

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY30 November 2016Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2016/13ERECTION OF TWO STOREY SIDE EXTENSIONAT 14 HAZELDEN GARDENS, NETHERLEE**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:- 2016/0407/TP).  
Applicant: Mr and Mrs Tortolano.  
Proposal: Erection of two storey side extension.  
Location: 14 Hazelden Gardens, Netherlee.  
Council Area/Ward: Giffnock and Thornliebank (Ward 3).

**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 the 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 a site visit.

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, 30 November 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. The information detailed below is appended to this report to assist the Local Review Body in carrying out the review of the decision taken by the appointed officer:-

- (a) Application for planning permission – Appendix 1 (Pages 7 -12);
- (b) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 2 (Pages 13-18);
- (c) Decision notice and reasons for refusal - Appendix 3 (Pages19 - 22); and
- (e) A copy of the applicants' Notice of Review and Statement of Reasons - Appendix 4 (Pages 23 - 32).

15. 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 33 - 42).

- (a) Refused – Location Plan;
- (b) Refused – Sections, Block Plans and Foundation Plan – SAS/2314/01;
- (c) Refused – Plans as Existing and Proposed Elevations – SAS/2314/02; and
- (d) Refused – Ground and First Floor Plans – SAS/2314/03.

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

17. All the documents referred to in this report can be viewed online on the Council's website at [www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk) with the exception of any representations that have been made to the application.

## RECOMMENDATIONS

18. The Local Review Body is asked to:-

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

- (b) In the event that further procedure is required to allow it to determine the review, consider:-
- (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:- November 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.

# APPLICATION FORM

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Householder Application for Planning Permission



Town & Country Planning (Scotland) Act 1997  
as amended by the Planning etc. (Scotland) Act 2006

OFFICIAL USE ONLY    LPA Ref No 2016/0407/TP    Receipt Date .....

Please note that rather than completing these forms, you can now complete and submit your planning application on-line at [www.splanning.scotland.gov.uk](http://www.splanning.scotland.gov.uk)

Please read the notes for guidance before completing this part of the form. Incorrect completion may result in delay in processing your application.

**Part 1 - Application form**

**1**

Applicant's Name MR + MRS G TORTOLANO  
 Address 14 HAZELDEN GARDENS  
NETHERLEE  
 Post Code G44 3HQ  
 Telephone..... Fax .....

Email .....

Is the applicant a member of staff within the planning service or an elected member of East Renfrewshire Council?    **Yes/No**

**2**

Agent's Name SAS DESIGN    STUART W. MACGILL  
 Address .....    RIBA    ARIAS  
 .....    21 LEMBERT DRIVE  
 ..... Pc    CLARKSTON  
 Telephone..... Fa    GLASGOW G76 7NQ  
 .....    T:0141 - 638 3537  
 Email SMEAG 2002 @ MADSAFISH.COM    F:0141 - 638 3539

**3**

Location of proposed development .....

14 HAZELDEN GARDENS  
NETHERLEE    G44 3HQ

**4**

Description of proposed development .....

ERECTION OF TWO STOREY SIDE EXTENSION TO END TERRACE  
DWELLING HOUSE

**5**

<b>Existing</b>	<b>Proposed</b>
Walls <u>YELLOW + BROWN FACING BRICK</u>	Walls <u>YELLOW + BROWN FACING BRICK</u>
Roofs <u>PROFILED BROWN CONC. TILES</u>	Roofs <u>PROFILED BROWN CONC. TILES</u>
Boundary .....	Boundary.....
Windows <u>TIMBER EFFECT UPVC</u>	Windows <u>TIMBER EFFECT UPVC</u>

Any other relevant information.....

6

**Pre-Application Advice**

Have you received advice from the planning authority in relation to this proposal?

Yes  No

If yes, please provide details about the advice in the box below:

How was the advice given?

Meeting  Telephone call  Letter  Email

Please provide a description of the advice you were given and who you received the advice from:

Name:

A. FARRELL

Reference Number:

Date:

15/4/16

Summary of advice received

PROPOSAL NOT FULLY COMPLIANT WITH PLANNING GUIDELINES BUT MAY BE REGARDED AS APPROPRIATE IN THE CIRCUMSTANCES

7

**Trees**

Are there any trees on or adjacent to the application site?  Yes  No

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

8

**Changes to Vehicle Access and Parking**

Are you proposing a new or altered vehicle access to or from a public road?  Yes  No

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

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?  Yes  No

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

How many parking spaces currently exist on the application site? 3

How many parking spaces do you propose on the application site? 3

Please show on your drawings the position of existing and proposed parking spaces.



**Part 2 - Land Ownership Certificate**

**Section 1 - Who owns the land?**

Tick one box

- A  The applicant owned all the land to which the application relates for the 21 days to the date of this application  
 or  
 B  The applicant has served notice on all persons listed below who within the 21 days prior to the date of this application owned any part of the land to which it relates.  
 (You must complete and serve **Notice 1** on all the people you have listed below)

Name of Owner	Address	Date Notified

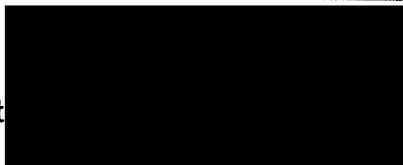
**Section 2 - Agricultural holdings**

Tick one box

- A  None of the land to which the application relates, formed part of an agricultural holding for the 21 days prior to the date of this application.  
 or  
 B  The applicant has served notice on all persons listed below who, within the 21 days prior to the date of this application, were tenants of an agricultural smallholding which was on or part of the land to which this application relates.  
 (You must complete and serve **Notice 1** on all the people you have listed below)

Name of Owner	Address	Date Notified

Signature of Applicant/Agent  
 (delete where appropriate)



Date 16/6/16

**Checklist and Declaration**

Please read the notes for guidance before completing this part of the form.  
Incorrect completion may result in delay in processing your application.

**Checklist**

Please tick all the boxes to ensure that your application is complete.

I have completed and enclose two copies of the following

Part 1 - Application form .....

Part 2 - Land Ownership Certificate .....

I have served the necessary notices on all identified owners / tenants .....

Checklist and Declaration .....

I have enclosed 3 copies of the following plans

1:1250 or 1:2500 Location plan .....

1:200 or 1:500 Block plan .....

1:50 or 1:100 Detailed plans to include all existing and proposed plans and elevations .....

I have enclosed the appropriate fee

Fee enclosed .....

Your completed form should now be returned to: Head of Environment (Planning, Property and Regeneration), 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, East Renfrewshire G46 8NG.

**Declaration**

I declare that the information given within this form, for the purposes of making a planning application, is true and accurate to the best of my knowledge.

Signature of Applicant/Agent  
(delete where appropriate)



Date ..... 16/6/16 .....

If you have any difficulties completing this application form, contact the Council on 0141 577 3001

**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.

**Important**

Anyone who knowingly or recklessly makes a false declaration is liable, on conviction, to a fine up to £2,000

**REPORT OF HANDLING**

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# REPORT OF HANDLING

Reference: 2016/0407/TP

Date Registered: 20th June 2016

Application Type: Full Planning Permission

This application is a Local Development

Ward: 3 -Giffnock And Thornliebank

Co-ordinates: 257331/:659726

Applicant/Agent:

Applicant:

Mr And Mrs G Tortolano

14 Hazelden Gardens

Giffnock

East Renfrewshire

G44 3HQ

Agent:

SAS Design

21 Lember Drive

Clarkston

Glasgow

G76 7NQ

Proposal: Erection of two storey side extension

Location: 14 Hazelden Gardens

Giffnock

East Renfrewshire

G44 3HQ

**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 application site is a two storey end terrace house located in an established residential area. The site is located at the east side of a row of four terrace houses each which sit in a staggered pattern with each house in turn positioned further forward than the neighbouring house when travelling west to east. There is a parking area on the opposite side of the road with a three storey block of flats to the south-west. At the junction of Hazelden Gardens with Muirend Road there is a row of two storey sandstone terrace houses set on a general north to south alignment.

