

EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

8 January 2014

Report by Deputy Chief Executive

REVIEW OF CASE - REVIEW/2013/07

ERECTION OF TWO STOREY DETACHED DWELLINGHOUSE

AT LAND AT REAR OF 261 AND 263 FENWICK ROAD, GIFFNOCK

**PURPOSE OF REPORT**

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

**DETAILS OF APPLICATION**

2. Application type: Full Planning Permission (Ref No:- 2013/0244/TP)
- Applicant: Ms Pauline McFadden
- Proposal: Erection of two storey detached dwellinghouse
- Location: Land at rear of 261 and 263 Fenwick Road, Giffnock
- Council Area/Ward: Giffnock and Thornliebank (Ward 3)

**REASON FOR REQUESTING REVIEW**

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

**RECOMMENDATIONS**

4. The Local Review Body is asked to:-
- (a) decide whether the new information submitted by the applicant should be considered in the determination of the review and, if so, that the appointed officer and those who have submitted representations be given the opportunity to comment on the new information; or if it decides not to consider the new information proceed to determine the review as outlined in paragraphs (b) and (c) below;

- (b) 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.
- (c) 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, Property and Regeneration).

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 her application. A copy of the applicant’s Notice of Review and Statement of Reasons is attached as Appendix 5.

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

10. The Local Review Body will decide what procedure will be used in the consideration of the review.

### **INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION**

11. 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.

12. 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 includes the following documents:

- (a) Letters of support;
- (b) Photomontage with commentary;
- (c) Property photographs with commentaries;
- (d) Schedule of plot sizes and road frontages;
- (e) Ordnance survey maps;
- (f) Aerial photograph; and
- (g) Photographs and commentary on 3A Eastwoodmains Road, Giffnock.

13. 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.”

14. 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. A detailed explanation has been given by the applicant in the ‘Notice of Review’ form.

15. Essentially, the applicant states that the information is not new but rather clarifications and amplifications of information already dealt with as part of the original application.

16. The Local Review Body must decide whether the new information should be considered as part of the review. In the event that the Local Review Body decides that the new information should be considered as part of the review, it is recommended, in the interests of equality of opportunity to all parties that the appointed officer and those who have submitted representations be given the opportunity to comment on the new information.

17. Members should note that the new information has been excluded from the applicant's 'Notice of Review' form.

18. 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);
- (b) Copies of representations – Appendix 2 (Pages);
- (c) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages);
- (d) Decision notice and reasons for refusal - Appendix 4 (Pages); and
- (e) A copy of the applicant's Notice of Review and Statement of Reasons is attached as Appendix 5 (Pages).

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

- (a) Refused - Location plan;
- (b) Refused – Floor plans as proposed;
- (c) Refused – Front north elevation to St. Catherine's Road as proposed;
- (d) Refused – Side west elevation as proposed;
- (e) Refused – Side east elevation as proposed;
- (f) Refused – Rear south elevation as proposed;
- (g) Refused – Contextual north and west elevations as existing and proposed; and
- (h) Refused – Amended block plan as proposed.

20. 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.

## RECOMMENDATIONS

21. The Local Review Body is asked to:-

- (a) decide whether the new information submitted by the applicant should be considered in the determination of the review and, if so, that the appointed officer be given the opportunity to comment on the new information or if it decides not to consider the new information proceed to determine the review as outlined in paragraphs (b) and (c) below;
- (b) 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.
- (c) 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:

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:- December 2013

### **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.



2 Spiersbridge Way Thornliebank Glasgow G46 8NG

Tel: 0141 577 3001

Fax: 0141 577 8411

Email: [planningapplications@eastrenfrewshire.gov.uk](mailto:planningapplications@eastrenfrewshire.gov.uk)



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

Thank you for completing this application form:

ONLINE REFERENCE                      000061577-001

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

## Type of Application

What is this application for? Please select one of the following: \*

We strongly recommend that you refer to the help text before you complete this section.

- Application for Planning Permission (including changes of use and surface mineral working)
- Application for Planning Permission in Principle
- Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Erection of new two storey dwelling house on land to the rear of 261 and 263 Fenwick Road, off of St. Catherine's Road beside no.2 St. Catherine's Road.

Is this a temporary permission? \*                       Yes  No

If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) \*                       Yes  No

Have the works already been started 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:	inkdesign architecture limited
Ref. Number:	
First Name: *	Maurice
Last Name: *	Hickey
Telephone Number: *	01416383638
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	info@inkdesign.co.uk

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

Building Name:	
Building Number:	55
Address 1 (Street): *	Orchard Park Avenue
Address 2:	Giffnock
Town/City: *	Glasgow
Country: *	UK
Postcode: *	G46 7BQ

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: *	Ms
Other Title:	
First Name: *	Pauline
Last Name: *	McFadden
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

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

Building Name:	
Building Number:	26+ 1114
Address 1 (Street): *	Fenwick Road Aitkenhead Rd
Address 2:	Giffnock Kingspark
Town/City: *	Glasgow
Country: *	Scotland
Postcode: *	G46 6JX G44 5SW

## Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

261 FENWICK ROAD

Address 5:

Address 2:

GIFFNOCK

Town/City/Settlement:

GLASGOW

Address 3:

263 FENWICK ROAD

Post Code:

G46 6JX

Address 4:

GIFFNOCK

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

Northing

658892

Easting

256256

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

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

Proposed house to be in proportion with proposed site. To respect the building line of St. Catherin's Road. To respect surrounding dwelling houses in proportion and scale. Adequate garden to front and rear. Complimentary choice of external materials.

Title:

Mrs

Other title:

First Name:

Alison

Last Name:

Mitchell

Correspondence Reference Number:

Date (dd/mm/yyyy):

15/03/12

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

## Site Area

Please state the site area:

519.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)



## Existing Use

Please describe the current or most recent use: (Max 500 characters)

Soft landscaped garden areas.

## 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 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 highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? \*

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? \*

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network
- No – proposing to make private drainage arrangements
- Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) \*

Yes  No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- Yes
- No, using a private water supply
- No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## 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.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details:(Max 500 characters)

Standard refuse storage bins and bins for recycling of waste materials such as paper, plastic and glass should be stored adjacent the rear, utility room door, in accordance with the bins issued by ERC.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2008? \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## 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 8 – Town and Country Planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008

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

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

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 2008

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: Maurice Hickey

On behalf of: Ms Pauline McFadden

Date: 15/04/2013

Please tick here to certify this Certificate. \*

## Checklist - Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

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) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

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

Tick one box

- A  The applicant owned all the land to which the application relates 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 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
DR. DAVID WILKIN FRAME. DR. SUSAN MARGARET COOPER.	261 FEHLICK ROAD. LIFFHOCK	27 <sup>th</sup> MARCH 2013
DR. AART HAMILTON.	PLEASE REFER TO LEGAL MIXIVES APPENDED.	
JAMIE + LAURA SMITH.	263 FEHLICK ROAD. LIFFHOCK	15 <sup>th</sup> MARCH 2013
	REF. MIXIVES APPENDED.	

**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 holding 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

**Section 3 - Unable to identify landowner or agricultural tenant**

I have/The applicant has taken reasonable steps (specified below) to ascertain the names and addresses of the owners or agricultural tenants of the application site and have/has been unable to do so.

Description of steps taken.....  
 .....

Signature of Applicant/Agent (delete where appropriate) . 

Date 17.04.17



Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

c) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

d) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2008) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

e) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

f) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan. \*

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement \*

Yes  N/A

Other Statements (please specify) (Max 500 characters)

## Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application.

Declaration Name: Maurice Hickey

Declaration Date: 15/04/2013

Submission Date: 15/04/2013

## Payment Details



Created: 15/04/2013 13:09

# Application Comments for 2013/0244/TP

## Application Summary

Application Number: 2013/0244/TP

Address: Land At Rear Of 261 And 263 Fenwick Road Giffnock East Renfrewshire G46 6JX

Proposal: Erection of two storey detached dwellinghouse

Case Officer: Ms Alison Mitchell

## Customer Details

Name: Mr Philip Chalmers

Address: 1 Rosslea Drive, Giffnock, East Renfrewshire G46 6JW

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We would like to understand what views if at all would be on to our house and the height of the property from our house. We would say that if the house is of similar or lower than the houses in St Catherines this would be acceptable.

Some point though

Plans say house 1 then house 3 on Rosslea - this is wrong its 1 and 2

also

some plans / views are not available when will this be resolved please



Head of Environment  
(Planning ,Property and Environment)  
2 Spiersbridge Way,  
Spiersbridge Business Park,  
East Renfrewshire G46 BNG.

265 Fenwick Road  
Giffnock G46 6JX  
1<sup>st</sup> May 2013

Dear Sir,

Erection of two storey dwelling house reference 2013/0244TP.

I write in connection with the above planning application and wish to register my strong objections.

Giffnock is a conservation area and the proposed house does not reflect the current style of housing in the area

The proposed building would be shoe horned into what is currently a garden space and the proposed fencing would inhibit adequate maintenance of the existing mature hedges and I contend that this is an inappropriate development.

There is a history of drainage problems and subsidence in this area and further housing could well put a strain on existing utilities.

This building would impinge on the privacy of our dwelling and those of several of our near neighbours.

I should like to stress that neither the medical centre employees nor Mr and Mrs Smith who own the property at 263 Fenwick Road are resident in the area and therefore are not affected by these proposals.

A final concern, should this building proceed, is that the pollution and noise levels would render local residents gardens unfit for use throughout the construction process. Also, during school days, there could be a serious danger to children attending the local primary school.

Yours faithfully,



Neil Kesson.

RECEIVED

02 MAY 2013

265 Fenwick Road.

Glasgow, G46.6JX.

1<sup>st</sup>. May 2013.

Head of Environment

(Planning ,Property and Environment)

2 Spiersbridge Way,

Spiersbridge Business Park,

East Renfrewshire G46BNG.

Dear Sir,

Erection of two storey dwelling house reference 2013/0244TP.

I write in connection with the above planning application and wish to have my strong objections documented.

Giffnock is a conservation area. The proposed building would be shoe horned into the garden spaces thus overdeveloping the area in an inappropriate way.

The proposed house does not reflect the pattern of development in the area and the proposed fencing would inhibit adequate maintenance of the existing mature hedges.

There is a history of drainage problems in this area and further housing may put a strain on existing utilities.

This building would impinge on neighbour's privacy.

It should be noted that neither the medical centre employees or Mr and Mrs Smith are resident in the area and therefore not affected by these proposals.

A final concern, should this building proceed, is that the pollution and noise levels would render local residents gardens unfit for use throughout the process.

Yours faithfully,



Noreen Kesson.

