

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY7 September 2016Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2016/11ERECTION OF TWO STOREY SIDE EXTENSION
AT 1 CAMERON DRIVE, NEWTON MEARNES**PURPOSE OF REPORT**

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

DETAILS OF APPLICATION

2. Application type: Full Planning Permission (Ref No:- 2016/0146/TP).
Applicant: Mr Richard Coats.
Proposal: Erection of two storey side extension.
Location: 1 Cameron Drive, Newton Mearns.
Council Area/Ward: Neilston, Uplawmoor and Newton Mearns North (Ward 1).

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:-
 - (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 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 4.

9. The applicant is entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and has indicated that his stated preferences are further written submissions; one or more hearing sessions; and a site inspection.

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 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 applicant has 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 plans for extensions approved by planning officers at various locations in the surrounding area 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 applicant has 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 applicant has indicated that he did not appreciate that the information referred to on his ‘Notice of Review’ form was new information and that it was a misunderstanding on his part. The approved plans the applicant wishes the Local Review Body to consider are intended to support the information that was previously submitted with the original planning application. The plans relate to developments at various addresses. The applicant did not submit copies of the plans and was advised to do so. However, the applicant was subsequently advised that he would incur costs in obtaining copies of the plans, and in view of this has indicated he is unable to provide copies of the plans.

18. The Local Review Body must decide whether the new information should be considered as part of the review. However, as mentioned above the applicant has been unable to provide copies of the plans referred to given the costs he would have to incur.

19. 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 49-56);
- (b) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 2 (Pages 57-64);
- (c) Decision notice and reasons for refusal - Appendix 3 (Pages 65-68); and

- (d) A copy of the applicant's Notice of Review and Statement of Reasons - Appendix 4 (Pages 69-80).

20. 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 5 (Pages 81-87).

- (a) Existing Block Plan;
- (b) Existing Elevations and Floor Plans;
- (c) Proposed House 3D Views;
- (d) Refused – Location Plan; and
- (e) Refused – Proposed Elevations and Floor Plans.

21. 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.

22. 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

23. 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 100005672-001

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)

The erection of a two storey side extension to provide a larger family home. Works include the formation of; a new double bedroom with ensuite and dressing area, an open plan kitchen dining space and ground floor wc.

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:

1 CAMERON DRIVE

Address 2:

NEWTON MEARNS

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G77 6JF

Please identify/describe the location of the site or sites

Northing

657029

Easting

254246

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: David Craig

On behalf of: Mr Richard Coats

Date: 07/03/2016

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: Mr David Craig

Declaration Date: 07/03/2016

Payment Details



Created: 07/03/2016 23:57

REPORT OF HANDLING

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REPORT OF HANDLING

Reference: 2016/0146/TP

Date Registered: 8th March 2016

Application Type: Full Planning Permission

This application is a Local Development

Ward: 1 Neilston Newton Mearns North Uplawmoor

Co-ordinates: 254246/:657029

Applicant/Agent:

Applicant:
Mr Richard Coats
1 Cameron Drive
Newton Mearns
East Renfrewshire
G77 6JF

Agent:
David Craig
10 Talbot Place
Scotstounhill
Glasgow
G13 3RU

Proposal: Erection of two storey side extension

Location: 1 Cameron Drive
Newton Mearns
East Renfrewshire
G77 6JF

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY: None relevant.

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 although the applicant has submitted examples of extensions to dwellings that he considers support this application.

ASSESSMENT:

The application site comprises a semi-detached two storey dwelling and its curtilage and lies within an established residential area. The site forms a corner plot at the junction of Cameron Drive with Leslie Avenue. Cameron Drive is characterised by six two storey semi-detached houses (including the house attached to the applicant's house which has its postal address on Leslie Avenue) and three detached one and a half storey houses. The dwelling has an existing front porch that projects onto a bay window feature.

Planning permission is sought for the erection of a two storey side extension. The formation of a pitched roof over the front porch and window is also proposed. The extension measures 4.3 metres wide by 6 metres deep. It does not comprise a set back and continues the ridge line of the existing house.

Policy D14 of the adopted East Renfrewshire Local Development Plan requires that extensions should respect the existing character of the property in terms of size, scale and design. It is considered that by virtue of its size, lack of set-back and lack of step down the proposed extension dominates and detracts from the character and design of the existing house. As such, it is contrary to Policy D14. Furthermore, the Council's adopted Supplementary Planning Guidance: Householder Design Guide (SPG) states that "side extensions should be no more than 50% of the frontage of the original house; be set back at least 0.5 m from the front building line and the ridge line should be below that of the original house. This is to ensure that extensions remain secondary in appearance to the original dwelling, particularly important in maintaining the visual amenity of areas where there are several of the same house types in the street. In this case the development contravenes each of those three criteria.

