

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY2 December 2015Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2015/17ENLARGEMENT OF GARDEN AT SIDE WITH ERECTION OF
1.8 METRE HIGH FENCE AT 8 VICTORIA GROVE, BARRHEAD**PURPOSE OF REPORT**

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

DETAILS OF APPLICATION

2. Application type: Full Planning Permission (Ref No:- 2015/0252/TP).
- Applicant: Mrs Julie Cameron.
- Proposal: Enlargement of garden at side with erection of 1.8 metre high fence.
- Location: 8 Victoria Grove, Barrhead.
- Council Area/Ward: Barrhead (Ward 2).

REASON FOR REQUESTING REVIEW

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

RECOMMENDATIONS

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

- (b) In the event that further procedure is required to allow it to determine the review, consider:-
 - (i) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided; and/or;
 - (ii) what procedure or combination of procedures are to be followed in determining the review.

BACKGROUND

5. At the meeting of the Council on 29 April 2009, consideration was given to a report by the Director of Environment seeking the adoption of a new Scheme of Delegation in terms of the new Section 43A of the Town and Country Planning (Scotland) Act 1997, subject to approval of the scheme by Scottish Ministers.

6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the “local development” category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an “appointed officer”. In the Council’s case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (Planning, 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 their review and has indicated that her stated preference is the assessment of the review documents only, with no further procedure.

10. The Local Review Body is not bound to accede to the applicant’s request as to how it will determine the review and will itself decide what procedure will be used in this regard.

11. It should be noted however, that at the meeting of the Local Review Body on 4 November 2015, it was decided that the Local Review Body would carry out unaccompanied site inspections for a trial period of 6 months for every review case it received prior to the cases being given initial consideration at a meeting of the Local Review Body.

INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

12. 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.

13. However, the applicant has submitted new information which was not available to the appointed officer at the time the determination of the application was made. The new information relates to documents concerning ownership of the land at the site.

14. 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.”

15. 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.

16. In reply, the applicant has indicated that when she submitted the original application she was not aware that the ownership of the land at the site was under doubt. However, on receiving the refusal notice she noted that the reason for refusal was due to the fact that the proposal would involve enclosing open space and the new information clarifies the ownership of the land.

17. 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 interested parties who have submitted representations be given the opportunity to comment on the new information.

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

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

- (a) Application for planning permission – Appendix 1 (Pages 11-16);
- (b) Copies of representations – Appendix 2 (Pages 17-26);
- (c) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages 27-32);

- (d) Decision notice and reasons for refusal - Appendix 4 (Pages 33-36); and
- (d) A copy of the applicant's Notice of Review and Statement of Reasons - Appendix 5 (Pages 37-48).

20. The applicant has also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and these are attached as Appendix 6 (Pages 49-54):

- (a) Refused – Location plan;
- (b) Proposed design of fence – Photograph 1; and
- (c) Proposed design of fence – Photograph 2.

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

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

RECOMMENDATIONS

23. The Local Review Body is asked to:-

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

Report Author: Paul O'Neil, Committee Services Officer

Director - Caroline Innes, Deputy Chief Executive

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

Date:- November 2015

KEY WORDS:

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

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

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**APPLICATION
FOR
PLANNING PERMISSION**

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2 Spiersbridge Way Thornliebank Glasgow G46 8NG

Tel: 0141 577 3001

Fax: 0141 577 8411

Email: planning@eastrenfrewshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 000116527-001

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

Description of Proposal

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

Removal of existing 1.8m high combination brick wall and topper fence to be removed and replaced with a 1.8m high timber privacy fence on a new line shown on plan.

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

No Yes - Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title: *

Other Title:

First Name: *

Last Name: *

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:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

8 VICTORIA GROVE

Address 5:

Address 2:

BARRHEAD

Town/City/Settlement:

GLASGOW

Address 3:

Post Code:

G78 1GE

Address 4:

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

Northing

659828

Easting

249975

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)

initial contact was made to seek advice on whether planner permission would be needed and the fees that would be required.

Title:

Mr

Other title:

First Name:

Ian

Last Name:

Walker

Correspondence Reference Number:

Date (dd/mm/yyyy):

09/04/14

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

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mrs Julie Cameron

On behalf of:

Date: 07/04/2015

Please tick here to certify this Certificate. *

Checklist - Application for Householder Application

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

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and proposed elevations.
- Existing and Proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. * Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your proposals. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been received by the planning authority.