# REPORT OF HANDLING

Reference: 2013/0244/TP

Date Registered: 18th April 2013

Application Type: Full Planning Permission

This application is a Local Development

Ward: 3 -Giffnock And Thornliebank

Co-ordinates: 256256/:658892

Applicant/Agent:

Applicant:

Ms Pauline McFadden  
c/o 1114 Aitkenhead Road  
Kings Park  
Glasgow  
G44 5SW

Agent:

Inkdesign Architecture Limited  
55 Orchard Park Avenue  
Giffnock  
Glasgow  
G46 7BQ

Proposal: Erection of two storey detached dwellinghouse

Location: Land at Rear of 261 and 263 Fenwick Road  
Giffnock  
East Renfrewshire  
G46 6JX

## CONSULTATIONS/COMMENTS:

East Renfrewshire Council Developer  
Contributions Officer

The proposal does not create new or exacerbate existing deficiencies in local infrastructure, facilities or environment to an extent that would require mitigation through the provision of a development contribution.

East Renfrewshire Council Roads And  
Transportation Service

No objections subject to conditions.

## PUBLICITY:

03.05.2013 Glasgow and Southside Extra Expiry date 24.05.2013

## SITE NOTICES:

Development within a Conservation Area Date posted 03.05.2013 Expiry date 24.05.2013

## SITE HISTORY:

2001/0156/TP	Erection of rear extension and alterations and extension to existing car park (at 261 Fenwick Road)	Approved subject to conditions	09.03.2001
2009/0449/TP	Erection of two and single storey building to accommodate two dental surgeries with associated car parking (at rear of 261 Fenwick Road)	Refused Subsequent Review/2010/01 dismissed	26.10.2009 31.03.2010
2011/0371/MDO	Modification of part of Legal Agreement associated with the planning permission 383/91/TP for the use of the premises as a doctors surgery that	Approved subject to conditions	01.09.2011

requires all of the site  
and the associated  
ground to be used only  
as a doctors surgery and  
no other purpose (at 261  
Fenwick Road)

## **REPRESENTATIONS:**

Three representations have been received from:

Mr Philip Chalmers 1 Rosslea Drive Giffnock East Renfrewshire G46 6JW  
Mr. Neil Kesson 265 Fenwick Road Giffnock East Renfrewshire G46 6JX  
Ms. Noreen Kesson 265 Fenwick Road Giffnock East Renfrewshire G46 6JX

## **Representations can be summarised as follows:**

Clarification sought on height of proposed house in relation to house at 1 Rosslea Drive  
Does not reflect the current style of housing or pattern of development  
Shoe-horned into site/overdevelopment  
History of drainage problems and subsidence in the area  
Affect privacy  
The owners of 261 and 263 Fenwick Road do not live in the area  
Disturbance during construction  
Affect ability to maintain hedges

**DEVELOPMENT PLAN & GOVERNMENT GUIDANCE:** See Appendix 1

## **SUPPORTING REPORTS:**

Design Statement	Assesses the size, scale and design of the proposal in the context of the area and how the applicant considers the development to be acceptable.
Planning Statement	Assesses the proposal against the policies in the adopted Local and proposed Local Development Plan and how the applicant considers the proposal accords with the policies and other material considerations/guidance.
Tree Report	The Report surveys 16 trees (one of which is not in the application site) and 3 have been identified for removal. The trees are a combination of conifers and broadleaf species. The Report indicates the trees adjacent to St Catherine's Road are considered to be of medium term potential and quality. As the majority of trees are low quality, the opportunity should be taken to replace trees with good quality trees.

## **ASSESSMENT:**

The proposed development is to be located in the Giffnock Conservation Area and comprises two parcels of ground that are to be co-joined. The larger parcel fronts St Catherine's Road and is ground at the rear of 261 Fenwick Road which is a doctor's surgery with car parking at the rear accessed from St Catherine's Road. The smaller parcel is part of the rear garden area of 263 Fenwick Road. This part of Giffnock Conservation Area is primarily characterised by traditional two storey semi-detached sandstone houses constructed in the early 1900's.

The proposed site is 519m<sup>2</sup> in area and is basically rectangular in shape although it is wider at the front along St Catherine's Road than at the rear (17.5m compared to 15.5m respectively). The larger parcel of land at the rear of 261 Fenwick Road is level and maintained as a lawn bounded by hedging along the St Catherine's Road frontage and walls on the east and south boundaries. There is no physical barrier between the site and the doctor's surgery car park. A smaller parcel of land at the rear of 263 Fenwick Road has been physically separated from the remainder of the garden ground of 263 Fenwick Road by a 2m high timber fence (which is shown on the submitted tree survey plan - plan 1). It should be noted the erection of this fence does not have the benefit of planning permission. It should also be noted that the area of ground that has been fenced off is slightly smaller than the identified application site. As access to this part of the site has not been retained the area is now overgrown. The majority of

the trees within the application site are located within the rear section of the proposed site although there is a line of trees along the St Catherine's Road frontage.

Planning permission is sought to erect a two storey detached dwelling house within the proposed site and includes a driveway off St Catherine's Road. The driveway is to be formed adjacent to the boundary with 2 St Catherine's Road and will require the removal of a section of hedging and one tree. The house is to be positioned towards the centre of the site and will be set back approximately 8m from the front boundary line; between approximately 2.6m and 1.5m (from front to back) from the side boundary with 2 St Catherine's Road and approximately 4.2m from the doctors surgery car park. The rear elevation of the proposed house is to be approximately 9 metres from the rear boundary of the site. The footprint of the house is to be approximately 128m<sup>2</sup>.

The house will be finished in white render on the side and rear elevations, blonde sandstone at the front and slate on the roof. The house is to have a hipped roof with double height bay windows on the front elevation and two chimney stacks on each gable elevation that are to be finished in blonde sandstone as well.

The majority of the front garden area will be formed as driveway/hardstanding although the proposed surfacing material has not been specified. The submitted drawings also show an area of low decking on the west elevation to the boundary with the doctor's surgery car park which is identified as an external dining area.

The trees at this location are protected by the provisions of the Conservation Area legislation. A tree survey report has been submitted and refers to 16 trees (15 of which are in the application site) and recommends three should be removed. The report identifies the row of trees fronting St Catherine's Road as having medium term potential and also being attractive. The report also suggests that as the majority of the remaining trees are of low quality and the opportunity could be taken to plant replacement trees of good quality.

The application requires to be assessed against the Development Plan and any other material planning considerations.

#### Adopted East Renfrewshire Local Plan

The proposal is to be assessed against Policies E1, E4, DC1 and DC2.2 of the adopted East Renfrewshire Local Plan. The site is identified as being within the general urban area and Policy E1 states a presumption against significant new development not compatible with the character and amenity of the locality. On face value the general principle of the development appears to be acceptable as this is an application for a house within the existing urban area. However detailed consideration has to be given to how the principle of the creation of the proposed site relates to this area; whether the proposed site is capable of accommodating a house; whether the proposed site and house relates to the pattern of development in the area; whether the siting and design of the proposed house is appropriate particularly as it is in a Conservation Area and how it relates to the site and surrounding area. These matters are considered in more detail below.

Policy E4 states that the Council will safeguard the special character of Conservation Areas and that new development proposals should preserve or enhance its character. The proposed site does not actually exist at present and has to be formed from two co-joined parcels of ground that are adjacent to each other. This part of the Conservation Area is characterised by a distinct pattern of development following a strong street layout. The sandstone buildings on the east side of Fenwick Road in the immediate vicinity of the proposed development follow a strong building line with the buildings set back from the front boundary. The front boundary walls and trees/vegetation to the front of the buildings also forms strong features that contribute to the overall appearance of the Conservation Area. The houses located along St Catherine's Road, Rosslea Drive and Airdale Avenue follow a rigid street pattern with each of the houses being in semi-detached blocks. Although the proposed house is to follow the established building line of the neighbouring houses at 2 and 4 St Catherine's Road the proposal to build a detached house presents an immediate contrast to the pattern of development and house types along this street.

On the approaches to the site along St Catherine's Road the existing hedge at the front of the site and the row of trees behind form a strong feature in the streetscape. The existing gap between 261 Fenwick Road and 2 St Catherine's Road is clearly discernible from this approach. The grouping of trees at this location also forms a strong visual feature that softens the general appearance of the area. On the approaches to the site from the north along Academy Road the hedge and row of trees again

forms a strong feature at the end of the street. Existing trees/vegetation further back forms a backdrop to the hedge and row of trees.

Policy DM1 sets out 14 general development criteria against which all proposals are assessed. In this case, the relevant criteria are considered to be: 1) not result in a significant loss of character or amenity to the surrounding area; 2) be of a size, scale and density in keeping with the buildings in the locality to respect local architecture building form, design and materials; 3) not constitute backland development without a road frontage; 4) not impact adversely on the landscape character or involve significant loss of trees and 8) not prejudice the amenity of neighbouring properties by unreasonably restricting sunlight or privacy.

The immediate area is characterised by semi-detached houses while properties fronting Fenwick Road are more varied in terms of house types and appearance. The donor property at 261 Fenwick Road which is a one and a half storey detached villa is one of only 4 detached houses on the east side of Fenwick Road between Florence Drive and Orchard Drive. St Catherine's Road contains only semi-detached houses finished in either grey/blonde or red sandstone. The introduction of a large two storey detached house at this location would contrast with the type of buildings in the immediate area. Furthermore, the development proposal requires the sub-division of the curtilage of 263 Fenwick Road and this has an impact of the setting of the original property. The application site does not physically exist at present and requires taking parts from two different and unrelated curtilages. The net result is the creation of a new plot which does not follow the established plot configurations and pattern of development in the surrounding area. The proposal also has the effect of shortening the curtilages of 261 and 263 Fenwick Road which again is at variance with the plot configurations and pattern of development in the area. There is an outbuilding at the rear of 267 Fenwick Road that was a dairy and has latterly been used as a store by Giffnock Theatre Players. However this building has been in existence for many years and is part of the pattern of development in the area. It is not considered that it sets a precedent for development in this part of the conservation area. The proposal is therefore considered to conflict with Policies DM1(1) and DM1(2).

The sub-division of the curtilage of 263 Fenwick Road in effect creates a backland area. However this backland area is not to accommodate development in isolation in a self contained plot that would have to be accessed through 263 Fenwick Road. The creation of this backland area in itself is at variance with the terms of Policy DM1(3) however it is part of a larger proposed site.