The applicant has been advised in writing that the proposal fails to meet the terms of the adopted Local Development Plan and the SPG and was invited to make changes. However the applicant requested the application be determined as it stands and submitted examples of what he considers to be similar examples and asks that the terms of the policy be laid aside. However, precedent alone is not a material planning consideration and any decision to grant the application based on precedent alone would therefore be flawed. Only where previous examples have so changed the character of an area where further similar development would be in keeping with that changed character would they have any relevance. For those reasons, it is not intended to assess each of the examples the applicant has submitted. Cameron Drive is a self-contained cul-de-sac and therefore it would be reasonable to consider Cameron Drive alone in terms of assessing what development and extensions might characterise the area around the application site. As noted above, Cameron Drive comprises two storey semi-detached houses and one and a half storey detached houses. Only 9 Cameron Drive has been extended historically in the manner now proposed by the applicant. This form of extension, now contrary to Policy, cannot therefore be considered to characterise the area.

In addition, the proposed extension breaks the building line formed by the dwellings on Cameron Drive and as such, it would be visually dominant on the streetscape. This would detract from the visual amenity of the area. This impact would have been improved had the applicant amended the proposals as requested, however he declined to do so. The proposal is therefore considered to be contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan requires that development should not result in a significant loss of character or amenity.

In conclusion, the proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it would break the building line formed by the dwellings on Cameron Drive resulting in a development that would be visually prominent on the streetscape to the detriment of visual amenity; contrary to Policy D14 as the extension, by virtue of its size and design would dominate and detract from the character and design of the existing house and iii) contrary to the terms of the adopted SPG: Householder Design Guide as it is wider than 50% of the frontage of the original house; is not set back at least 0.5 m from the front building line and does not comprise a ridge line below that of the original house.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None

REASONS FOR REFUSAL:

1. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as the extension, by virtue of its size and design would dominate and detract from the character and design of the existing house.

2. The proposal is contrary to the terms of the adopted SPG: Householder Design Guide as it is wider than 50% of the frontage of the original house; is not set back at least 0.5 m from the front building line and does not comprise a ridge line below that of the original house.
3. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it would break the building line formed by the dwellings on Cameron Drive resulting in a development that would be visually prominent on the streetscape to the detriment of visual amenity.

ADDITIONAL NOTES: None

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3034.

Ref. No.: 2016/0146/TP
(DESC)

DATE: 5th May 2016

DIRECTOR OF ENVIRONMENT

**Reference: 2016/0146/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 soliums 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 05/05/16 IM(1)

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**DECISION NOTICE
AND
REASONS FOR REFUSAL**

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

REFUSAL OF PLANNING PERMISSION

Ref. No. **2016/0146/TP**

Applicant

Mr Richard Coats
1 Cameron Drive
Newton Mearns
East Renfrewshire
G77 6JF

Agent:

David Craig
10 Talbot Place
Scotstounhill
Glasgow
G13 3RU

With reference to your application which was registered on 8th March 2016 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of two storey side extension

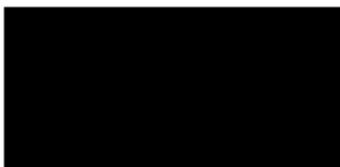
at: 1 Cameron Drive Newton Mearns East Renfrewshire G77 6JF

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

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

1. The proposal is contrary to Policy D14 of the adopted East Renfrewshire Local Development Plan as the extension, by virtue of its size and design would dominate and detract from the character and design of the existing house.
2. The proposal is contrary to the terms of the adopted SPG: Householder Design Guide as it is wider than 50% of the frontage of the original house; is not set back at least 0.5 m from the front building line and does not comprise a ridge line below that of the original house.
3. The proposal is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it would break the building line formed by the dwellings on Cameron Drive resulting in a development that would be visually prominent on the streetscape to the detriment of visual amenity.

Dated 5th May 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	001		
Plans Proposed	PL03		

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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RECEIVED

25 JUL 2016

Notice of Review



NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

Rather than completing this form, you may submit your review online at <https://www.eplanning.scot>

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures. However, please note that the Local Review Body is not bound to accede to your request(s) and will decide what procedure will be used to determine your review.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

The statement below outlines that numerous other properties in the surrounding area have extended in the same manner as the proposed plans. Therefore a precedent has been set which is contrary to the reasons provided in the refusal of planning permission.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

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

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

The council refused planning permission for the said development however we kindly ask that this decision be reviewed for the reasons provided below. The first justification provided by the council was that "the extension, by virtue of its size and design would dominate and detract from the character and design of the existing house". However, other properties in the immediate surrounding area (within 600mts) with side extensions have almost identical size and design to the plans submitted. Therefore in this particular case, the proposed extension is upholding the character of the area. For example:

- 1 - 9 Cameron Drive G77 6JF
- 2 - 31 Chisholm Drive G77 6HX
- 3 - 7 Chisholm Drive G77 6HX
- 4 - 3 Stewart Avenue G77 6HN
- 5 - 20 Fraser Avenue G77 6HW

The second reason cited was that "it is wider than 50% of the frontage of the original house, is not set back at least 0.5m from the front building line and does not comprise a ridge line below that of the original house". Yet none of the addresses provided above adhere to any of these conditions, therefore to do so would make the property stand out more than others, and look untidy in comparison.

