

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY7 September 2016Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2016/10ERECTION OF SINGLE STOREY SIDE EXTENSION
AT 57 BLACKBYRES COURT, BARRHEAD**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:- 2016/0159/TP).
Applicant: Mr and Mrs David Orr.
Proposal: Erection of single storey side extension.
Location: 57 Blackbyres Court, Barrhead.
Council Area/Ward: Barrhead (Ward 2).

REASON FOR REQUESTING REVIEW

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

RECOMMENDATIONS

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

- (b) In the event that further procedure is required to allow it to determine the review, consider:-
 - (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 (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 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 applicants in submitting their review have stated the reasons for requiring the review of the determination of their application. A copy of the applicants’ Notice of Review and Statement of Reasons is attached as Appendix 4.

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

10. The Local Review Body is not bound to accede to the applicants’ 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 10 August 2016, it was decided that the Local Review Body would carry out unaccompanied site inspections for every review case it received prior to the cases being given initial consideration at a meeting of the Local Review Body.

12. In accordance with the above decision, the Local Review Body agreed to carry out an unaccompanied site inspection on Wednesday, 7 September 2016 immediately before the meeting of the Local Review Body which is scheduled to begin at 2.30pm on that date.

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. However, the applicants have submitted new information which was not available to the Appointed Officer at the time the determination of the application was made. The new information relates to photographs of similar developments which were not in the application file.

15. Members are advised that Section 43B of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 states that:-

“43B Matters which may be raised in a review under section 43A(8)

- (1) In a review under section 43A(8), a party to the proceedings is not to raise any matter which was not before the appointed person at the time the determination reviewed was made unless that party can demonstrate—
 - (a) that the matter could not have been raised before that time, or
 - (b) that its not being raised before that time was a consequence of exceptional circumstances.
- (2) Nothing in subsection (1) affects any requirement or entitlement to have regard to—
 - (a) the provisions of the development plan, or
 - (b) any other material consideration.”

16. The applicants have been given an opportunity to explain why the information was not made available to the Appointed Officer at the time the application was determined.

17. In reply, the applicants’ agent has explained that the photographs illustrate development which has been previously approved by the planning authority and in the agent’s opinion, is information that the planning authority already has in its files and is aware of rather than information which is unknown to it in decision making. The agent also indicated that an e-mail was sent to the case officer with an attachment illustrating extensions which had been approved nearby within the authority area to draw attention to the fact that other extensions had been approved which did not completely comply with planning guidance.

18. The Local Review Body must decide whether the new information should be considered as part of the review. In the event that the Local Review Body decides that the new information should be considered as part of the review, it is recommended, in the interests of equality of opportunity to all parties that the Appointed Officer be given the opportunity to comment on the new information.

19. Members should note that the new information has been excluded from the applicants’ ‘Notice of Review’ form.

20. 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 9-16);
- (b) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 2 (Pages 17-22);
- (c) Decision notice and reasons for refusal - Appendix 3 (Pages 23-26); and
- (e) A copy of the applicants' Notice of Review and Statement of Reasons - Appendix 4 (Pages 27-36).

21. The applicants have also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and these are attached as Appendix 5 (Pages 37-42).

- (a) Refused Location Plan;
- (b) Existing Elevations;
- (c) Proposed Plans and Elevations – Revision A; and
- (d) Refused – Proposed Plans and Elevations – Revision B.

22. 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.

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

RECOMMENDATIONS

24. The Local Review Body is asked to:-

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

Report Author: Paul O'Neil

Director - Caroline Innes, Deputy Chief Executive

Paul O'Neil, Committee Services Officer
e-mail: paul.o'neil@eastrenfrewshire.gov.uk
Tel: 0141 577 3011

Date:- August 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.

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**APPLICATION
FOR
PLANNING PERMISSION**

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100006272-001

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

Description of Proposal

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

Erection of single storey side extension

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

No Yes - Started Yes – Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

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

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1
(Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

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

Other Title:

Building Name:

First Name: *

Building Number:

Last Name: *

Address 1
(Street): *

Company/Organisation

Address 2:

Telephone Number: *

Town/City: *

Extension Number:

Country: *

Mobile Number:

Postcode: *

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

57 BLACKBYRES COURT

Address 2:

BARRHEAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G78 1UT

Please identify/describe the location of the site or sites

Northing

659796

Easting

250914

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Julie McStay

On behalf of: Mr and Mrs David Orr

Date: 13/03/2016

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: Mrs Julie McStay

Declaration Date: 13/03/2016

Payment Details



Created: 13/03/2016 22:55

REPORT OF HANDLING

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REPORT OF HANDLING

Reference: 2016/0159/TP

Date Registered: 5th May 2016

Application Type: Full Planning Permission

This application is a Local Development

Ward: 2 -Barrhead

Co-ordinates: 250914/:659796

Applicant/Agent:

Applicant:

Mr and Mrs David Orr

57 Blackbyres Court

Barrhead

East Renfrewshire

G78 1UT

Agent:

Julie McStay

49 Mungo Park

East Kilbride

G75 0AJ

Proposal: Erection of single storey side extension

Location: 57 Blackbyres Court

Barrhead

East Renfrewshire

G78 1UT

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY: None

REPRESENTATIONS: No representations have been received.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

No reports have been submitted for consideration as part of this application.

ASSESSMENT:

The site comprises a modest two storey semi- detached property that is situated within a residential cul-de-sac of similar house types. The property is sited prominently just on the edge of the roundel where the cul-de-sac terminates. It currently has an open aspect to the front and side in common with its immediate neighbours. Garden ground to the rear is screened by high level timber fencing.

The proposal is for a single storey hipped roof extension to the side of the property providing a living area, utility room and shower room. The extension was originally proposed to be 4.8m wide and flush with the front elevation of the house. Subsequent to concerns being raised over its scale relative to the relevant Council policies the extension was altered to this present scheme. Its width was reduced to 4.5m and 300mm set back introduced from the front elevation.

This reduced proposal was still considered to raise issues in terms of the Councils policy position (see below) and a further reduction recommended. The applicants have confirmed that they wish the extension determined as presented.

The proposal requires to be assessed against Policies D1 and D14 of the adopted Local Plan and the (SPG) Supplementary Planning Guidance - Householder Design Guide.

Policy D1 refers to a number of criteria but requires that any proposed development should not impact on the character or amenity of the surrounding area. The extension as amended (4.5m wide), will be just over 2m from the footway significantly beyond the existing building line of the approach to the roundal. As a result it is considered that the proposal will have a significant visual impact on the corner disrupting the existing building line with a resulting close and intrusive impact at the locus.

On that basis, the proposal is considered detrimental to the character and visual amenity of the surrounding area and consequently fails to meet the terms of Policy D1.

Policy D14 refers directly to extensions to and requires that any extension must complement the existing character of the property, particularly in terms of style, form and materials. The SPG goes further in emphasising parameters for side extensions. The most valid parameters in this instance are that such proposals should

- o Be no more than 50% of the frontage of the original house;
- o Be set back at least 0.5 metres from the front elevation of the original house;
- o Be set back at least 1 metre from the side boundary.

As described above the width of the extension is 4.5m wide which constitutes 75% of the existing 6m frontage. This results in a proposal that is proportionally out of scale with the original house. In addition, the proposal does not achieve the 0.5m set back anticipated by the SPG.

The reference to the side boundary distance is considered to be less valid in this instance given the sites context with the street and roundal as described above.

In summary taking the above into account the proposal due to its scale and siting will be visually intrusive in the area to the detriment of the residential and visual amenity of the area and the dwellinghouse itself contrary to the terms set out within the adopted Local Plan and the SPG.

Additionally as noted above a further request to reduce the scale of the proposal further to be more in keeping with the house and to comply with current planning policy was declined, as the agent considered any further change would compromise the accommodation sought by her client.

It is therefore recommended that the application be refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None.

REASON(S):

The proposal is contrary to the Local Development Plan Policies D1 and D14, and the Supplementary Planning Guidance on Householder Design Guide as it will be proportionally out of scale with the original house and visually prominent in the streetscape, to the detriment of the visual amenity and character of the area.

ADDITIONAL NOTES: None

ADDED VALUE:

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

BACKGROUND PAPERS:

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

Ref. No.: 2016/0159/TP
(FIMO)

DATE: 14th June 2016

DIRECTOR OF ENVIRONMENT

Reference: 2016/0159/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

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

Adopted East Renfrewshire Local Development Plan

Policy D1

Detailed Guidance for all Development

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

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;

7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways soloms or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Policy D14

Extensions to Existing Buildings and Erection of Outbuildings and Garages

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

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

Side extensions should not create an unbroken or terraced appearance.

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

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

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

GOVERNMENT GUIDANCE: None relevant

Finalised 14/06/2016.