The submitted tree survey identifies three category B trees (moderate quality and value) which are recommended for removal. Of the remaining trees surveyed 7 are indicated as category B and 6 as category C (low quality and value) which the survey indicates would benefit from minor tree works or removal with appropriate replanting. The majority of the trees affected by the proposal are within the rear portion of the proposed site. The applicant has indicated that three trees would require to be removed to facilitate the erection of the house, none of which have been recommended for removal in the submitted tree report. The removal of the trees is therefore to accommodate the development and not the development accommodating the trees. The removal of the trees is considered to conflict with the general terms of Policy DM1(4) and it has to be determined whether the loss of these trees is justified.

It is considered that the amenity and privacy of neighbouring properties would not be significantly prejudiced. This is because the upper floor side windows serve bathrooms and/or dressing rooms while on the upper floor rear elevation, two of the three windows are for bathrooms with obscure glazing proposed. The plot is orientated on a general north/south axis and given the relationship of the neighbouring properties, including the donor properties, it is considered that overshadowing will not be a significant issue. It is considered that the proposal does not conflict with Policy DM1(8).

Policy DM2.2 provides more detailed criteria for the assessment of applications for the sub-division of a residential plot and the erection of new house. It is acknowledged that 261 Fenwick Road is not currently in residential use although 263 Fenwick Road is.

It is however considered appropriate to assess the proposed development against Policy DM2.2. This Policy indicates that the proposed plot should reflect the established pattern of development and should be of a size, shape and disposition capable of accommodating a dwellinghouse with its own garden ground. The Policy also indicates that sufficient garden ground should remain for the existing house, existing building lines respected and the character and amenity of the area should be preserved and enhanced.

As indicated above the proposed site is being created from two unrelated parcels of land that results in the reconfiguration of plot boundaries. This does not accord with the rigid pattern and layout of

development in the area. The detached house being proposed immediately contrasts with the semi-detached houses on this street. It is acknowledged that the siting of the proposed house follows the front building line of the existing properties on St Catherine's Road. Likewise the garden size associated with the new house and the setbacks from boundaries meet the minimum requirements set out in Appendix 1 of the adopted Local Plan. However these matters in isolation do not render the proposal acceptable.

Being in the Conservation Area the requirement of Policy DM2.2 to enhance and/or preserve the character of the area becomes more important. The proposal introduces a discordant element in the streetscene by being a detached house that has a ridge line which is perpendicular to the road rather than parallel in keeping with existing semi-detached houses. The site that is being created alters established plot boundaries and is at variance with the pattern and layout of development. It is considered that the proposal does not preserve or enhance the amenity of the area. Furthermore, the proposal would result in the removal of trees which would have a detrimental effect on the amenity of the area. The proposal is not considered to fully comply with Policy DM2.2.

### Proposed Local Development Plan

The proposed Local Development Plan (LDP) includes similar policies to the adopted Local Plan. The LDP is accompanied with Proposed Supplementary Planning Guidance on the Management and Protection of the Built Heritage (PSPG). A Conservation Area Appraisal has also been produced for Giffnock. Both of these documents are relevant to the determination of the planning application.

The PSPG provides general guidance for developments in a Conservation Area and requires, inter alia, that new developments preserve or enhance the character of the Conservation Area. The design, scale, massing and materials should be appropriate to the Conservation Area and its setting and trees which contribute to the character of the area should be retained. The Giffnock Conservation Area Appraisal defines and identifies the special architectural and historic interest of the defined area and provides guidance for the consideration of new developments.

Six criteria are outlined for the assessment of new proposals of which three are considered relate to this proposal: 1) new development should follow existing plot ratios with properties in spacious plots; 2) new development should accord with the prevailing form of historic development, including scale and massing of buildings and 3) new development should not impinge on the setting of existing buildings.

For reasons indicated above in the assessment of the application it is considered that the proposal is at variance with the three aforementioned criteria. The proposal also in turn does not accord with the Policies D1, D2, D11 and D15 of proposed Local Development Plan.

The Development Contributions Supplementary Planning Guidance requires that applications for residential development (including single houses) to be assessed as to whether there will be an impact on community facilities, education, open spaces, paths, roads/transportation and local employment that will in turn require a development contribution from the applicant. The Council's Developer Contributions has assessed the proposal against the SPG and it is considered that the proposal does not create new or exacerbate existing deficiencies in local infrastructure, facilities or environment to such an extent that would require mitigation through the provision of a development contribution

### Government Guidance

Scottish Planning Policy on the Historic Environment (SPP) advises that planning permission should normally be refused for development in a Conservation Area if it fails to preserve or enhance the character or appearance of the area. A development that would have a neutral effect (i.e. does no harm) on the character or appearance of a conservation area should be treated as one which preserves that character or appearance. For reasons stated earlier in the report it is considered that the proposal conflicts with the established pattern of development in the locality and the design and scale of the building contrasts with the houses along this street. As such the proposal has an adverse impact on the Conservation Area rather than a neutral impact. As a consequence the proposal is considered to be at variance with the SPP.

As the proposal does not accord with the Development Plan, consideration has to be given as to whether approval would be justified by any other material planning considerations. Material to the consideration of the application is the planning history of the site and supporting information submitted by the applicant

## Planning History

It should be noted that there are no recent planning applications for the area at the rear 263 Fenwick Road that forms part of the application site.

At 261 Fenwick Road planning permission was granted in April 1992 under 383/91/TP for a change of use from residential to doctor's surgery. In order to control the future use of the site, a legal agreement (formally section 50 under the 1972 Planning Act now section 75 under the 1997 Planning Act) accompanied this permission. The agreement applies to the whole of the site and required the site to use as a doctor's surgery and for no other purpose. If the use as a surgery ceased the use of the site would revert to residential. In June 2011 an application (2011/0371/MDO) was submitted and subsequently approved to modify the aforementioned legal agreement in respect of the grassed area at the rear of the site only which is now part of current application site. Consequently the legal burden restricting the grass area for purposes associated with the doctor's surgery at 261 Fenwick Road has been removed. The information submitted with 2011/0371/MDO did not indicate what the intended use of the grass area was to be.

However the approval of 2011/0371/MDO did not presume that any subsequent development/change of use would be acceptable and this would have to be judged through the determination of a planning application.

Planning permission was refused under 2009/0449/TP for a two and single storey building to accommodate two dental surgeries with associated parking on the site to the rear portion of 261 Fenwick Road which forms part of the current application. The application was refused because it resulted in overdevelopment of the site; had an adverse effect on the conservation area; did not reflect the pattern of development in the surrounding area; the scale and design of the building did not relate to the character of the conservation area. All of these matters were considered to have a detrimental impact to the Giffnock Conservation Area. In addition the application was refused because of insufficient car parking and an unacceptable car parking layout.

The Local Review Body dismissed the subsequent review on the grounds that the proposal constituted overdevelopment of the site which would have an adverse effect on the Conservation Area and lead to parking problem and the siting did not reflect the pattern of development in the surrounding area.

It is acknowledged that the house now being proposed is a different development. However the decision on 2009/0449/TP and the subsequent Review show that there have been issues with the ability of this location to accommodate a proposal which does not conflict with the established pattern of development and the character of the area.

## Supporting Statements

The submitted Design Statement refers to a pre-application meeting at which key design aspects were highlighted. It should be noted that pre-application discussions, including a meeting with the applicant, were in respect of a proposal for a two storey house of contemporary design on land to the rear of the doctor's surgery only. Concerns were raised regarding the suitability of the site for residential development and to the design of the proposed house. It should also be made clear that no pre-application discussions were held relating to the proposal which is the subject of this planning application.

In the Design Statement the applicant refers to the "reuse of existing vacant site within an established suburban area" and involves "erecting a house on a brownfield infill site". These statements are not agreed with. A brownfield/infill site is one which has been previously developed or used for some purpose which has ceased. The proposed site is and always has been garden ground.

In the Design Statement the applicant is of the opinion that the proposal accords with Development Plan policy and residential amenity will not be prejudiced. However it should be noted that the Design Statement does not refer how the applicant considers the proposal accords with development plan policies.

The applicant subsequently submitted a further and a more detailed supporting statement on how the applicant considers the proposal accords with the development plan and material planning considerations. In this subsequent statement reference has been made to other applications for the sub-division of a feu and the erection of a dwellinghouse in support of this application.



The following applications have been cited as similar examples. It should be noted that the information in brackets is to clarify the development in question and the site characteristics:

- 2011/0705/TP Titwood Road Newton Mearns (a large side garden area with road frontage).
- 2011/0550/TP Busby Road, Clarkston (alterations to existing dwellinghouse to form two dwellinghouses).
- 2011/0456/TP Berryhill Drive, Giffnock (large side garden area with road frontage).
- 2010/0415/TP Craigellachie, Capelrig Road, Newton Mearns (large side/rear garden area with road frontage).
- 2010/0408/TP Cathkin Drive, Clarkston (demolition of existing house and erection of replacement house).
- 2009/0811/TP Main Street, Neilston (planning permission in principle for house on site with large side garden area with road frontage).
- 2009/0650/TP off Carmunnock Road, Busby (large rear garden area with frontage onto private road).
- 2010/0003/TP 3A Eastwoodmains Road, Giffnock (demolition of existing house and erection of replacement house).
- 2010/0393/TP 5 Eastwoodmains Road, Giffnock (undeveloped plot and large side garden area with road frontage).

Having examined these applications it is not considered that these are directly comparable to the current application. The sites referred to above with the exception of 2011/0550/TP either contained large garden areas that were considered capable of being split off from the donor/original property in order to accommodate a new house or involved the erection of replacement houses. None of these proposals involved the creation of a site from separate parcels of land like the current application.

The applicant considers that the land to the rear of 261 Fenwick Road "has no use" and the land to the rear of 263 Fenwick Road is "currently unused". Both statements are not agreed with. As previously stated the proposed plot does not currently exist and will be created to accommodate the proposed house, the result of which will be a plot which does not respect the pattern of development in the area and will require the removal of an original boundary wall and existing trees.

### Representations

With regard to the representations that have been received the following comments are made. An assessment of the impact of the development at this location has been made above and it is not necessary to repeat this here in terms of the objections that regarding the location and siting of the development. The residency of employees of the doctor's surgery and 263 Fenwick Road is not a planning consideration. If approved the construction times can be controlled by a planning condition and any drainage issues would have to be resolved between the developer and Scottish Water. The site is in a coal mining area and the Coal Authority has produced standing advice that indicates that any coal mining feature encountered during development should be reported to them immediately. Maintenance of hedges is a private matter and is not a material planning consideration.

### Overall Conclusion

Taken in isolation the proposed new house has adequate garden ground and does not result in significant overlooking/overshadowing issues and can provide off-street parking. There are some aspects of the proposed design and appearance that cause minor concern however these are not considered to be significant. However the design and position of the house within the proposed site to be created cannot be divorced from whether the principle of the development is acceptable at this location.