The house has brown colour facing brick on the ground floor with buff colour facing brick on the upper floor with brown profiled tiles on the roof. The house has a single storey front projection with a hipped roof that contains a garage and entrance into the house. This projection exists on the other terrace houses in this row. There is a conservatory at the rear of the house.

Permission is sought for a two storey side extension that is to extend out 4.7m from the side elevation of the house with an overall depth of approximately 9m. The extension is to have a pitched roof with its eaves and ridge lines at the same level as the eaves and ridge of the house

with the exception of a section at the rear of the extension which is to have its eaves line below the eaves of the house. The proposed extension is to be set forward with its front elevation contiguous with the front elevation of the front projection containing the integral garage/entrance into the house. The external materials are indicated as being the same colour facing brick as on the ground and upper floors of the house and brown profiled tiles on the roof.

This application has to be assessed against Policies D1 and D14 of the adopted Local Development Plan as well as the Supplementary Planning Guidance: Householder Design Guide (SPG). In terms of the available space at the side of the house it is considered that the extension can be readily accommodated without resulting in over-development. In very general terms the design and appearance of the extension is considered to reflect the design and appearance of the house. However the width of the extension is more than 50% of the width of the house which is contrary to the SPG and is not set back from the front elevation of the house nor is it designed with a ridge line that is below the ridge of the house.

It should be noted that the applicant's agent was advised earlier in the processing of this application that the proposed extension is contrary to the aforementioned policies and SPG however declined to withdraw the application. It should also be noted that the applicant's agent has submitted no information to support the proposal against the policies and SPG.

It therefore has to be considered whether the proposed position of the extension combined with its size and scale is an appropriate development at this location. It is considered that the position of the extension, and of the given dimensions, forward of the front elevation of the main part of the house will result in an extension that is not secondary in appearance to the original house and also dominates/overwhelms the house. It is also considered that the extension will have an adverse visual impact at this part of the street primarily as a result of where it is positioned in relation to the street. However this impact is not considered adversely impact on the wider street.

It is not considered that there are any material planning considerations that would allow this development.

It is therefore considered that the proposed extension is contrary to Policy D14 of the adopted LDP and does not accord with the requirements of the SPG. The application is recommended for refusal.

**RECOMMENDATION:** Refuse

**PLANNING OBLIGATIONS:** None

**REASON FOR REFUSAL:**

1. The proposed extension is contrary to Policy D14 of the adopted east Renfrewshire Local Plan and the accompanying Supplementary Planning Guidance as the position of the extension combined with its size results in an extension that is not secondary in appearance to the house as well as visually dominating the house.

**ADDITIONAL NOTES:** None

**ADDED VALUE:** None

**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr Sean McDaid on 0141 577 3339.

Ref. No.: 2016/0407/TP

(SEMC)

DATE: 6th September 2016

**DIRECTOR OF ENVIRONMENT**

**Reference: 2016/0407/TP - Appendix 1**

**DEVELOPMENT PLAN:**

**Strategic Development Plan**

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

**Adopted East Renfrewshire Local Development Plan**

Policy D1

Detailed Guidance for all Development

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

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

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

#### Policy D14

##### Extensions to Existing Buildings and Erection of Outbuildings and Garages

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

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

Side extensions should not create an unbroken or terraced appearance.

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

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

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

#### **GOVERNMENT GUIDANCE:**

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

Finalised 02/09/2016.IM.



**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.       **2016/0407/TP**

**Applicant**

Mr And Mrs G Tortolano  
14 Hazelden Gardens  
Giffnock  
East Renfrewshire  
G44 3HQ

**Agent:**

SAS Design  
Mr. Stuart W. MacGill  
21 Lember Drive  
Clarkston  
Glasgow  
G76 7NQ

With reference to your application which was registered on 20th June 2016 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

**Erection of two storey side extension**

**at: 14 Hazelden Gardens Giffnock East Renfrewshire G44 3HQ**

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 proposed extension is contrary to Policy D14 of the adopted east Renfrewshire Local Plan and the accompanying Supplementary Planning Guidance as the position of the extension combined with its size results in an extension that is not secondary in appearance to the house as well as visually dominating the house.

Dated           6th September 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

<b>Plan Description</b>	<b>Drawing Number</b>	<b>Drawing Version</b>	<b>Date on Plan</b>
Location Plan			
Block Plan Proposed	SAS/2314/01		
Elevations Proposed	SAS/2314/02		
Proposed floor plans	SAS/2314/03		

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

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

1. If the applicant is aggrieved by a decision to refuse permission (or by an approval subject to conditions), the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review can be submitted online at [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk). Alternatively, you can download a Notice of Review form (along with notes for guidance) from [www.eastrenfrewshire.gov.uk/planning-appeals-reviews](http://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](mailto:planning@eastrenfrewshire.gov.uk)**

**NOTICE OF REVIEW  
AND  
STATEMENT OF REASONS**

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RECEIVED

31 OCT 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 Teleph

Contact Teleph

Fax No

E-mail\*

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

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

Yes  No

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:

**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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" 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:

THE AREA WHERE THE EXTENSION IS TO BE BUILT CAN BE ACCESSED BY A GATE WHICH THE APPLICANT WILL OPEN IF NOTIFIED WHEN THE VISIT IS TO TAKE PLACE. THE AGENT CAN ATTEND IF REQUIRED.

### 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.

SEE SEPARATE SHEET

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.

### 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.

DRAWINGS SAS/2314/01  
 SAS/2314/02  
 SAS/2314/03

STATEMENT IN SUPPORT.

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:

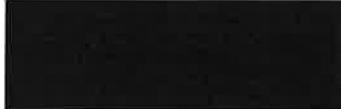
- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

 SAS DESIGN

Date

28/10/16

### 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](mailto:planning@eastrenfrewshire.gov.uk)

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# SAS DESIGN

## 14 HAZELDEN GARDENS NETHERLEE STATEMENT IN SUPPORT OF REVIEW

### BACKGROUND

Application 2016/0407/TP was Refused on 6<sup>th</sup> September 2016 on the grounds that the proposed side extension to the existing property was contrary to Policy D14 and the Accompanying Supplementary Planning Guidance: Householder Design Guide. The Applicant does not dispute that this is the case but would offer the following arguments as to why this particular project should be reconsidered.

The Guidance notes are acknowledged as open to interpretation in particular circumstances and there are several of these peculiar to this project.

### ARGUMENT

- 1) The Introduction to the Supplementary Guidance states that one of the objectives of the Guidance is to “maintain the character of the original property and the area in general”. The proposed extension clearly echoes the built form of the existing house and replicates the form of the terrace in which No14 is situated. There is no one dominating form or palette of materials in the surrounding properties and it is therefore most appropriate to concentrate on the form of the terrace containing the Applicant’s property when considering the appropriateness of the appearance of the extension. The neighbouring properties are brought into the argument when the size of the extension is considered.
- 2) House 14 sits at the end of a two storey terrace of four properties. Somewhat unusually, this terrace is stepped; each house is rectangular in form with a frontage just over 6.2 metres in width and having a single storey front projection just below 4.9 metres in width and containing the (side-facing) entrance, a toilet and a garage. The two storey section of the house immediately to the right lines through with the frontage of the garage/entrance of the house to the left and so on. The overall depth of each house is just over 11.6 metres and the step is 3.6 metres (giving a depth of 8 metres for the two storey section). This produces a series of discontinuous pitched roofs to the two storey sections of the houses. The philosophy behind the form of the extension was to duplicate the forward step, lining the frontage of the two storey addition through with the garage. In this case it was considered detrimental to the very strong townscape appearance of the terrace to step the extension back, particularly since one of the main intentions of this guideline is to produce a lower ridge line for the extension; given the discontinuity of the roof lines, any such fairly small difference in ridge height would be impossible to discern (at a pitch of 27.5 degrees, a 0.5m setback would produce a drop in ridge height of just below 0.2m) and would make no difference to the perception of the overall terrace by members of the public.

