

EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

7 October 2015

Report by Deputy Chief Executive

REVIEW OF CASE - REVIEW/2015/13

ALTERATIONS TO ROOF AT REAR WITH ASSOCIATED RAISING OF RIDGE LINE TO FORM GABLE END IN PLACE OF HIPPED ROOF WITH INSTALLATION OF DORMER WINDOW AT FRONT; ERECTION OF SINGLE STOREY REAR EXTENSION AT 19 CLYTH DRIVE, 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:- 2015/0309/TP).
- Applicant: Mr and Mrs Kelly.
- Proposal: Alterations to roof at rear with associated raising of ridge line to form gable end in place of hipped roof with installation of dormer window at front; erection of single storey rear extension.
- Location: 19 Clyth Drive, Giffnock.
- Council Area/Ward: Giffnock and Thornliebank (Ward 3).

REASON FOR REQUESTING REVIEW

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

RECOMMENDATIONS

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

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

BACKGROUND

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

6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the "local development" category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an "appointed officer". In the Council's case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (Planning, Economic Development and City Deal).

7. The report highlighted that historically appeals against planning decisions were dealt with by Scottish Ministers. However, following the introduction of the new planning provisions which came into effect on 3 August 2009 all appeals against decisions made in respect of local developments under delegated powers would be heard by a Local Review Body. The Local Review Body would also deal with cases where the appointed officer had failed to determine an application within two months from the date it was lodged.

NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW

8. The applicants in submitting the review have stated the reasons for requiring the review of the determination of their application. A copy of the applicants' Notice of Review and Statement of Reasons is attached as Appendix 5.

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

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

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 applicants have submitted new information which was not available to the appointed officer at the time the determination of the application was made. The new information relates to letters of representation; a location plan showing various properties and photographs of other properties in the surrounding area.

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 applicants' have been given an opportunity to explain why the information was not made available to the appointed officer at the time the application was determined.

15. In reply, they have indicated that they did not consider that the plan and photographs constituted new information. They also explained that with regard to the letters of representation these were only submitted after their application was refused to demonstrate that their neighbours supported the proposal.

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 interested parties 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 applicants' '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);
- (b) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 3 (Pages);
- (c) Decision notice and reasons for refusal - Appendix 4 (Pages); and
- (d) A copy of the applicants' Notice of Review and Statement of Reasons - Appendix 5 (Pages).

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

- (a) Existing elevations;
- (b) Refused – Location plan; and
- (c) Refused - Elevations and floor plans 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.

21. 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

22. 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:- September 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.

**APPLICATION
FOR
PLANNING PERMISSION**



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 000119917-001

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)

extension to rear of property to form living room and attic conversion to form two bedrooms and shower room

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

No Yes - Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Geoff Smith Architectural Technician
Ref. Number:	
First Name: *	Geoff
Last Name: *	Smith
Telephone Number: *	01505 321951
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	lindasmith1967@yahoo.co.uk

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

Building Name:	
Building Number:	34
Address 1 (Street): *	Cyprus Avenue
Address 2:	Elderslie
Town/City: *	Johnstone
Country: *	UK
Postcode: *	PA5 9NB

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	Mr
Other Title:	
First Name: *	and Mrs
Last Name: *	Kelly
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:	19
Address 1 (Street): *	Clyth Drive
Address 2:	Clarkston
Town/City: *	Glasgow
Country: *	Scotland
Postcode: *	G46 64W

Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

19 CLYTH DRIVE

Address 5:

Address 2:

GIFFNOCK

Town/City/Settlement:

GLASGOW

Address 3:

Post Code:

G46 6NW

Address 4:

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

Northing

658550

Easting

256835

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

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

Yes No

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

Access and Parking

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

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you 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: Geoff Smith

On behalf of: Mr and Mrs Kelly

Date: 12/05/2015

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: Geoff Smith

Declaration Date: 12/05/2015

Submission Date: 12/05/2015

Payment Details



Created: 12/05/2015 13:44

COPIES OF REPRESENTATIONS

Application Comments for 2015/0309/TP

Application Summary

Application Number: 2015/0309/TP

Address: 19 Clyth Drive Giffnock East Renfrewshire G46 6NW

Proposal: Alterations to roof at rear with associated raising of ridge line to form gable end in place of hipped roof with installation of dormer window at front; erection of single storey rear extension

Case Officer: Ms Fiona Morrison

Customer Details

Name: Mr Deryck Beedie

Address: 21 Clyth Drive, Giffnock, East Renfrewshire G46 6NW

Comment Details

Commenter Type: Rec'd NeighbourNotification from Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We live next door to this application site. The new window in the downstairs bedroom will be exactly opposite and facing our kitchen and bathroom windows. There is an existing hedge and wooden fence with gate at 1.8m height on the applicants side of our boundary which will to a reasonable extent maintain our privacy. We would request that a condition be applied to any permission granted that requires the fence/gate and hedge as existing be maintained as is in the future.

We have spoken directly with the applicants and understand they would be happy with this condition.

REPORT OF HANDLING

REPORT OF HANDLING

Reference: 2015/0309/TP

Date Registered: 13th May 2015

Application Type: Full Planning Permission

This application is a Local Development

Ward: 3 -Giffnock And Thornliebank

Co-ordinates: 256835/:658550

Applicant/Agent:

Applicant:
Mr and Mrs Kelly
19 Clyth Drive
Giffnock
East Renfrewshire
G46 6NW

Agent:
Geoff Smith Architectural Technician
Mr. Geoff Smith
34 Cyprus Avenue
Elderslie
Johnstone
PA5 9NB

Proposal: Alterations to roof at rear with associated raising of ridge line to form gable end in place of hipped roof with installation of dormer window at front; erection of single storey rear extension

Location: 19 Clyth Drive
Giffnock
East Renfrewshire
G46 6NW

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

1996/0405/TP	ERECTION OF REAR CONSERVATORY	GRA	21.10.1996
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REPRESENTATIONS:

1 representation has been received:

Representations can be summarised as follows:

Concerns relating to the installation of a window and the potential impact on privacy.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

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

ASSESSMENT:

The site comprises a detached bungalow that is situated within a residential area of similar detached house types, some of which have been developed to one and a half storey. Set back from the public footpath the property has extensive garden ground that is bound by a mix of shrubbery and hedging. It is intended to remove an existing conservatory to the rear of the property prior to any development on site.

The proposal is for alterations to the roof with the associated raising of the ridge line to form a gable end in place of the existing hipped roof with the installation of a dormer window at the front of the property. It is also proposed to erect a single storey extension to the rear of the property. The alterations at upper floor level will accommodate two bedrooms and a shower room and the single storey rear extension will provide additional living space. Comprising a pitched roof the rear extension will project 3.8m from the rear elevation of the house with a width of 7m.

The proposal requires to be assessed against Policies D1 and D14 of the adopted Local Development Plan and the (SPG) Supplementary Planning Guidance - Householder Design Guide. Policy D1 requires that any proposed development 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. Furthermore, the amenity of the neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy.

Policy D14 requires that any extension must complement the existing character of the property, particularly in terms of style, form and materials.

The (SPG) goes further in emphasising that extensions to the rear of bungalows should:

- o Have the same roof design as the house and not form a gable end
- o Have its ridge line below the ridge of the house

Dormer windows should:

- o Be wholly contained within the roof slope and set below the roof/ridge and off the side ridge/hip
- o Be positioned centrally in a hipped roof

The proposed alteration to the roof, including the raising of the ridge line and the rear gable wall, is considered to be of a design and form markedly different to that of the existing hipped roof dwelling. As such, the proposed alteration cannot be considered to be in keeping with the character of the existing dwelling which is a pyramidal roofed bungalow. Indeed, the proposed alteration is considered to detract from, dominate and overwhelm this original pyramidal form. This is exacerbated by the proposed dormer window which projects from the raised ridge/hip of the existing house.

This is considered to be detrimental to the character and amenity of the wider area, particularly as Clyth Drive and the surrounding streets are characterised by modest hipped roofed bungalows, the majority of which retain their original form.

Elements of the proposal were considered acceptable such as the single storey extension to the rear of the property albeit a hipped roof would have been more in keeping with the existing house.

Amendments to the proposal during the process were not sufficient to meet the provisions of the SPG.

A representation from the occupants of 21 Clyth Drive makes reference to the installation of a bedroom window on the side elevation of the house and the potential impact on privacy. The installation of a window on the existing body of the house does not require planning permission and therefore outwith the Councils control.

For reasons given in the preceding paragraphs, the proposal is contrary to Policies D1 and D14 of the adopted Local Development Plan and the provisions of the SPG. On that basis, the proposal is unacceptable and the recommendation is for refusal of the application.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None.

REASON(S):

1. The development is contrary to Policy D14 of the adopted East Renfrewshire Local Plan as the proposed alterations to the roof to form a gable end with the increase in ridge height would not be in keeping with the character of the existing dwelling in terms of its form and design and would dominate and overwhelm its original form and character.
2. The proposed development would be contrary to the Supplementary Planning Guidance; Householder Design Guide as it does not comply with the general design principles.

ADDITIONAL NOTES: None

ADDED VALUE:

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

BACKGROUND PAPERS:

Any background papers referred to in this report can be viewed at www.ercplanning.eastrenfrewshire.gov.uk/eplanning, where you can enter the Reference Number listed below. Any further information can be obtained from Ms Fiona Morrison on 0141 577 3895.

Ref. No.: 2015/0309/TP
(FIMO)

DATE: 27th July 2015

DIRECTOR OF ENVIRONMENT**2015/0309/TP - APPENDIX 1****DEVELOPMENT PLAN:****Strategic Development Plan**

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

Adopted East Renfrewshire Local Development Plan

Policy D1

Detailed Guidance for all Development

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

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset

of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;

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

Policy D14

Extensions to Existing Buildings and Erection of Outbuildings and Garages

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

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

Side extensions should not create an unbroken or terraced appearance.

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

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

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

GOVERNMENT GUIDANCE: None relevant.

Finalised 27/07/2015.IM.

**DECISION NOTICE
AND
REASONS FOR REFUSAL**

**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. **2015/0309/TP**

Applicant

Mr and Mrs Kelly
19 Clyth Drive
Giffnock
East Renfrewshire
G46 6NW

Agent:

Geoff Smith Architectural Technician
Mr. Geoff Smith
34 Cyprus Avenue
Elderslie
Johnstone
PA5 9NB

With reference to your application which was registered on 13th May 2015 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Alterations to roof at rear with associated raising of ridge line to form gable end in place of hipped roof with installation of dormer window at front; erection of single storey rear extension

at: 19 Clyth Drive Giffnock East Renfrewshire G46 6NW

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 development is contrary to Policies D1 and D14 of the adopted East Renfrewshire Local Plan as the proposed alterations to the roof to form a gable end with the increase in ridge height would not be in keeping with the character of the existing dwelling in terms of its form and design and would dominate and overwhelm its original form and character.
2. The proposed development would be contrary to the Supplementary Planning Guidance; Householder Design Guide as it does not comply with the general design principles.

Dated 27th 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	1022/06		
Plans and Elevations Proposed	1022/02		

GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS

REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY

1. If the applicant is aggrieved by 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**

00677

RECEIVED

21 AUG 2015

Notice of Review



NOTICE OF REVIEW

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

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

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) and Agent (if any) details including Name, Address, Postcode, Contact Telephone, Fax No, and E-mail* for Brian Kelly and Geoff Smith.

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 [x] No []

Planning authority: EAST RENFREWSHIRE COUNCIL

Planning authority's application reference number: 2015/0309/TP

Site address: 19 CLYTH DRIVE GIFFNOCK G46 6NW

Description of proposed development: ALTERATIONS TO ROOF AT REAR WITH ASSOCIATED RAISING OF ROOF LINE TO FORM GABLE END IN PLACE OF HIPPED ROOF WITH INSTALLATION OF DORMER WINDOW AT FRONT; ELECTION OF SINGLE STREET LIGHT BATHS

Date of application: 13 MAY 2015 Date of decision (if any): 27 JULY 2015

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:

IF ANY OF THE MATTERS REQUIRE CLARIFICATION THEN I WOULD BE HAPPY TO SUBMIT ANY FURTHER INFORMATION REQUIRED OR ATTEND A 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 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:

NO REASON

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 SEE ATTACHED DOCUMENTS.

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.

1. GROUNDS OF APPEAL
 2. ORIGINAL PLAN OF HOUSE
 3. COPY OF INITIAL PLANNING APPLICATION - PLAN 1
 4. COPY OF SECOND REDESIGN - PLAN 2
 5. COPY OF FINAL DESIGN - PLAN 3
 6. MAP OF LOCAL AREA WITH HOUSES REFERRED TO HIGHLIGHTED.
 7. PHOTO'S OF PROPERTIES REFERRED TO IN APPEAL DOCUMENT.
 8. LETTERS OF SUPPORT FROM NEIGHBOURS.

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

[Redacted signature box]

Date

21.08.2015.

