

EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

10 June 2015

Report by Deputy Chief Executive

REVIEW OF CASE - REVIEW/2015/07

ERECTION OF SINGLE STOREY FRONT EXTENSION  
AT 21 KIRKTON DRIVE, EAGLESHAM

**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:- 2015/0165/TP).  
Applicant: Mrs Norma McWhiter  
Proposal: Erection of Single Storey Front Extension  
Location: 21 Kirkton Drive, Eaglesham  
Council Area/Ward: Busby, Clarkston and Eaglesham (Ward 6).

**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 4.

9. The applicant is entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and has indicated that her stated preference is a site inspection.

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

## **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.** 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) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 2 (Pages);
- (c) Decision notice and reasons for refusal - Appendix 3 (Pages); and
- (d) A copy of the applicant's Notice of Review and Statement of Reasons - Appendix 4 (Pages).

**13.** The applicant has also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and these are attached as Appendix 5 (Pages):

- (a) Existing elevations;
- (b) Existing ground floor plan;
- (c) Refused – Location plan;
- (d) Proposed porch elevation;
- (e) Proposed porch floor plan;
- (f) Refused – Proposed elevation;
- (g) Refused – Block plan; and
- (h) Refused – Proposed ground floor plan.

**14.** 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.

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

## **RECOMMENDATIONS**

**16.** 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:

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:- May 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**

# Householder Application for Planning Permission

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



OFFICIAL USE ONLY    LPA Ref No 2015/0165/TP    Receipt Date .....

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

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

## Part 1 - Application form

**1**

Applicant's Name MRS NORMA McWHIRTER  
 Address 21 KIRKTON DRIVE  
EAGLESHAM  
 Post Code G76 0TE  
 Telephone [REDACTED] Fax .....

Email .....

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

**2**

Agent's Name .....

Address .....

Post Code .....

Telephone .....

Fax .....

Email .....

**3**

Location of proposed development 21 KIRKTON DRIVE  
EAGLESHAM, G76 0TE

**4**

Description of proposed development ERECTION OF FRONT  
ENTRANCE PORCH AND ~~REAR~~  
EXTENSION

**5**

<b>Building Materials Existing</b>	<b>Proposed</b>
Walls <u>RENDER</u>	Walls <u>RENDER</u>
Roofs <u>CONC. TILES</u>	Roofs <u>CONC. TILES</u>
Boundary <u>N/A</u>	Boundary <u>N/A</u>
Windows <u>WHITE UPVC</u>	Windows <u>WHITE UPVC</u>
Any other relevant information .....	

6

**Pre-Application Advice**

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

Yes  No

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

How was the advice given?

Meeting  Telephone call  Letter  Email

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

Name:

Reference Number:

Date:

Summary of advice received

7

**Trees**

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

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

8

**Changes to Vehicle Access and Parking**

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

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

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

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

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

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

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





## Checklist and Declaration

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

### Checklist

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

I have completed and enclose two copies of the following

Part 1 - Application form .....

Part 2 - Land Ownership Certificate .....

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

Checklist and Declaration .....

I have enclosed 3 copies of the following plans

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

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

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

I have enclosed the appropriate fee

Fee enclosed .....

£ 202.00

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

### Declaration

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

Signature of Applicant/Agent .....  
(delete where appropriate)

Date 19/3/15

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

#### Data Protection Act 1998

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

### Important

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

**REPORT OF HANDLING**

# REPORT OF HANDLING

Reference: 2015/0165/TP

Date Registered: 19th March 2015

Application Type: Full Planning Permission

This application is a Local Development

Ward: 6 -Busby Clarkston Eaglesham

Co-ordinates: 257404/:652372

Applicant/Agent:

Applicant:

Agent:

Mrs Norma McWhirter  
21 Kirkton Drive  
Eaglesham  
East Renfrewshire  
G76 0JE

Proposal: Erection of single storey front extension

Location: 21 Kirkton Drive  
Eaglesham  
East Renfrewshire  
G76 0JE

**CONSULTATIONS/COMMENTS:** None.

**PUBLICITY:** None.

**SITE NOTICES:** None.

**SITE HISTORY:**

2006/0108/TP	Erection of two storey side extension and one and a half storey rear extension	ASTC	13.04.2006
2009/0800/TP	Erection of front porch	GRA	16.02.2010

**REPRESENTATIONS:** No representations have been received.

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

**SUPPORTING REPORTS:**

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

**ASSESSMENT:**

The application site comprises an end-terraced two-storey dwelling and its curtilage within an established residential area of Eaglesham. The front garden area consists mainly of gravel, with the boundaries to neighbouring properties largely exposed. The house has an existing two storey side extension and single storey rear extension. The proposal is for the erection of a single storey front extension.

The extension would be 6350mm wide and 2m deep .It would have a mono-pitched roof with an eaves height of 2.6m and maximum height of 3.5m. A door, window and two rooflights would be formed on the front elevation of the property. It would extend to the boundary with the adjoining property at 23 Kirkton Drive. The extension would be finished in render and concrete roof tiles to match the existing. The extension would largely serve as an enlargement of the lounge.