Declare - For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying plans/drawings and additional information.

Declaration Name: Mrs Julie Cameron

Declaration Date: 07/04/2015

Submission Date: 21/04/2015

Payment Details



Created: 21/04/2015 12:19

COPIES OF REPRESENTATIONS

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Comments for Planning Application 2015/0252/TP

Application Summary

Application Number: 2015/0252/TP

Address: 8 Victoria Grove Barrhead East Renfrewshire G78 1GE

Proposal: Enlargement of garden at side with erection of 1.8 metre high fence

Case Officer: Mr Derek Scott

Customer Details

Name: Mr Graeme Gibson

Address: 22 Victoria Crescent, Barrhead, East Renfrewshire G78 1GF

Comment Details

Commenter Type: Rec'd Neighbour Notification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Objection regarding the erection of a 1.8 metered fence. The 1.8 metered fencing does not coincide with the rest of garden boundaries within the estate and would protrude on our outlook from our front window and garage conversion. The rest of the fencing in the estate consists of brick and wood and this type of fencing would detract from the look of the rest of the estate. The fence would look unsightly from both our front windows and I feel very strongly to this proposal. If the fence was of the original style then this may not have the same impact and may not be so intrusive.

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Comments for Planning Application 2015/0252/TP

Application Summary

Application Number: 2015/0252/TP

Address: 8 Victoria Grove Barrhead East Renfrewshire G78 1GE

Proposal: Enlargement of garden at side with erection of 1.8 metre high fence

Case Officer: Mr Derek Scott

Customer Details

Name: Mrs Wendy Radford

Address: 1 Victoria Crescent, Barrhead, East Renfrewshire G78 1GF

Comment Details

Commenter Type: Rec'd Neighbour Notification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We would like to object to the application as we feel the style of the fence would be unacceptable in its current application. If it was consistent with the original design of half brick and half wood then at least it would coincide with the design of the estate and it would maintain the consistency of the other houses and fences constructed as per the original plans laid out by Bellway.

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Mr Paul O'Neil
Corporate & Community Services
Council HQ, Eastwood Park
Rouken Glen Road
Giffnock
Glasgow
G46 6UG

Mrs Wendy Radford
1 Victoria Crescent
Barrhead
G78 1GF

Your Ref - REVIEW/2015/17

18th October 2015

Dear Paul

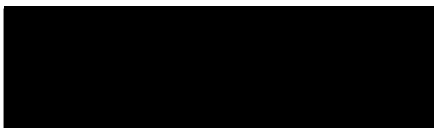
Thank you for your letter dated the 9th October 2015 detailing the intention of the applicant, Mrs Julie Cameron of 8 Victoria Grove G78 1GE, to request a review the previous decision made.

I still strongly oppose the planning request based on the plan submitted as the proposal does NOT fit with the original design or with any of the other properties within the estate. This type of fence is not standard for the front of any of the houses and as a result would stand out like a "sore thumb". As we reside right beside the applicant we feel this would have a direct affect on us having to look on to this as an eye sore.

As originally mentioned, we would be more than happy for the application to be accepted if the proposal "fitted" with what the applicant currently has and every other house within the estate which is a "half & half" brick wall with upper wooden fencing. This way it would look in place with every other house and maintain a consistent look within the estate which Belway designed originally. Belway decided to opt for the half brick, half wood even though this would have been more expensive but it set the estate off and gave it that touch of class – something a plain wooden fence would take away.

If there are any further questions, please feel free to contact either myself or my husband (Mr Nick Radford) to discuss

Yours sincerely

A solid black rectangular box used to redact the signature of Wendy Radford.

Wendy Radford

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Julie Cameron
8 Victoria Grove
Barrhead
G78 1 GE


28th October 2015

Paul O'Neil
Corporate and Community Services
Council HQ, East wood Park
Rouken Glen Road
Giffnock
G46 6UG

Ref No: REVIEW/2015/17

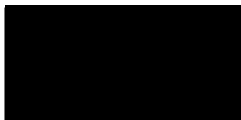
Further to your letter dated 9th October 2015 you asked me to provide an explanation as to why we submitted new information during the planning appeal relating to the planning application for the enlargement of our garden.