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

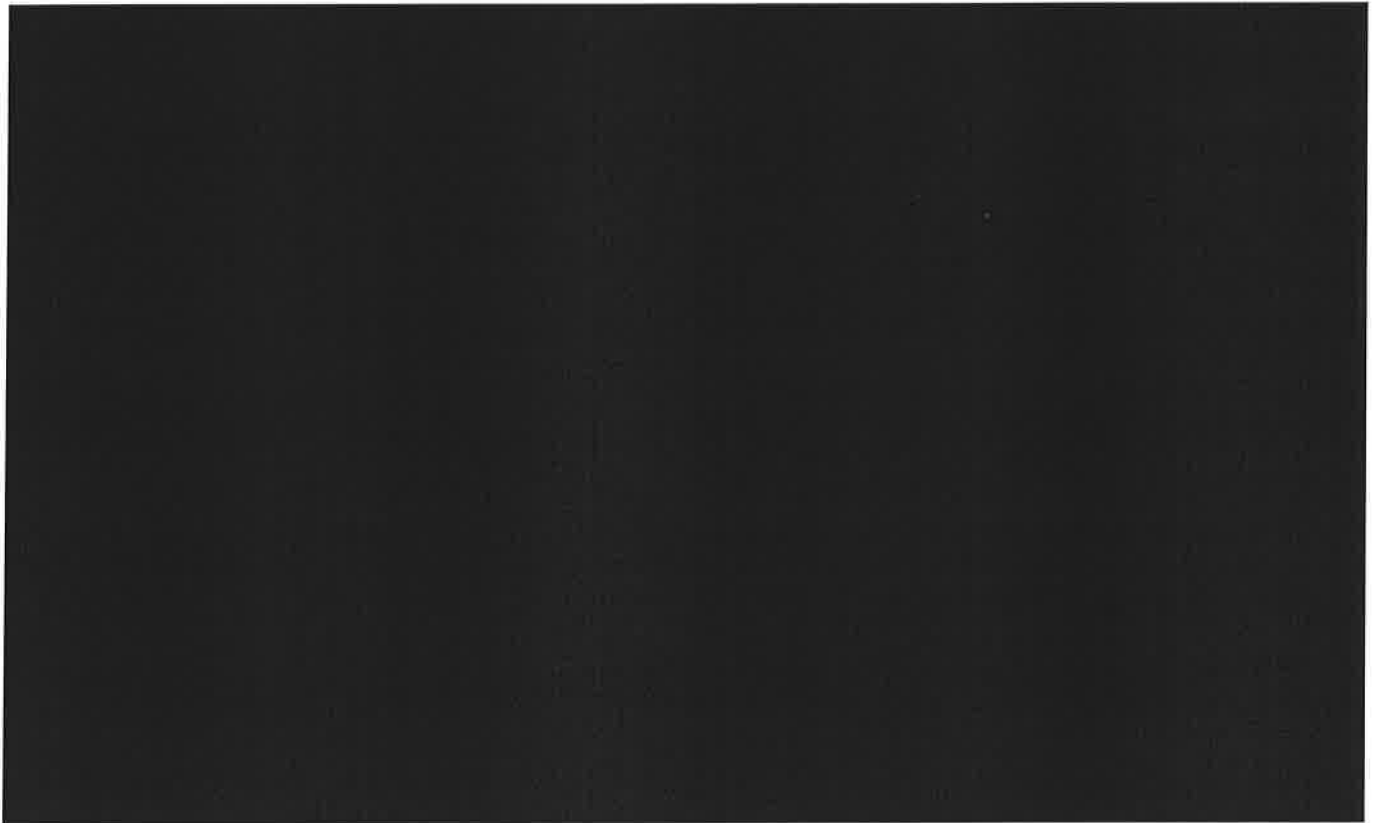
Supporting Documents

1. Grounds of appeal.
2. Original plan of house.
3. Copy of initial planning application – Plan 1.
4. Copy of second redesign – Plan 2.
5. Copy of final design – Plan 3.
6. Map of local area with houses referred to highlighted.
7. Photos of properties referred to in appeal document.
8. Letters of support from neighbours at 4, 6, 17, and 21 Clyth Drive.

GROUNDS FOR APPEAL - 19 CLYTH DR GIFFNOCK G46 6NW

The reason I disagree with the council's decision is because I feel that our proposed development is not contrary to Policies D1 and D14 of the adopted East Renfrewshire Local Plan and the Supplementary Planning Guidance, Householder Design Guide. The proposed development compliments the existing dwelling in its size, scale, massing and density that is in keeping with the design of buildings in the locality as per Policy D1 item 2. The proposed development would complement the existing character of the property in terms of form, design and materials and would not dominate or overwhelm its original form and character as per Policy D14.

In October 2014 when we first contacted our Architectural Technician Mr Geoff Smith, we had looked at the houses in our local area and wanted to make our development nearly identical in design to the properties at:



The reasons for the council's refusal were:

1. The development is contrary to Policies D1 and D14 of the adopted East Renfrewshire Local Plan as the proposed alterations to the roof to form a gable end with the increase in ridge height would not be in keeping with the character of the existing dwelling in terms of its form and design and would dominate and overwhelm its original form and character.
2. The proposed development would be contrary to the Supplementary Planning Guidance; Householder Design Guide as it does not comply with the general design principle.

All of the previous mentioned properties have alterations to the roof to form a gable end with the increase in ridge height and a front dormer window with the roof tied onto the ridge line nearly identical to our planning application. Therefore when reading the councils assessment where they "consider the development to be detrimental to the character and amenity of the wider area, particularly as Clyth Drive and the surrounding streets are characterised by modest roofed bungalows, the majority of which retain their original form" is unjustified.



On the 12th May 2015 our initial planning application (see plan 1) was submitted. On refusal of this plan our architect contacted the planning department and a couple of redesigns were submitted (see plan 2 & 3). Plan 2 with a Dutch gable, hipped roof on rear extension and the front dormer set below the ridge line was given a verbal approval by the planning officer. Plan 3 was submitted as our final plan with a Dutch gable, hipped roof on rear extension and front dormer roof tied into the ridge line. The planning officer stated that this plan would be refused as the dormer roof must be below the ridge height as per the guidelines. However we believe that the style of dormer where it is tied into the ridge line would keep with the design of buildings in the locality as per policy D1 item 2.



With so many similar properties having been granted planning permission and developed nearly identical manner to which we are proposing I fail to see how my application has been refused. We have spent a considerable amount of time with our architect in ensuring that the proposed development would be in a scale and design that compliments the existing property and would not compromise the surrounding area in any respect. Our proposed development is keeping with the character and design of the original house. It is keeping with the character and design of houses in our local area and we believe that our proposed plan is not overwhelming or bulky and will blend in with existing properties to a scale which complements the area and to refuse it on the grounds of its detrimental impact is unjustified.

Please note that I have not went into detail regarding the rear extension as in the councils assessment they state that "elements of the proposal were considered acceptable such as the single storey extension

PLANS 1 - INITIAL PLANNING APPLICATION.
ORIGINAL PLAN OF HOUSE.



SIDE ELEVATION



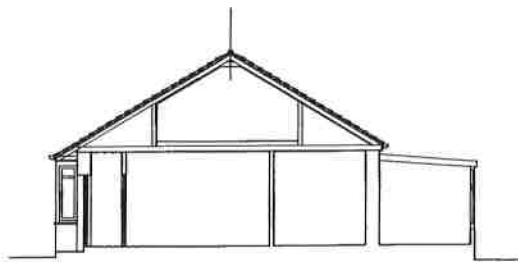
REAR ELEVATION



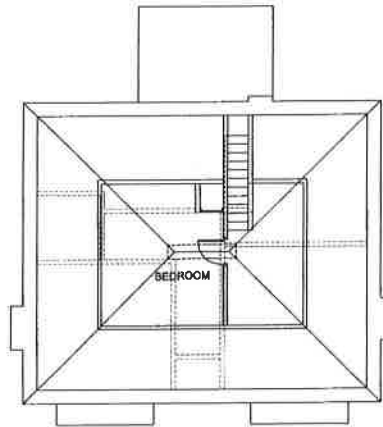
SIDE ELEVATION



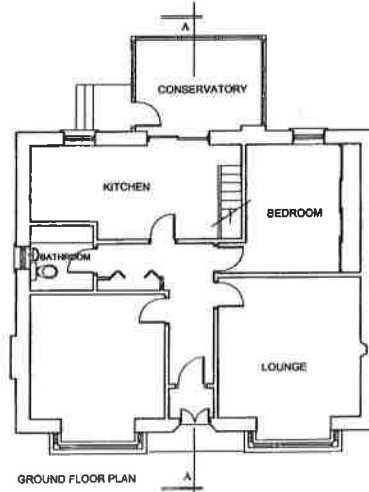
FRONT ELEVATION



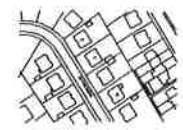
SECTION AA



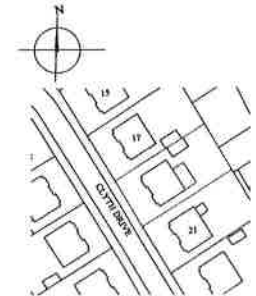
FIRST FLOOR PLAN



GROUND FLOOR PLAN



LOCATION PLAN 1:1250

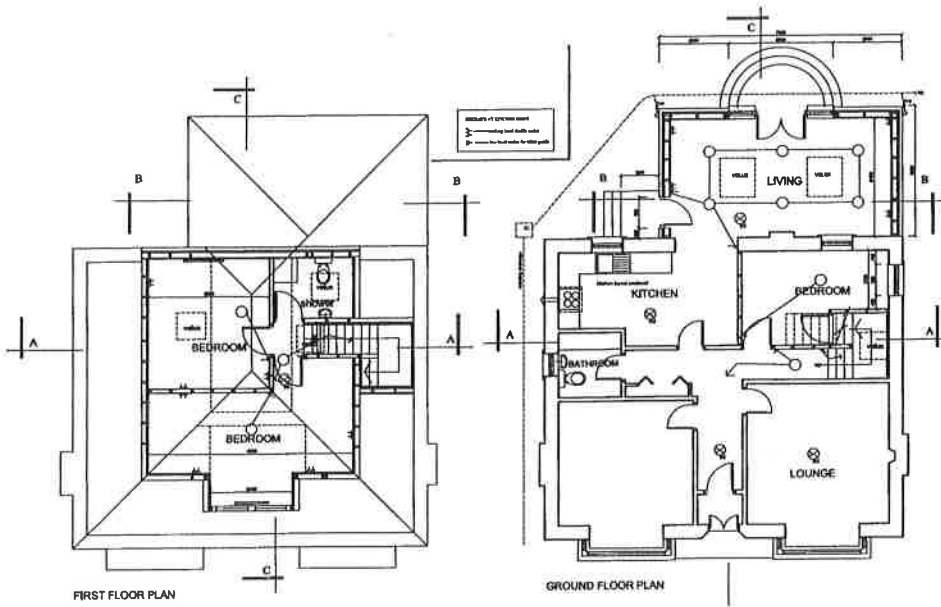
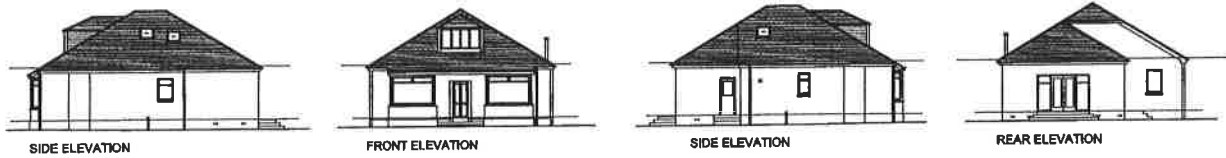


BLOCK PLAN 1:500

<p>GEOFF SMITH Architectural Technician 34 Cypress Avenue, Edinville Midulmead, PA3 9L9 Tel: 01399 321821 www.geoffsmith.co.uk</p>	
<p>PROPOSED EXTENSION AT 19 CLYDE STREET DUFFOCK FOR Mr and Mrs KELLY</p>	
<p>PLANS AS EXISTING 1:50 11/09</p>	
<p><i>These are the plans / a true copy of the plans referred to in my application</i></p>	
<p>Approved: _____ Signed: _____</p>	
OCT 14	192201