The application has to be assessed against the relevant policies of the development plan as well as any material planning considerations. The consideration of every planning application is site specific. In this instance the relevant policies are Policy DM1 and DM2.1 of the adopted Local Plan and Policies D1 and D14 of the proposed Local Development Plan (LDP). It should be noted that the proposed LDP has been examined by the Scottish Government and is now intended to be adopted. The LDP is the Council's up-to-date policy position. The Council's approved Householder Design Guide forms part of the LDP and represents the Council's current policy on appropriate design for householder planning applications such as extensions.

The Householder Design Guide indicates that extensions should be in proportion to the original house and should not exceed the footprint of the original house. Extensions should also not dominate or overwhelm neighbouring properties. The existing two-storey side extension has already impacted on the character of the terrace. The property as extended now dominates the terrace with its exaggerated massing.

It is considered that forming a front extension of the scale proposed would result in the introduction of a further significant and incongruous addition to the subject house beyond its existing principle elevation thus impacting on the application property and indeed the terrace itself. The adjoining terraced property is in particular dwarfed by the various extensions to the application property. It should be noted that the original house had a footprint of 47.4 sq m, extended to a current floor area of approximately 110 sq m. The proposed extension would increase this further by almost 13 sq m.

The Design Guide also indicates that no extension, other than a porch, should project beyond the front or principal elevation of the existing house. Planning permission was granted in 2010 for the erection of a front porch measuring 3m wide by 1.8m deep (less than 6 sq m). The porch was to have been placed centrally on the front elevation of the extended house and would have been more functional in nature and of a much reduced scale. The porch was however not built and the permission has now expired. Concerns regarding the now proposed front extension were made known to the applicant however she declined to alter the application to a porch of similar scale to that earlier approved.

The applicant highlighted the presence of a significant single story side extension and front porch on the house on the opposite side of the road (16 Kirkton Drive) however this property is of a different character, it is, for example, a semi-detached house, and the extensions were approved (2006) significantly predating the current policies. The example presented by the applicant is thus considered of limited if any relevance to the determination of the current proposal.

It is considered that the proposed extension would increase the intrusive character of the application property to further dominate the terrace and would be detrimental to the character of the terrace and thus the wider amenity. The extension would further change the character and dominance of the application property from a terraced property to one more resembling a semi-detached house. There are not considered to be any material mitigating circumstances which would suggest that approved policy should be compromised by approval of planning permission for the proposed extension.

The proposed extension is considered detrimental to the character and design of the dwelling and to the character and amenity of the wider area. The proposal is therefore considered to be contrary to Policy DM2.1 of the adopted East Renfrewshire Local Plan and Policy D14 of the proposed East Renfrewshire Local Development Plan.

Policy D14 of the proposed Local Development Plan is supported by the Supplementary Planning Guidance: Householder Design Guide (SPG). The SPG provides that extensions to properties should not exceed the footprint of the original house and should not dominate neighbouring properties. The SPG also details that extensions should not sit forward of the front elevation of the property. Noting the above the proposal is therefore also considered to be contrary to the terms of the SPG.

**RECOMMENDATION:** Refuse

**PLANNING OBLIGATIONS:** None.

**REASON(S):**

Reason: The application is contrary to Policy DM2.1 of the adopted East Renfrewshire Local Plan as the proposed extension would not be in keeping with or compliment the character and design of the existing dwelling in terms of its scale and form.

Reason: The proposal is contrary to Policies D1 and D14 of the proposed East Renfrewshire Local Development Plan as the proposed front extension, as a result of its size, scale and siting dominates and detracts from the character and design of the existing dwellinghouse to the detriment of the character of the dwellinghouse, the adjacent terrace and the visual amenity of the surrounding area.

Reason: 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:** None

**BACKGROUND PAPERS:**

Further information on background papers can be obtained from Mr Ralph Howden on 0141 577 3694.

Ref. No.: 2015/0165/TP  
(RAHO)

DATE: 17th April 2015

**DIRECTOR OF ENVIRONMENT**

**Reference: 2015/0165/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.

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

Policy DM1

Detailed Guidance for all Development

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

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

1. Not result in a significant loss of character or amenity to the surrounding area.
2. Be of a size, scale and density in keeping with the buildings in the locality and respect local architecture, building form, design, and materials.
3. Not constitute backland development without a road frontage.
4. Not impact adversely on the landscape character, involve a significant loss of trees or other Important landscape, greenspace or biodiversity features (see Policies E3 - "Protection of Natural Features", E6 - "Biodiversity" L1 - "Protection of Important Urban Greenspace", and L2- "Safeguarding the Local Greenspace Resource").
5. Ensure that landscaping is an integral element in layout design, taking account of existing physical features (e.g. trees, hedgerows, walls, etc.). Where appropriate, tree planting should augment the amenity and appearance of the site.
6. Ensure that the standards for 'Open Space' are satisfied see Policy L4 - "Open Space Provision in New Developments" and Appendix 1).
7. Meet the parking and access requirements of the Council and provide Appropriate mitigation to minimise the impact of new development (see Policies T3 - "New Transport Infrastructure" and T5 - "Other Traffic Management and Calming Measures).
8. Not prejudice the amenity of neighbouring properties by unreasonably restricting