The reason that the information relating to ownership of the land from the Lawyers and the addition of the plans highlighting which areas came under our ownership was because we were not aware that when we made the original application ownership was under doubt. When we made the original application we obviously had to submit a location plan and a block plan which highlighted the areas we owned. When we received our refusal report the reason for refusal was that we were enclosing open space. As this was not the fact we felt that we had to enclose the plan that clearly highlighted that the area was not open space according to our title deeds and that we paid money to purchase and own the land that we wish to extend into.

Also further to the representation by our neighbour Wendy Radford, we are more than happy to plant trees and shrubs next to the fence which will grow up and cover the fence. At the time being the brick wall and fence that are mentioned are covered by shrubs, and the brick wall and fence are not visible therefore erecting a fence and planting trees will have the same effect as what is currently in place.

I look forward to hearing from you regarding this matter and if you have any further questions please do not hesitate to contact me.

Kind Regards
Julie Cameron



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REPORT OF HANDLING

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29 REPORT OF HANDLING

Reference: 2015/0252/TP

Date Registered: 8th June 2015

Application Type: Full Planning Permission

This application is a Local Development

Ward: 2 -Barrhead

Co-ordinates: 249975/:659828

Applicant/Agent: Applicant: Agent:

Mrs Julie Cameron
8 Victoria Grove
Barrhead
East Renfrewshire
G78 1GE

Proposal: Enlargement of garden at side with erection of 1.8 metre high fence

Location: 8 Victoria Grove
Barrhead
East Renfrewshire
G78 1GE

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY: None relevant.

REPRESENTATIONS:

Two representations have been received. The grounds of representation can be summarised as follows:

- The style of the proposed fence is out of keeping with the half brick/half timber boundary treatment elsewhere in the development;
- The proposed fence is detrimental to visual amenity; and
- The proposed fence will have a detrimental impact on outlook.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

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

ASSESSMENT:

The application site comprises a detached two storey dwelling, its curtilage and a wedge of open space beyond the curtilage and lies within an established residential area. The dwelling is located at the junction of Victoria Grove and Victoria Crescent. The dwelling is positioned such that the side elevation faces Victoria Crescent at an oblique angle. The resulting wedge of land that separates the curtilage from the carriageway has been laid out by the developer of the estate as an area of amenity open space. In common with other areas of amenity open space within the development it is grassed and in this case planted with shrubs and a tree and contributes towards the open character of the area. The applicant has certified that she owns all the land to which the application relates and has indicated she is responsible for its maintenance.

Planning permission is sought for a change of use to private garden ground of the wedge of open space adjacent to the curtilage and to enclose this with the erection of a 1.8 metre high open-boarded, double-sided timber fence. Irrespective of ownership and maintenance responsibilities, the enclosure of this area of amenity open space is a material change of use of the land and requires planning permission.

The determining issues in this case are the impact on the character and visual amenity of the area when assessed against the relevant policies within the adopted Local Development Plan.

The area of open space that is the subject of this application is considered to play an important role in enhancing the visual amenity of the wider area. This, in conjunction with the other areas of amenity open space that have been laid out by the original developer, contributes towards the open character of the area. The site is visually prominent when entering Victoria Crescent from Victoria Grove and when viewed from Victoria Crescent towards Victoria Grove. The applicant's house and the dwelling to the rear at 1 Victoria Crescent are both set back from the carriageway and form a distinct building line. It is considered that the manner in which the original developer has designed the amenity open space at this location meant that the visual impact at this part of the site is lessened and "softened" by this distinct set back and visual separation of the gardens and the carriageway.

The removal of the amenity space and its enclosure and change of use to private garden ground is considered to remove this "softening" effect to the detriment of the amenity of the wider development. The erection of the 1.8 metre high timber fencing would encroach forward of the building line formed by the applicant's house and the house to the rear and would be a visually prominent feature when entering or exiting Victoria Crescent. As such, the proposal is considered to be contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan.

In terms of the grounds of objection that have not been addressed in eth assessment above the following comments are made. The style of the proposed fence is not considered to be a determining issue in this case as the proposal has been found to be unacceptable in principle. Loss of view/outlook is not a material planning consideration although the impact on visual amenity is discussed above.

The applicant was advised prior to submitting the application that the proposal would be unlikely to be considered favourably.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None

REASON FOR REFUSAL:

1. The change of use from open amenity space to enclosed private garden ground is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it detracts from the character and visual amenity of the area by removing a soft landscaped edge from a visually prominent part of the development.