# SAS DESIGN

- 3) The shape of the house plot at No14 is unusual in that there is a quite small rear garden and a very large side garden, increasing in width from around 5.5 metres at the narrowest point towards the rear of the house to around 10 metres at the front line of the garage and widening further towards the road. The preponderance of garden space lies to the side of the house. It is relevant that Permitted Development guidance allows for more substantial side extensions in such cases – the main criterion being boundary distance (and, therefore potential detrimental effect on the amenity of the neighbouring properties on that side). The adjoining houses to the west of No14 sit at right angles to it and have deep rear gardens. There is, as a consequence of these factors, no significant loss of amenity to the adjoining houses or excessive loss of garden space to No14 as a result of the width of the proposed extension which has a side projection just below 4.4metres and a frontage of 4.7metres.
- 4) Given the discontinuous built form of the terrace caused by the stepped form referred to above, an extension of overly restricted width would look incongruous beside the regular pattern produced by the existing houses.

## SUPPLEMENTARY

Although this point is not presented as a specific argument in favour of the Case for Review, it is pertinent to record that during the Pre-Planning Consultation which was undertaken advice was given (admittedly only on the basis of a letter describing the proposal in outline and a marked up Ordnance Survey Extract plan) that the scheme was “worth consideration” in the circumstances. This response was made by a different Officer to that who ultimately assessed the formal Application. This is raised purely to illustrate that Planning Guidance is (rightly) open to interpretation and that different Officers will have differing views; there is no intended criticism of either Officer. It would be helpful in future, however, if Pre-Planning advice were to be given by the Officer who eventually deals with the actual Application.

## CONCLUSION

Based on the above, the Applicant contends that, notwithstanding the accepted deviations from Planning Guidance for extensions, the proposed side extension as originally submitted complies with the spirit of Policy D14 because of the unusual circumstances of the built form of the existing house, the terrace within which it sits and its relationship to adjoining properties in that it is complimentary to the original house and surrounding properties, appropriate in size and scale and does not impair the amenity of either the existing house nor that of adjoining properties.

Stuart W MacGill  
SAS DESIGN

12<sup>th</sup> October 2016  
Job No SAS/2314

**PLANS/PHOTOGRAPHS/DRAWINGS**

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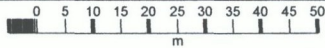


# 14 Hazeld35 Gardens

Town and Country Planning  
(Scotland) Act 1997

**REFUSED**

Director of Environment  
East Renfrewshire Council



OS MasterMap 1250/2500/10000 scale  
01 April 2016, ID: MNOW-00515725  
mapsnow.co.uk