- sunlight or privacy.
- 9. Seek to create safe and secure environments and reduce the scope for anti-social behaviour and fear of crime.
- 10. Be designed to meet disability needs and include provision for disabled access within public areas.
- 11. Minimise the extent of light pollution caused by street and communal lighting and any flood lighting forming part of, or associated with, development.
- 12. Be designed to include provision for the recycling, storage, Collection and composting of waste materials.
- 13. Be designed to retain on-site, for use as part of the development, as much as possible of all waste material arising from construction of the development.
- 14. Be designed where applicable to take into account the legacy of former mining activity.

#### Policy DM2.1

##### Extensions

- 1. Must complement the existing character of the building, particularly in terms of scale, style, form and materials.
- 2. Must complement the existing building in terms of size, scale or height.
- 3. Incorporate a pitched roof where exposed to public view, with roof tiles or slates to match existing.
- 4. Side extensions should not create an unbroken or terraced appearance along the street frontage.
- 5. Avoid major loss of existing garden space.
- 6. Dormer windows should not in general dominate the existing roof profile, 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 Council will prepare and approve a design guide for householders on alterations to existing dwellinghouses.

### **Proposed Local Development Plan**

The Proposed Local Development Plan (LDP) outlines the Council's most up to date statement of planning policy. The LDP has been examined by the Scottish Government and the Examination Report has been published. It is now intended to adopt the LDP.

#### Policy D1

##### Detailed Guidance for all Development

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

- 1. The development should not result in a significant loss of character or amenity to the surrounding area;
- 2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
- 3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
- 4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
- 5. Developments should incorporate green infrastructure including access, water management, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network Supplementary Planning Guidance;
- 6. Development should create safe and secure environments that reduce the scope for

- anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
  8. The Council will not accept 'backland' development, that is, development without a road frontage;
  9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
  10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
  11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
  12. As much as possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
  13. Where applicable, new development should take into account the legacy of former mining activity;
  14. Development should enhance the opportunity for and access to sustainable transportation, particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, where appropriate. The Council will not support development on railways 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.

#### 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 17/04/2015.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.       **2015/0165/TP**

**Applicant**

Mrs Norma McWhirter  
21 Kirkton Drive  
Eaglesham  
East Renfrewshire  
G76 0JE

**Agent:**

With reference to your application which was registered on 19th March 2015 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

**Erection of single storey front extension**

**at: 21 Kirkton Drive Eaglesham East Renfrewshire G76 0JE**

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 application is contrary to Policy DM2.1 of the adopted East Renfrewshire Local Plan as the proposed extension would not be in keeping with or compliment the character and design of the existing dwelling in terms of its scale and form.
2. The proposal is contrary to Policies D1 and D14 of the proposed East Renfrewshire Local Development Plan as the proposed front extension, as a result of its size, scale and siting dominates and detracts from the character and design of the existing dwellinghouse to the detriment of the character of the dwellinghouse, the adjacent terrace and the visual amenity of the surrounding area.
3. 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           17th April 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

<b>Plan Description</b>	<b>Drawing Number</b>	<b>Drawing Version</b>	<b>Date on Plan</b>
Block Plan	PLAN 0/2		
Location Plan	PLAN 0/1		
Elevations Proposed	DRW 1		
Proposed floor plans	DRW 2		

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

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

**1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A notice of review should be addressed to the Principal Committee Services Officer, Council Headquarters, Eastwood Park, Rouken Glen Road, Giffnock G46 6UG. Applicants can also ask for a review if the application has not been determined within the 2 month time period for a decision.**

**Requests for review must be made on the Notice of Review form which is available to download from the Council's website at [www.eastrenfrewshire.gov.uk](http://www.eastrenfrewshire.gov.uk) or alternatively call the Planning general enquiry lines on 0141 577 3895 or 3878 to request one. Following submission of the notice, you will receive an acknowledgement letter informing you of the date of the Local Review Body meeting or whether further information is required.**

**2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.**

### **CONTACT DETAILS**

**East Renfrewshire Council  
Development Management Service  
2 Spiersbridge Way,  
Spiersbridge Business Park,  
Thornliebank,  
G46 8NG**

**General Inquiry lines 0141 577 3895 or 0141 577 3878  
Email [planning@eastrenfrewshire.gov.uk](mailto:planning@eastrenfrewshire.gov.uk)**

**NOTICE OF REVIEW  
AND  
STATEMENT OF REASONS**

RECEIVED

07 MAY 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)

### Agent (if any)

Name

Name

Address   
Postcode

Address   
Postcode

Contact Telephone 1   
Contact Telephone 2   
Fax No

Contact Telephone 1   
Contact Telephone 2   
Fax No

E-mail\*

E-mail\*

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

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

Yes  No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site inspection**

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

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input 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.

