a range of criteria specific to each individual site.

SPG Recommendation regarding 2m side stand off.

• Evan Crescent is predominantly 2 storey, very narrow 4 in a block terraced housing stock. In common with the rest of this street No 30 is only 4705mm wide from fence to fence in the rear garden. Accordingly, the 2m set back from each side boundary would result in a building footprint of only 705mm over the external walls. The SPG therefore prevents any 2 storey rear extension in this area regardless of any mitigating factors and the other design criteria outlined in the SPG against which any application should be assessed.

I do not believe the SPG was written to allow any individual recommendation to override the other recommendations or for any recommendation to be so dogmatic as to prevent entire housing types from achieving well designed extensions when assessed against the Development Plan Policies D1 (1), D1 (2), D1 (3) and D14

Mitigating circumstances for a departure / relaxation of the SPG Recommendation regarding 2m side stand off.

- 1. I am not aware that any neighbour objections have been received regarding this application. I read the SPG as a guide which seeks to establish "fair play" guidance to avoid neighbour conflicts regarding overcrowding, dominance and overshadowing. The owner of No 28 and No 32 have been approached by the applicant and have not stated any concern. A subsequent lack of objection from both would support this verbal opinion.
- Further to point 1, the owner of No 32 has lodged a separate application (2015/0829/TP) for a single storey, rear, wrap around extension. Both neighbours intend to work together and have approached the same builder to construct both extensions (if approved). Without such cooperation access to No 30 for any extension would be extremely difficult as there is no rear access lane.
- 3. The neighbour cooperation outlined in point 2 is important but also significant from a shadowing and right to light assessment, Policy D1(3). We believe that the proposed extension has taken reasonable steps to minimise shadowing to No32 by limiting the rear projection to 3,500mm (SPG recommends a 4m limit) and also by introducing a dual pitched roof with a hipped end. We do not believe the proposed extension will create excessive overshadowing to No 28 by orientation and will not excessively overshadow No 32 by careful design as defined by the SPG.
- 4. The terrace of which No 30 forms part is unusual in that there is no rear access lane and also no properties located behind the terrace. There is a small stream and a high level railway line. As such a 2 storey rear extension as proposed will not be visible from any adjacent property or cause excessive overshadowing or loss of privacy to adjacent rear gardens.
- 5. With regard to the design recommendations in the SPG we believe that the proposal satisfies all criteria and is a well-designed extension which is entirely in keeping with the existing building and locale with the single exception of the 2m boundary offset requirement.

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6. The applicant wishes to remain in this area and for their children to continue to attend the local school and the proposed extension is a cost effective way to adapt this house for family needs. The proposed extension would create a badly needed 3rd bedroom, enlarged kitchen and family dining area turning a stock 2-bedroom house into a modest family sized home and adding diversity of housing stock to the street. The suggested single storey extension would simply increase the size of the kitchen and would not suit the family needs.

In pre application discussion with ERC – the applicant prepared 2 sketches showing potential 2 storey rear extensions. The applicant took cognisance of the advice given and redesigned the proposal. While the original proposal was for a flat roofed unsympathetic box they eventually commissioned a dual pitched extension with a ridge subservient to the main house and a hipped gable. From the advice given in the second Pre application response letter it was hoped that by satisfying all the other criteria of Policy D14 and the SPG then ERC would be willing to approve the application due to the various site specific factors mentioned above.

I would be happy to attend a meeting with you or with your manager to discuss the points raised above or to meet on site at a time of your choosing.

Regards

Stuart Prenty

Director

Please have a look at our recently revised Web site @ www.cparch.co.uk



20 High Craighall Road, Glasgow, G4 9UD 0141 237 1718 www.cparch.co.uk

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From: Mitchell, Alison (Env) [mailto:alison.Mitchell@eastrenfrewshire.gov.uk]
Sent: 26 January 2016 12:28
To: Stuart Prenty <Stuart@cparch.co.uk>
Subject: planning application 2015/0772/TP 30 Evan Crescent Giffnock

Stuart,

I refer to your planning application in connection with the above.