The final reason cited was that "it would break the building line formed by the dwellings on Cameron Drive resulting in a development that would be visually prominent on the streetscape". However the extension was inspired by 31 Chisholm Drive G77 6HX which mirrors the position and building line of the proposed extension to 1 Cameron Drive G77 6JF and has an extension with a width greater than the proposed 4m. Furthermore, the plot size at 1 Cameron Drive is considerably larger than 7 Chisholm Drive G77 6HX which is the same design of house with a two storey side extension of greater than 50% of the frontage of the original house. Therefore the plans submitted are less prominent at 1 Cameron Drive than side extensions permitted on smaller plots where the extension reaches almost to the boundary.

Another reason why the development would not be visually prominent on the streetscape is that the properties facing 1 Cameron Drive are larger detached properties which are more prominent than the proposed extended property.

- 1 - 2 Cameron Drive G77 6JF
- 2 - 4 Cameron Drive G77 6JF
- 3 - 30 Leslie Avenue G77 6JE

In addition, the design in the plans submitted would ensure some symmetry with the two nearest 2 storey side extensions at 31 Chisholm Drive G77 6HX and 9 Cameron Drive G77 6JF.

Given the explanations provided, we feel that the plans submitted are reasonable and in keeping with the character of the area.

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

[Empty box for explanation]

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

The plans for extensions approved by planning officers at the following locations.

- 1 - 9 Cameron Drive G77 6JF
- 2 - 31 Chisholm Drive G77 6HX
- 3 - 7 Chisholm Drive G77 6HX
- 4 - 3 Stewart Avenue G77 6HN
- 5 - 20 Fraser Avenue G77 6HW

all documents + plans available online.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date 25/07/2016

Data Protection Act 1998

East Renfrewshire Council is the Data Controller for the purposes of the Data Protection Act 1998. Please note that the information provided with this application will appear in the public register of applications and will also be published on the Council's website. Personal details such as signatures, personal phone numbers and personal email addresses will not be published on-line. If you wish any further personal information to be excluded from publication, please request this in writing and the Council will consider your request.

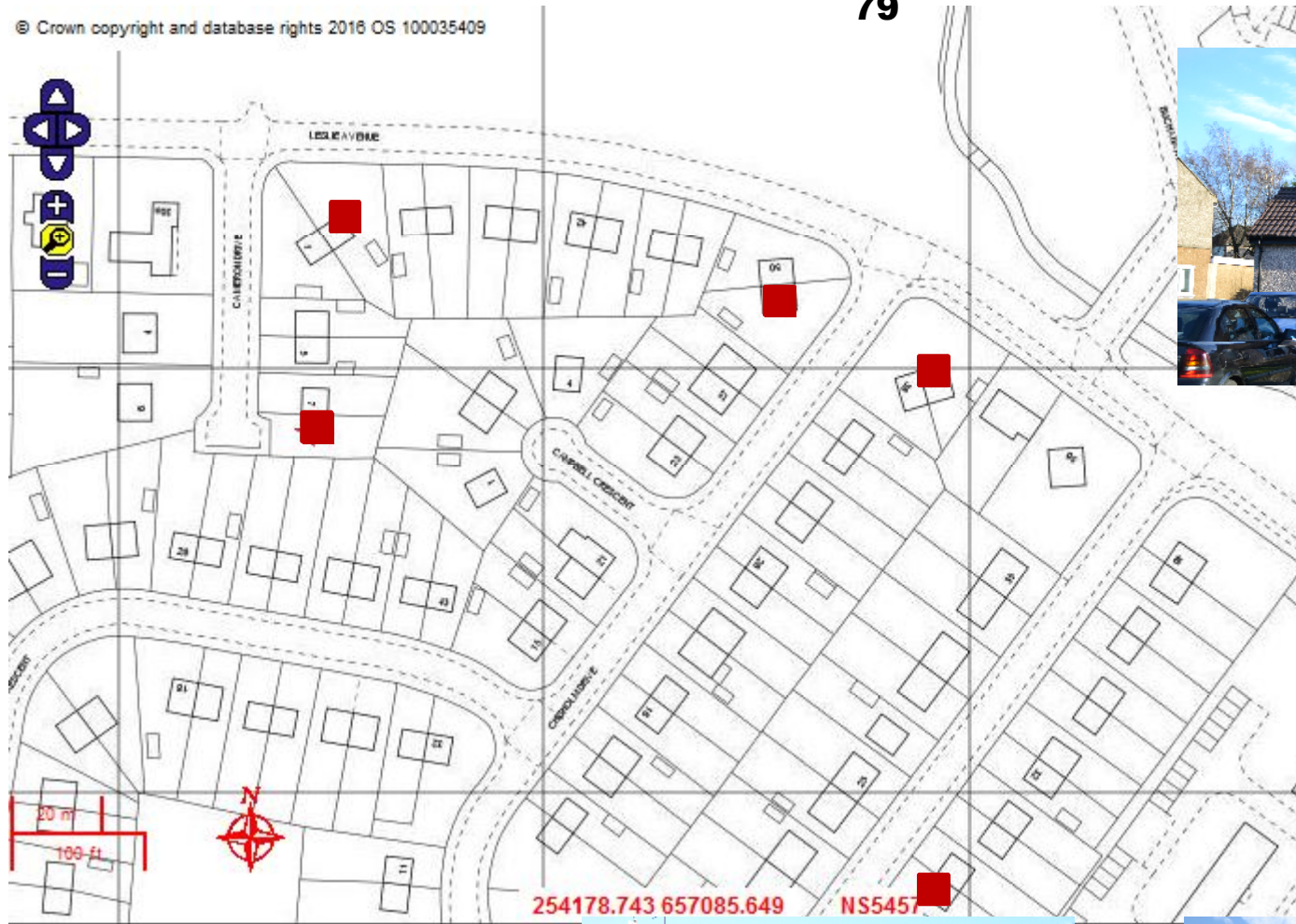
Your completed notice of review should now be returned to: East Renfrewshire Council, Head of Environment (Planning, Economic Development & City Deal), 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, East Renfrewshire G46 8NG. Alternatively, you can e-mail your notice of review to planning@eastrenfrewshire.gov.uk