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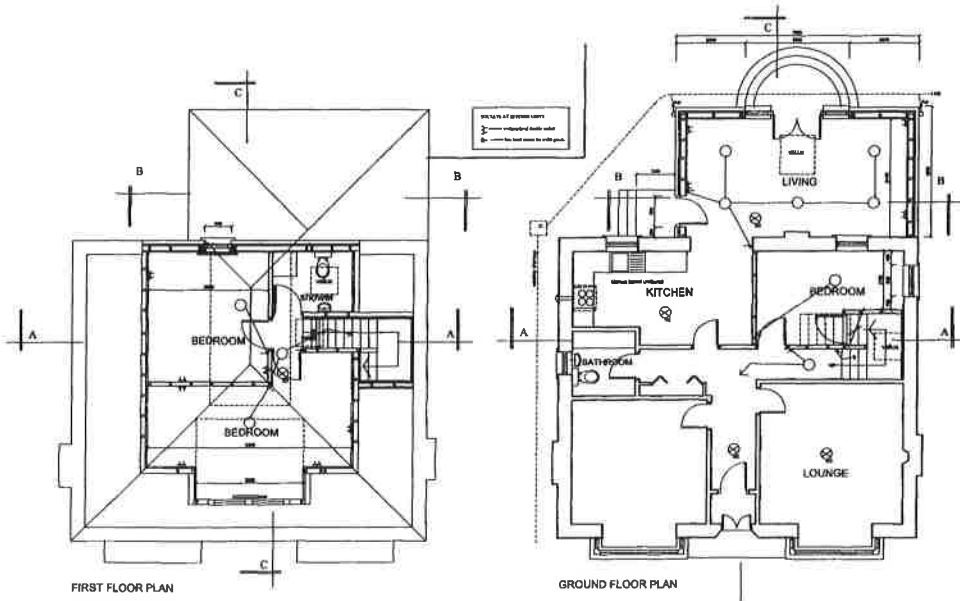
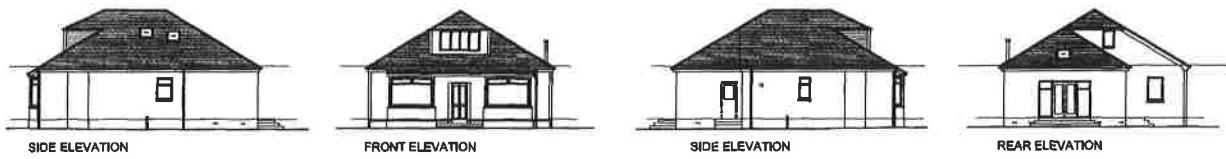
PLAN 2 - SECOND REDESIGN.



<p>GEOFF JAMES Architectural Practitioner 34 Cypress Avenue, Balfourville Johannesburg, T162 9989 Tullane, 011 893 32191 geoff@geoffjames.com</p>	
<p>PROPOSED EXTENSION AT 19 CLYDE DALES OUTPOCK FOR MR and Mrs KELLY</p>	
<p>PLANS AS PROPOSED 1:20 1:100 including 25% Area</p>	
<p><i>Please see the plans for a more complete description of the plans referred to in my application</i></p>	
<p>Dated: _____ Signed: _____</p>	
OCT 14	162/03

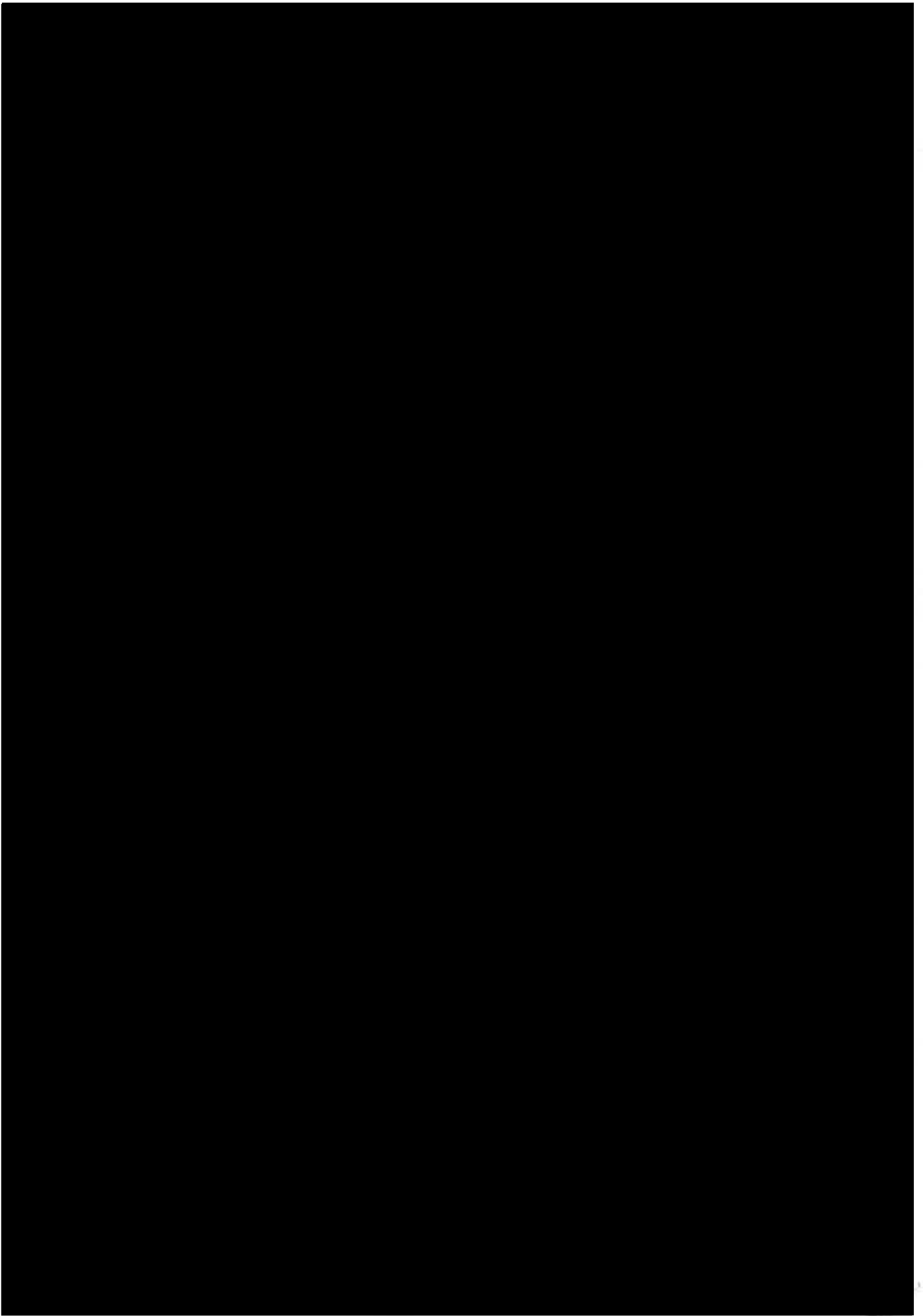
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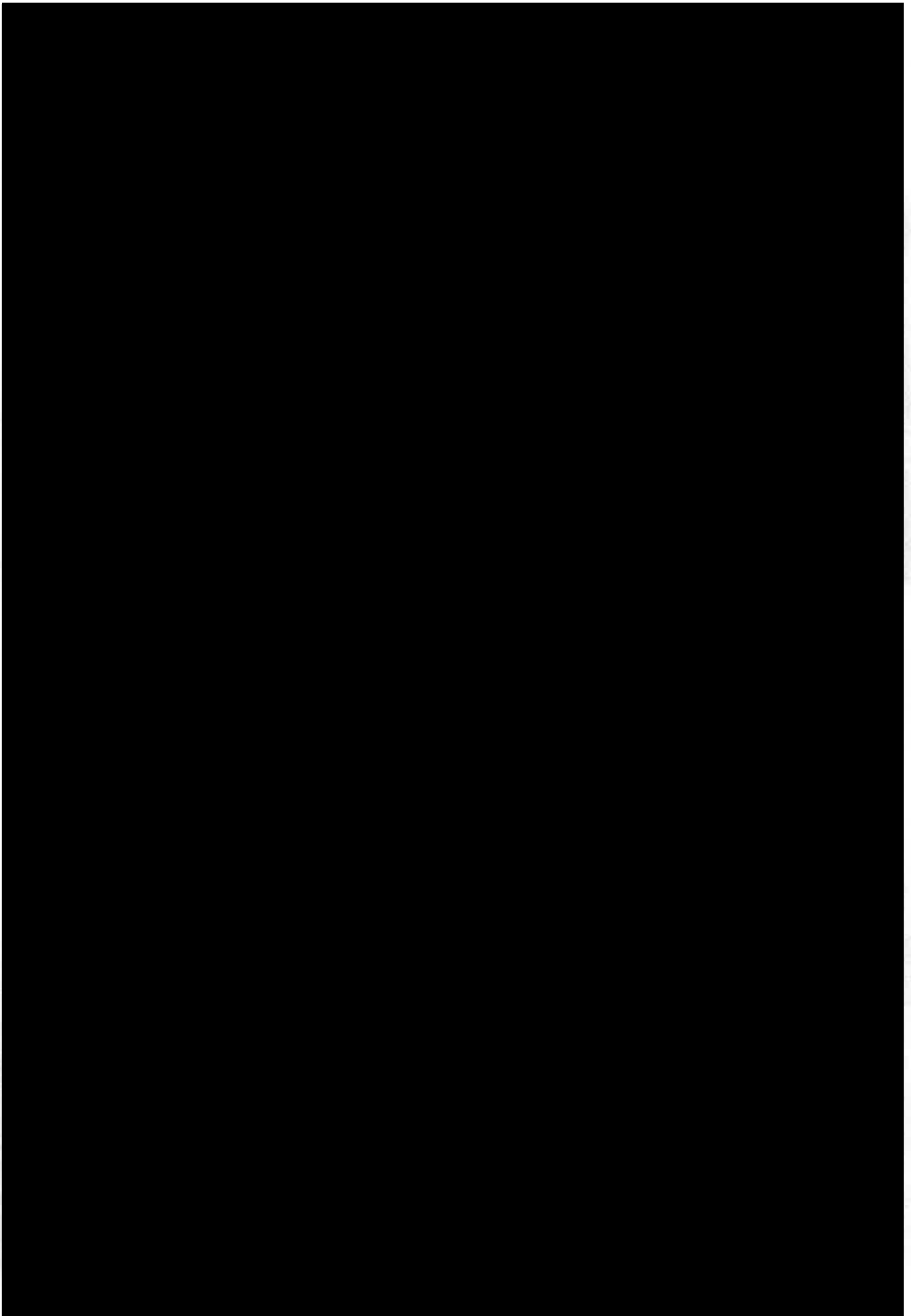
PLAN 3 - FINAL DESIGN