**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. **2016/0159/TP**

Applicant

Mr and Mrs David Orr
57 Blackbyres Court
Barrhead
East Renfrewshire
G78 1UT

Agent:

Julie McStay
49 Mungo Park
East Kilbride
G75 0AJ

With reference to your application which was registered on 5th May 2016 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of single storey side extension

at: 57 Blackbyres Court Barrhead East Renfrewshire G78 1UT

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

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

1. The proposal is contrary to the Local Development Plan Policies D1 and D14, and the Supplementary Planning Guidance on Householder Design Guide as it will be proportionally out of scale with the original house and visually prominent in the streetscape, to the detriment of the visual amenity and character of the area.

Dated 14th June 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	01		
Plans and Elevations Proposed	02		

GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS

REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY

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

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

CONTACT DETAILS

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

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

**NOTICE OF REVIEW
AND
STATEMENT OF REASONS**

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100018849-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

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

First Name: *

Julie

Building Name:

Last Name: *

McStay

Building Number:

49

Telephone Number: *

07585448244

Address 1
(Street): *

Mungo Park

Extension Number:

Address 2:

Mobile Number:

Town/City: *

East Kilbride

Fax Number:

Country: *

Scotland

Postcode: *

G75 0AJ

Email Address: *

jmcstay@hotmail.co.uk

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="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="57"/>
First Name: *	<input type="text" value="David"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Orr"/>	Address 1 (Street): *	<input type="text" value="Blackbyres Court"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Barrhead"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G78 1UT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing	<input type="text" value="659796"/>	Easting	<input type="text" value="250914"/>
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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 single storey side extension

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.

A review is sought for the reasons which are set out in an attached document.

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)

- Photographs of side extensions previously approved within local authority area - Supporting statement - Drawings and revised drawings submitted through assessment of application

Application Details

Please provide details of the application and decision.

What is the application reference number? *

2016/0159/TP

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

05/05/2016

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

16/06/2016

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. *

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: Mrs Julie McStay

Declaration Date: 14/07/2016

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Supporting Statement

The proposed extension has been refused due to the consideration of the Council that it 'will be proportionally out of scale with the original house and visually prominent in the streetscape to the detriment of the visual amenity and character of the area.

This notice of review has been submitted on a number of grounds.

Firstly, the disagreement with the officers opinion that the proposed extension will appear visually prominent and out of scale to the existing house and the apparent inconsistency in approach to determining applications for side extensions within the East Renfrewshire Council area in terms of the guidance available.

The properties on Blackbyres Court do not follow a clear building line and have no continuous street frontage which could be interrupted by the extension as proposed. This is due to the properties being set at different orientations and distances from the pavement. The proposed extension will not therefore be seen to be intrusive. Further to this and as noted in the officer's delegated report, the proposed extension would be over 2m from the pavement. It is therefore difficult to understand the statement in the delegated report that it would appear close and intrusive given this distance which is not dissimilar to the property comprising 51-54 Blackbyres Court directly to the north of application site. The proposed extension was also stepped back from the front elevation of the existing property by 0.3m at the request of the case officer, however it is noted in the delegated report that it should be stepped back by 0.5m. A step back of 0.5m could possibly be accommodated within the proposal and still meet the needs of the applicant however a reduction in the width of the extension would not.

In terms of the scale of the extension versus the existing house and the view that it would be out of proportion; it is requested that members note the scale of other side extensions which have been approved within the Local Authority Area as a benchmark of what has been considered appropriate in terms of scale and proportionality. A number of approved and constructed extensions are highlighted in Appendix 1 which clearly illustrate that extensions outwith the scale recommended by the guidance have and can and have been supported. In addition to this, it is argued that the extension proposed in this case is in fact much smaller than side extensions which have previously been supported by the Authority.

As an aside, the scale of extensions which benefit from permitted development rights has in the past few years been increased offering householders greater flexibility and freedom in improvements which can be made to their home without the requirement to apply for planning permission. This increased freedom of permitted development rights should be borne in mind when determining such small scale proposals which do not have a significant impact on the area.

Secondly, the proposal has been reduced from the original submission. On submission of a second set of revised drawings the application was 're-validated' and neighbours were re-notified despite there being no representations to the original proposal. It was surmised however that re-notification of the neighbours occurred because the application was going to be supported. It is now difficult to understand why neighbours were re-notified of the proposal when it was subsequently refused. The process has resulted in a waste of the applicants time and money due to the process the application has followed.

On the whole, it is not considered that the proposal will have a significant impact on the character of the locale. It would however have a significant impact on the quality of a life for a young family who have resided in the area for over 10 years and wish to continue to do so in a home which they have already invested a large amount of financial resource and effort. The extension would offer a short term increase in the space available to the immediate family. In the long term however and as explained to the case officer at the time of the application, the extension will fulfil the requirements of a 'granny annex' in the future for the parent of the applicant who is suffering from ill health and will no longer be able to live independently in the near future.