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1 CAMERON DRIVE LOCAL PRECEDENTS

- The following page shows a variety of extensions that have been erected that do not conform to the latest planning guidelines. As such we believe that there is precedents within the immediate neighbourhood that should allow the proposed extension to be approved.

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Front extension – 32 Leslie Avenue



Side extension – 24 Frazer Avenue



Two Storey Side extension wider than 4m
Extension not set back – 31 Chisholm Drive



Two Storey Side extension wider than 3.6m
Extension not set back – 9 Cameron Drive



Side extension wider than 4m
Front extension – 52 Leslie Avenue

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PLANS/PHOTOGRAPHS/DRAWINGS

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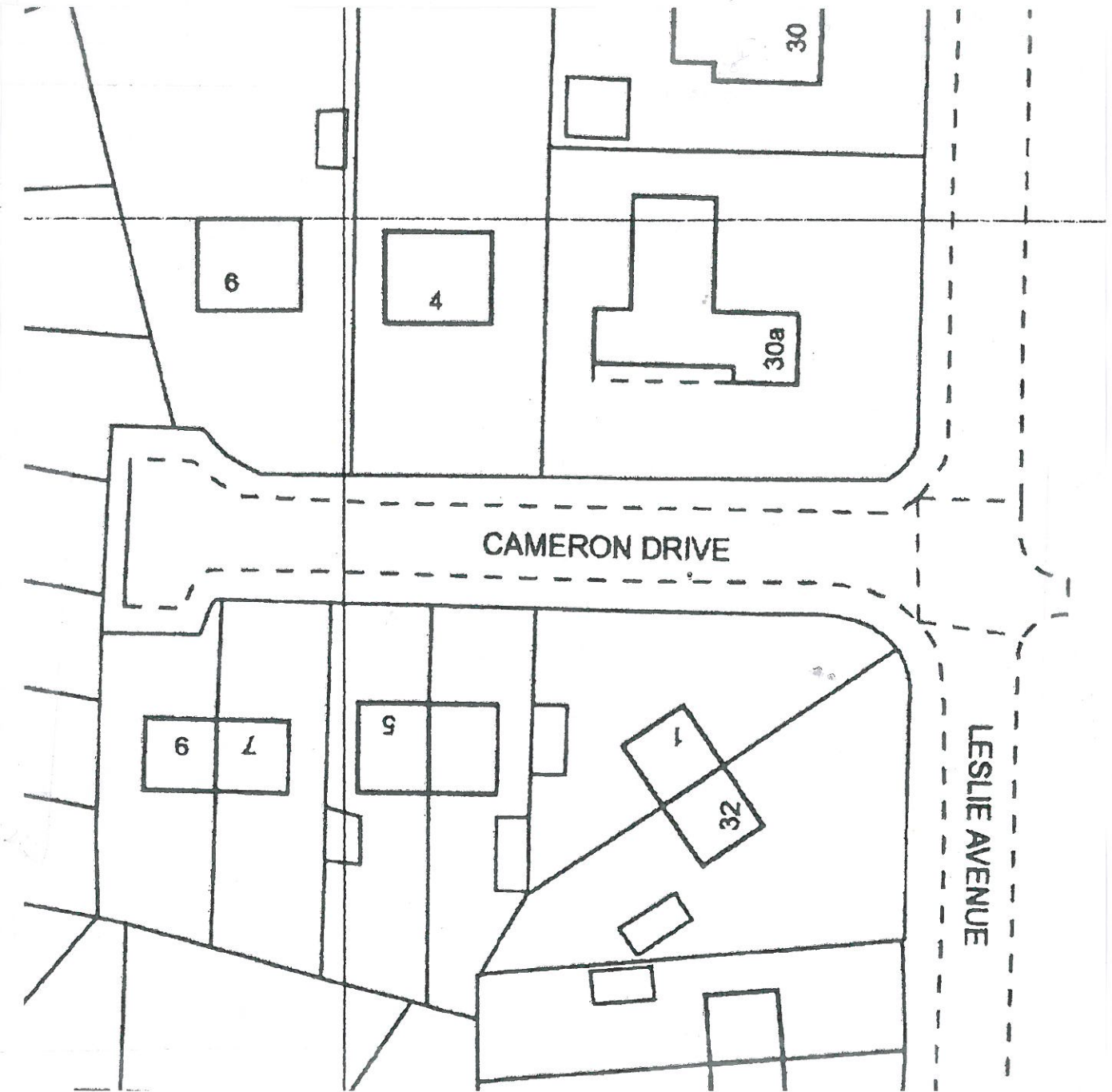
This is a true copy of the drawing referred to in the Building Warrant application.