St Catherine's Drive is comprised wholly of semi-detached houses and the erection of a detached house would not respect the character and layout of this part of the Giffnock Conservation Area. Individually the properties in St Catherine's Road may not be considered worthy of becoming listed buildings but the grouping of the buildings has a particular character and streetscape value. The positioning of the proposed house will also reduce the gap between 261 Fenwick Road and 2 Catherine's Road. The closing of this will have an adverse visual impact on the streetscape.

The built form along St Catherine's Road is homogeneous and this will be compromised by the introduction of a detached house on a plot that is considered to be created artificially. This again conflicts with the established pattern of development and built form. Contrary to the opinion of the applicant the low number of representations received does not render the proposal acceptable.

The proposal is considered to conflict with Policies DM1 and DM 2.2 and therefore cannot be fully supported by Policies E1 and E4 in the adopted Local Plan. The proposal also conflicts with the Policies, D1, D2, D11 and D15, in the proposed Local Development Plan. The proposal also conflicts with current government guidance on development within conservation area. Proposals within a Conservation Area should preserve or enhance the established character. To achieve to this the proposal should either make a positive contribution to preserve or leave the character or appearance of the Conservation unharmed. For reasons previously stated the proposal does not do this and detracts from the visual amenity of the area and creates a discordant element in the streetscene. The proposed co-joining of land to the rear of 261 and 263 Fenwick Road would disrupt the established pattern of houses and plots.

Drawing all the above matters together it is considered that the principle of creating the proposed plot to accommodate the proposed house is not acceptable because of how it relates to this location. It is considered that the proposed development will have an adverse impact on the character and appearance of the conservation area.

It is recommended that the application be refused.

**RECOMMENDATION:** Refuse

**PLANNING OBLIGATIONS:** None

**REASON(S) FOR REFUSAL:**

1. The proposed development is contrary to Policies E1, E4, DM1 and DM2.2 in the adopted East Renfrewshire Local Plan and Policies D1, D2, D11, and D15 of the proposed Local Development Plan as the development does not reflect the pattern of development in the surrounding area and creates a plot that is at variance with the established plot layout in the surrounding area. The proposed development introduces a building of inappropriate scale and appearance at this location. These are considered to have an adverse visual effect on the character of the Conservation Area.

**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.: 2013/0244/TP  
(SEMC)

DATE: 12th September 2013

**DIRECTOR OF ENVIRONMENT**

**Reference: 2013/0244/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

**East Renfrewshire Local Plan (Adopted 14<sup>th</sup> February 2011)**

Policy E1

General Urban Areas

Within the general urban area, as shown on the Proposals Map, there will be a presumption against significant new development or change of use not compatible with the character and amenity of the locality and its surrounding land uses.

Policy E4

Conservation of the Built Heritage

The Council will safeguard the special character of Conservation Areas and the area at Netherlee subject to an Article 4 Direction (identified on the Proposals Map), Listed Buildings and their settings and properties included on the Inventory of Gardens and Designed Landscapes. Development likely to prejudice these assets will be resisted.

#### b) Conservation Areas

Development and demolition within a conservation area or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area.

The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the planning authority to contribute to character and appearance shall be preserved. Given the importance of assessing design matters, outline planning applications will not normally be considered appropriate for developments in conservation areas.

#### Schedule E4

Ref

Location

#### E4.3

#### Giffnock Conservation Area

#### Policy DM1

Detailed Guidance for all Development

Where the principle of development is deemed to be acceptable in terms of the other Policies contained within this

Local Plan, proposals for development will require to conform to the appropriate criteria below:

1. Not result in a significant loss of character or amenity to the surrounding area.
2. Be of a size, scale and density in keeping with the buildings in the locality and respect local architecture, building form, design, and materials.
3. Not constitute backland development without a road frontage.
4. Not impact adversely on the landscape character, involve a significant loss of trees or other Important landscape, greenspace or biodiversity features (see Policies E3 - "Protection of Natural Features", E6 - "Biodiversity" L1 - "Protection of Important Urban Greenspace", and L2- "Safeguarding the Local Greenspace Resource".
5. Ensure that landscaping is an integral element in layout design, taking account of existing physical features (e.g. trees, hedgerows, walls, etc.). Where appropriate, tree planting should augment the amenity and appearance of the site.
6. Ensure that the standards for 'Open Space' are satisfied see Policy L4 - "Open Space Provision in New Developments" and Appendix 1).
7. Meet the parking and access requirements of the Council and provide Appropriate mitigation to minimise the impact of new development (see Policies T3 - "New Transport Infrastructure" and T5 -"Other Traffic Management and Calming Measures).
8. Not prejudice the amenity of neighbouring properties by unreasonably restricting sunlight or privacy.
9. Seek to create safe and secure environments and reduce the scope for anti-social behaviour and fear of crime.
10. Be designed to meet disability needs and include provision for disabled access within public areas.
11. Minimise the extent of light pollution caused by street and communal lighting and any flood lighting forming part of, or associated with, development.
12. Be designed to include provision for the recycling, storage, Collection and composting of waste materials.
13. Be designed to retain on-site, for use as part of the development, as much as possible of all waste material arising from construction of the development.
14. Be designed where applicable to take into account the legacy of former mining activity.

#### Policy DM2.2

Sub-division of the Curtilage of a Dwellinghouse for a New Dwellinghouse and Replacement of an Existing House with a New House

1. The proposed plot should reflect the established pattern of development and should

be of a size, shape and disposition capable of accommodating a dwellinghouse and attached land behind the front building line and surrounded by enclosure that provides secluded garden ground of a scale and character compatible with the neighbourhood.

2. A sufficient area of ground for a garden and associated uses for the existing house must be retained in line with Policy L4 - "Open Space Provision in New Developments" and Appendix 1.
3. Existing building lines should be respected.
4. Proposals should preserve and enhance the character and amenity of the area.

### **Proposed Local Development Plan**

The Proposed Local Development Plan (LDP) was issued for consultation on 6<sup>TH</sup> February 2013. The LDP outlines the Council's most up to date statement of planning policy.

#### 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, water management, 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 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. As much as 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, particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, 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.

#### Policy D2

##### General Urban Areas

Development will be supported within the general urban areas, as defined on the Proposals Map, where compatible with the character and amenity of the locality and surrounding land uses and where it complies with other appropriate policies of the Proposed Plan.

#### Policy D11

##### Management and Protection of the Built Heritage

The Council will safeguard the special character of conservation areas and the Netherlee Article 4 Direction Area ; sites included on the Inventory of Gardens and Designed Landscapes; scheduled monuments and archaeological sites; and listed buildings and their settings. Development likely to adversely affect these assets will be resisted.

Further detailed information and guidance is provided in the Management and Protection of the Built Heritage Supplementary Planning Guidance.

The Council will seek to secure the implementation of the environmental protection projects shown on the Proposals Map and listed in Schedule 5.

#### Policy D15

##### Sub-division of the Curtilage of a Dwellinghouse for a New Dwellinghouse and Replacement of an Existing House with a New House

- The proposed plot should reflect the established pattern of development and should be of a size and shape capable of accommodating a dwellinghouse. There should also be sufficient land to provide garden ground that is of a scale and character compatible with the locality.
- Any new house must reflect the scale and character of the surrounding residences and the established pattern of development in the area. It should be designed to contribute to the visual character of the area.
- Existing building lines should be respected.
- Development should provide safe vehicular access and parking in accordance with the Council's roads and parking standards.

#### **GOVERNMENT GUIDANCE:**

Scottish Planning Policy on conservation areas indicates that the design, materials, scale, and siting of new development within a conservation area, and development outwith the conservation area that will impact on its appearance, character or setting, should be appropriate to the character and setting of the conservation area. Planning permission should normally be refused for development, including demolition, within a conservation area that fails to preserve or enhance the character or appearance of the area.

#### **Finalised IM (GMcC) 18/9/13**

**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.       **2013/0244/TP**

**Applicant:**

Ms Pauline McFadden  
C/o 1114 Aitkenhead Road  
Kings Park  
Glasgow  
G44 5SW

**Agent:**

Inkdesign Architecture Limited  
Mr. Maurice Hickey  
55 Orchard Park Avenue  
Giffnock  
Glasgow  
G46 7BQ

With reference to your application which was registered on 18th April 2013 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

**Erection of two storey detached dwellinghouse**

**at: Land At Rear Of 261 And 263 Fenwick Road Giffnock East Renfrewshire G46 6JX**

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 development is contrary to Policies E1, E4, DM1 and DM2.2 in the adopted East Renfrewshire Local Plan and Policies D1, D2, D11, and D15 of the proposed Local Development Plan as the development does not reflect the pattern of development in the surrounding area and creates a plot that is at variance with the established plot layout in the surrounding area. The proposed development introduces a building of inappropriate scale and appearance at this location. These are considered to have an adverse visual effect on the character of the Conservation Area.

Dated           18th September 2013



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	12-397-PI.01		
Block Plan Proposed	12-397-PI.02	A	
Elevations Proposed	12-397-PI.06		
Elevations Proposed	12-397-PI.09		
Elevations Proposed	12-397-PI.08		
Elevations Proposed	12-397-PI.07		
Proposed floor plans	12-397-PI.03		
Streetscape	12-397-PI.10		

## **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 the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or 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 should be addressed to the Principal Committee Services Officer, Council Headquarters, Eastwood Park, Rouken Glen Road, Giffnock G46 6UG. Applicants can also ask for a review if the application has not been determined within the 2 month time period for a decision.

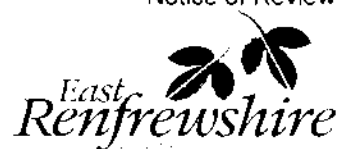
Requests for review must be made on the Notice of Review form which is available to download from the Council's website at [www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk) or alternatively call the Planning general enquiry lines on 0141 577 3895 or 3878 to request one. Following submission 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

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

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

**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

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

### Agent (if any)

Name

Address

Contact Telephone 1

Contact Telephone 2

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:

Consideration of the Planning Departments reasons for refusal - written submission and hearing
Review of Commentary on Reasons for Refusal, Drawings and Photographs - written submission and hearing
Review of MPs/MSPs/Councillors Letters of Support - written submission and hearing

**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 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:

The site can be accessed safely and without barrier subject only to 2-3 days notice so that this can be arranged with the current occupiers of 261 and 263 Fenwick Road. Subject to such notice the Review Body could, at any time, undertake an unaccompanied site inspection

**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.

Please refer to separate submission:

Statement  
(refer Section 2)

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.