Thank you for your email. Please find attached a revised drawing. I have spoken with my client and they strongly feel that the reduction of the width of the extension down to 4m would not meet their current or future needs. Stepping the extension back from the front elevation could however be accommodated. The attached drawing therefore maintains the reduced width of 4.5 m of the previously revised drawing and steps the extension back from the front elevation. Whilst I appreciate the guidance regarding side extensions is to avoid creating a terraced appearance, in this case, there is no continuous street frontage or building line due to the orientation of the property which ensures that a terraced appearance is not formed. In addition to this, the property has sufficient garden ground to comfortably accommodate the proposed extension whilst not impacting on the amenity of neighbouring properties in terms of privacy, dominance or over shadowing. I am also of the opinion that the proposed extension will appear subordinate to the main house, given that it is single storey and very much in keeping with the design and materials of the existing property and has now been stepped back. The scale of the extension is therefore not excessive and will not impact on the character of the locale.

PLANS/PHOTOGRAPHS/DRAWINGS

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Town and Country Planning (Scotland) Act 1997

REFUSED

Director of Environment East Renfrewshire Council



LAND REGISTER
OF SCOTLAND



Officer's ID / Date
3945
7/22/2002

ORDNANCE SURVEY
NATIONAL GRID REFERENCE

TITLE NUMBER
REN105455

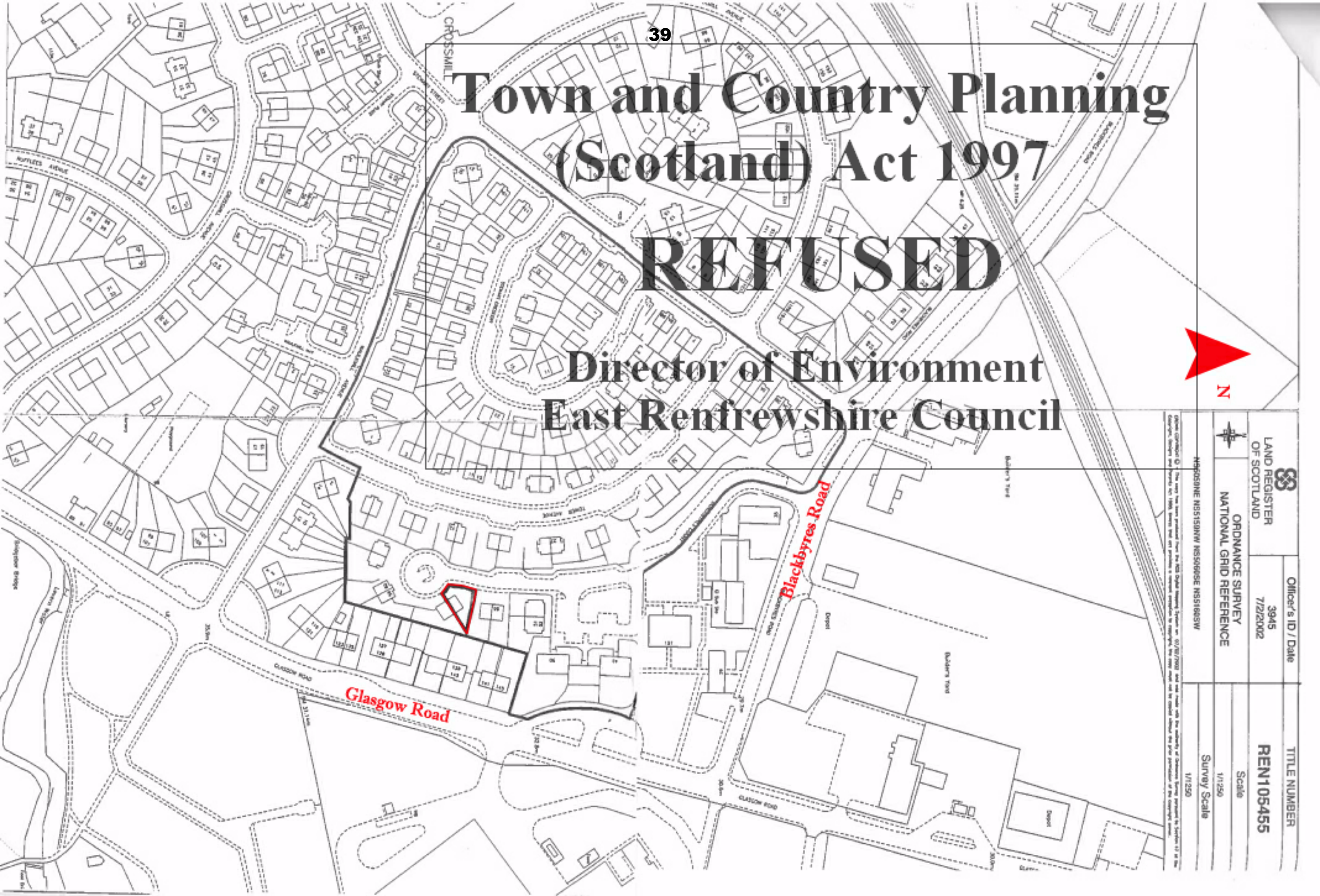
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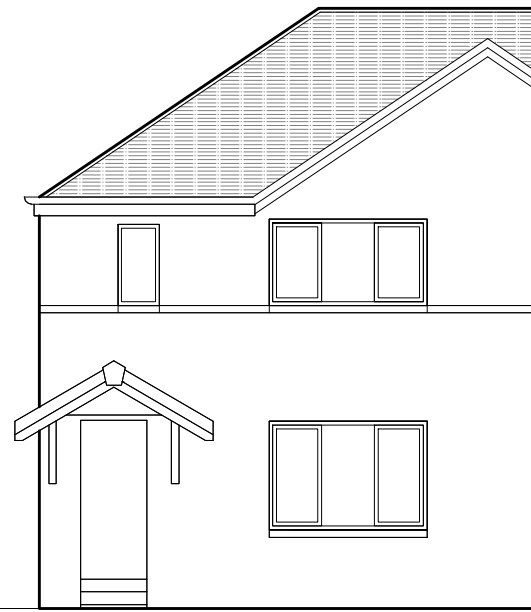
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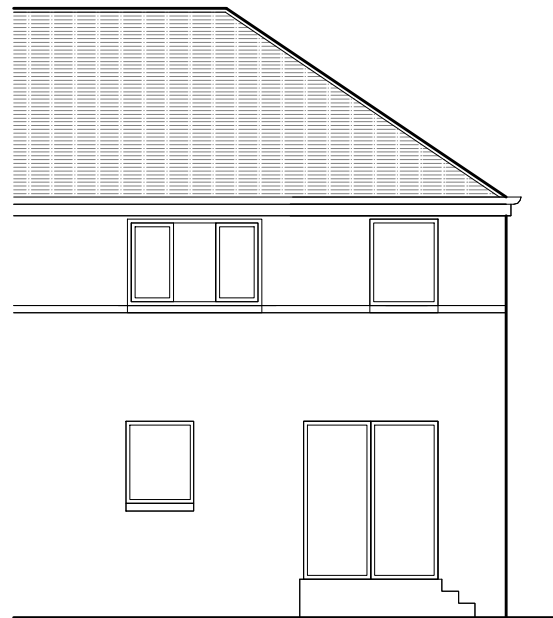
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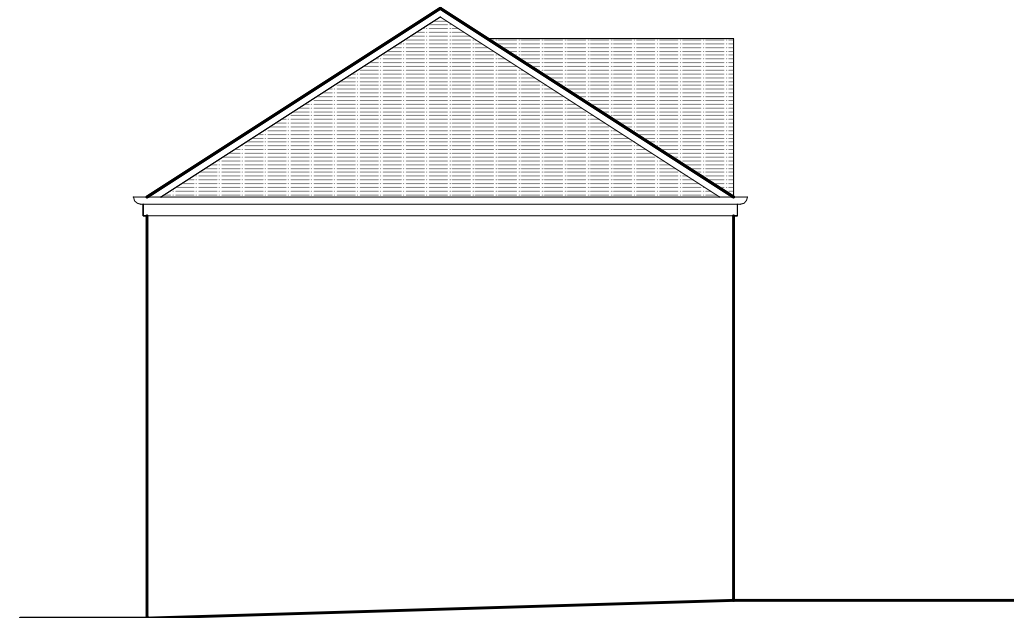