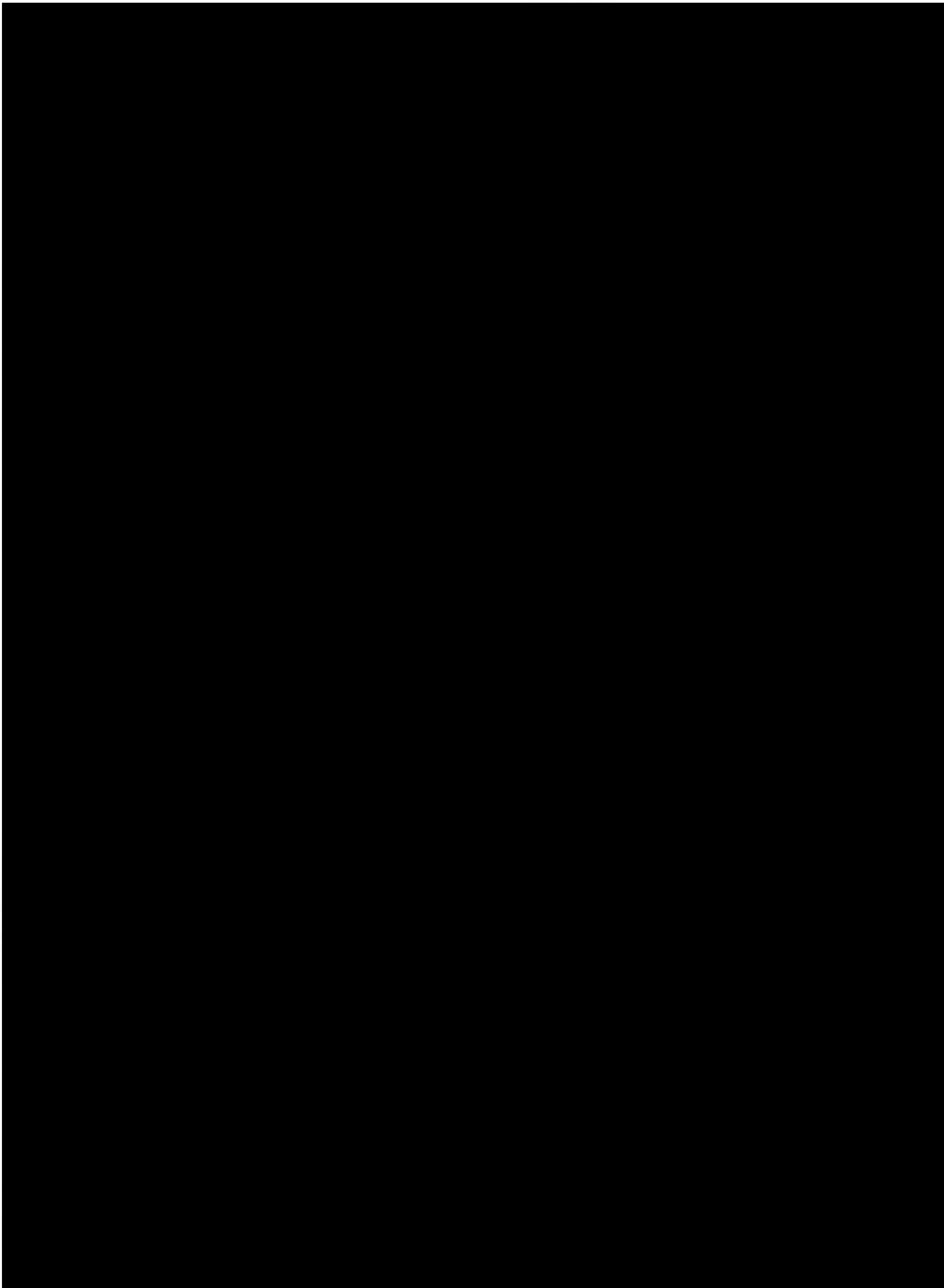


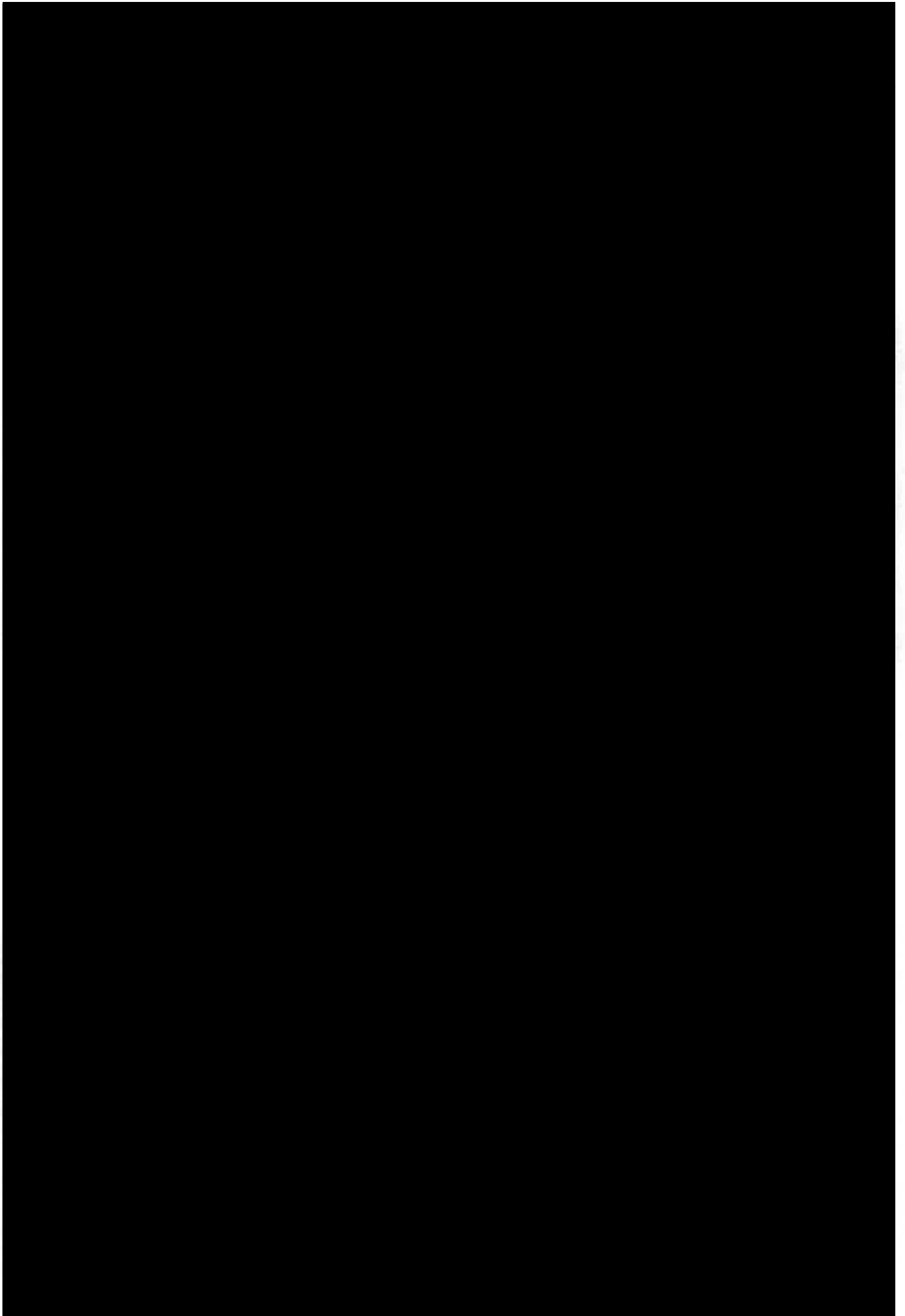
GEOFF SMITH Architectural Technicians 24 Cypres Avenue, Salsburgh Adelaide, S.A. 5093 Tel: (0146) 331891 gsm@geoffsmith.com.au	
PROPOSED EXTENSION AT 19 CLYDE DRIVE GERRINCH, FOR Mr and Mrs KELLY	
PLANS AS PROPOSED 1:50 1/50	
<i>These are the plans / a true copy of the plans referred to in my application</i>	
Date: _____ Signed: _____	
OCT 18	HEDGD
<small>(reference 388) 2008</small>	

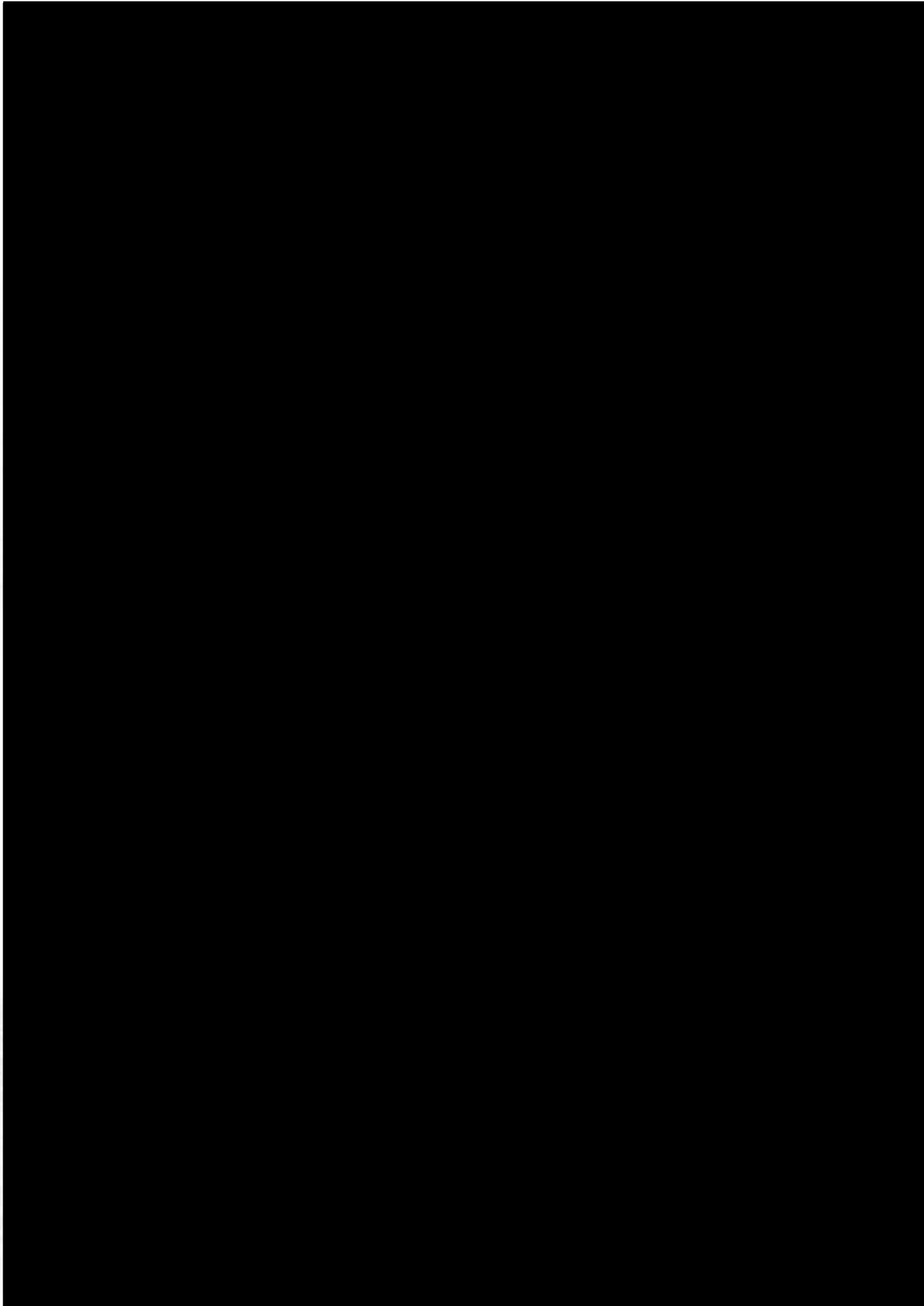
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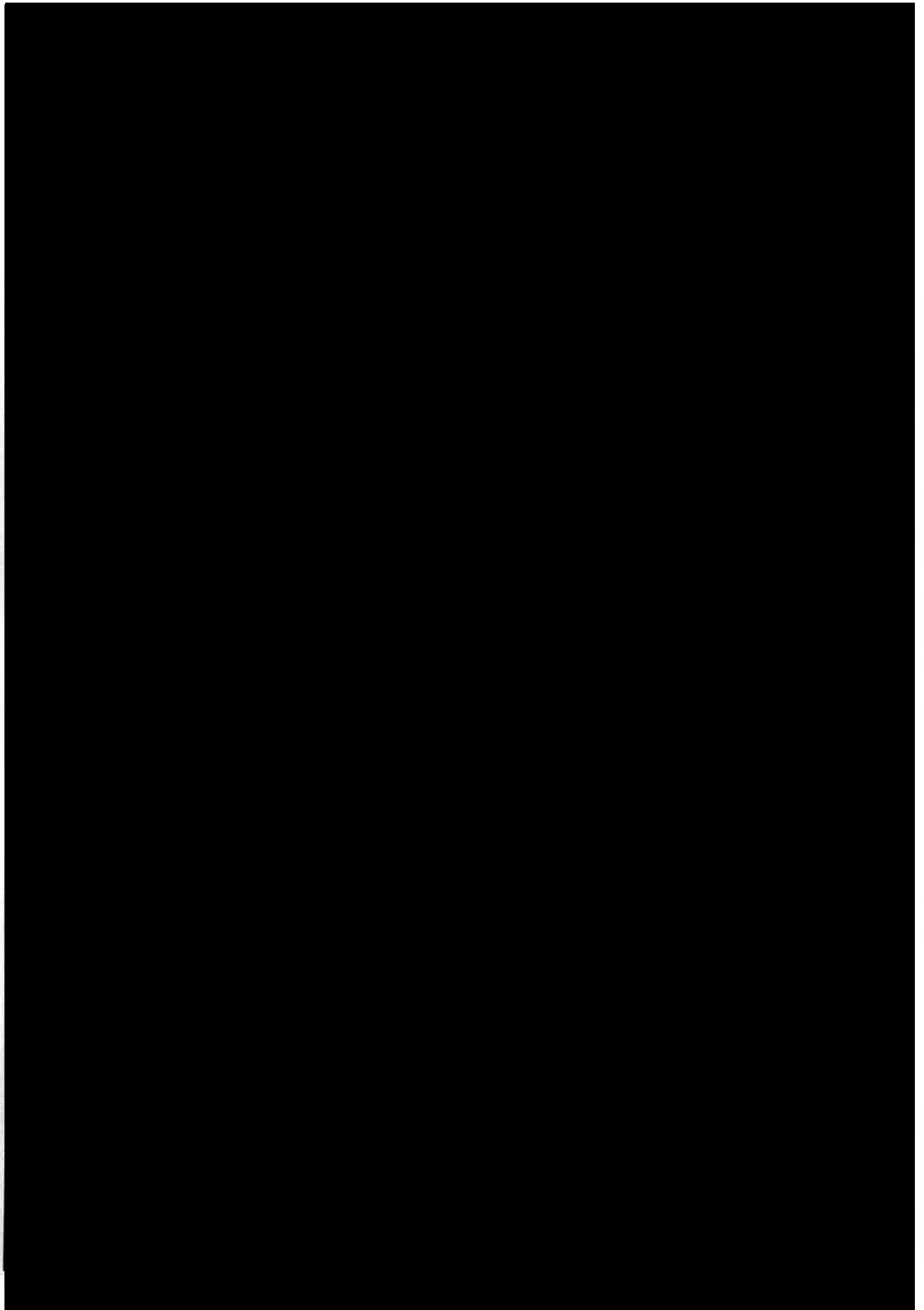