ADDITIONAL NOTES: None

ADDED VALUE: None

BACKGROUND PAPERS:

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

Ref. No.: 2015/0252/TP
(DESC)

DATE: 7th July 2015

DIRECTOR OF ENVIRONMENT

Strategic Development Plan

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

Adopted East Renfrewshire Local Development Plan

Policy D1

Detailed Guidance for all Development

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

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

16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

GOVERNMENT GUIDANCE: None relevant

Finalised 07/07/15 IM(1)

**DECISION NOTICE
AND
REASONS FOR REFUSAL**

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

REFUSAL OF PLANNING PERMISSION

Ref. No. **2015/0252/TP**

Applicant

Mrs Julie Cameron
8 Victoria Grove
Barrhead
East Renfrewshire
G78 1GE

Agent:

With reference to your application which was registered on 8th June 2015 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Enlargement of garden at side with erection of 1.8 metre high fence

at: 8 Victoria Grove Barrhead East Renfrewshire G78 1GE

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 change of use from open amenity space to enclosed private garden ground is contrary to Policy D1 of the adopted East Renfrewshire Local Development Plan as it detracts from the character and visual amenity of the area by removing a soft landscaped edge from a visually prominent part of the development.

Dated 7th July 2015



Director of Environment
East Renfrewshire Council
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG
Tel. No. 0141 577 3001

The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	LOCATION		

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 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**

**NOTICE OF REVIEW
AND
STATEMENT OF REASONS**

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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

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

Yes No

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

Planning authority

Planning authority's application reference number

Site address

Description of proposed
development

Date of application

Date of decision (if any)

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

N/A

Site inspection

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

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

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

N/A

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 ENCLOSED STATEMENT

- One of the reason that the application was refused was because open space would be enclosed. As you can see from the enclosed document (Appendix 1), it describes in the missives that open land is tinted green and the land we own is tinted blue therefore we are not enclosing open space. It also states in the lawyers letter on purchasing the land that we have exclusive ownership of the house and garden ground tinted blue on the plan (refer to Appendix 1 and 2 which from our planning application we simply want to move a fence from one piece of land that we own to another part.
- There have been other successful planning applications in East Renfrewshire Council where open space has been enclosed and have been given permission, these are as follows:

Ref Number 2008/0431/TP – 1 Deanston Park, Barrhead

Ref Number 2002/0060/TP – 2 Victoria Grove, Barrhead (this property is at other end of the street in question and was granted permission to enlarge the garden, enclosing open space to the side of the house

Ref Number 1998/0323/TP – 1 Easdale Place, Newton Mearns.

All the above properties have enclosed space adjacent to the properties in the same was we have applied to do. Therefore why have they been given permission?

- With regard to the "Report of Handling" it states that the erection of the 1.8 metre high timber fencing would encroach forward of the building line formed by the applicants house and house to the rear. The existing fence/wall is already in front of the so called building which is normally the front of the house?
- The report also states that in common with other areas of amenity open space within the development it is grassed and in this case planted with shrubs and a tree and contributes towards the open character of the area. If this wedge had to be kept clear to satisfy the recommendations of the roads department in terms of sight lines across the bend nothing more than 1 metre in height should have been placed with the visibility splay.
- The report also states that the above in conjunction with other areas of amenity open space which have been laid out by the original developer contributes towards the open character of the area. However other areas may not have been the subject of visibility.
- Visibility standards have been reduced in recent years and if this development was proposed today the proposed fence line would not interfere with these.

Notice of Review

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

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

Appendix ① Map of the plot from title deeds

Appendix ② Letter from lawyer

Appendix ③ Extract from our title deeds highlighting that open space is tinted green

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

30th Sept, 2015

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



Cameron Pinkerton & Co.