1:1250 scale print at A4, Centre: 257331 E, 659726 N

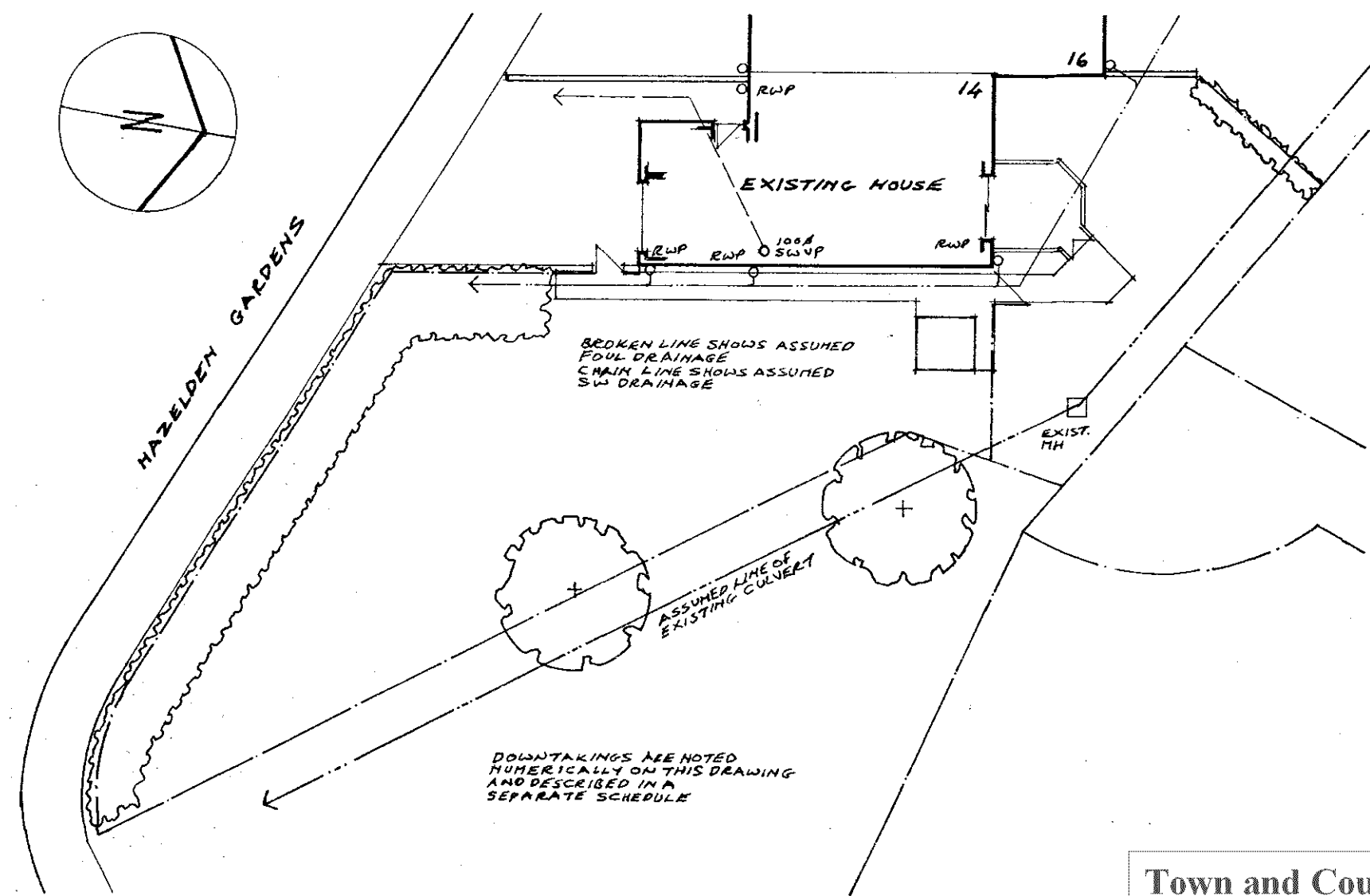
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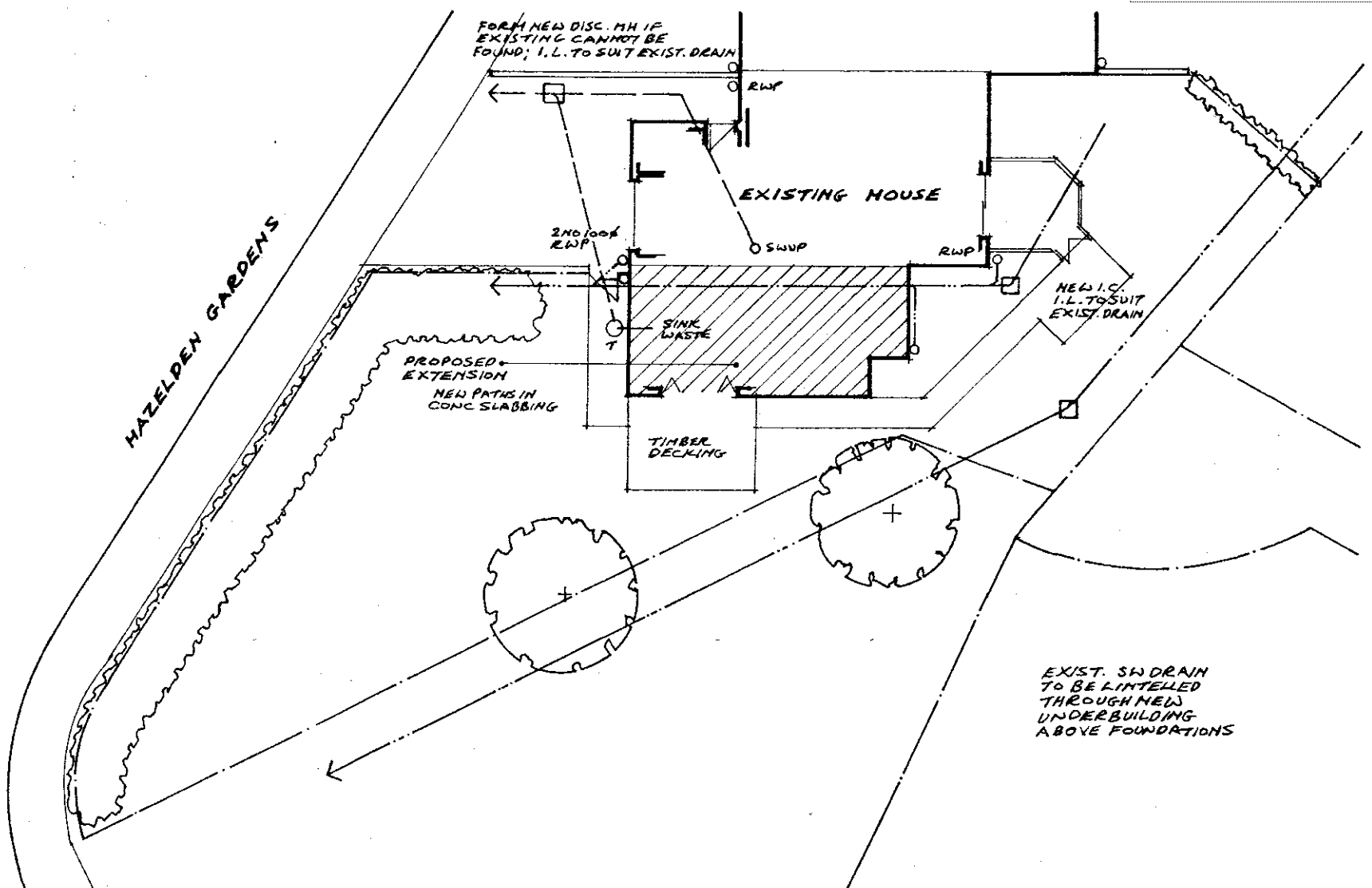
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