Dated

Signed

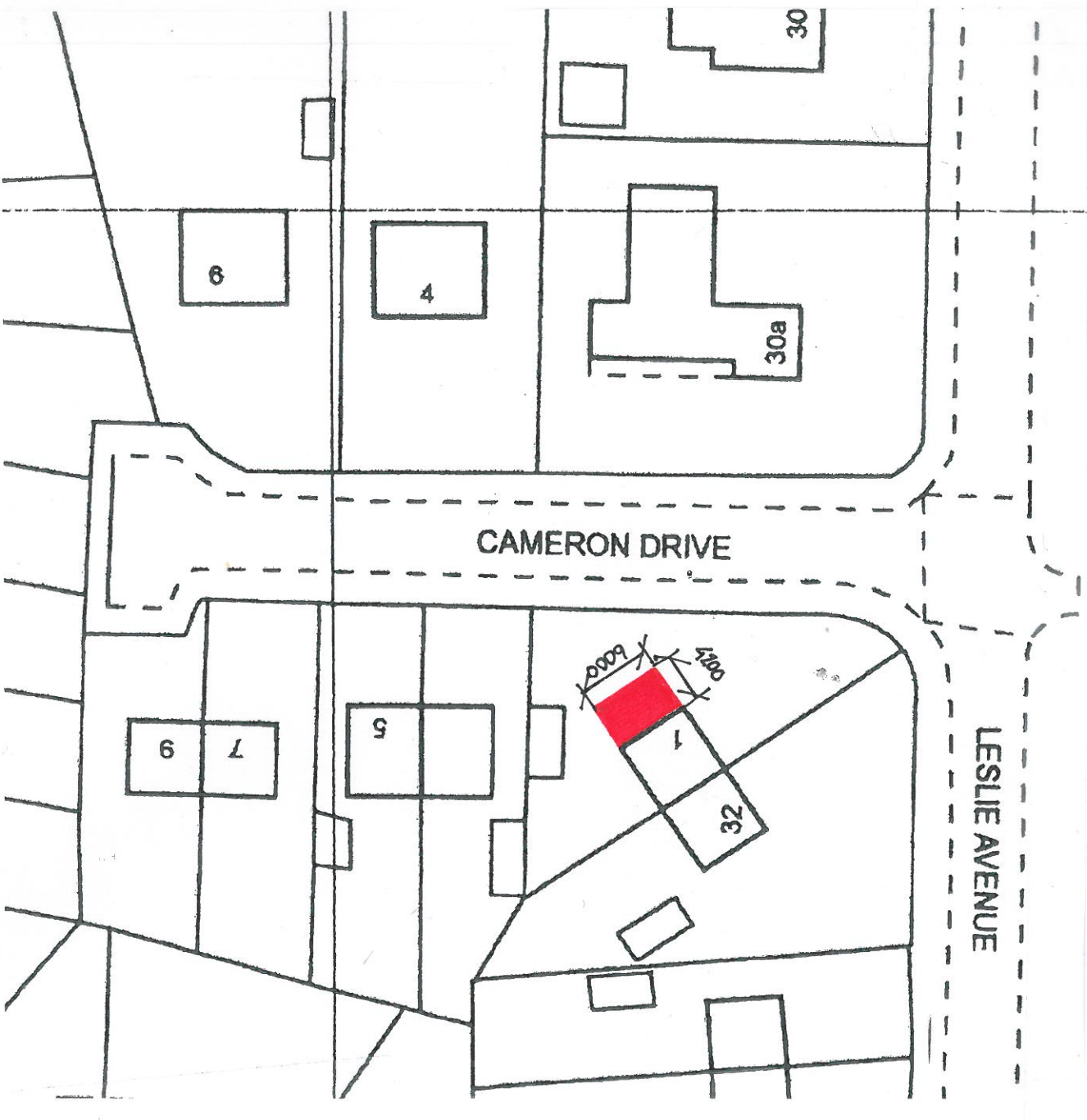
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EXISTING BLOCK PLAN