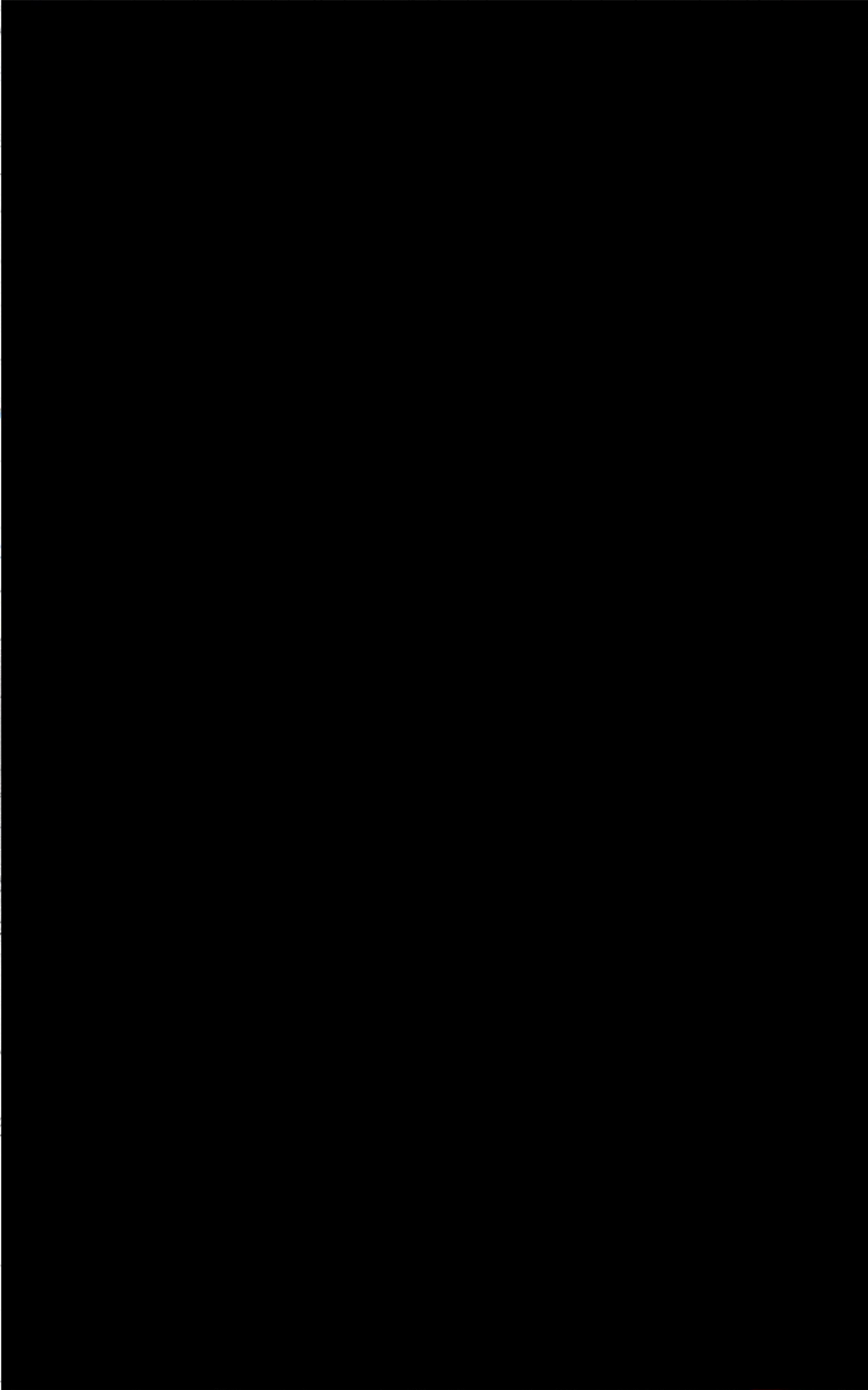
SOLICITORS, ESTATE AGENTS AND NOTARIES PUBLIC

Partners:

DOUGLAS T. MUIR LL.B., N.P.
GEORGE J. DUFF B.A., LL.B., Dip.L.P., N.P.
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Conveyancing Paralegal: MORAG SINCLAIR
Conveyancing Paralegal: LAURA ADAM
Court Paralegal: EILEEN LAMONT