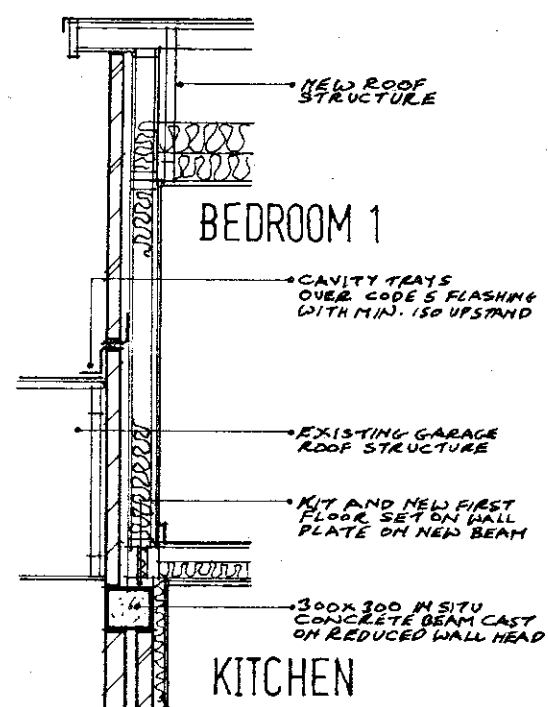
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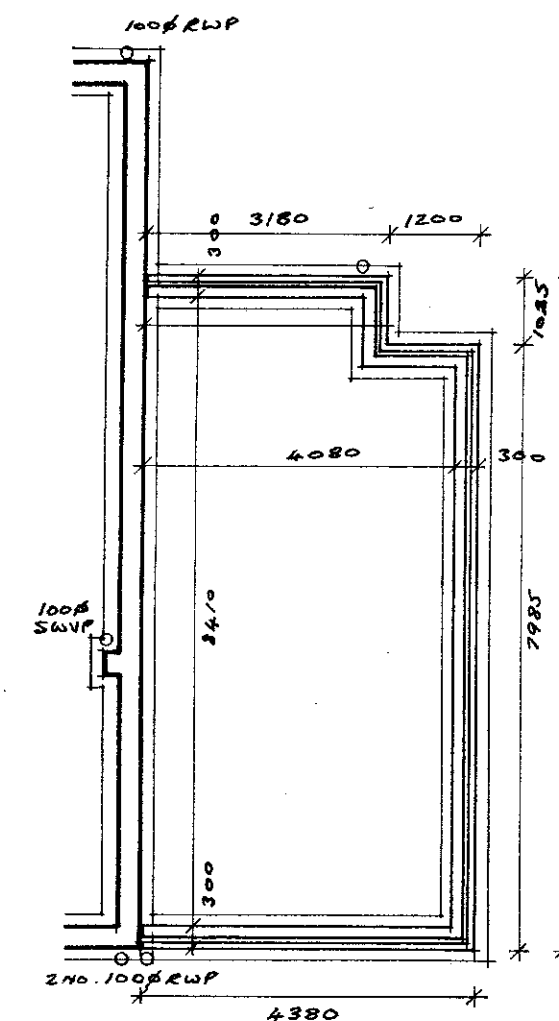
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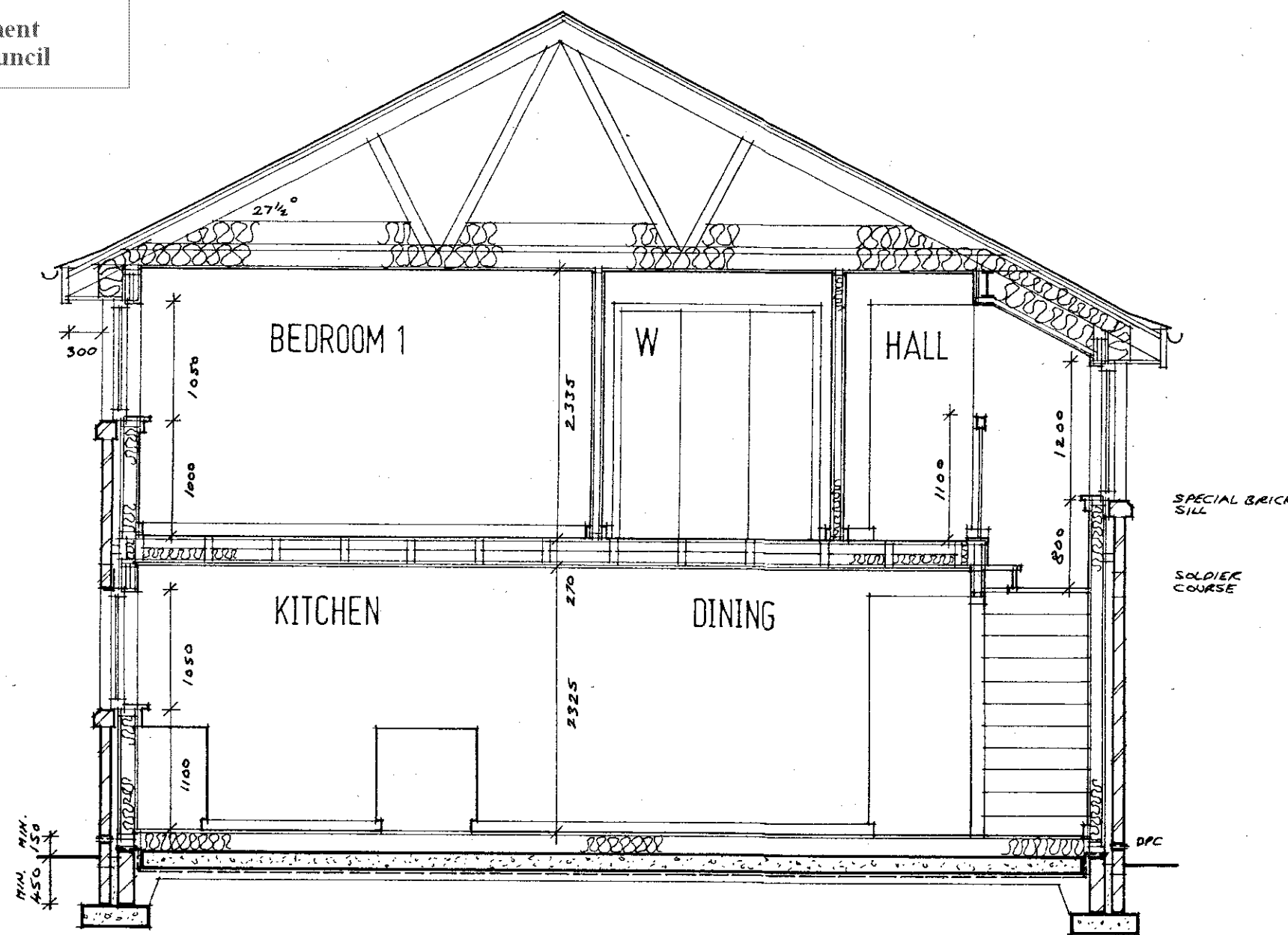