In fact the submissions now made are not really new but are rather clarifications and amplifications of information already dealt with as part of the original application. All, and any, 'new' material raised is in response to the statements and judgements made, positions adopted, conclusion reached and refusal issued, by the Planning Department. So any 'new' information/submissions could not have been raised prior to the Refusal. The basis of Refusal is not accepted by the Applicant and as a result these further submissions are necessary. However, the additional information is of utmost importance and therefore the applicant would request, and appreciate, the Boards full consideration of these further submissions.

**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.

New Material	Original Application
.	
Review Statement	Application Form
Response to Report of Handling	Design Statement
Response to Reasons for Refusal	Supporting Statement
A1 Photomontage - St Catherines Road	Proposal Drawings
Property Photographs - St Catherines Road	Tree Report, Survey & Plan
Property Photograph - 3A Eastwoodmains Road	Roads Department Report
Schedule of Plot Sizes/Configurations	
Ordnance Survey Maps - Part 1 & 2	
Aerial Photograph	
Letters of 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

Date

---

**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, Property and Regeneration), 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)

## STATEMENT

### Summary

The Applicant requests this review as it is felt that the decision reached by the Planning Department is unjustified, based on subjective and inappropriate criteria and not consistent with other decisions made, even recently, within the Giffnock Conservation Area. In essence the decision reached by the Department is incorrect.

The Applicant acknowledges that there is a significant amount of information provided within this review application and understands the time commitment that is required by the Board to fully evaluate all of this information – however there has been a genuine attempt to rationalise, as far as possible, the documentation submitted and the content has been reduced to the minimum possible. The Applicant would:

- a/ request a full evaluation by the Board,
- b/ thank the Board in anticipation for this full evaluation and
- c/ ask the Board to bear in mind that the information presented is not exhaustive, but hopefully sufficiently indicative, in support of the contention that the Planning Department arrived at the wrong decision in this matter.

In particular the Applicant would draw the Boards attention to the Letters/Communications of support from the following Local Representatives

**Rt Hon Jim Murphy MP, East Renfrewshire**  
**Ken Macintosh MSP, Eastwood**  
**Councillor James Fletcher, Giffnock & Thornliebank, Ward 3**  
**Councillor Vincent Waters, Giffnock & Thornliebank, Ward 3**

In summary the Applicant would request that the Board reverse the decision made by the Planning Authority and **grant approval** for the proposed development.

### Outline Information

The Planning Departments 'Reason for Refusal' is stated as follows:

*'The proposed development is contrary to Policies E1, E4, DM1 and DM2 in the adopted East Renfrewshire Local Plan and Policies D1, D2, D11 and D15 of the proposed Local Development Plan as the development does not reflect the pattern of development in the surrounding area and creates a plot that is at variance with the established plot layout in the surrounding area. The proposed development introduces a building of inappropriate scale and appearance at this location. These are considered to have an adverse visual effect on the character of the Conservation Area'.*

The matters that led the Planning Department to the recommend Refusal on the above grounds are fully documented within the 'Report of Handling' that has been prepared in respect of the proposed development. The Applicant, with the advice of the Project Design Team, has prepared a full rebuttal of the matters contained within this report – this has been done by way of appending comments to the Report (highlighted in red for ease of reference). The Applicant would request that the Board review this document which is attached as part of this submission.

The Applicant and the locally respected (not to mention locally based) and very professional Design Team for the Project are of the clear and well founded opinion that the proposed development is appropriate in every way for the area. Moreover, the layout, general design and specific detailing of the proposed property have been tailored to ensure that it remains appropriate within the context of the Conservation Area.

The Applicant would suggest that the Review Board, in viewing the proposed development in a pragmatic and realistic, albeit discerning, manner, will reach the same conclusion as the Applicant and the Project Design Team. It is worth noting that this position is impliedly supported by the local community, who overwhelmingly stayed silent on the application (in an area where local residents are well known for their fierce defence of the local area), and it is expressly supported by the several Councillors, MSP's and MP's who have been happy to formally register their support for the development (having been fully appraised of its location, nature, style etc).

The Applicant believes that the Planning Departments assessment of the application has been prejudiced by a/ a closed mind to development on a site that has been created, albeit legitimately, b/ an expressed, but clearly unfounded, fear that approval of this scheme would set some kind of precedent, c/ the fact that the applicant registered a formal complaint in respect of the application and the Department's handling of it.

Whilst some of the points raised immediately above may seem hard to justify, it is worth noting that, as directly confirmed to the Applicant, when an MP approached the Planning Department on behalf of the residents of No 265 Fenwick Road (who made representations) he was advised that there was no need for him to make formal representations as the application '*was going to be refused anyway*' – and this before the Planning department should even have started their assessment of the proposal.

However, the Applicant does not wish to dwell on any contentious or negative aspects of the process but would rather commend the proposed development to the Review Board on the basis of it's clear and self-evident merits – and would ask the Review Board to grant permission for this modest, conservative and high quality self-build Home for a resident with current and progressive disability needs.

## **Conclusion**

In light of the above and attached written submissions and supporting documentation it is requested that the local review Board:

1. Conclude that there is a variety of development types within the immediate and more general surrounding areas and that the proposed development sits well relative to, and within, these areas of existing development
2. Conclude that there is in fact no rigid plot layout within the area and that plot sizes, shapes and configurations vary extensively – even between neighbouring properties – and that the proposed development plot is in keeping with this variation
3. Conclude that the proposed development is of a scale, appearance and quality that would complement and enhance its neighbouring properties and the wider area generally
4. Conclude that although the Planning Department are of the opinion that the proposed development would have an adverse visual effect on the character of the Conservation Area, accept that they provide not one tangible example of what this ‘adverse’ effect is. Conclude that, in fact, the proposed development would have at worst a neutral, and at best a positive, impact on the visual amenity of the area.
5. Determine that subject to accepting the points made at 1 – 4 above, the proposed development is not in fact contrary to the relevant Policies noted and further determine that this being the case the proposed development is fully compliant with all of the relevant and pertinent Policies that such an application should have been considered against.

Having reached the above conclusions and determinations the Applicant would request that the Local Review Board reverse the decision of the Planning Department in this instance and grant approval of the proposed development.

## (1) Policy Considerations

The overarching reason given for refusal by the Planning Authority is that the proposed development:

***'...is contrary to Policies E1, E4, DM1 and DM2.2 in the adopted East Renfrewshire Local Plan and Policies D1, D2, D11 and D15 of the proposed Local development Plan...'*** (1)

The Planning Department reasoning continues that the proposed development is contrary to the aforementioned policies because:

***'...it does not reflect the pattern of development in the surrounding area'*** (2)

***'...it is at variance with the established plot layout in the surrounding area'*** (3)

***'...it introduces a building of inappropriate scale and appearance at this location'*** (4)

***'...it is considered to have an adverse visual effect on the character of the Conservation Area'*** (5)

Each of these contentions is dealt with separately below.

Each is denied by the Applicant and information is provided which supports the Applicants position.

**We would request that the Board fully review the information provided and, in coming to agree with the position of the Applicant, reject the Planning Departments view that the proposed development fails to satisfy the requirements of the aforementioned Policies.**

We would note that the Planning Department, in their 'Report of Handling', clearly state that in all other material respects the proposed development satisfies the required Policies. For example:

***'The proposal does not create new, or exacerbate existing, deficiencies in local infrastructure, facilities or environment...'***

Roads and Transportation Services have ***'No objections subject to conditions'***

***'On face value...appears to be acceptable as this is an application for a house within the existing urban area.'***

***'It is considered that the amenity and privacy of neighbouring properties would not be significantly prejudiced.'***



## **(2) Pattern of Development Considerations**

The first underlying reason given for refusal by the Planning Authority is that the proposed development:

***'...does not reflect the pattern of development in the surrounding area'***.

We would request that the Review Board consider the attached documentation:

### **A1 Photomontage of St Catherines Road**

#### **Individual Photographs of Existing Properties on St Catherines Road**

#### **Photographs of Development at 3A Eastwoodmains Road**

The photomontage of St Catherines Road clearly shows that the property types are extremely varied. The only thing they have in common is that they are all of a semi-detached form. However, as can be seen from the A1 montage provided, or from site inspection, there are three very distinct property styles – and these also vary in size, scale and general mass. The Ordnance Survey maps enclosed elsewhere in this submission clearly show that the properties on the North side of the road are of significantly greater scale and mass than those on the South Side – and then to add further variation the last two properties on the North side of the road are completely different yet again, with a much lower eaves/roof line and completely different general construction style.

As if this variation were not sufficient to refute the Planning Departments assertion that there is a singular style, size and scale of development pattern, then add to this the fact that the finishes of the properties are completely different – with a combination of Red and Blonde sandstone, roughcast and render finishes.

So even from a traditional perspective this relatively short road, comprising only 9 Blocks of houses, had a very varied built form. Add to this the following extensions/alterations which have been permitted over the years (many very recently) and it is clear that to suggest there is a general pattern of development is nonsensical:

- Roofs re-tiled as opposed to incorporating slate finishes
- Roughcast/rendered areas being painted in an array of different colours/shades
- A combination of modern and traditional garage extensions, some of a prefabricated concrete nature
- Almost every property having been extended/alterd in one or a combination of ways – to the sides and rear
- Almost half of all properties having added some combination of large front and side dormer extensions

The above additions, extensions and alterations are clearly recorded in the individual property photographic records attached as part of this submission. The effect that they have on the streetscape is clear – they create a varied built form, which, despite modern additions **that clearly have a visual impact**, remains attractive and essentially traditional.

Perhaps the most significant aspect of St Catherines Road, insofar as this proposed development is concerned, is the first ‘section’ of the road. As St Catherines Road is entered from Fenwick Road, the first area of streetscape encountered does not in fact comprise the semi-detached blocks of properties referred to above, but in fact comprises the gables of the properties forming Nos 259 & 261 Fenwick Road. This part of the streetscene is made up of these Blonde sandstone gables, white/cream coloured significant extensions and high render finished garden walls.

It is significant that the farthest extent of the site for the proposed development is approximately 56metres from Fenwick Road, along the South side of St Catherines Road, **and** that this marries almost exactly with the extent of the gable of No 259 Fenwick Road and the opening created by Academy Road, along the North side of St Catherines Road. Regardless of the actual distance noted above, this relationship between the North and South sides of St Catherines Road along this first ‘section’, can clearly be seen from both the Photomontage and Ordnance Survey maps provided.