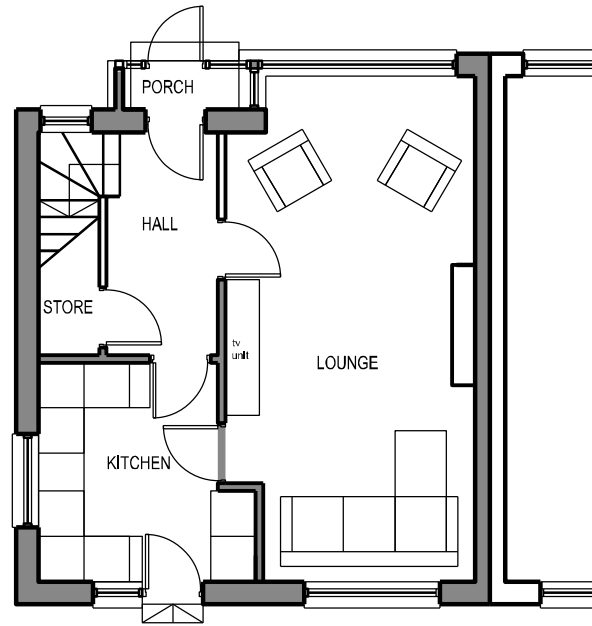
83



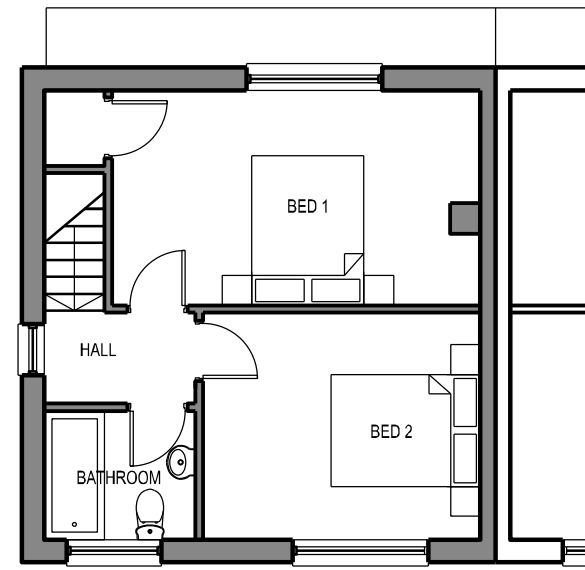
PROPOSED BLOCK PLAN

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JOB NUMBER	DRAWING No.	SCALE	DATE
KD020	BP001	@ A3 1:500	04.03.16
REVISION		-	

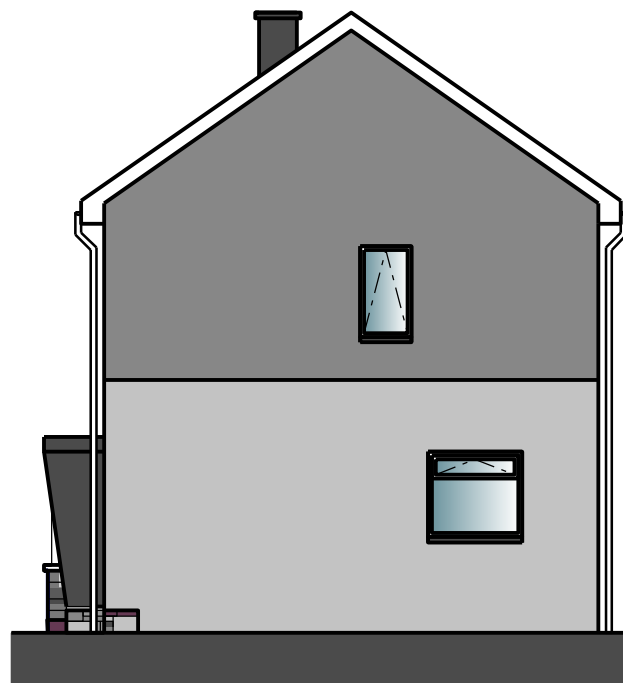
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GROUND FLOOR