I can confirm that there are no objections to the front porch. There are, however, issues with the two storey rear extension as it does not comply with policy D14 in the East Renfrewshire Local Development Plan and its supporting Supplementary Planning Guidance (SPG)–Householder Design Guidance (copy attached) with regard to two storey rear extensions. You will note that, with reference to the SPG and mid-terraced houses, there should be a 2m setback from the boundaries. On that basis , my line manager is recommending that the application be refused due to non-compliance with the SPG which was adopted June 2015. There is not, for example, an established

pattern of this development in the locality and, as such, it is considered that there are no material considerations which would justify setting aside the requirements of the SPG.

I would welcome your comments on how this issue could be addressed by, for example, setting the extension off the boundaries or amending the application to a single storey extension where a setback would not be required. Alternatively, I would suggest that you submit a statement justifying the extension as submitted against the Development Plan and SPG. Should you wish to proceed with the application as submitted, you would have to right to a review from the Local Review Body if the application was refused.

I look forward to hearing from you in due course.

Regards Alison

Alison Mitchell Senior Planner Environment Department Tel: 0141 577 3117

East Renfrewshire: Your Council, Your Future www.eastrenfrewshire.gov.uk

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APPENDIX 6

PLANS/PHOTOGRAPHS/DRAWINGS

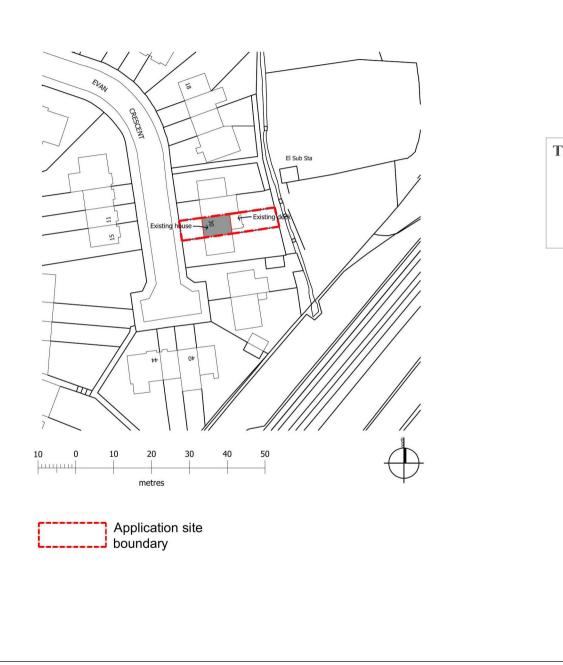


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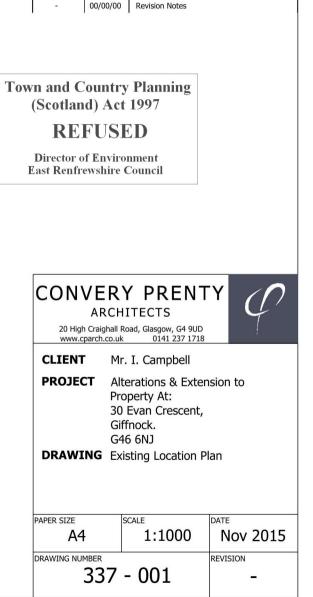
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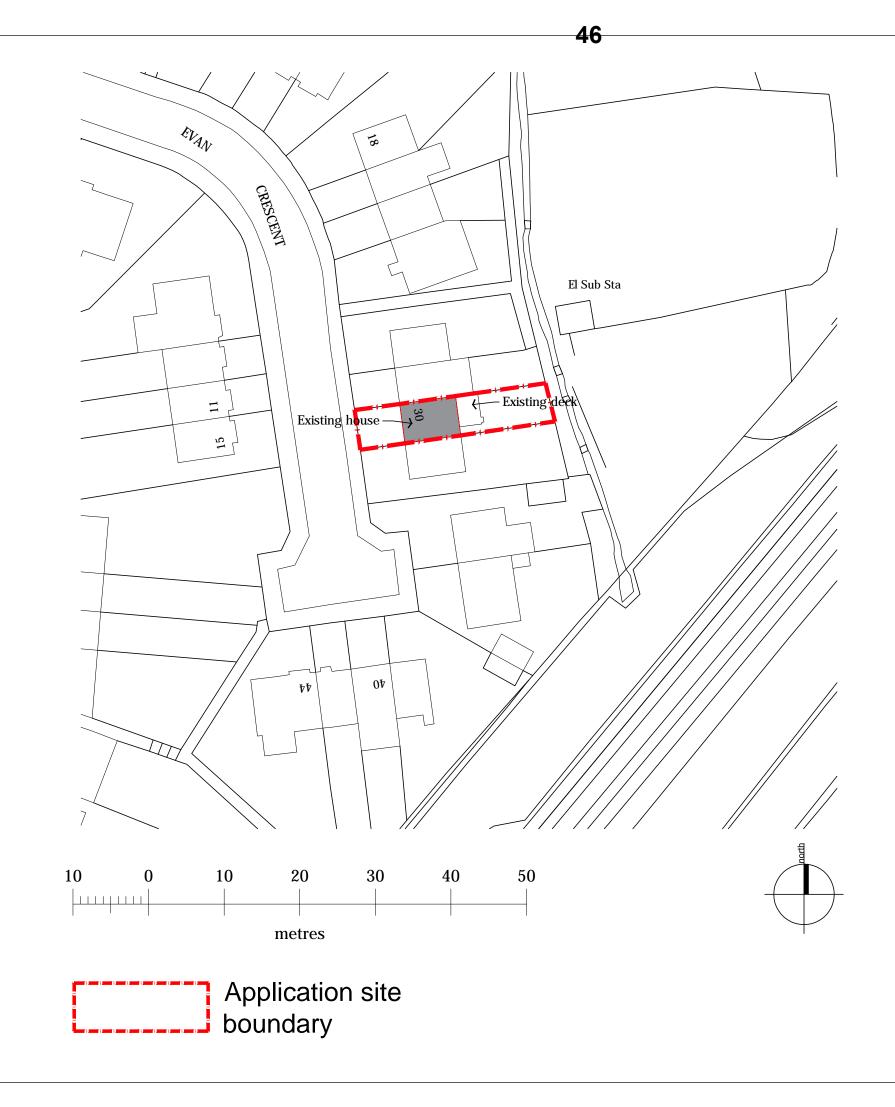
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note



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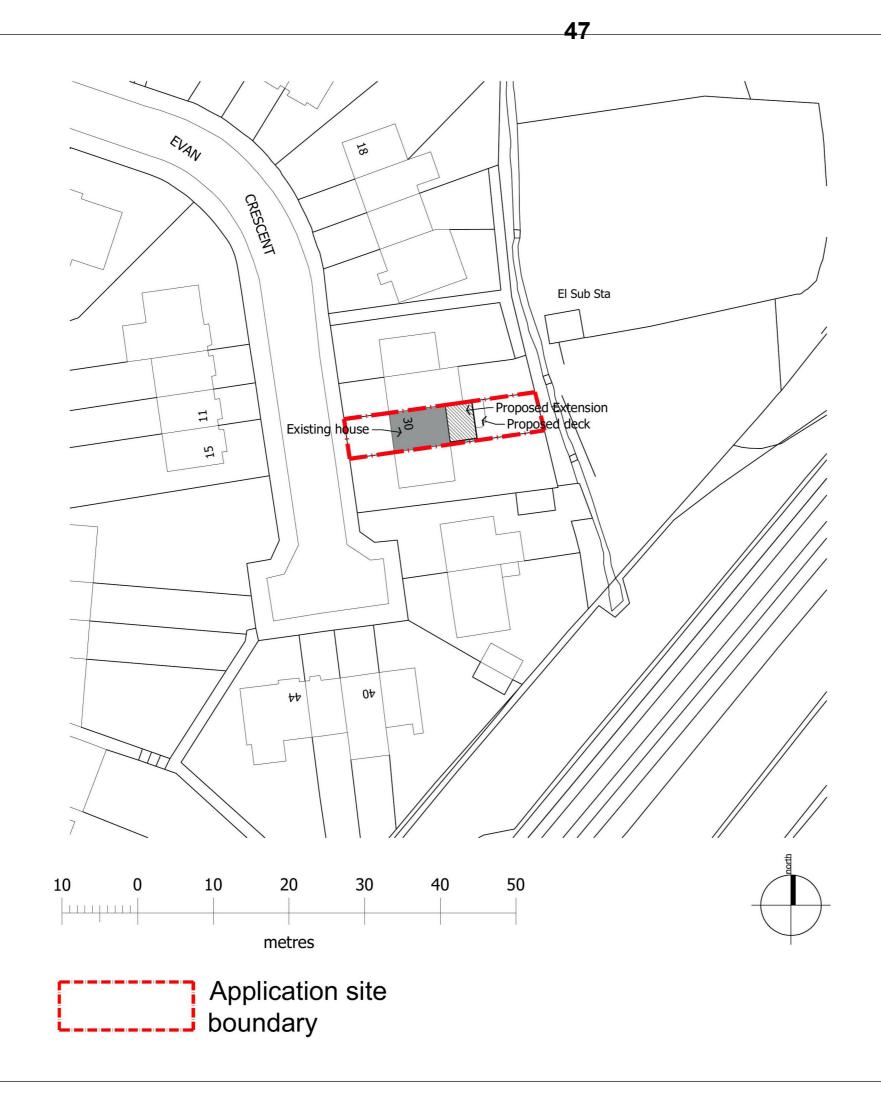