DETAIL AT WALL BETWEEN  
EXISTING HOUSE AND EXTENSION



FOUNDATION PLAN

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



AA

PROJECT  
MR + MRS G TORTOLANO  
ALTERATIONS + EXTENSION  
14 HAZELDEN GARDENS  
NETHERLEE

TITLE  
SECTIONS, BLOCK PLANS +  
FOUNDATION PLAN

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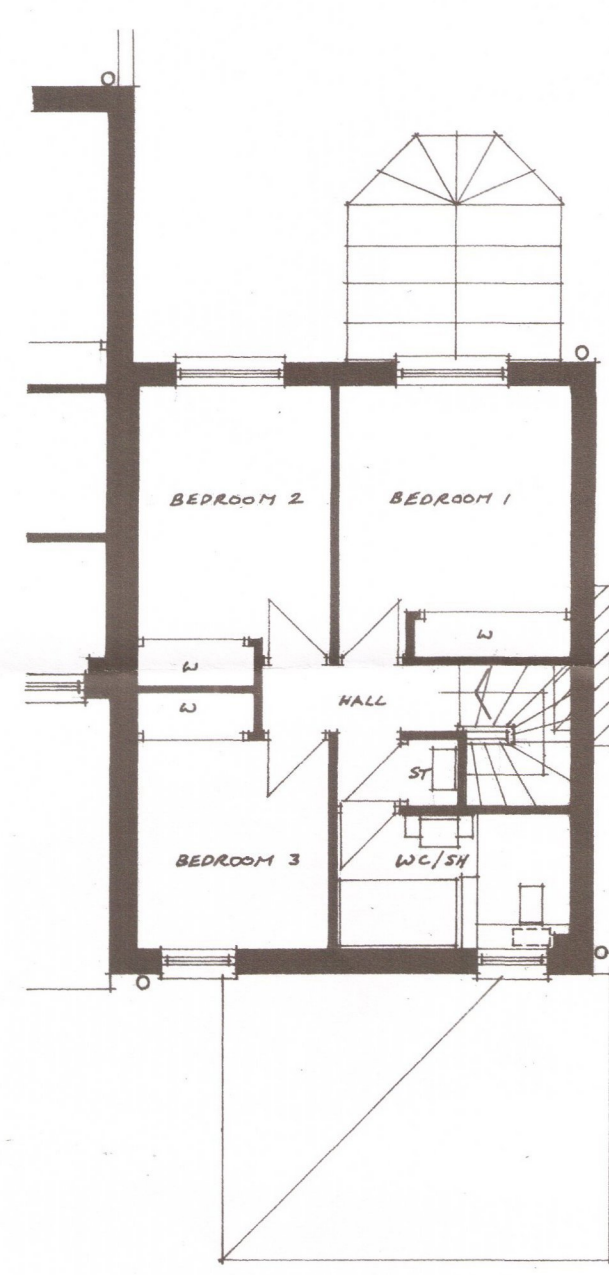
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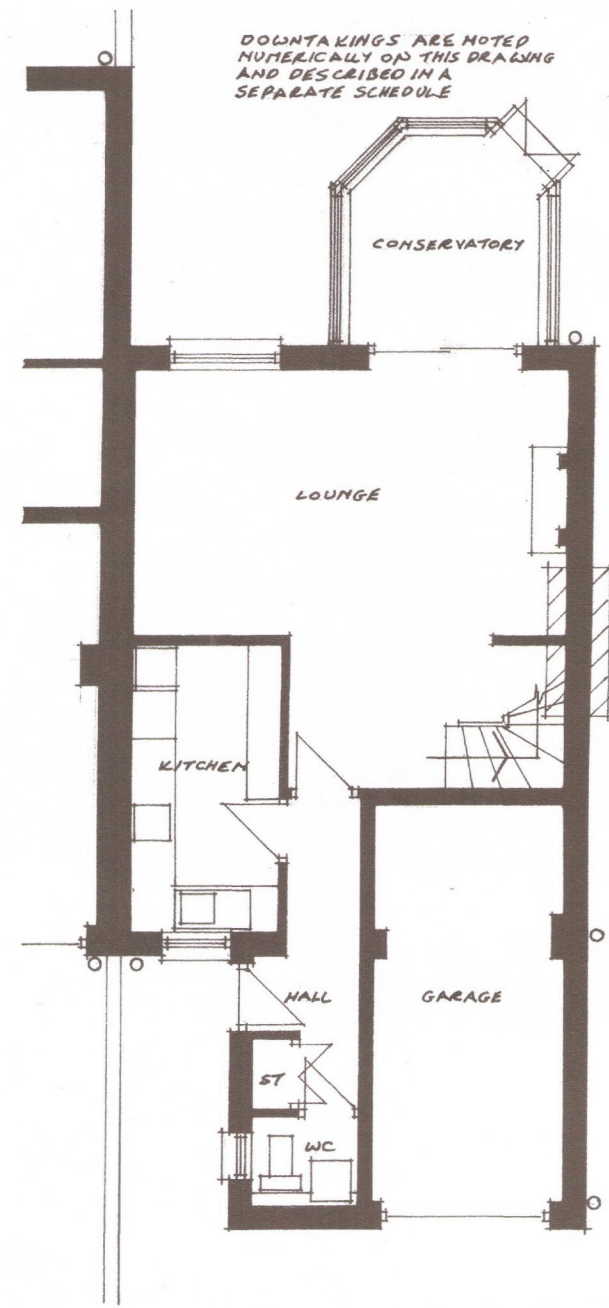
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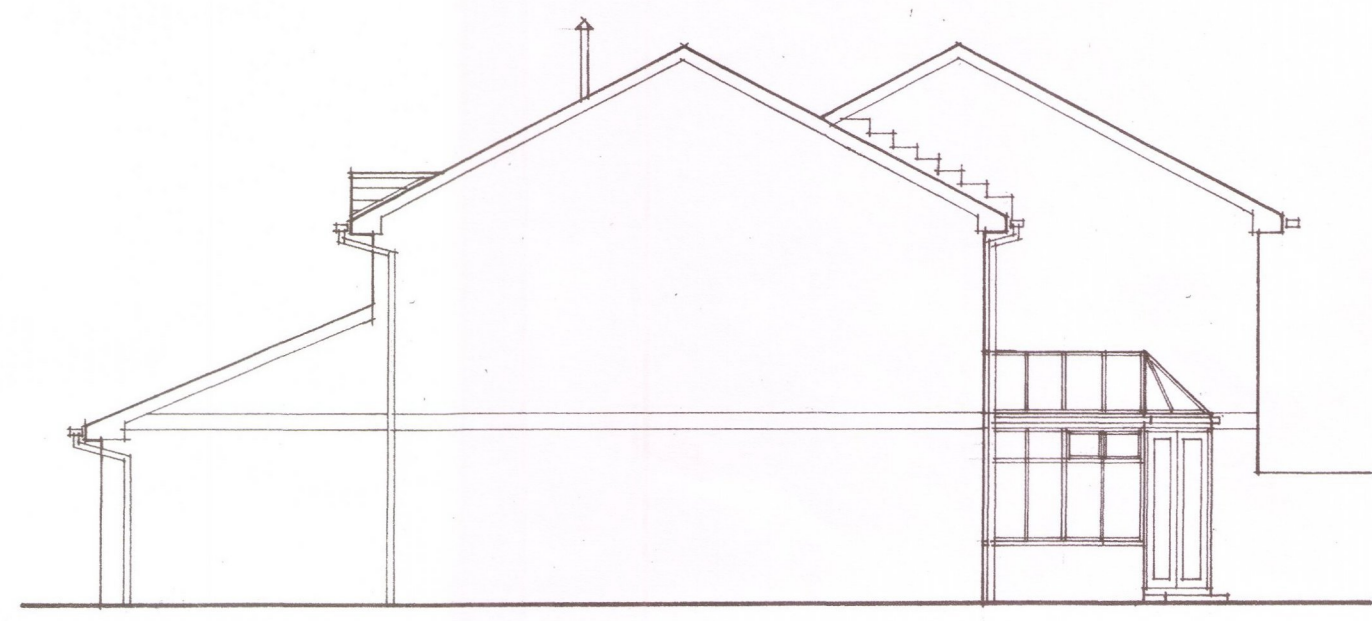