So in fact, the proposed new development does not sit within the context of the semi-detached properties of St Catherines Road at all, but rather in the context of this first and very different ‘section’ of St Catherines Road as described above and as clearly shown on the last section of the Photomontage enclosed. Aside from other well-founded misgivings in connection with the Planning Authority’s evaluation of this development (as detailed elsewhere in this submission) it is considered inappropriate that the Planning Authority have chosen to assess the suitability of this development on the basis of ‘a detached house sitting in the context of semi-detached properties on St Catherines Road’, when in fact, it would have little impact on, or relevance to, these semi-detached properties.

It is suggested that in fact

1. The proposed development would sit very well, and very comfortably, within this first ‘section’ of St Catherines Road,
2. The proposed development would have minimal impact on its neighbouring semi-detached property at No 2 St Catherines Road – it is no doubt for this reason that the owner of this property expressed their support for the development directly to the Applicant, and
3. The proposed development would have no impact whatsoever on the remaining semi-detached properties on St Catherines Road. It is no doubt for this reason that **not one owner** of the properties on St Catherines Road **raised any objection to the development**. In fact it could reasonably be suggested that the residents of St Catherines Road felt that the proposed development would be a quality addition to their street.

### **(3) Plot Layout Considerations**

The second underlying reason given for refusal by the Planning Authority is that the plot that is created for the proposed development:

*'...is at variance with the established plot layout in the surrounding area'.*

We would request that the Review Board consider the attached documentation:

#### **Plot Sizes and Road Frontages Schedule**

#### **Ordnance Survey Map - Plot Size, Ratio & Shape, Part 1 of 2**

#### **Ordnance Survey Map - Plot Size, Ratio & Shape, Part 2 of 2**

#### **Aerial Photograph**

It is clear from the attached schedule and from the accompanying maps that there is a very wide variety of Plot sizes within the surrounding area. In fact, with regard to plot size (square metres), the schedule clearly shows that within the surrounding area there would only be 4 plots significantly larger than the plot created for the proposed development, and conversely there would be many plots in the surrounding area that would only be half as large as the created plot – the properties compared are only a small sample and even a cursory look at the attached maps clearly reveals that plot sizes within the surrounding area vary greatly and there is little if any uniformity. If anything plot sizes are generally quite restricted and both a/ the created plot and b/ the remaining donor plots, would all be generous by comparison.

Layout of the created plot seems to be of most concern to the Planning Authority and it is implied that the created plot would cause some upset to a regimented, regular and rigid plot layout within the area. It is clear from the attached documentation that nothing could be further from the truth. This is clearly demonstrable in two ways:

1. When road frontage (the length of the plot along the front pavement line) is considered, and
2. When the shape of plots within the general area is considered

Road frontage is important because, to some considerable extent, it is really only this aspect of plot layout that is discernible as far as the 'streetscene' is affected (many aspects of plot layout can be detected only from an aerial view!) It is very clear from the attached schedule that the created plot would have a very generous road frontage of some 17.50m. This would be in keeping with the very largest of plots in any surrounding properties. It should be particularly noted that there are many properties within the general area that have only approximately 50% of this length of road frontage and indeed there is one property at No 285 Fenwick Road that has a road frontage of only 8.00m – this property, together with No

1 Florence Drive, is mentioned again immediately below, when a further aspect of 'traditional' development within the area is considered.

It should also be noted that this very generous road frontage for the created plot is achieved whilst still leaving the Donor Property at No 261 Fenwick Road (the only property affected in the 'streetscene') with a very generous depth – as appears to be accepted by the Planning Authority. On this point No 281 Fenwick Road is worthy of mention (highlighted in green on the attached map) – the length of the feu at this property was shortened, in comparison with its neighbour, in order to allow the building of No 1 Church Road and this is very similar to the concession being requested now as part of this application.

The Planning Authority refers to 'the established plot layout within the surrounding area'. It is clear that the established plot layout, whilst not random, is very different from street to street, on opposing sides of the streets (St Catherines Road being a very good example) and indeed anywhere that was considered appropriate by pragmatic and realistic Planners and Builders. This last point is exceptionally important and can be clearly demonstrated by reference to the properties highlighted on the attached maps in both red and . These properties clearly show that in order to allow development, difficult, if not completely awkward, site sizes and configurations were allowed in order to promote development.

Another very clear example of this pragmatic approach by the Planning Authority in earlier times is evident at No 269 Fenwick Road (highlighted in orange on the attached Ordnance Survey maps). It is clear that neither the Planners, Builders or owners of properties in the area were precious about any notion of establishing a 'plot layout within the area', and as a Result a Dairy Building was added at the rear of No 267 Fenwick Road – which now has no independent access and is 'backland' development in the true sense of the word. The Planners say that this is 'historical' and therefore should not create a precedent for such development - and to some extent this is accepted by the Applicant. However, the Planners then rely on, as a cornerstone for rejection of the proposed development, the fact that there is a historical plot layout in the area which the proposed development does not respect – **this is clearly a contradiction**, since the building at No 269 a/ is historical, b/ **does** form part of the historical plot layout of the area and c/ is almost an identical subdivision of plot to the one proposed at No 261 Fenwick Road to facilitate this development. We would suggest that whilst No 269 is not relied on as a 'precedent' it is relied on as further evidence that there is no rigid, homogeneous or strict pattern of plot layout within the area.

The photographs elsewhere in this submission clearly show that No 20 St Catherines Road has a very short road frontage which makes vehicular access difficult – and this is far from the worst example: consider the plot layouts at Nos 285 & 287 Fenwick Road and Nos 1, 11 & 12 Florence Drive. These plots are of weird and wonderful layouts.

The pertinent question is: Do these varying sized, irregular and awkward shaped plots have a negative impact on the area? We would suggest that the answer is **no, they do not!**

Finally on this matter, the attached Aerial Photograph shows, perhaps even more clearly than the Ordnance Survey maps, the true extent to which plot sizes, or more importantly visually apparent plot sizes, vary, when changing and evolving factors such as extensions, driveways/garages, hedging and trees are taken into account.

The Planning Authority accepts that both the created plot and both remaining donor plots meet all requirements for development. It would appear that their one concern in this respect is that the created plot is not in keeping with the established plot layout in the area. The created plot is in keeping with the plot layout of the area – as is demonstrated above, and in the attached documentation, the layout has been flexible in the past and can now accommodate this proposed development without any negative impact whatsoever.

#### **(4) Scale and Appearance Considerations**

The third underlying reason given for refusal by the Planning Authority is that the proposed development:

*'...introduces a building of inappropriate scale and appearance at this location'.*

We would request that the Review Board consider the attached documentation already referred to previously in this submission:

##### **A1 Photomontage of St Catherines Road**

##### **Individual Photographs of Existing Properties on St Catherines Road**

##### **Ordnance Survey Map - Plot Size, Ratio & Shape, Part 1 of 2**

##### **Ordnance Survey Map - Plot Size, Ratio & Shape, Part 2 of 2**

##### **Aerial Photograph**

It is clear from the information referred to above and elsewhere in this submission that the building is indeed of an appropriate scale and appearance at this location.

##### **Consider the scale of the building :**

It is two storey – as is every building on this street with the exception of the gable of No 261 Fenwick Road (which is 1.5 storey and sits perfectly comfortably against No 259 Fenwick Road)

Throughout the entire Giffnock area 1 storey, 1.5 storey and 2 storey buildings sit easily side by side

It respects the window line, eaves line and ridge line of its neighbouring property at No 2 St Catherines Road

The width and depth of the building have been designed to accord with all other properties on St Catherines Road

##### **Consider the Appearance of the proposed building:**

The building has been designed to be sympathetic to the traditional character of neighbouring properties

The property has been designed with bay windows, chimney stacks and traditional sized features that reflect the nature and period of surrounding properties

The property has stone, render and slate finishes and incorporates traditional sash and case windows to further reflect the nature and period of surrounding properties

### **Summary**

The attached Photomontage, and in particular the last section of same, clearly demonstrate how well the scale and appearance of the proposed building actually sits in relation to both its immediate neighbours and other properties in the surrounding area.

As previously noted, the individual photographs of properties on St Catherines Road, together with the Ordnance Survey maps, clearly show that in the surrounding area properties vary in scale (heights, widths and depths) and appearance. This is not to the detriment of the conservation area and neither would any small variation resulting from the proposed development.

Finally, and as specifically dealt with below, how can the scale and appearance of this development be questioned with any credibility, by the same Authority who, rightly in the Applicants opinion, granted permission in respect of the recent development at 3A Eastwoodmains Road – and have in recent weeks granted further approval for a swimming pool extension for that property?

## (5) Adverse Visual Effect on the Conservation Area Considerations

The Planning Authority appear to summarise that, as a result of the aforementioned 'pattern of development', 'established plot layout' and 'scale & appearance' considerations, the proposed development is:

***'...considered to have an adverse visual effect on the character of the Conservation Area'.***

As dealt with in detail above, and elsewhere in this submission, the underlying premise of this point is totally refuted. However, and notwithstanding this, the Planning Departments *very rationale* in arriving at this conclusion is questioned in light of other development that has been allowed within the Conservation Area.

We would request that the Review Board consider the attached documentation:

### **Photographic Records relating to 3A Eastwoodmains Road, Giffnock**

#### **Aerial Photograph**

As noted elsewhere in this submission, significant development - by way of extensions, alterations and additions - have been permitted in respect of almost every property on St Catherines Road itself. This development is termed 'significant' not because of its size or scale but because by its very nature it has a direct and profound visual impact on the subject property. Clearly, there must be an accommodation of what property owners wish to do to their properties and such development (as opposed to the proposed development) can be justified as a result – although if the Planning Departments appraisal of this proposal were applied to all such extension and alteration proposals then they would merit intense scrutiny, since the visual impact (adverse or otherwise) is undeniable.

However, notwithstanding the above, the Planning Departments stance on this proposed development becomes completely untenable when considered against the permitted development at **3A Eastwoodmains Road**.

As can be clearly seen from the attached photographs this development:

Has a very significant visual impact on the streetscape

Has a very significant impact on its neighbouring properties

Is of an extremely modern design and uses extremely modern material finishes

Does not comply with all relevant Planning Regulations (in that it has no back garden)



Therefore to justify this development the Planning Authority would have to accept that the undeniable visual impact is not 'adverse'. How can this be so when the Planner dealing with the proposed development at St Catherines Road was unhappy with the fact that the proposed building would have '... a ridge line that was perpendicular to the road', contrary to neighbouring properties which had a parallel ridge line. A mere detail when compared to the stark modernity of 3A Eastwoodmains Road against its neighbouring properties.

How can these two evaluations have been carried out by the same Planning Department? In the same conservation area? With the same criteria prevailing?

**The Review Board are asked to consider the following points which are not in any way meant to be flippant:**

Does the development at 3A Eastwoodmains Road have a profound visual impact – Yes!