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L	revision	date	note
F	-	00/00/00	Revision Notes

AR	RY PRENT CHITECTS nall Road, Glasgow, G4 9UD o.uk 0141 237 1718	Y (
CLIENT	Mr. I. Campbell		
PROJECT	1		
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A3	1:500	Nov 2015	
drawing number 33	7 - 002	REVISION —	



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L	revision	date	note
F	-	00/00/00	Revision Notes

Town and Country Planning (Scotland) Act 1997

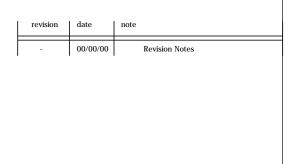
REFUSED

Director of Environment East Renfrewshire Council

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	1r. I. Campbell	
P 3 0 0	Iterations & Exten roperty At: 0 Evan Crescent, öffnock. 646 6NJ roposed Block Pla	
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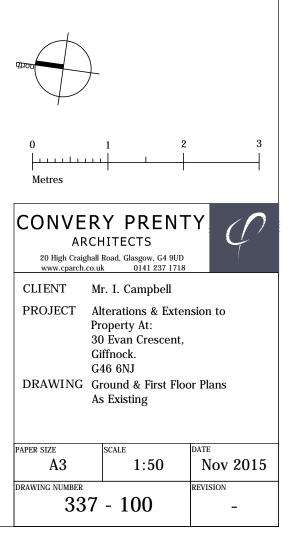