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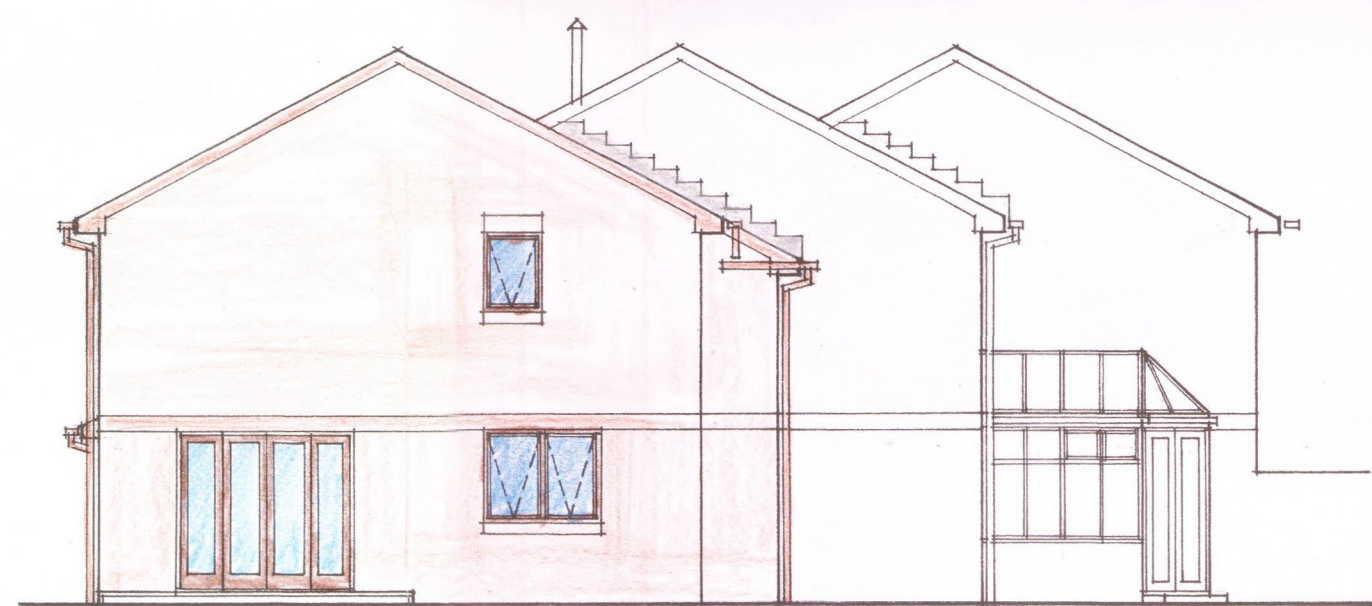
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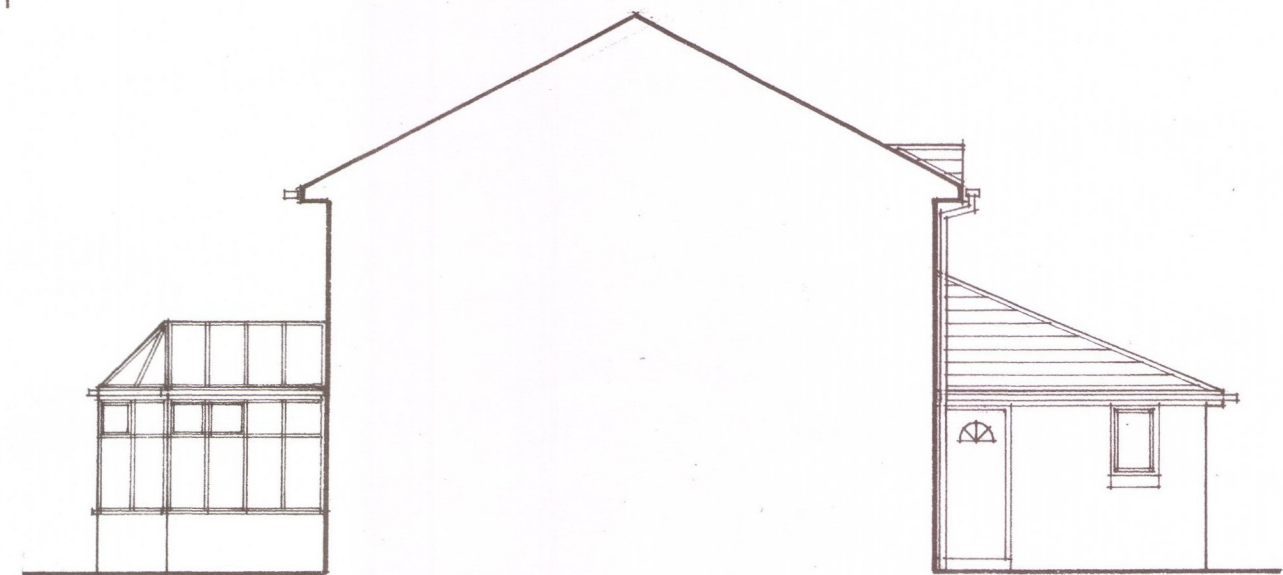
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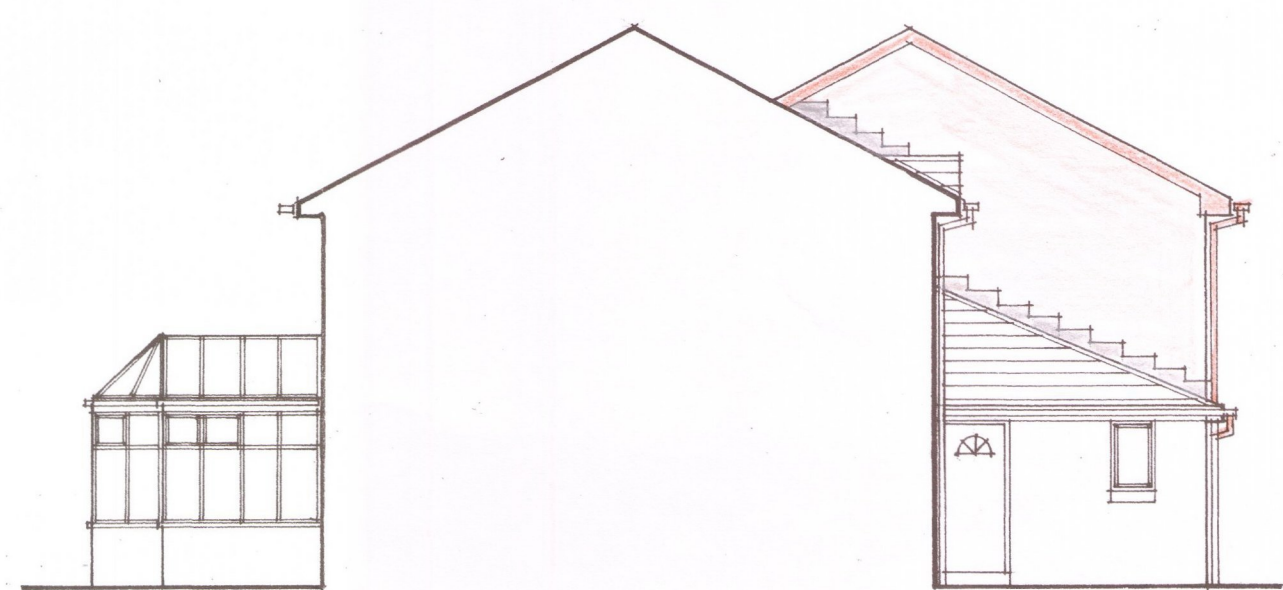
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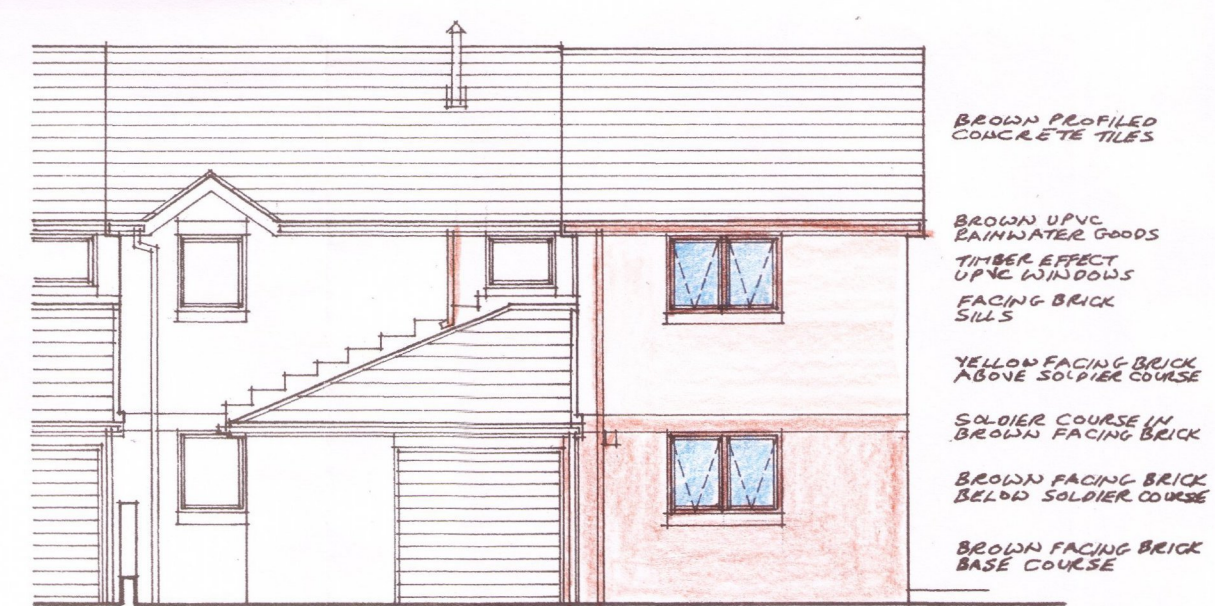
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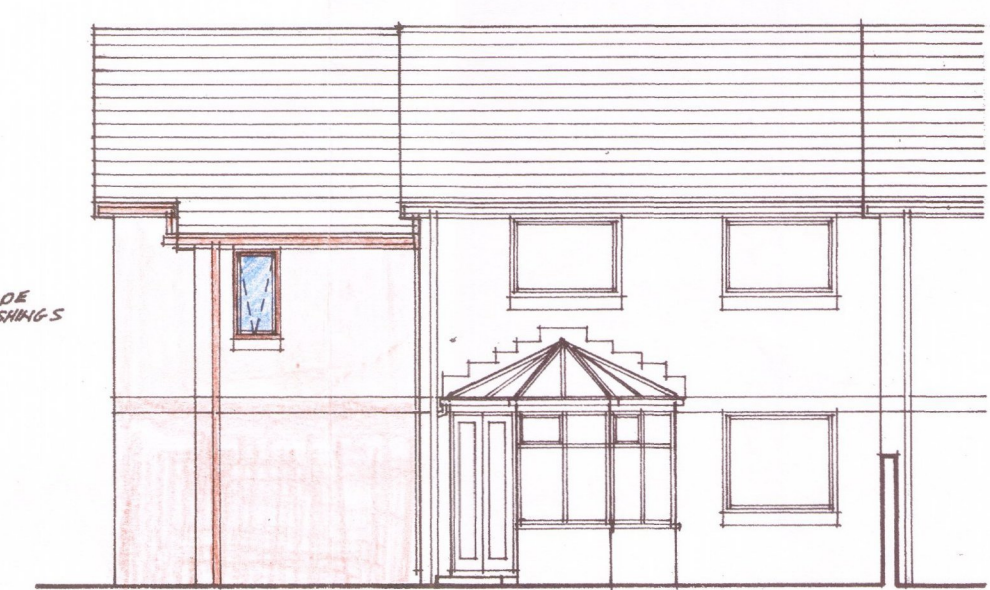
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AS PROPOSED SOUTH