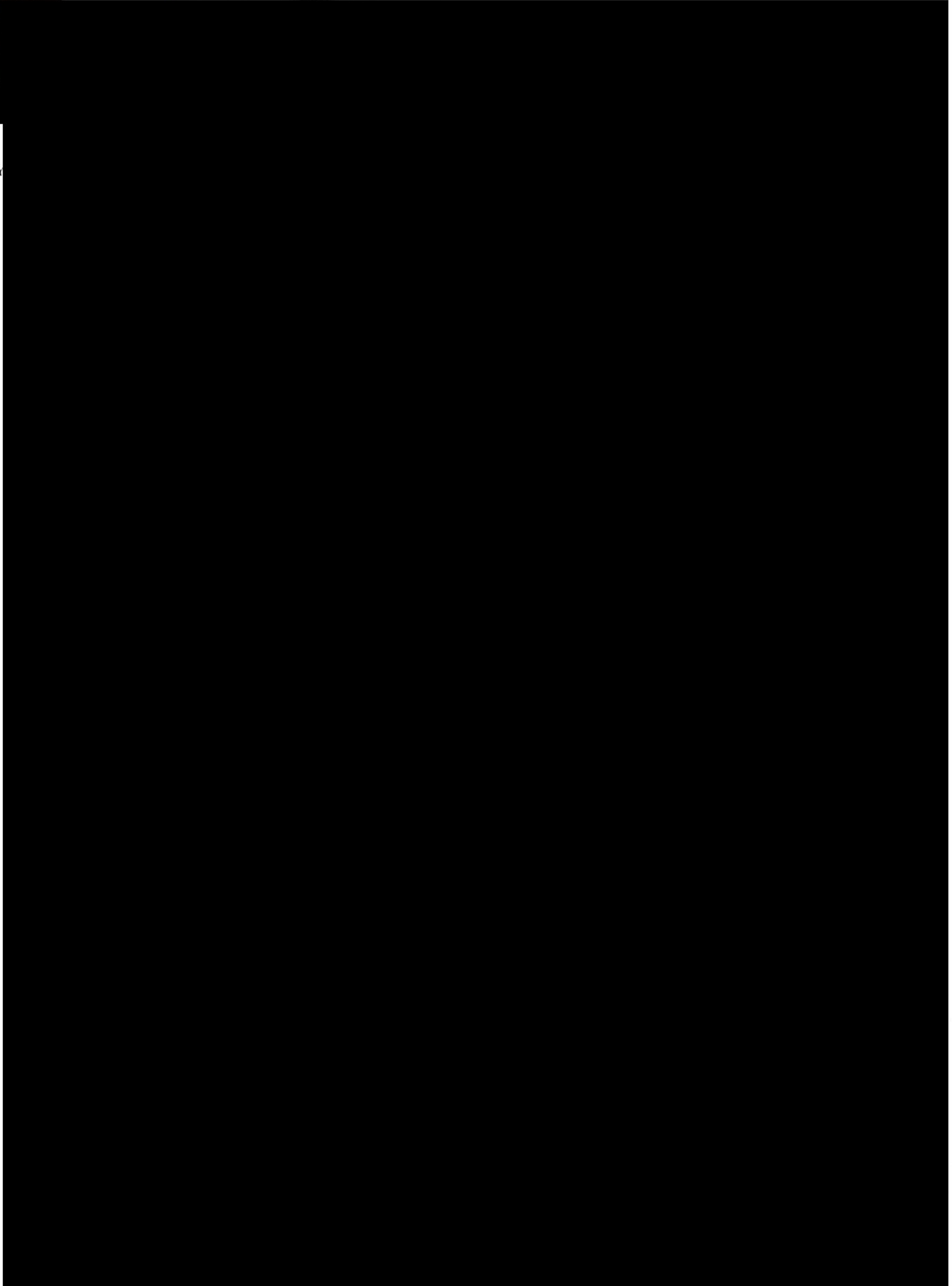
21 GAUZE STREET,
PAISLEY, PA1 1ES.
Tel: 0141-887 5211/2414
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DX: PA46



LAND REGISTER OF SCOTLAND



ENTRY
NO



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PLANS/PHOTOGRAPHS/DRAWINGS

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REFUSED

Director of Environment
East Renfrewshire Council

51
8 Victoria Grove Barrhead G78 1QE.

Application Boundary

Land Ownership

Key:

Existing wall and fence

Proposed privacy fence

2m wide grassed service strip



Removal of existing 1.8m high combination brick wall and topper fence to be removed and replaced with a 1.8m high timber privacy fence on a new line as shown on plan

Applicant :- Mr & Mrs I Cameron
8 Victoria Grove
Barrhead

AMENDED PLANS RECEIVED
Date: 28/5/15

Scale : 1/500

These are the plans referred to in the Application for Planning Consent.

Signed

Dated

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ADDITIONAL PLANS RECEIVED
Date: 4/6/15

Proposed Design
of fence



ADDITIONAL PLANS RECEIVED
Date: 4/6/15

Proposed Design
of fence