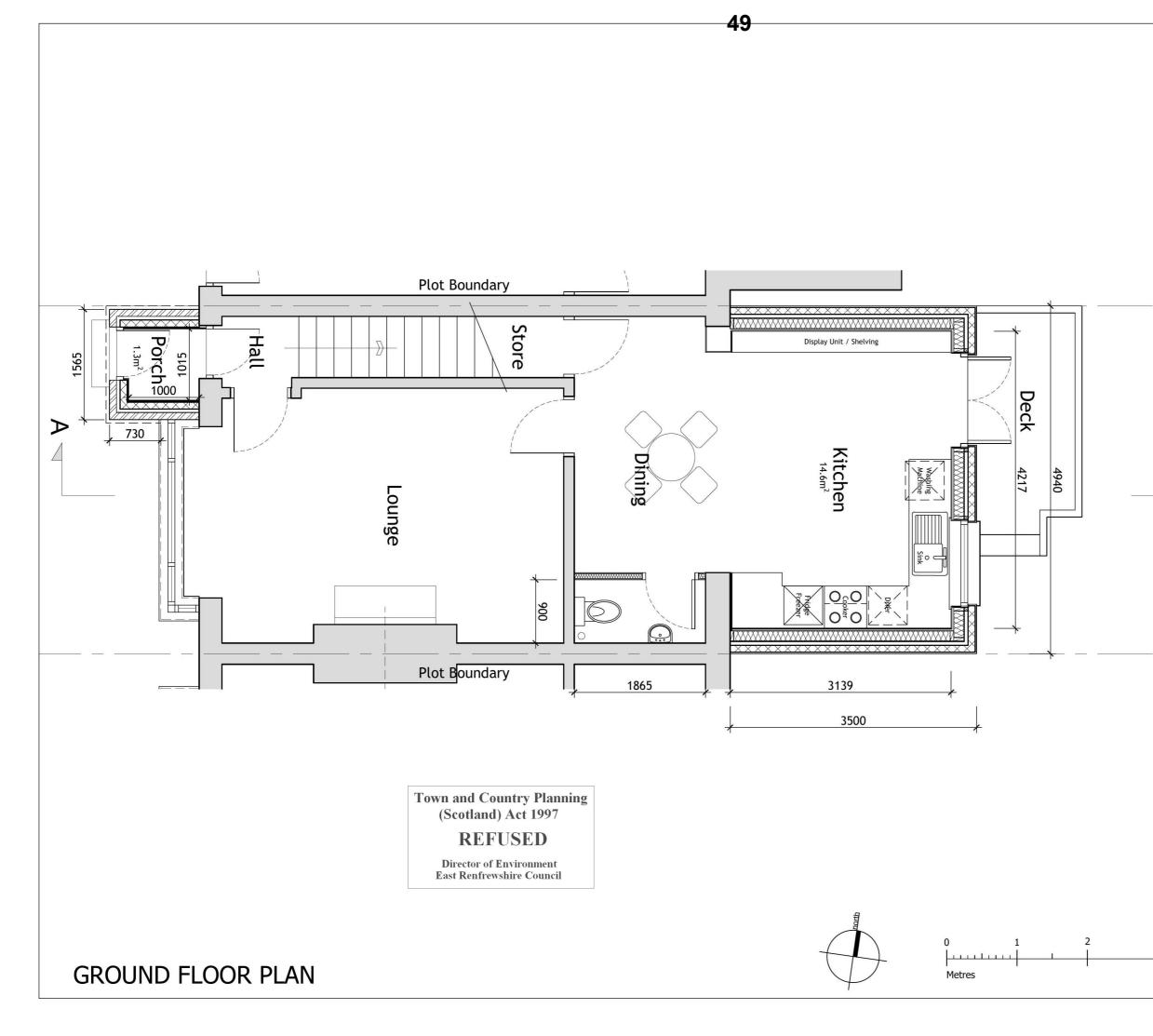
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Existing Ground Floor Internal Area = $32.8m^2$ Existing Ground Floor External Deck Area = $4.5m^2$