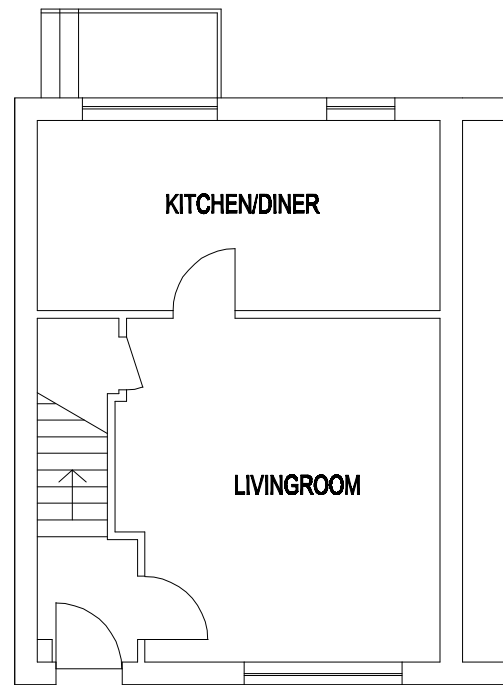
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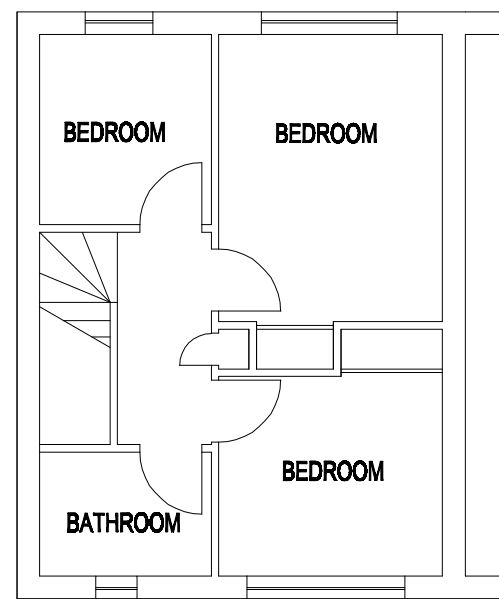
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR

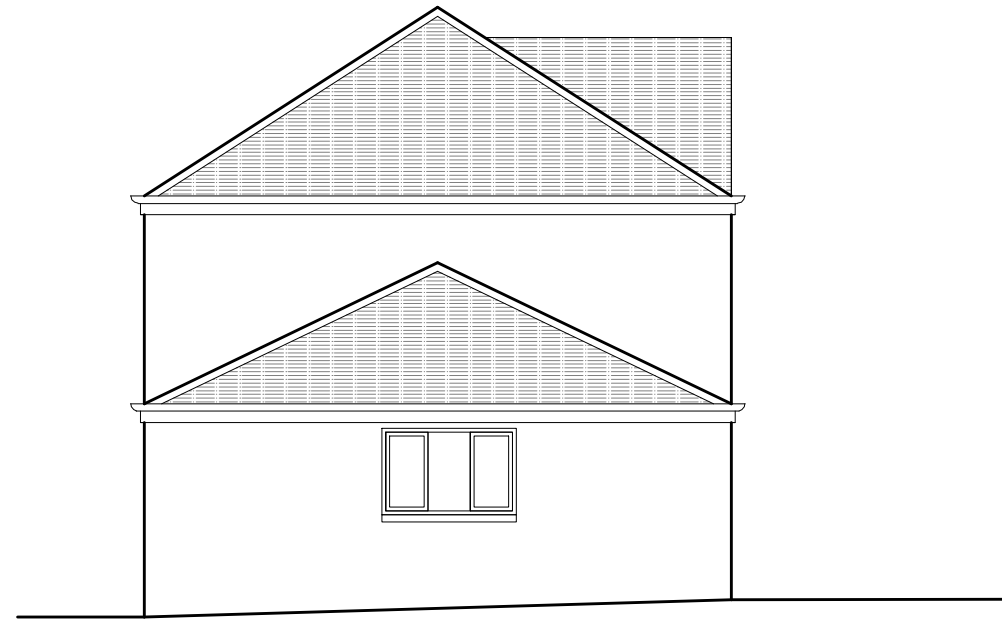


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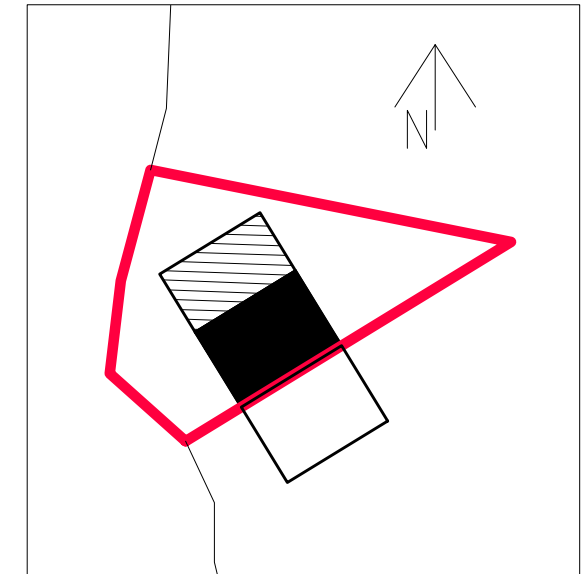
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DATE: FEB 16	
DRAWING NO: 01	REVISION: --