FIRST FLOOR



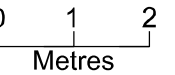
WEST ELEVATION



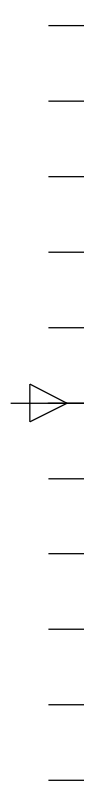
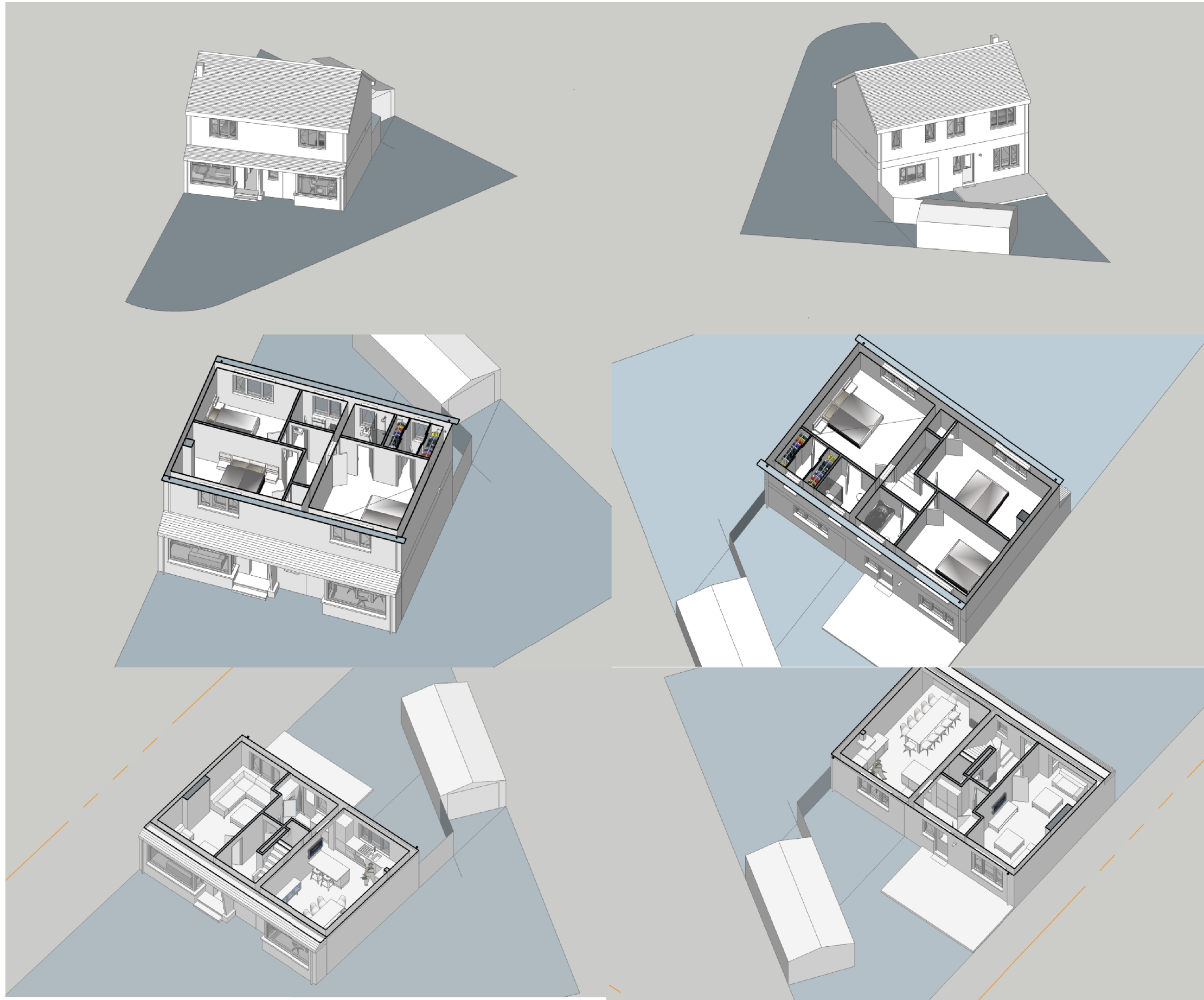
SOUTH ELEVATION



NORTH ELEVATION



PROJECT 1 CAMERON DRIVE NEWTON MEARNS		
DRAWING TITLE EXISTING HOUSE		SCALE ● A3 1:100
JOB NUMBER KD020		DATE
DRAWING No. PL02		REVISION -



PROJECT 1 CAMERON DRIVE NEWTON MEARNS		
DRAWING TITLE PROPOSED HOUSE 3D VIEWS		SCALE ● A3 NTS
JOB NUMBER KD020		DATE -
DRAWING No. PL04		REVISION -

This is a true copy of the drawing referred to in the Building Warrant application.

Dated

Signed

NOTES

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STANFORDS
RDS
FOR BUSINESS



86

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



N
9, Cameron Dr, Newton Mearns, Glasgow
G77 6JF

Produced 07 Mar 2016 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.
The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Supplied by: **Stanfords 07 Mar 2016**
Licence: © Crown Copyright and database rights 2016 OS100035409
Order Licence Reference: O1970197
Centre coordinates: 254246 656986