Does the applicant for St Catherines Road feel that this visual impact caused by the development at 3A Eastwoodmains Road is adverse – No!

Did the Planning Department feel that this visual impact caused by the development at 3A Eastwoodmains Road was adverse – Clearly Not!

Has the local community been 'up in arms' at the granting of permission for the development at 3A Eastwoodmains Road – No!

**Against this backdrop, how can the Planning Department credibly assert that the modest, traditional and sympathetic development proposed at St Catherines Road, could be anything other than acceptable?**

Finally on this matter, the Planning Authority suggest that the currently 'open' area of ground that would be used for this proposed development, is somehow a regular and recurring feature of the Conservation Area i.e. that there are many such open spaces which help to characterise, and are a key aspect of, the conservation status of the area. It can be clearly seen from the attached Aerial Photograph that in fact the surrounding area is a busy, bustling and well developed residential section of the wider Giffnock Area. In fact the only open spaces occur around school and other public buildings and even these are predominantly given over to hard-landscaping and parking use. The Planning Authority may therefore argue that that this is all the more reason for maintaining the few open and green spaces that exist – however there are several factors to consider a/ this is not within the Departments power since the owners of these areas could turn them over to hard-landscaping and/or extend into them at any time, b/ it is outwith the Departments remit to consider this aspect in relation to protection of the Conservation Area, since this is not a material aspect of why the area was granted Conservation status and c/ notwithstanding the foregoing approximately 70% of the proposed site would remain as open space, with much of the soft-landscaping preserved, with supplemented and better maintained trees.

Once again it is noted that the proposed development would have at worst a neutral, and at best a very positive, impact on the Conservation Area.

**Cumulative Effect of All Planning Authority Considerations  
&  
Letters of Support**

The overall implication of the Planning Authority's 'report of handling' is that the various considerations dealt with above (pattern of development, plot layout, building scale & appearance and impact on the Conservation Area) have a cumulative effect of making the proposed development non-compliant with relevant Policies and therefore unacceptable.

However, the fact remains that the judgement of the Planning Department is highly subjective, and indeed almost hinges on the likes/dislikes and personal opinions of individual Planners. The Planning Department would no doubt claim that there are sufficient 'checks and balances' in place in order mitigate the subjective and personal aspects of the planning decisions reached – however the fact remains that one Planning Officer is appointed to each proposed development of this nature and it is this one Planning Officer who will make the decision. Whilst the decision has to be 'signed off' by a line manager, and indeed in this case was reviewed by a senior colleague of the original Planning Officer, it is clear that by the time an initial decision has been reached there is little chance of this decision being effectively 'overturned'.

In effect therefore the Planning procedure is a lottery. Clearly the Planning Officer for 3A Eastwoodmains Road had a very different perspective, on every conceivable matter of importance, when compared with the Planning Officers for this proposed development.

However, it is not only the Planning Department who care about every aspect of the quality of future development within the Giffnock Area and the preservation of the built heritage within the Giffnock Conservation Area:

The **existing residents** of the area also care passionately about these matters – and yet there were only nominal representations in respect of the proposed development, with all but one of these representations being positively addressed by the Planning department.

Furthermore, **the Local Councillors and MPs** who represent the area and constituents thereof, also care passionately about these matters. In this context we are pleased to advise that every Local Councillor and MP, who have been contactable within the available timeframe, have been wholly supportive and positive in their opinion that the proposed development **would not be detrimental** to the area in any way, would in fact **make a positive contribution** and should have **been approved**.

We are pleased to enclose Letters/Communications of support from the following Local Representatives :

**Rt Hon Jim Murphy MP  
Ken Macintosh MSP  
Councillor James Fletcher  
Councillor Vincent Waters**

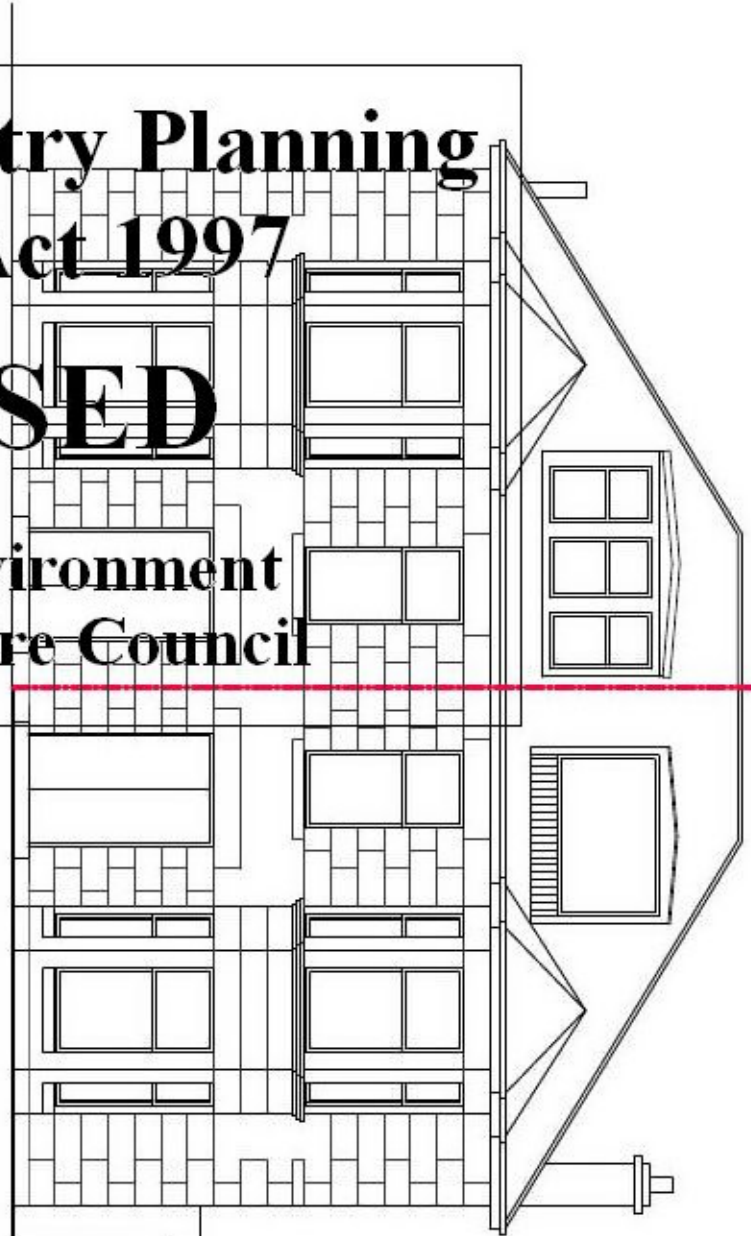




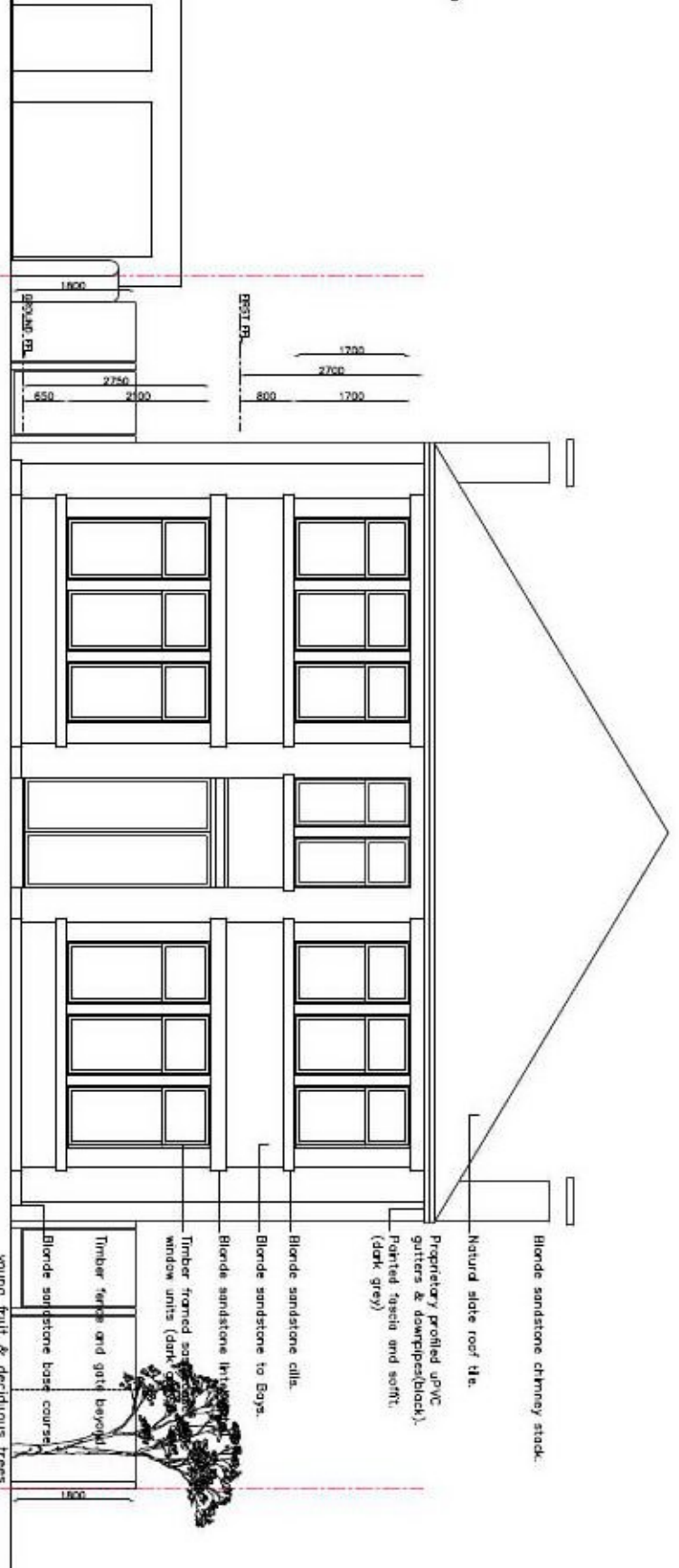
# Town and Country Planning (Scotland) Act 1997

# REFUSED

## Director of Environment East Renfrewshire Council



NORTH FRONT ELEVATION TOWARDS ST. CATHERINE'S ROAD



11 FETTERBURN  
11 FETTERBURN ROAD  
GLASGOW G12 0JG  
TEL: 0141 204 1000  
WWW.INKDESIGNARCHITECTURE.CO.UK

**Client**

Mr. P. McFadden  
1114 Alpinhead Road,  
Kingspark,  
Glasgow,  
G41 5SW.