My reason for the notice of review is that our neighbour at No 16 Kirkton Drive has a front extension and also 2 houses round the corner on Pollock Ave, No 1 and No 17, have them.

In 2009, we were granted planning permission for a front porch, we never got round to building it! There would be no difference to the side or gable elevations of a front extension compared to the porch, only the front elevation. I personally think the front extension looks far better on the building than just the porch.

We have had no objections, which itself speaks volumes. If the neighbours are happy for it to go ahead, surely that goes for something, since it's them who will have to look at it!

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.

Plans for proposed front extension  
 Plans for front porch  
 Location plan 1 + 2

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.

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**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

5/5/15

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**Data Protection Act 1998**

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

**Your completed notice of review should now be returned to: East Renfrewshire Council, Head of Environment (Planning, Property and Regeneration), 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, East Renfrewshire G46 8NG. Alternatively, you can e-mail your notice of review to [planning@eastrenfrewshire.gov.uk](mailto:planning@eastrenfrewshire.gov.uk)**

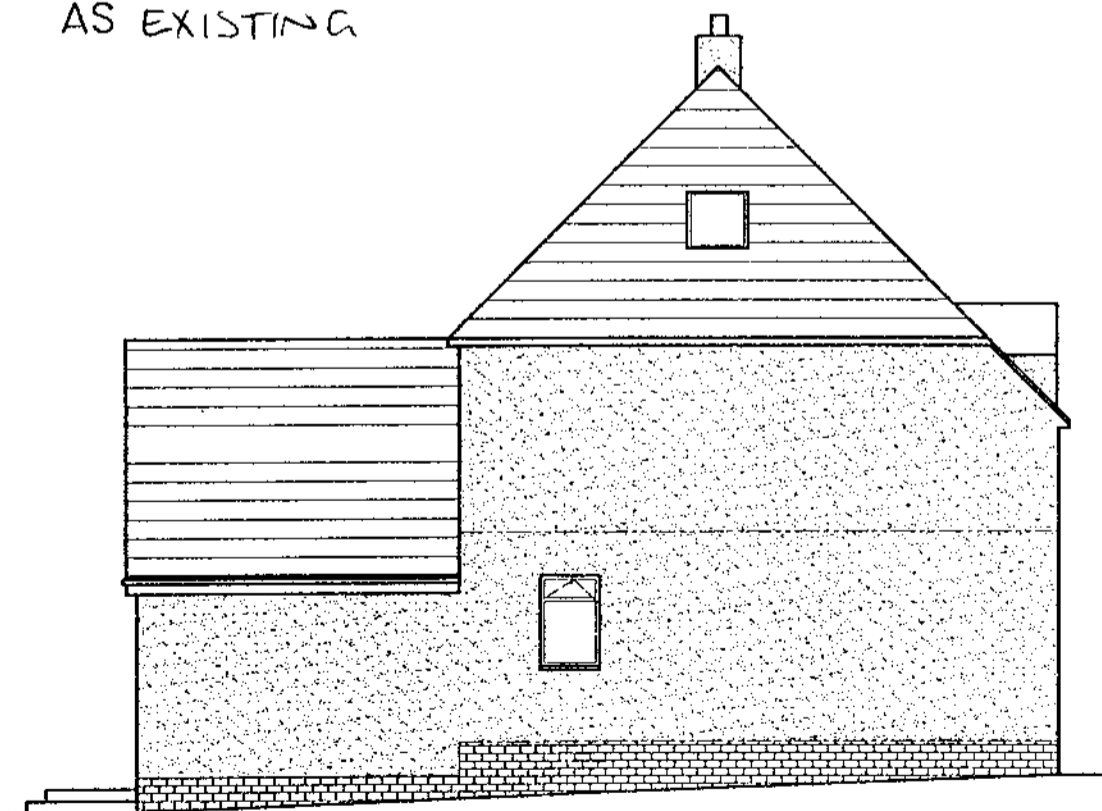


**PLANS/PHOTOGRAPHS/DRAWINGS**

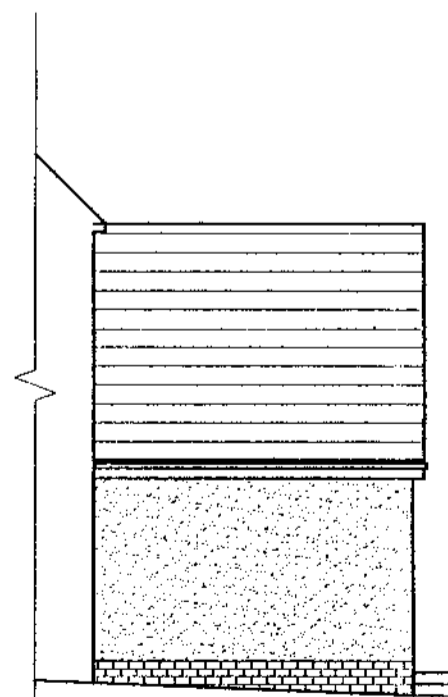
N. MULHIRTZ  
MARCH 2015  
DRAWING NO 3  
21 KIRKTON DRIVE