REAR ELEVATION



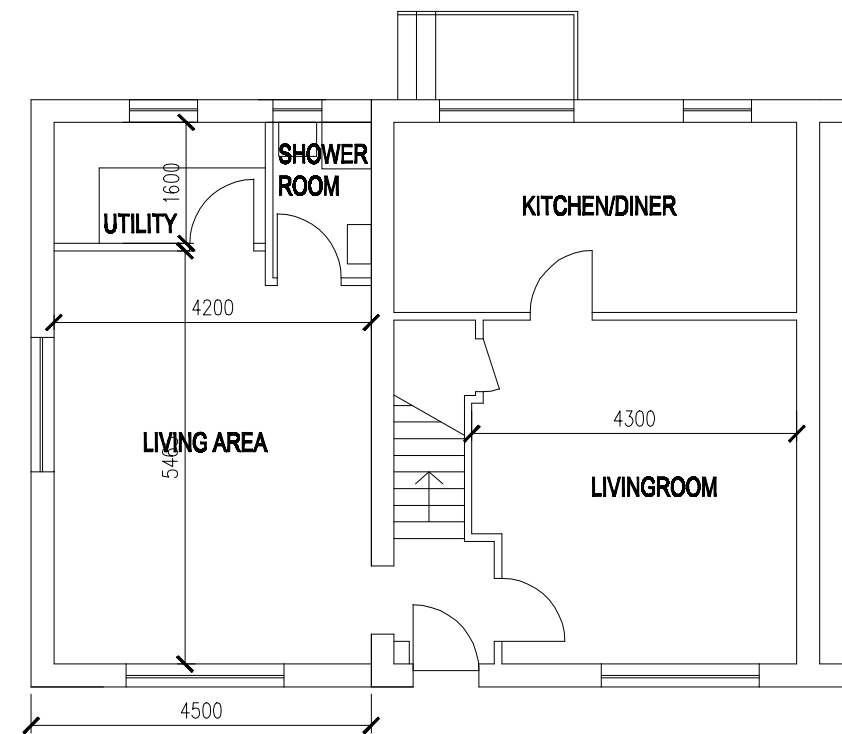
SIDE ELEVATION



PROPOSED SITE PLAN 1:500



FRONT ELEVATION

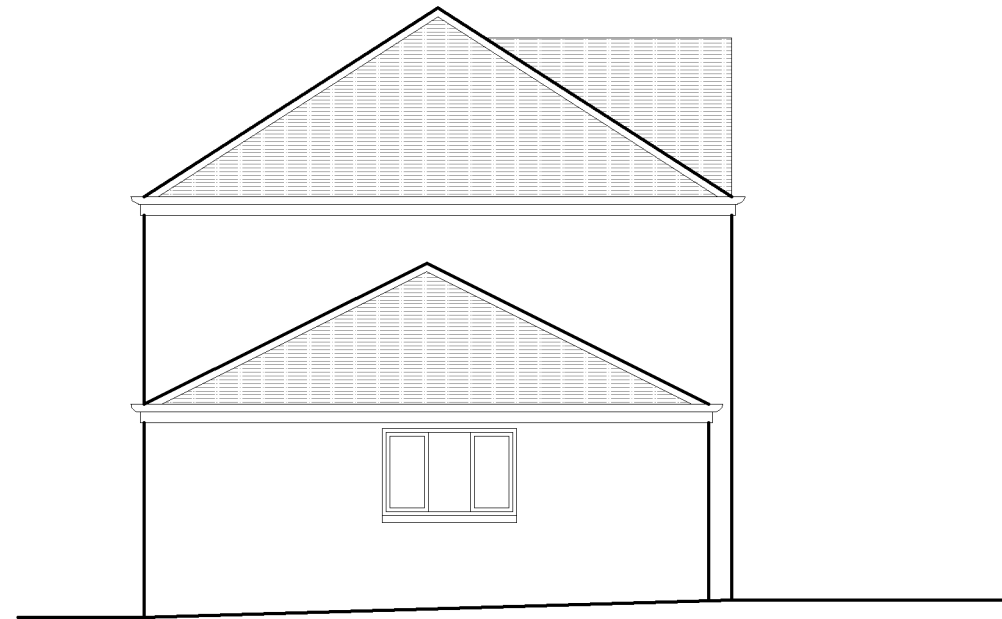


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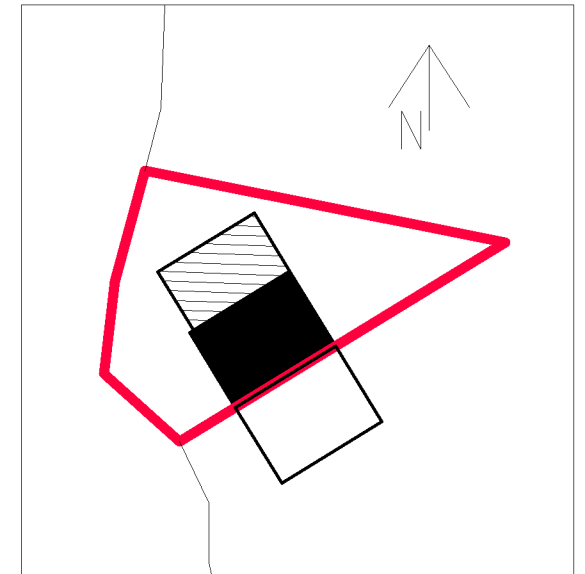
Town and Country Planning
(Scotland) Act 1997
REFUSED
Director of Environment
East Renfrewshire Council



REAR ELEVATION



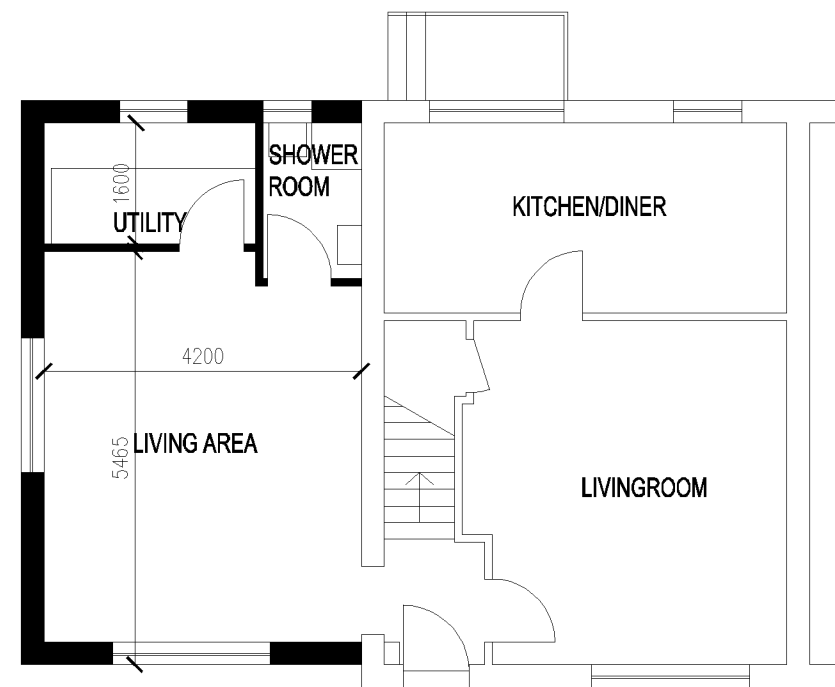
SIDE ELEVATION



PROPOSED SITE PLAN 1:500



FRONT ELEVATION



CLIENT: MR & MRS ORR

PROJECT: 57 BLACKBYRES COURT, BARRHEAD

DRAWING TITLE: PROPOSED PLANS AND ELEVATIONS

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DATE: FEB 16

DRAWING NO: 02

REVISION: B