**Project**

Proposed Erection of Two Storey  
Dwelling House at land adjacent to  
261 Fernick Road,  
Giffnock, Glasgow.

**Drawings**

Front Elevation as Proposed. 1:100

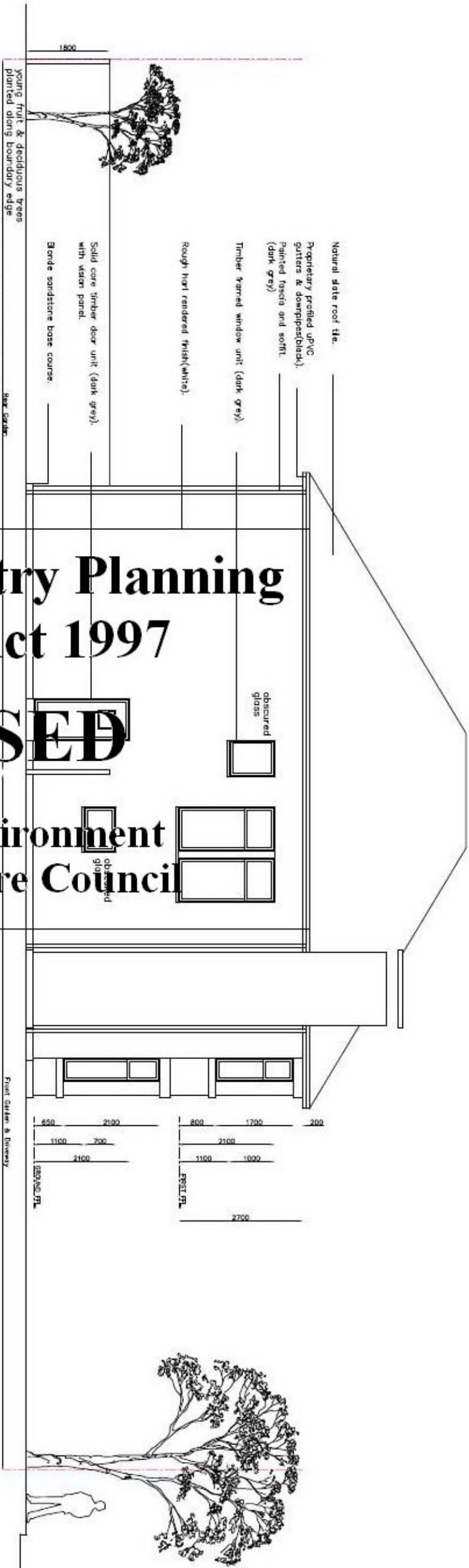
Project Ref. No.	12-397-261 Fernick Rd. CG	Drawn	Checked
Scope			MM

**Planning**

Drawing Date	Drawing No.	Revision No.
Apr. 13	12-397-PI.06	



EAST SIDE ELEVATION TOWARDS NEIGHBOUR



# Town and Country Planning (Scotland) Act 1997

## REFUSED

Director of Environment  
East Renfrewshire Council

St Catherine's Road  
**inkdesign**  
architecture

1107100010  
1107100010  
1107100010  
1107100010

DMR  
Mr. P. McFadden  
1114 Alkenhead Road,  
Kingspark,  
Glasgow,  
OH SSW.

Project  
Proposed Erection of Two Storey  
Dwelling House at land adjacent to  
281 Fernick Road,  
Giffnock, Glasgow.

Drawings  
Scale  
Side Elevation as Proposed. 1:100

Project Ref. No. 12-397-261 Fernick Rd. CG MH

Scope  
Planning

Drawn Date 12-397-01/08  
Apr. 13 12-397-01/08

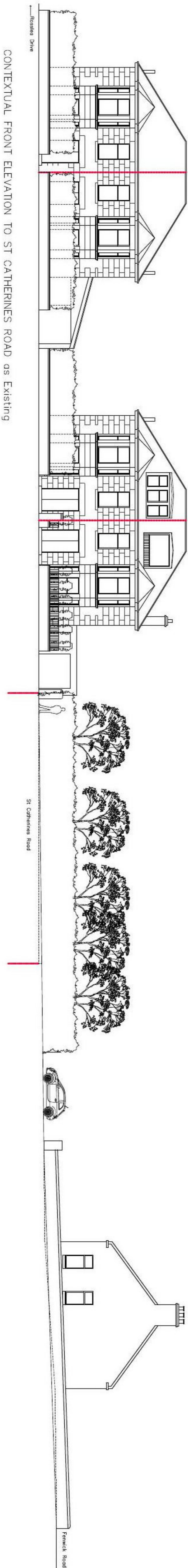




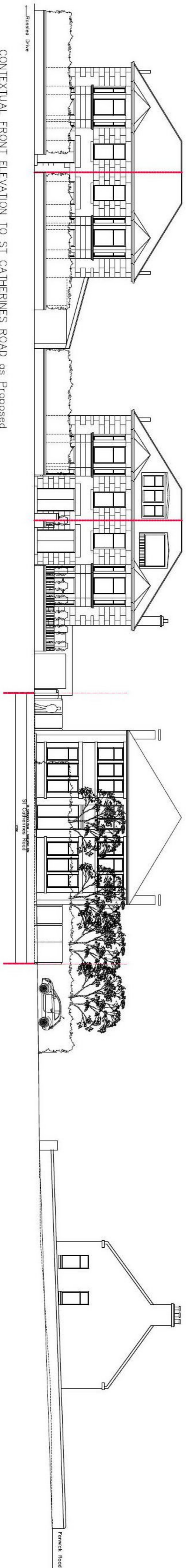
**Town and Country Planning  
(Scotland) Act 1997**

**REFUSED**

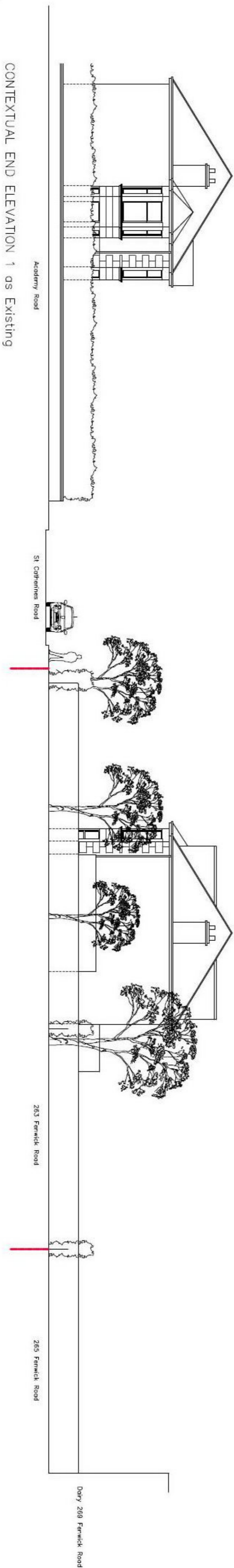
**Director of Environment  
East Renfrewshire Council**



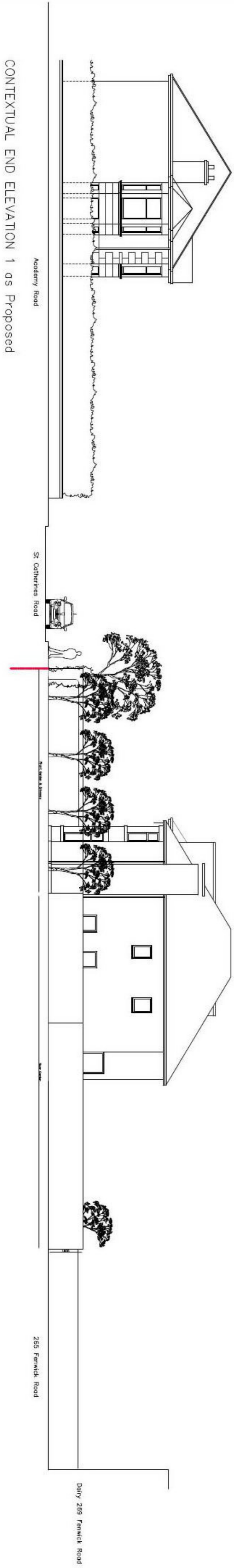
CONTEXTUAL FRONT ELEVATION TO ST CATHERINES ROAD as Existing



CONTEXTUAL FRONT ELEVATION TO ST CATHERINES ROAD as Proposed



CONTEXTUAL END ELEVATION 1 as Existing



CONTEXTUAL END ELEVATION 1 as Proposed

**Client**

Ms. P. McFadden  
1114 Alkenhead Road,  
Kingspark,  
Glasgow,  
G44 5SW.

**Project**

Proposed Erection of Two Storey  
Dwelling House at land adjacent to  
261 Fenwick Road,  
Giffnock, Glasgow.

**Drawings**

Contextual Street Elevations  
as Proposed.

Project Ref. No.	Drawn	Checked	Scale
12-397-261FenwickRd.	CG	MH	1:150

**Stage**

Planning

Drawing Date	Drawing No.	Revision No.
Apr. 13	12-397-PI.10	

**inkdesign**  
architecture

0141 628 9238  
info@inkdesign.co.uk  
www.inkdesign.co.uk  
155 Orchard Park Avenue, Giffnock, Glasgow, G48 7RQ

TREES:	EXISTING MATURE TREES RETAINED	- 3
	PROPOSED TREES PLANTED	- 14
	EXISTING TREES REMOVED -	12
	OF WHICH ARE INTENTIONAL AND ROGUE:	
	No. EVERGREEN TREES REMOVED	- Mix
	No. DECIDUOUS TREES REMOVED	- Mix



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

**inkdesign**  
**architecture**  
 10141 020 9238  
 info@inkdesign.co.uk  
 www.inkdesign.co.uk  
 155 Oswald Park Avenue, Giffnock, Glasgow, G46 7BA

**Client**  
 Ms. P. McFadden  
 1114 Alkenhead Road,  
 Kingspark,  
 Glasgow,  
 G44 5SW.

**Project**  
 Proposed Erection of Two Storey  
 Dwelling House at land adjacent to  
 261 Fenwick Road,  
 Giffnock, Glasgow.

<b>Drawings</b>	<b>Scale</b>
Site Plan as Proposed.	1:100
<b>Project Ref. No.</b>	<b>Drawn</b>
12-397-261FenwickRd.	OG
	<b>Checked</b>
	MH

<b>Stage</b>	<b>Revision Date</b>
Planning	23.05.13
<b>Drawing Date</b>	<b>Revision No.</b>
Apr. 13	12-397-FI.02
	A