FRONT ELEVATION  
AS EXISTING

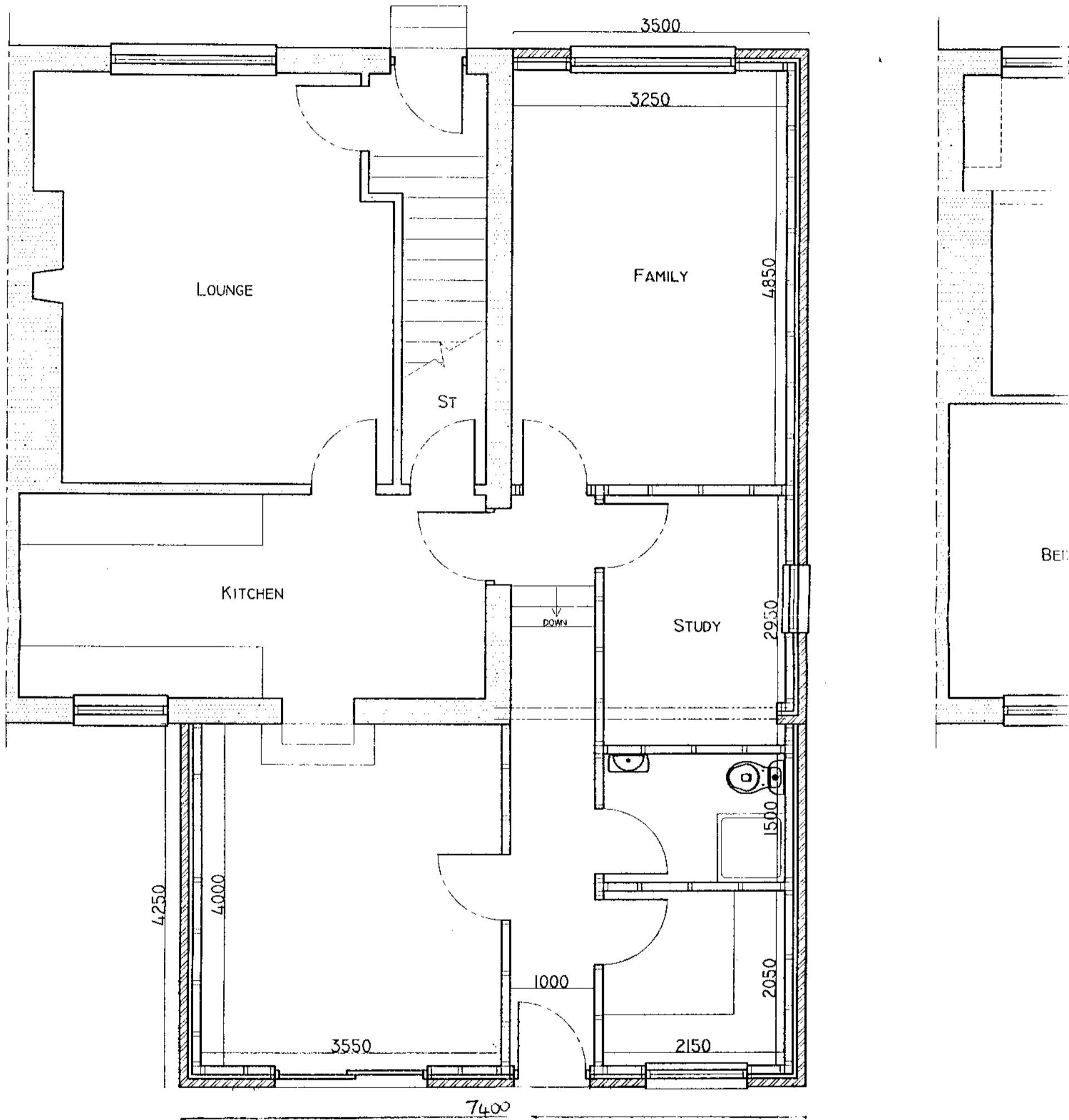


GABLE ELEVATION  
AS EXISTING



SIDE ELEVATION  
AS EXISTING

N. McWHIRTER  
MARCH 2015  
DRAWING NO 4



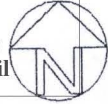
GROUND FLOOR AS EXISTING

N. McWHIRTER  
LOCATION PLAN 2  
21 KIRKTON DRIVE

Town and Country Planning  
(Scotland) Act 1997

**REFUSED**

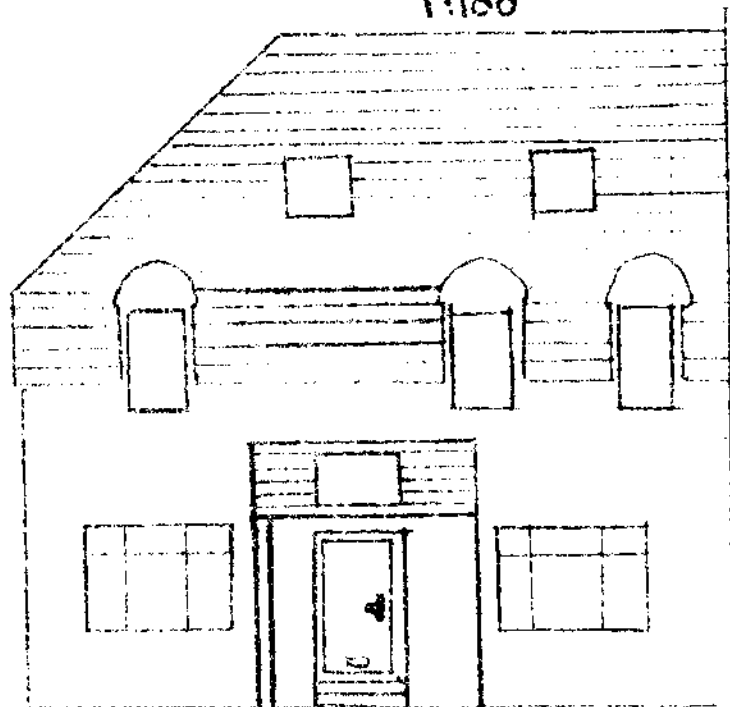
Director of Environment  
East Renfrewshire Council