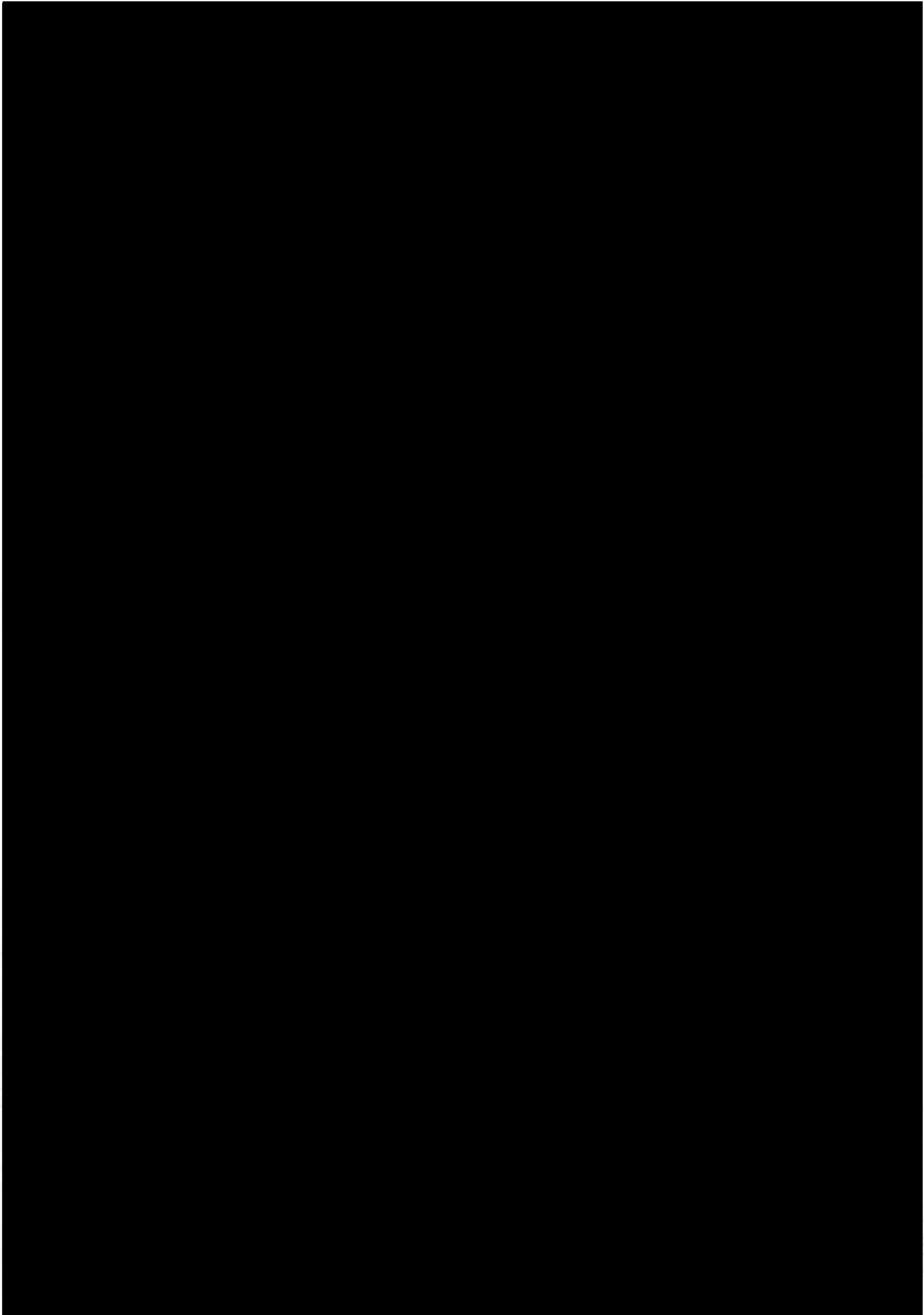


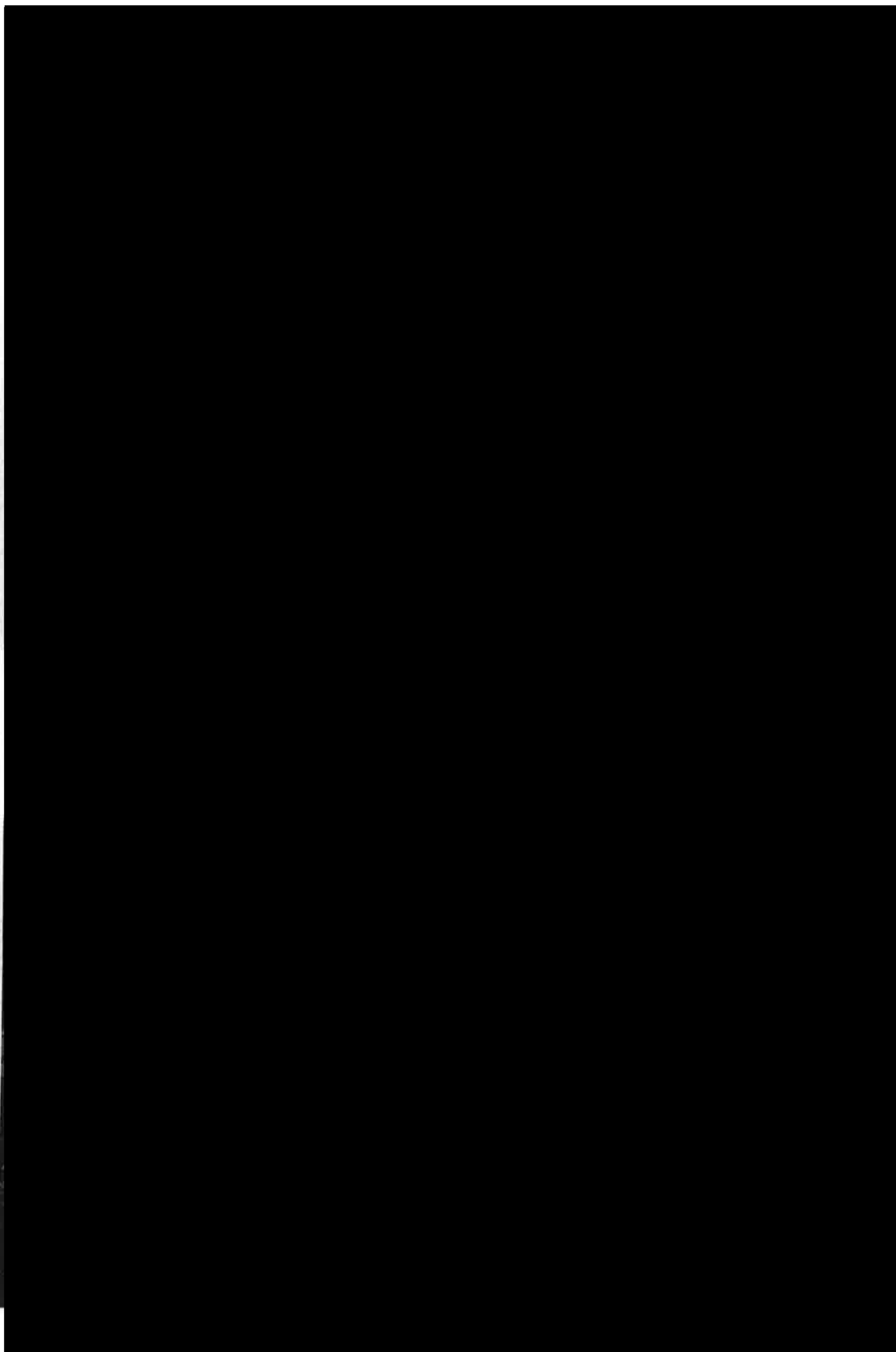


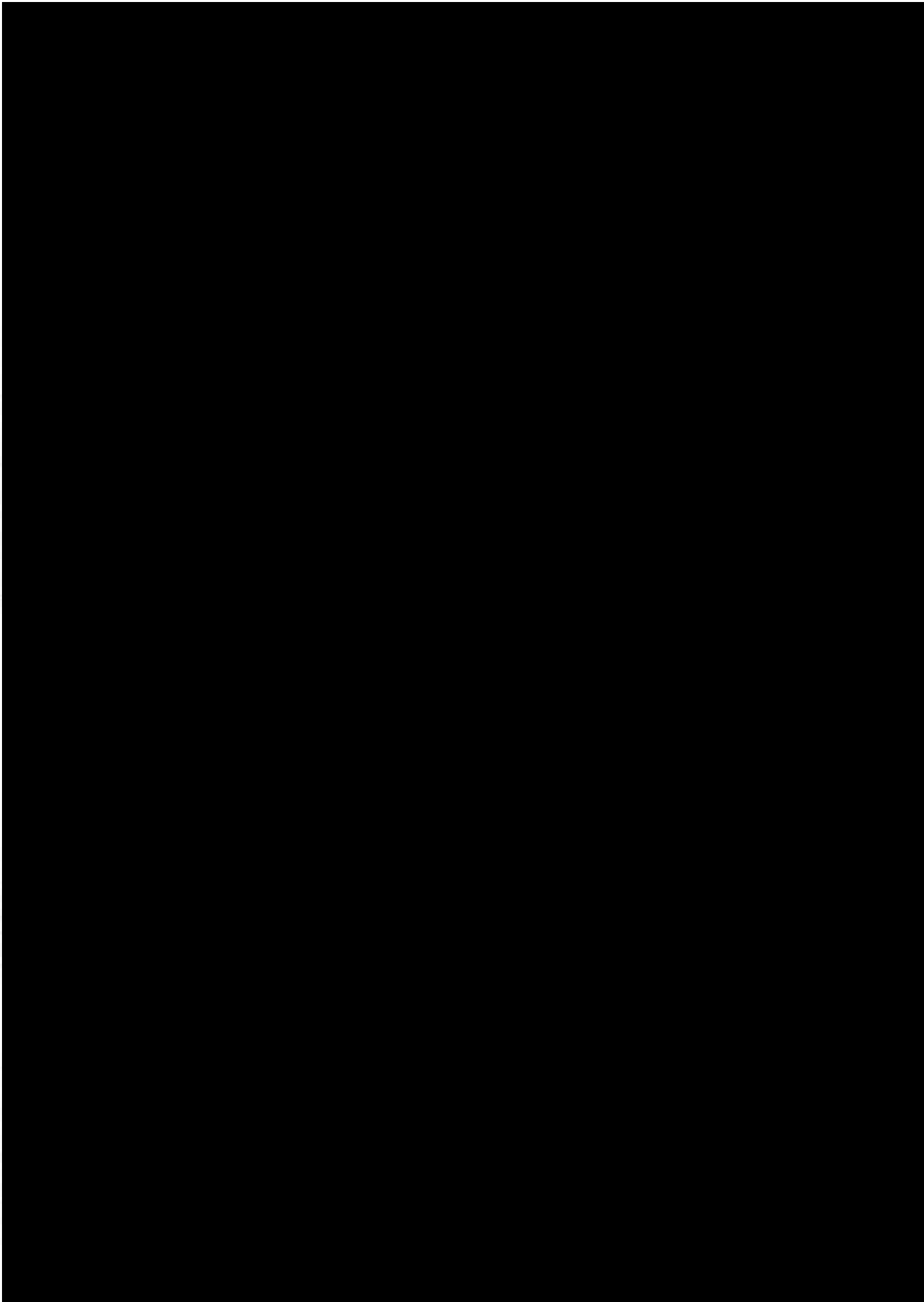


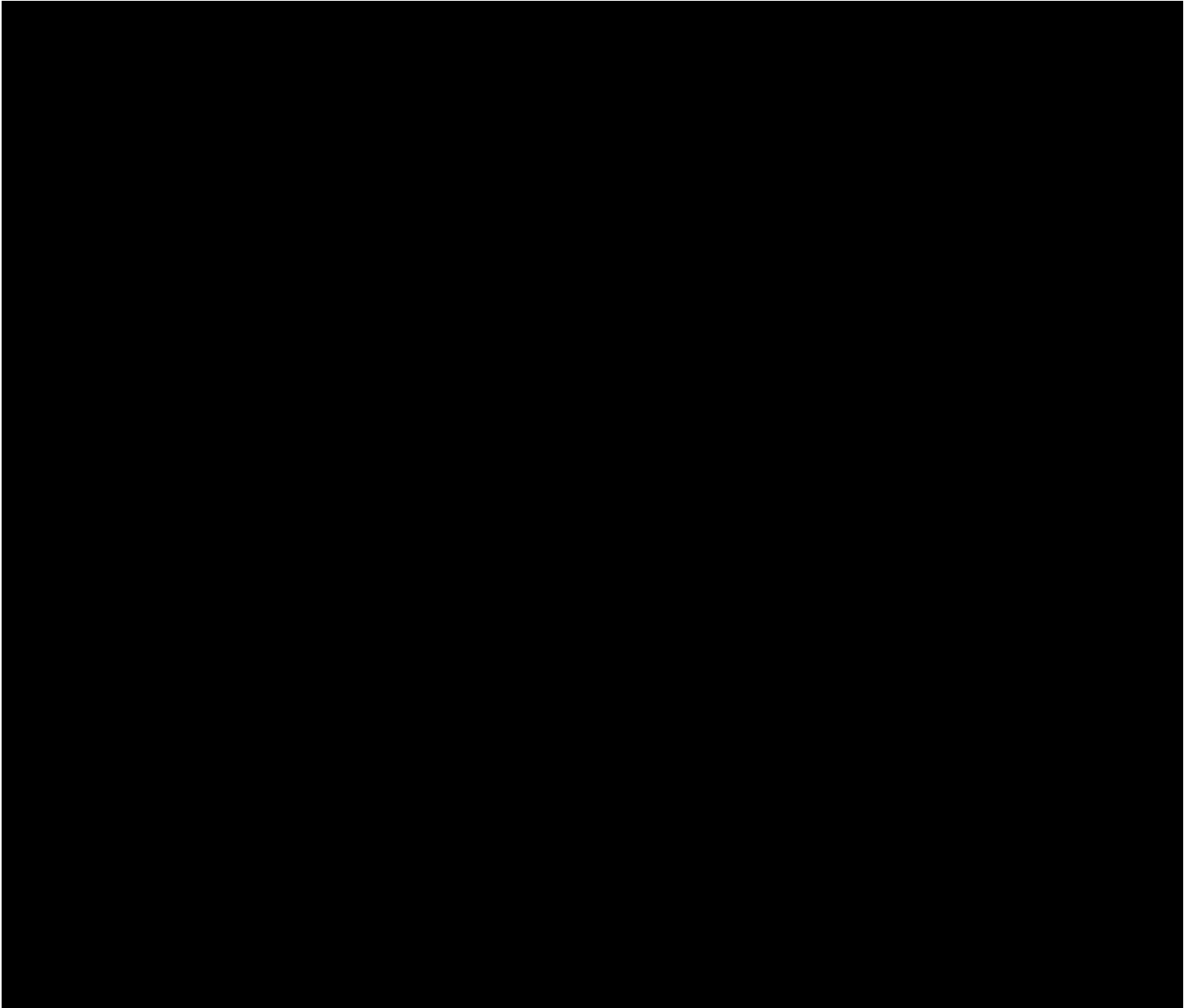




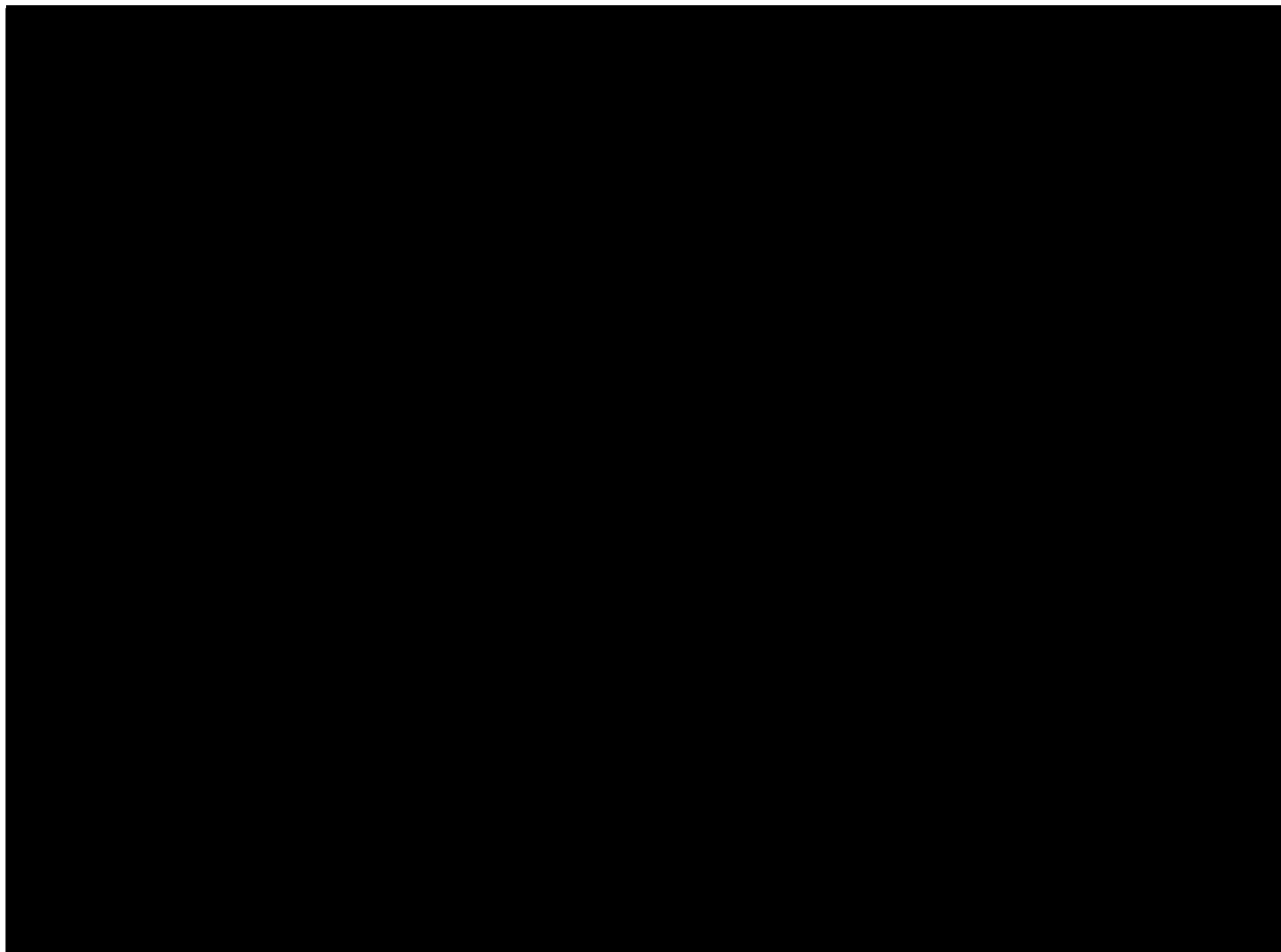




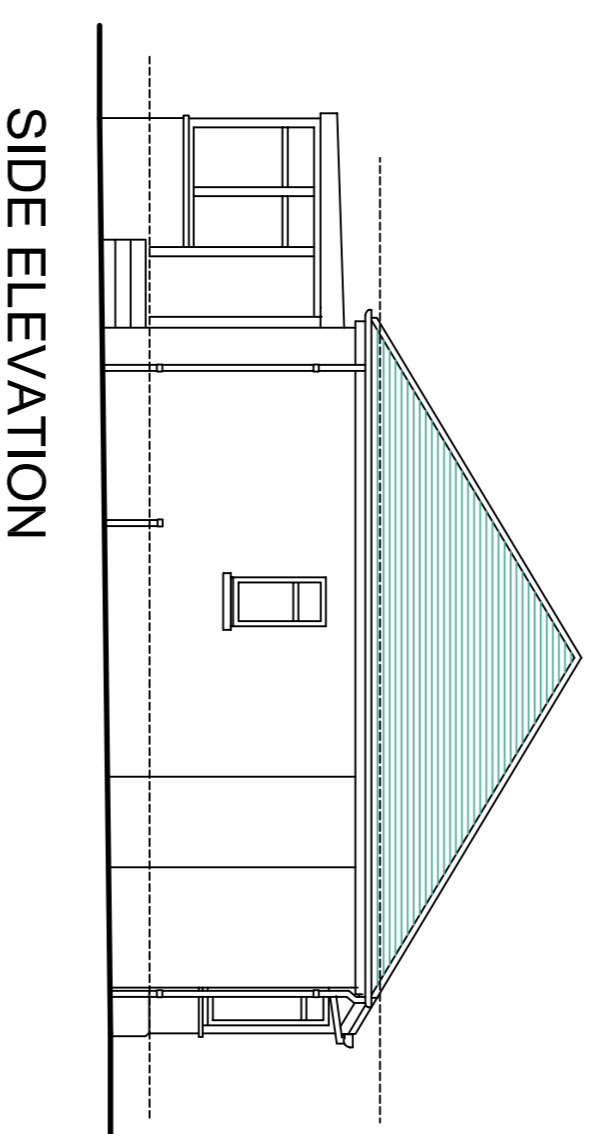




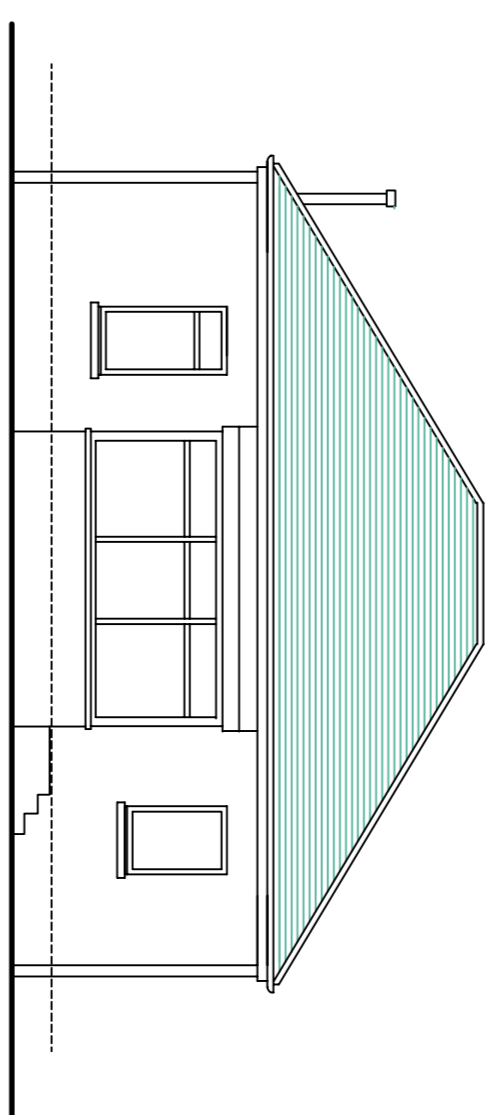




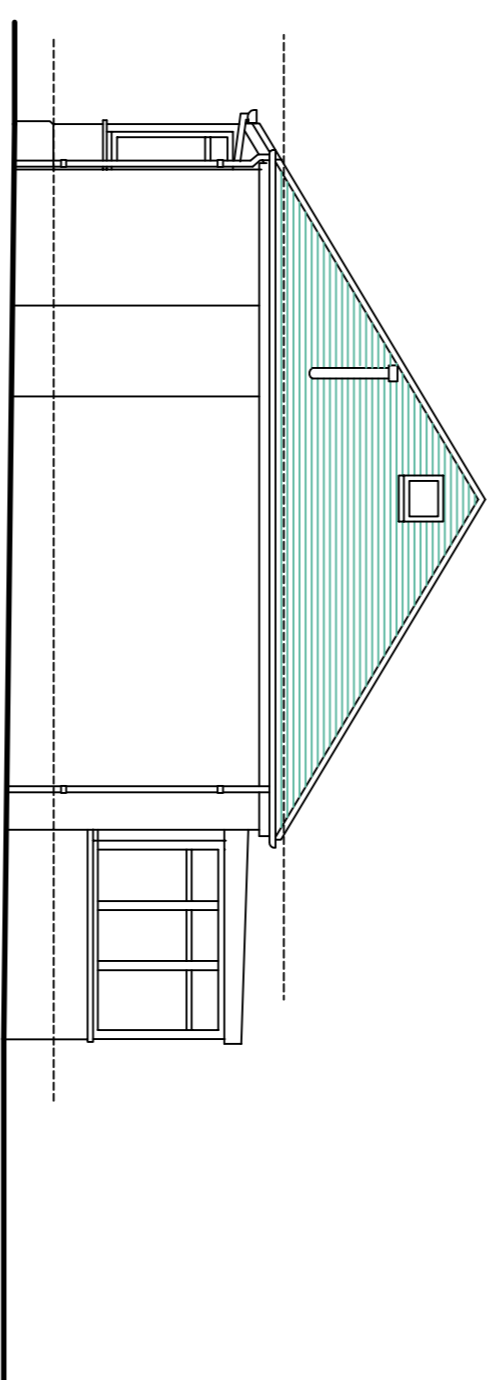
PLANS/PHOTOGRAPHS/DRAWINGS



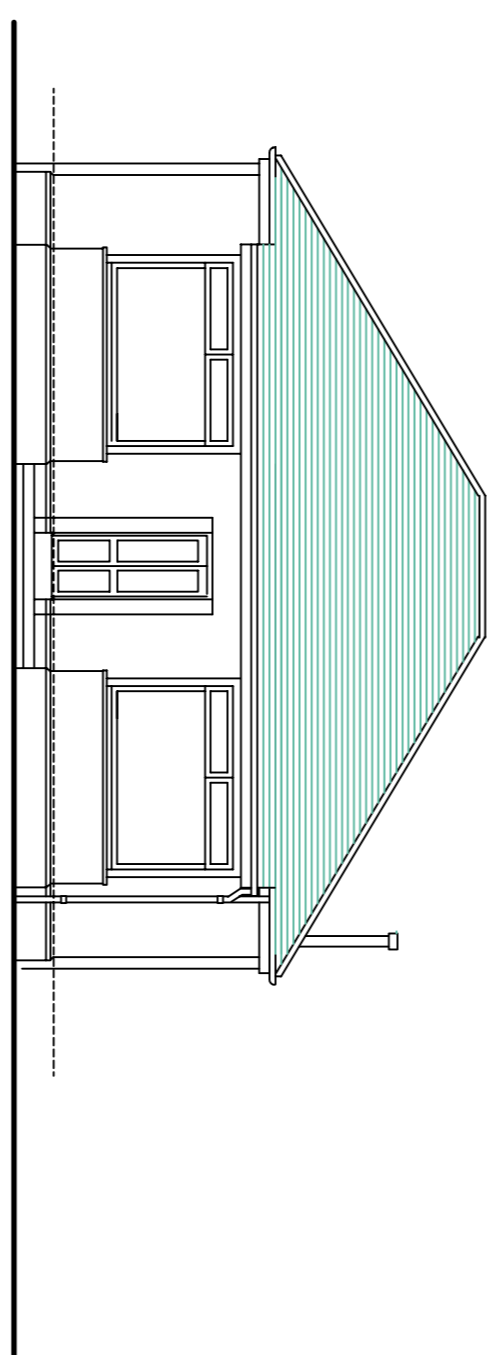
SIDE ELEVATION



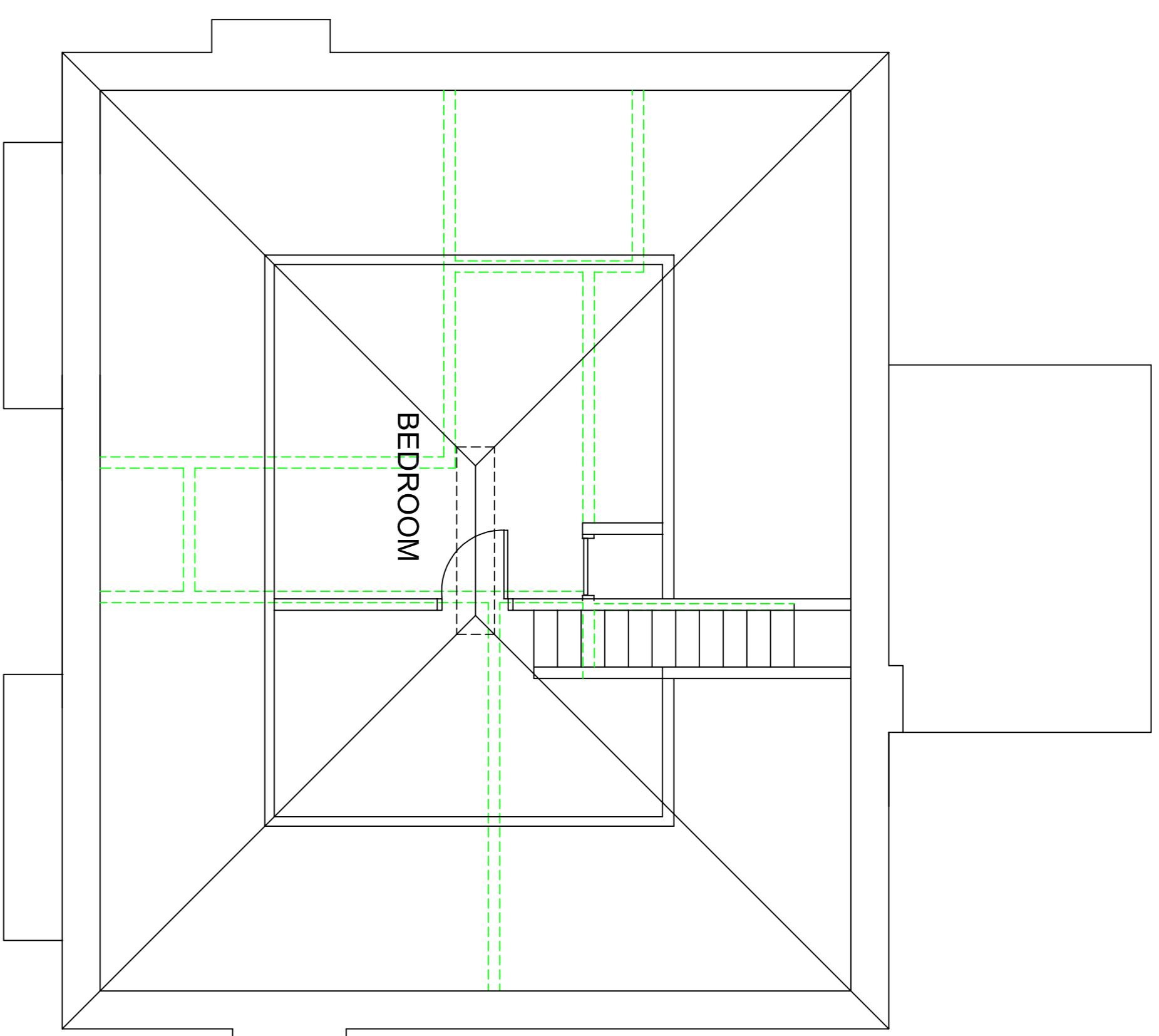
REAR ELEVATION



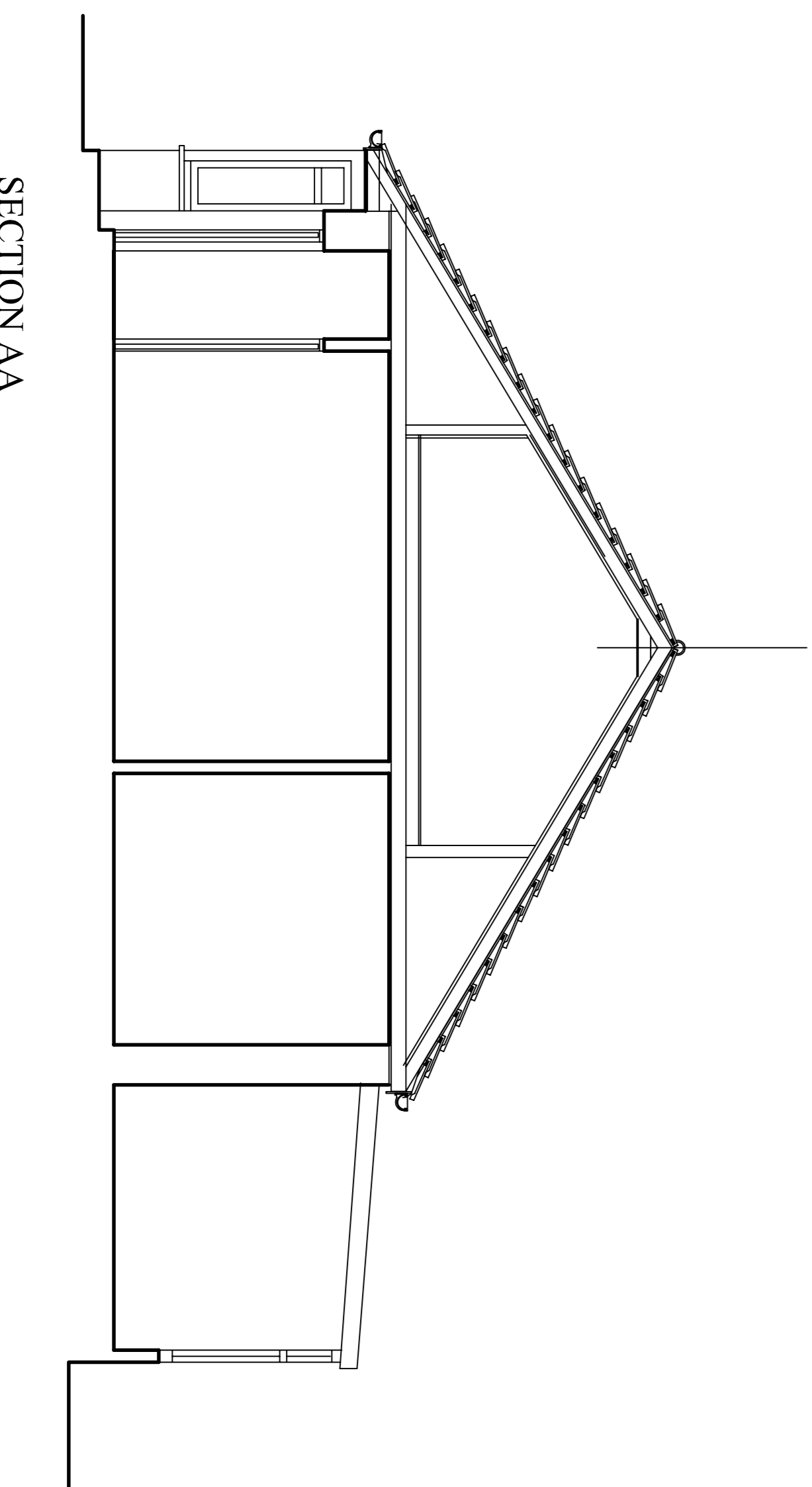
SIDE ELEVATION



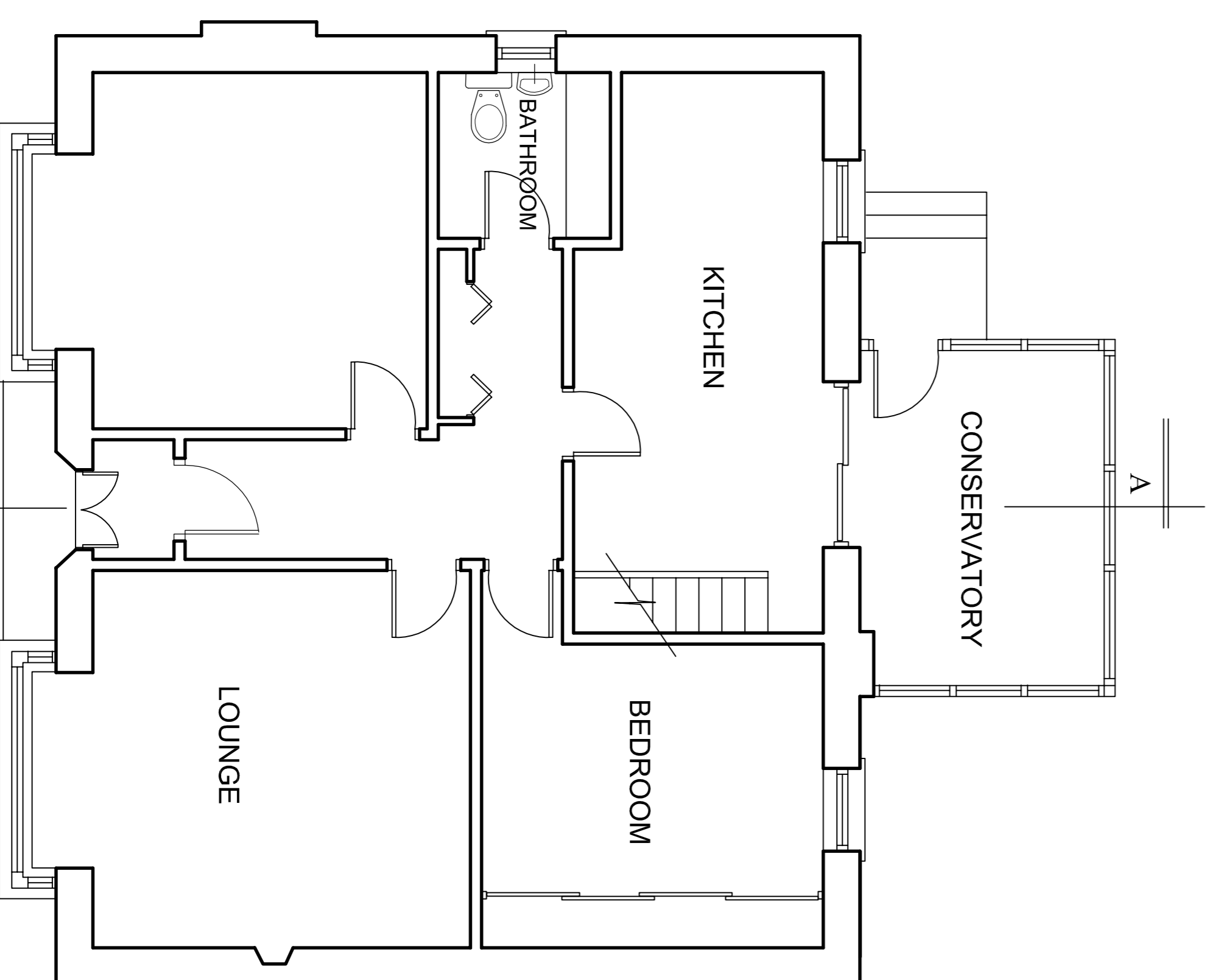
FRONT ELEVATION



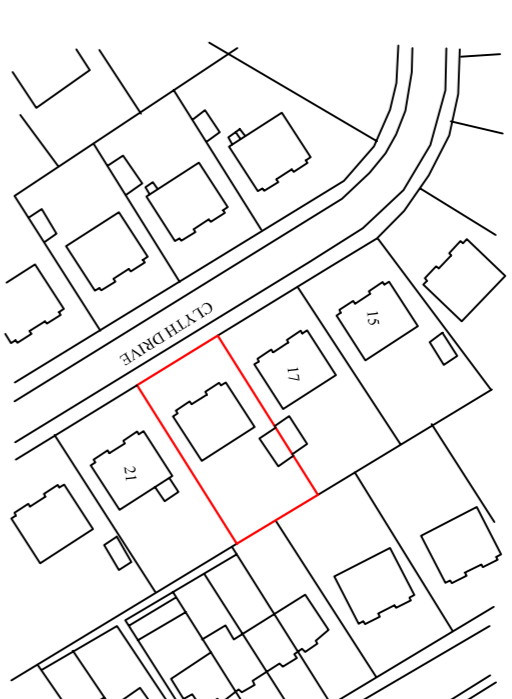
FIRST FLOOR PLAN



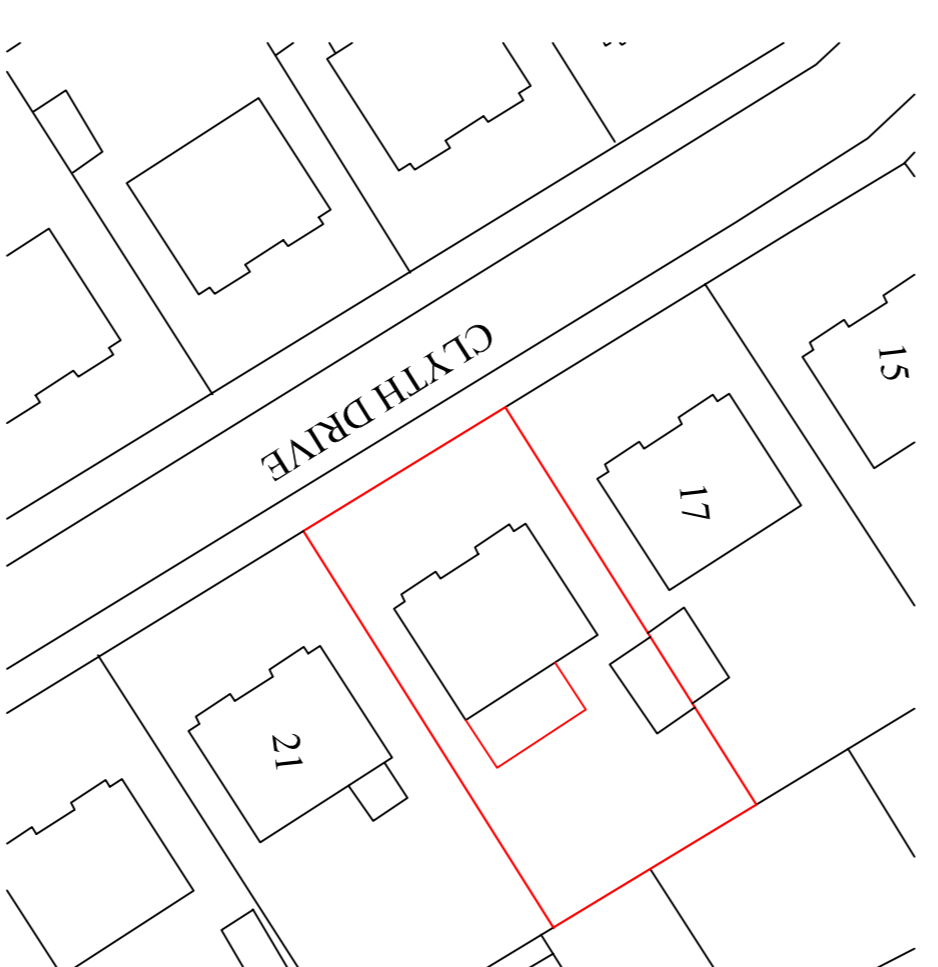
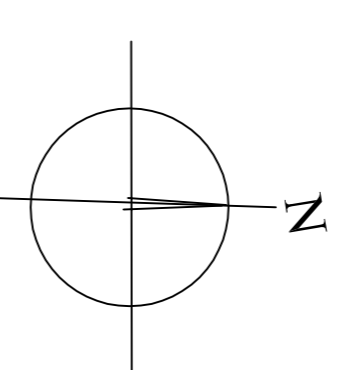
SECTION AA



GROUND FLOOR PLAN



LOCATION PLAN 1:1250



BLOCK PLAN 1:500

GEOFF SMITH
Architectural Technician
 34 Cypnus Avenue, Elderslie
 Johnstone, PA5 9NB
 Tel/Fax (01505) 321951
 geoff.smith@virginmedia.com

PROPOSED EXTENSION
 AT
 19 CLYTH DRIVE
 GIFFNOCK
 FOR MR and MRS KELLY

PLANS AS EXISTING
 1:50 1:100

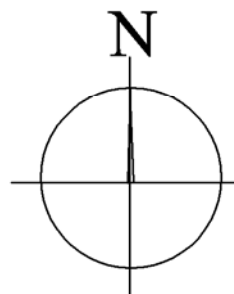
*These are the plans / a true copy of