Existing First Floor Internal Area = $33.1m^2$





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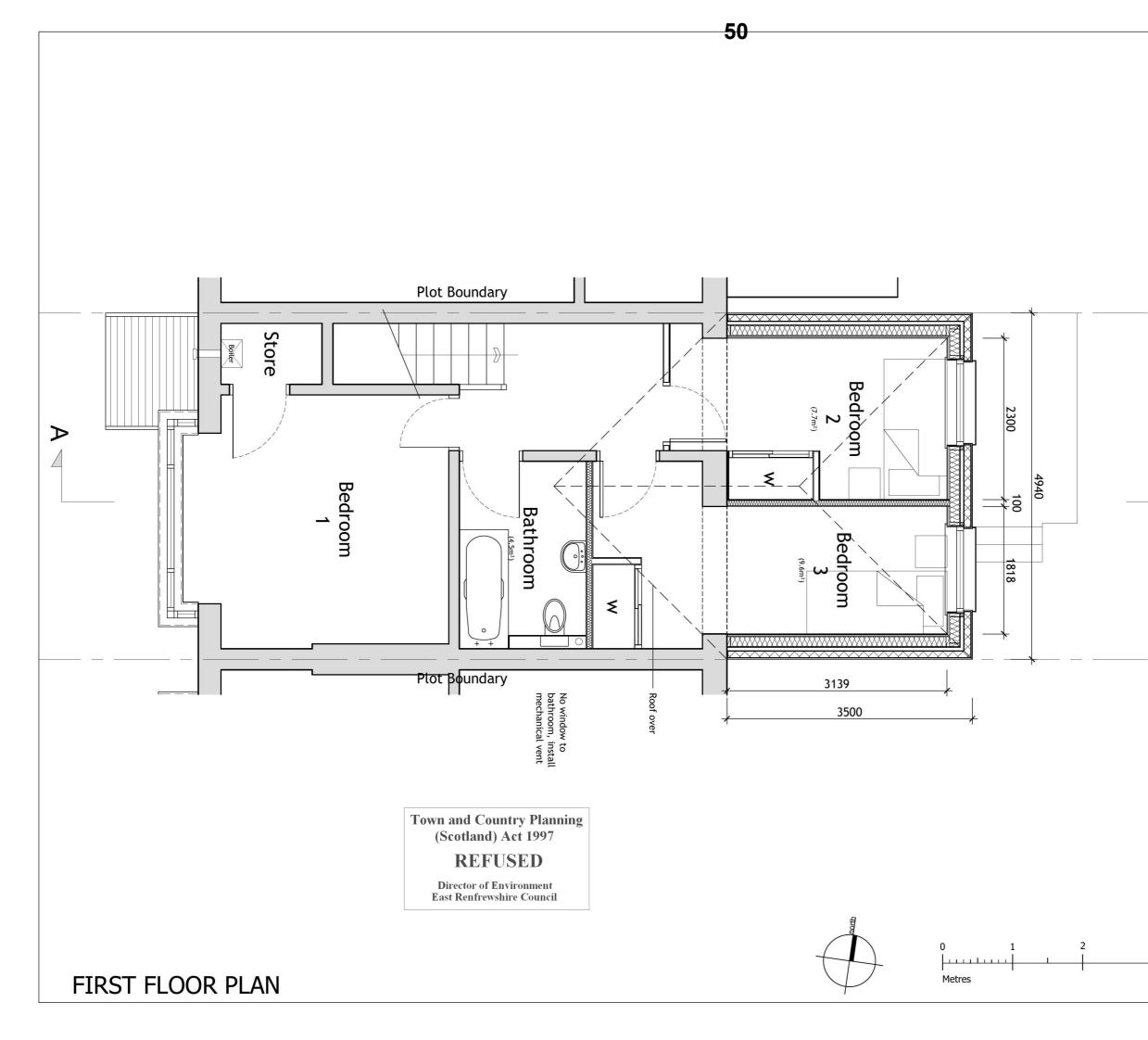
	revision	date	note
İ	A	05/11/15	Porch added as per clients request. French doors added as per clients request. Decking added. First floor plan moved to drawing 337 - 201.

Proposed Ground Floor Internal Area = $48.6m^2$ Proposed Ground Floor External Deck Area = $4.2m^2$