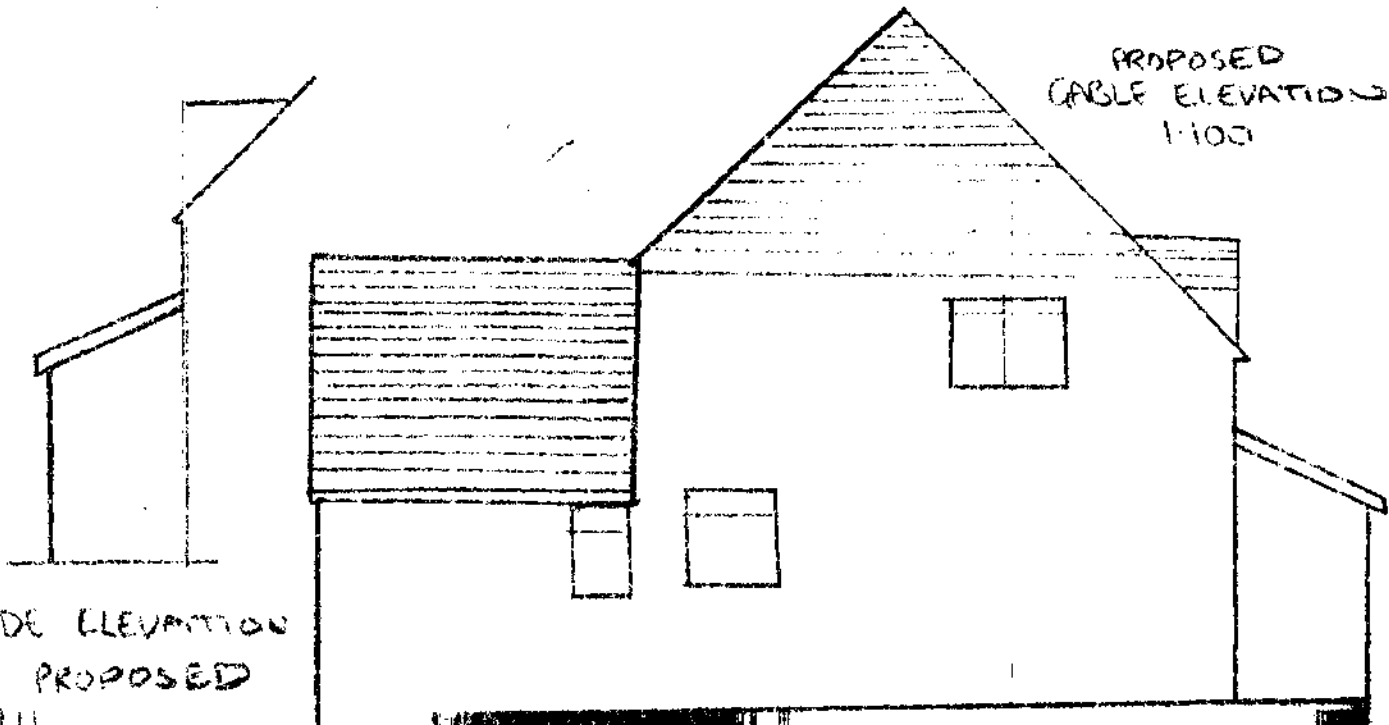
Location Plan  
1:1250

N M'LSHURTER  
PROPOSED ERECTION OF  
FRONT PORCH

PROPOSED  
FRONT ELEVATION  
1:100

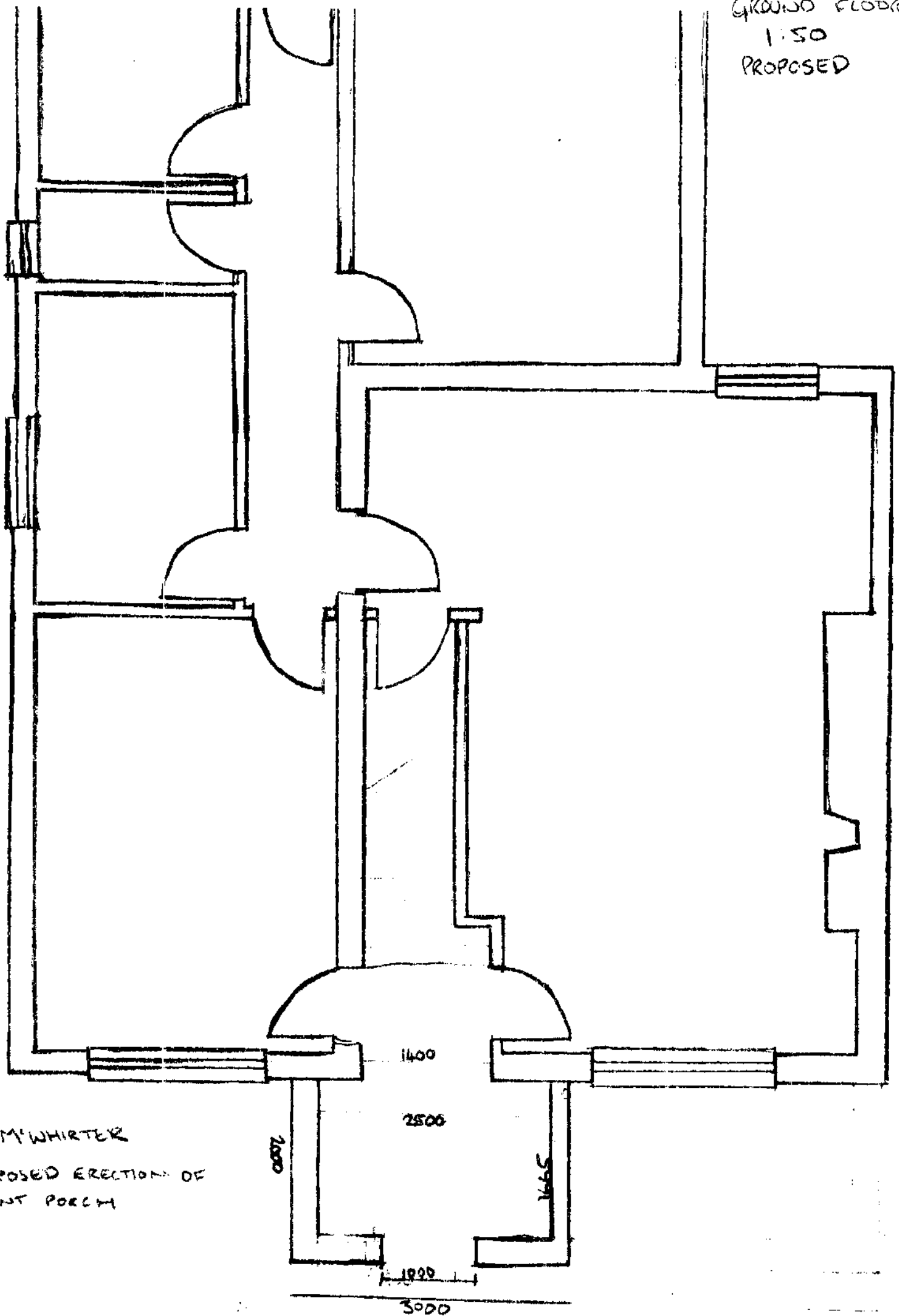


PROPOSED  
GABLE ELEVATION  
1:100



SIDE ELEVATION  