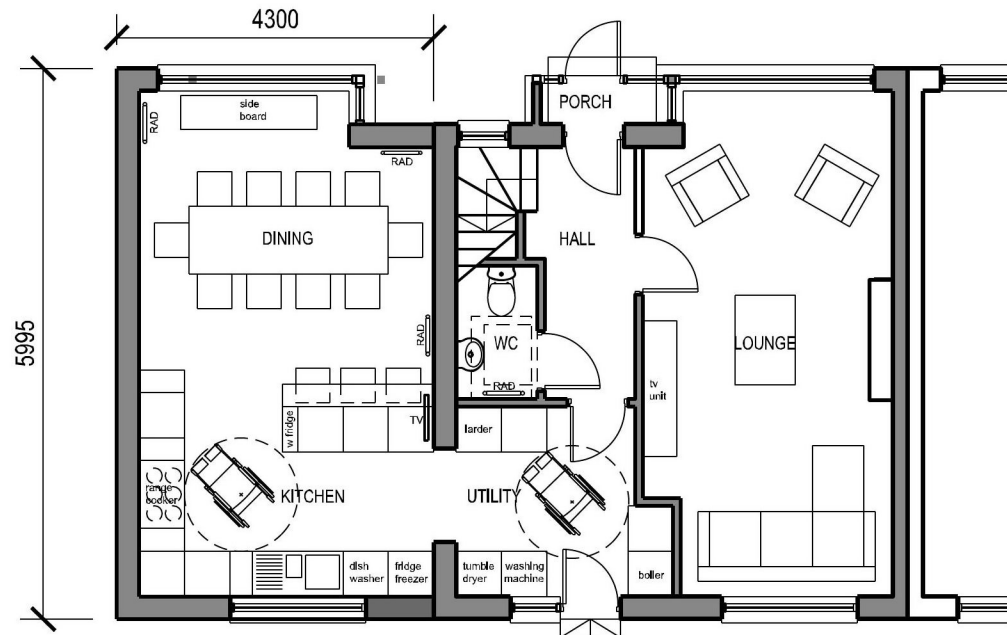
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PROJECT	
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LOCATION PLAN	
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DATE	
04.03.16	
JOB NUMBER	DRAWING No.
KD020	LP001
REGION	
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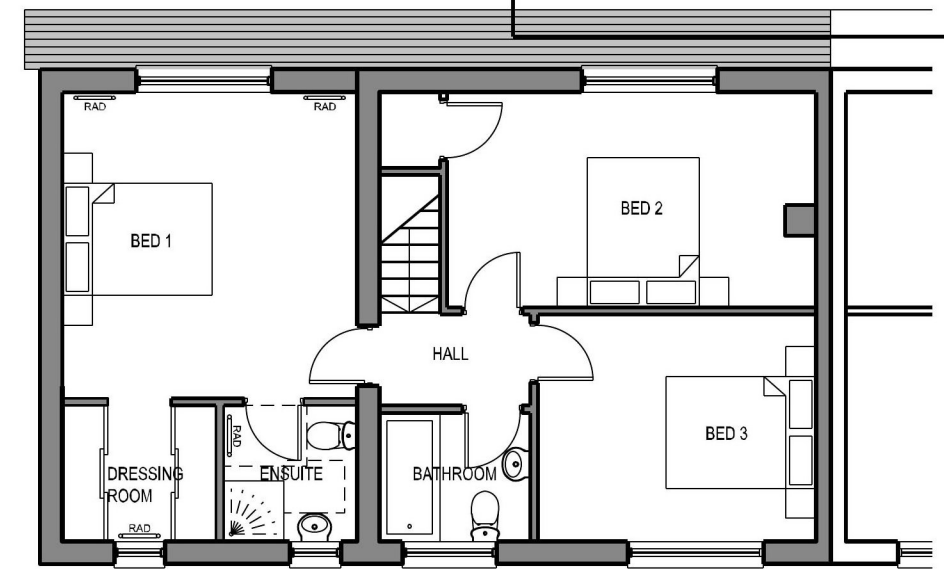
Town and Country Planning
(Scotland) Act 1997
REFUSED
Director of Environment
East Renfrewshire Council

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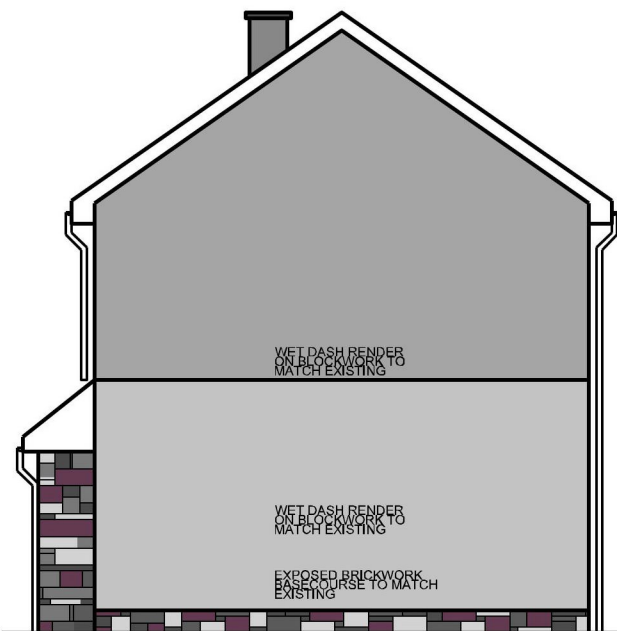
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GROUND FLOOR



FIRST FLOOR



WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

PROJECT 1 CAMERON DRIVE NEWTON MEARNS		
DRAWING TITLE PROPOSED HOUSE		SCALE A3 1:100
JOB NUMBER KD020		DATE
DRAWING No. PL03		REVISION -