CONVE AR 20 High Craigi www.cparch.c	Y (
CLIENT	Mr. I. Campbell	
	Alterations & Exten Property At: 30 Evan Crescent, Giffnock. G46 6NJ Ground Floor Plan As Proposed	sion to
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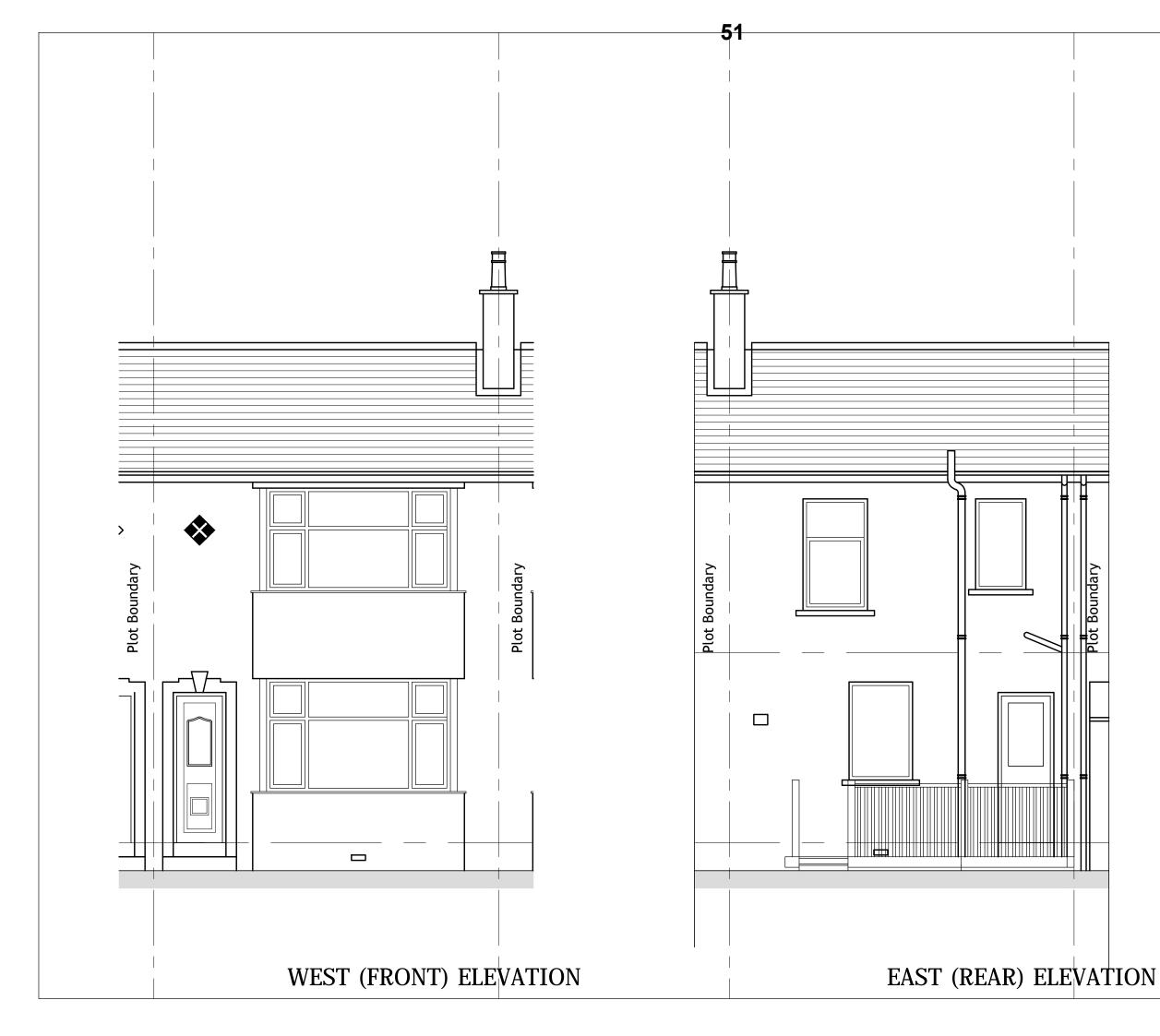
	revision	date	note	
Ī	A	05/11/15	Redrawn to show First floor plan. Porch added as per clients request.	