 the plans referred to in my application*

dated.....

signed.....

OCT 14 1022/01

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



GEOFF SMITH
Architectural Technician
34 Cyprus Avenue, Elderslie
Johnstone, PA5 9NB
Tel/fax (01505) 321951
geoff.smith930@ntlworld.com

PROPOSED EXTENSION
AT
19 CLYTH DRIVE
GIFFNOCK
FOR Mr and Mrs KELLY

LOCATION PLAN
1:1250

*These are the plans / a true copy of
the plans referred to in my application*

dated.....

signed.....

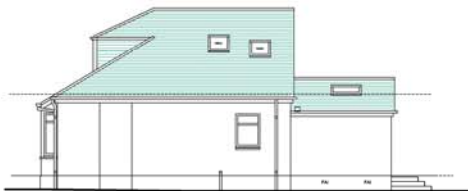
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SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION

Glazing: Access to door locks from outside by breaking of glass, or an attempt to do so, shall be prevented by use of laminated glass as a minimum. A sliding door should have a multiple deadlocking system with 3 or more bolts or similar bolts. To prevent removal of the glass, an anti-lift device should be fitted. Slotted bolts, if used, should extend into the head of the frame.

Double doors: A double door should be a pre-engineered glazing unit to suit joint of maximum width 100mm. Such doors should be fitted with a double door handle and a double door lock. The lock should be a minimum of 100mm in length and should be fitted with a minimum of 100mm in length. The lock should be a minimum of 100mm in length and should be fitted with a minimum of 100mm in length.

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MEASUREMENTS: The new outer leaf shall be fixed to the existing frame with a minimum of 100mm in length. The new outer leaf shall be fixed to the existing frame with a minimum of 100mm in length. The new outer leaf shall be fixed to the existing frame with a minimum of 100mm in length. The new outer leaf shall be fixed to the existing frame with a minimum of 100mm in length.

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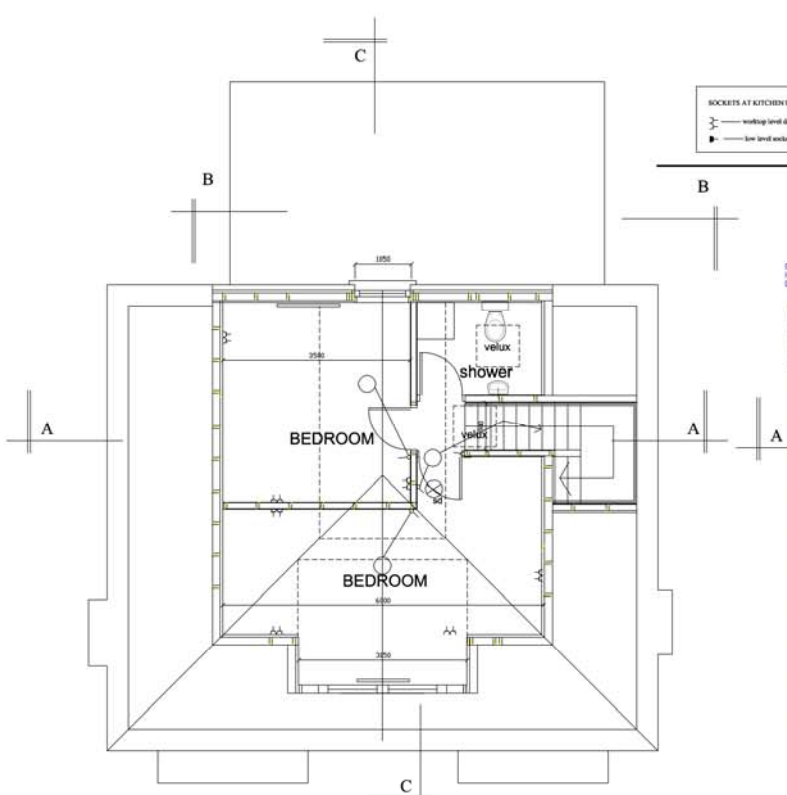
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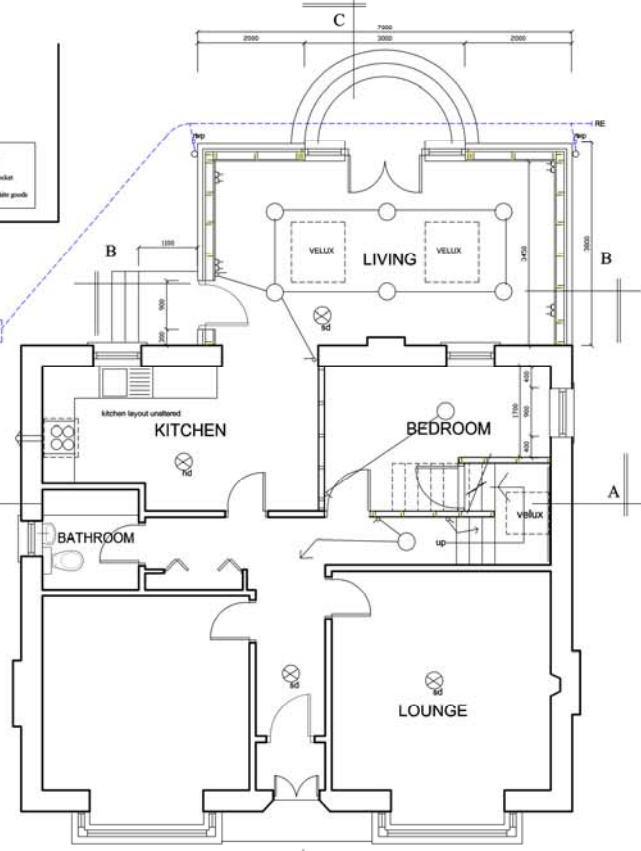
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Town and Country Planning (Scotland) Act 1997
REFUSED
Director of Environment
East Devon District Council



FIRST FLOOR PLAN



GROUND FLOOR PLAN

ELECTRICAL: All electrical work shall be in accordance with the latest I.E.E. Regulations (17th Edition) and shall be installed in accordance with the recommendations in BS EN 13698-2:2000. All electrical work shall be in accordance with the latest I.E.E. Regulations (17th Edition) and shall be installed in accordance with the recommendations in BS EN 13698-2:2000.

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MEASUREMENTS: The new outer leaf shall be fixed to the existing frame with a minimum of 100mm in length. The new outer leaf shall be fixed to the existing frame with a minimum of 100mm in length. The new outer leaf shall be fixed to the existing frame with a minimum of 100mm in length. The new outer leaf shall be fixed to the existing frame with a minimum of 100mm in length.

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GEOFF SMITH
Architectural Technician
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geoff.smith@btinternet.com

PROPOSED EXTENSION
AT
19 CLYTH DRIVE
GIFKNOC
FOR Mr and Mrs KELLY

PLANS AS PROPOSED 1:50 1:100

These are the plans / a true copy of the plans referred to in my application

dated.....
signed.....
OCT 14 1022/02