AS EXISTING



AS PROPOSED NORTH

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

PROJECT  
MR + MRS G TORTOLANO  
ALTERATIONS + EXTENSION  
14 HAZELDEN GARDENS  
NETHERLEE

TITLE  
PLANS AS EXISTING  
ELEVATIONS

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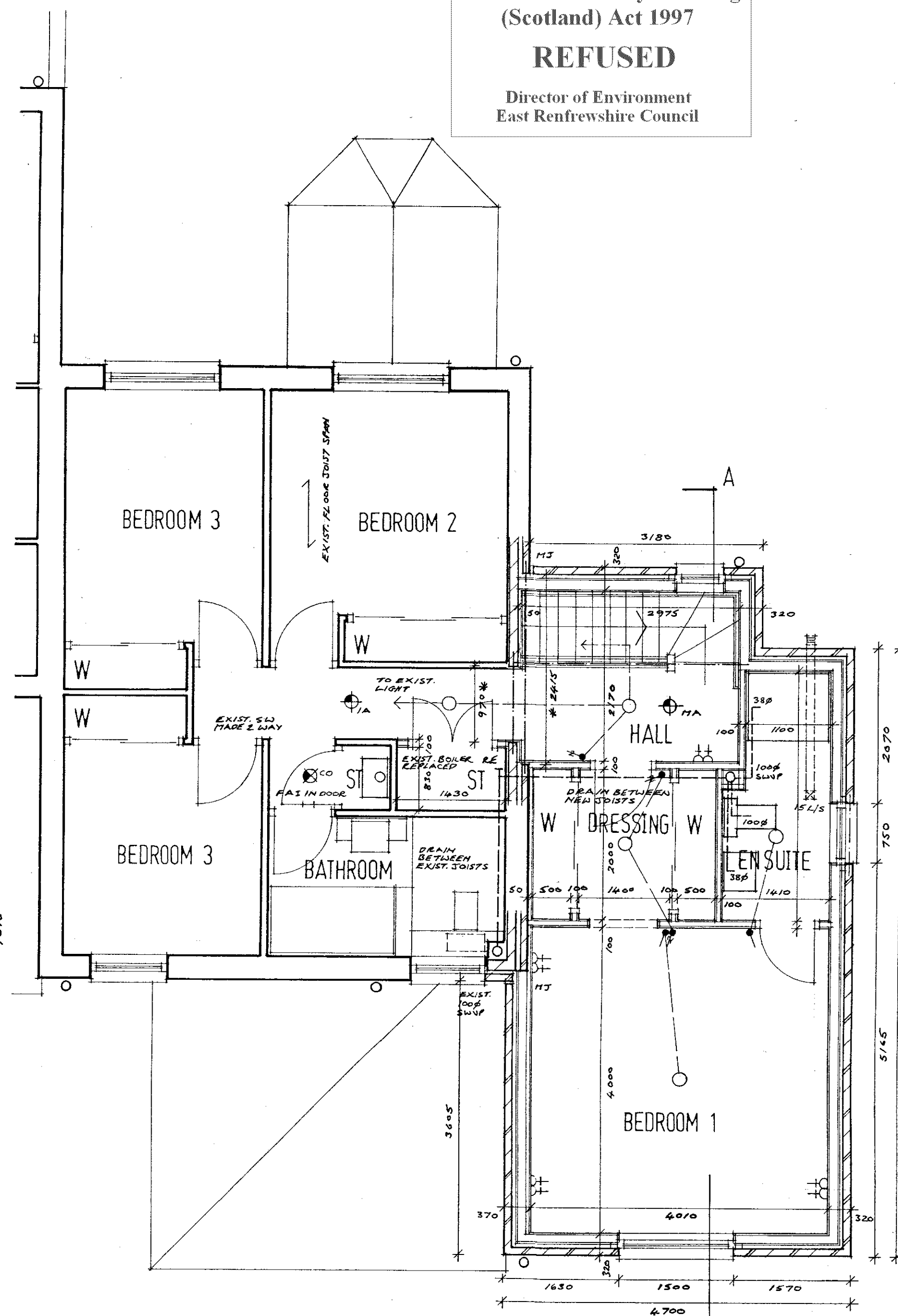
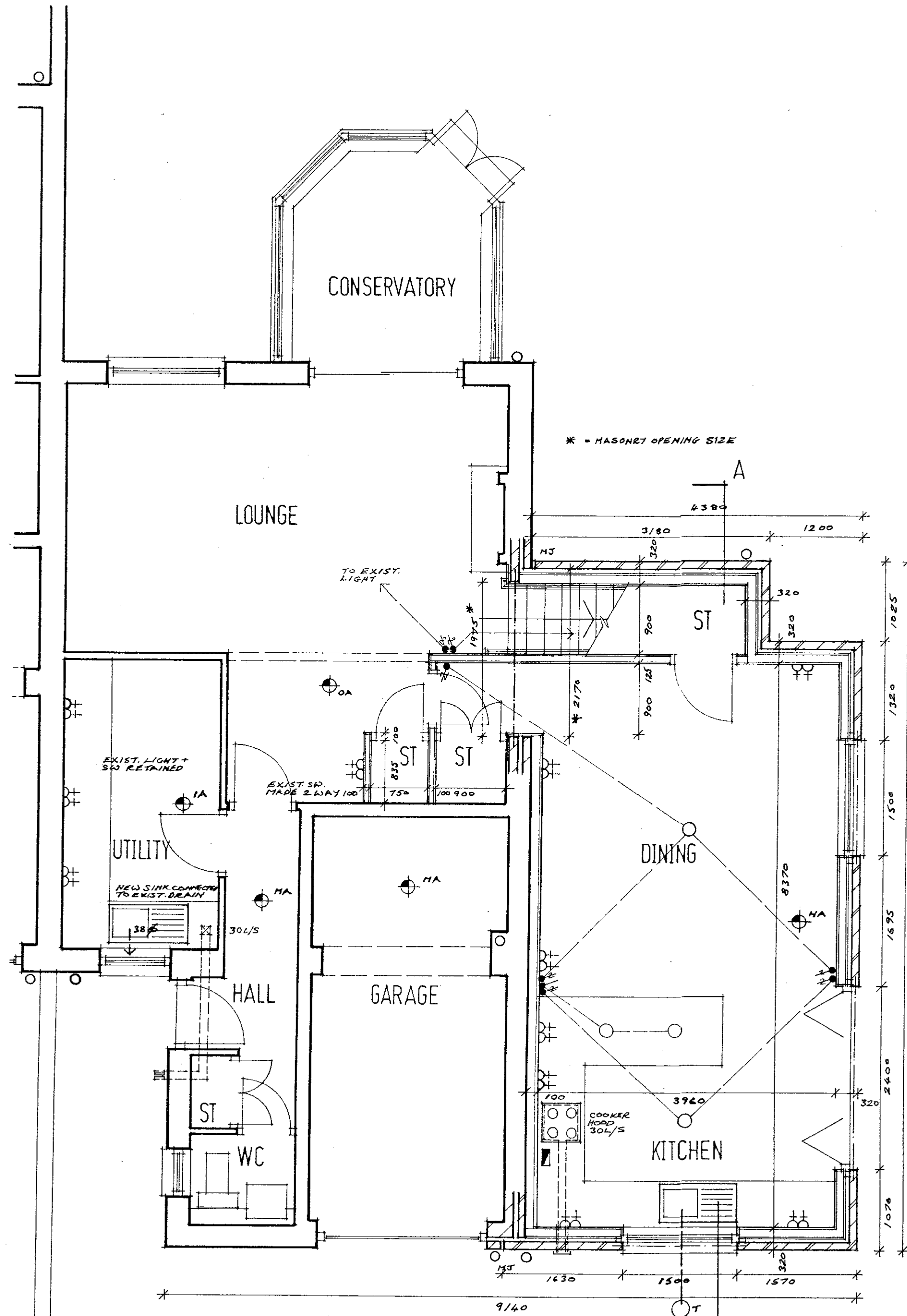
Town and Country Planning  
(Scotland) Act 1997

**REFUSED**

Director of Environment  
East Renfrewshire Council

ALL DIMENSIONS MUST BE  
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REVISIONS



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