Proposed First Floor Internal Area = $47.8m^2$

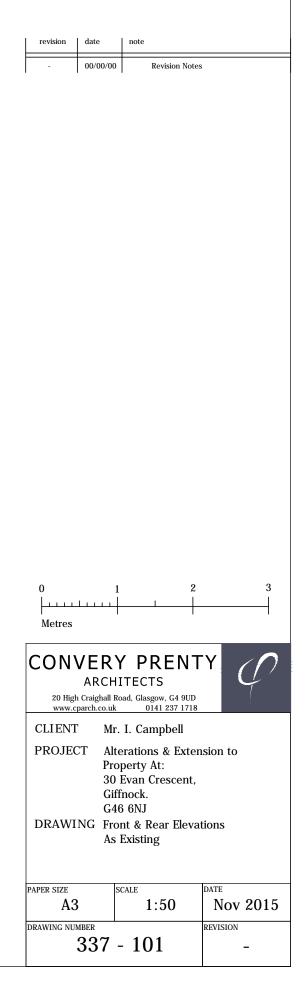
CONVERY PRENTY ARCHITECTS 20 High Craighall Road, Glasgow, G4 9UD www.cparch.co.uk 0141 237 1718			
CLIENT	Mr. I. Campbell		
PROJECT			
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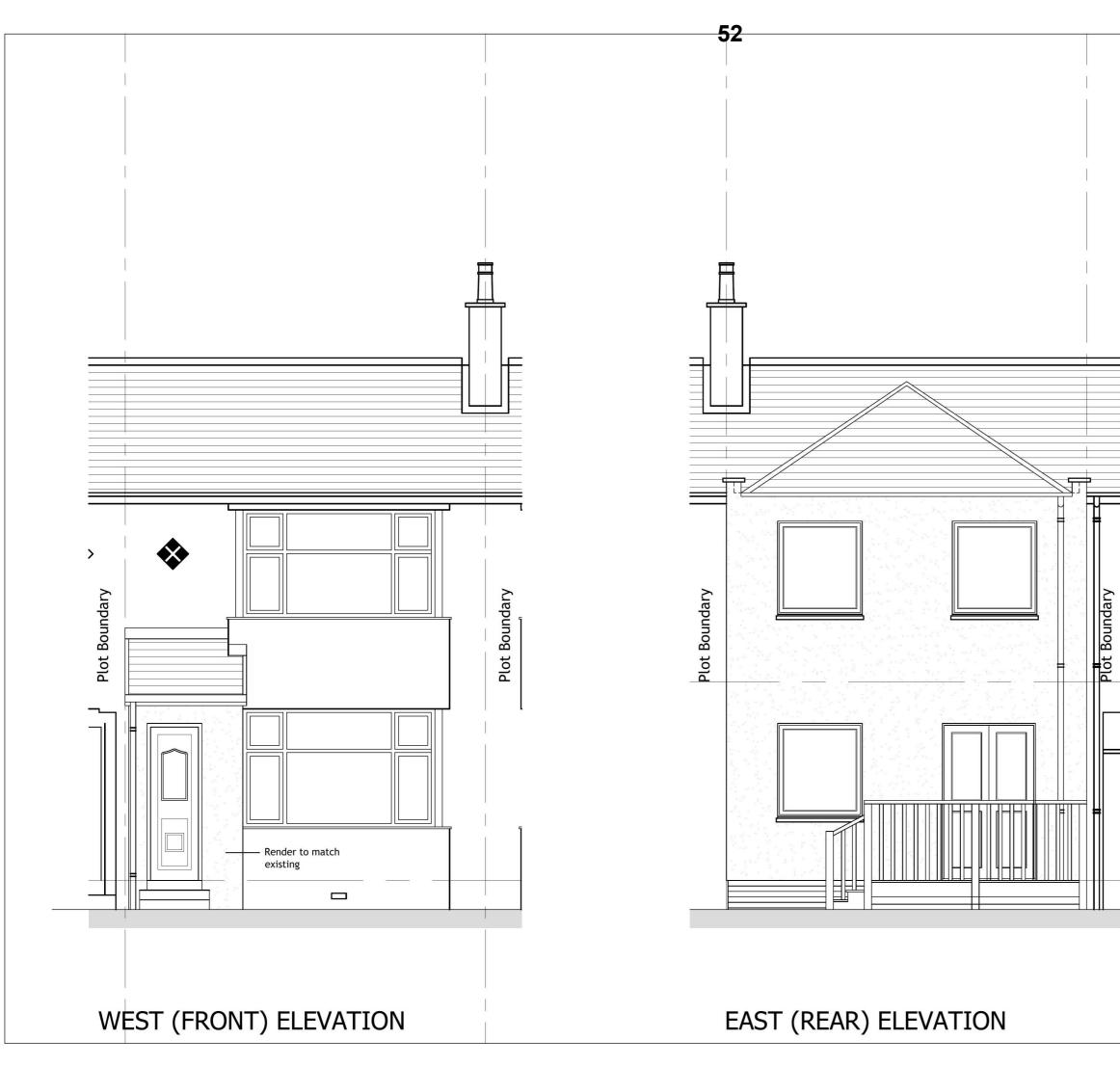
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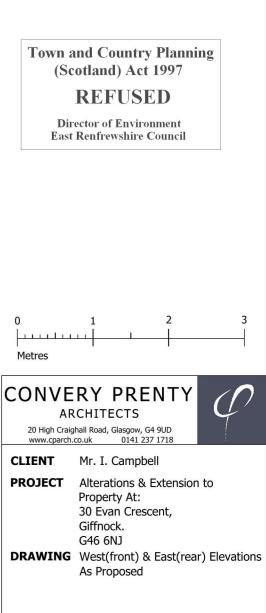
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L	revision	date	note
F	А	05/11/15	Porch added as per clients request. French doors added as per clients request. Decking added.



PAPER SIZE	SCALE	DATE
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