PROPOSED

GROUND FLOOR  
1:50  
PROPOSED

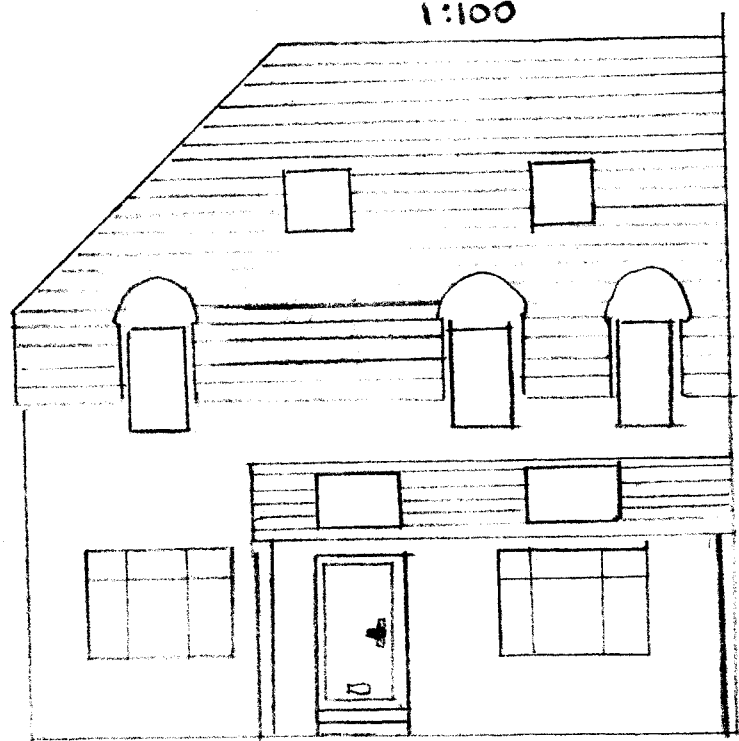


N. M'WHIRTER  
PROPOSED ERECTION OF  
FRONT PORCH

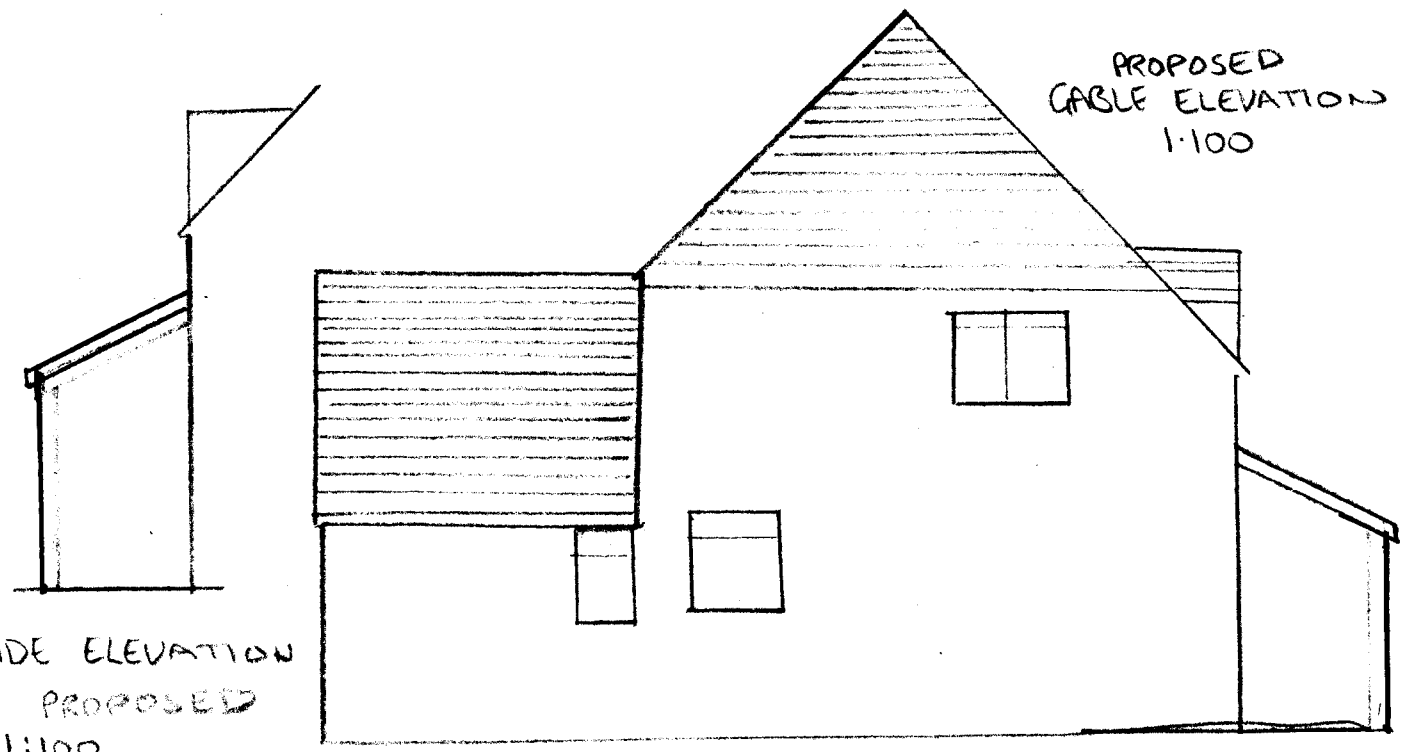
N MWHIRTER  
PROPOSED ERECTION OF  
FRONT PORCH AND  
KITCHEN EXTENSION  
MARCH 2015  
DRAWING NO 1 ~~2~~  
SCALE VARIOUS

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

PROPOSED  
FRONT ELEVATION  
1:100



PROPOSED  
GABLE ELEVATION  
1:100



SIDE ELEVATION  
PROPOSED  
1:100



N. McWHIRTER

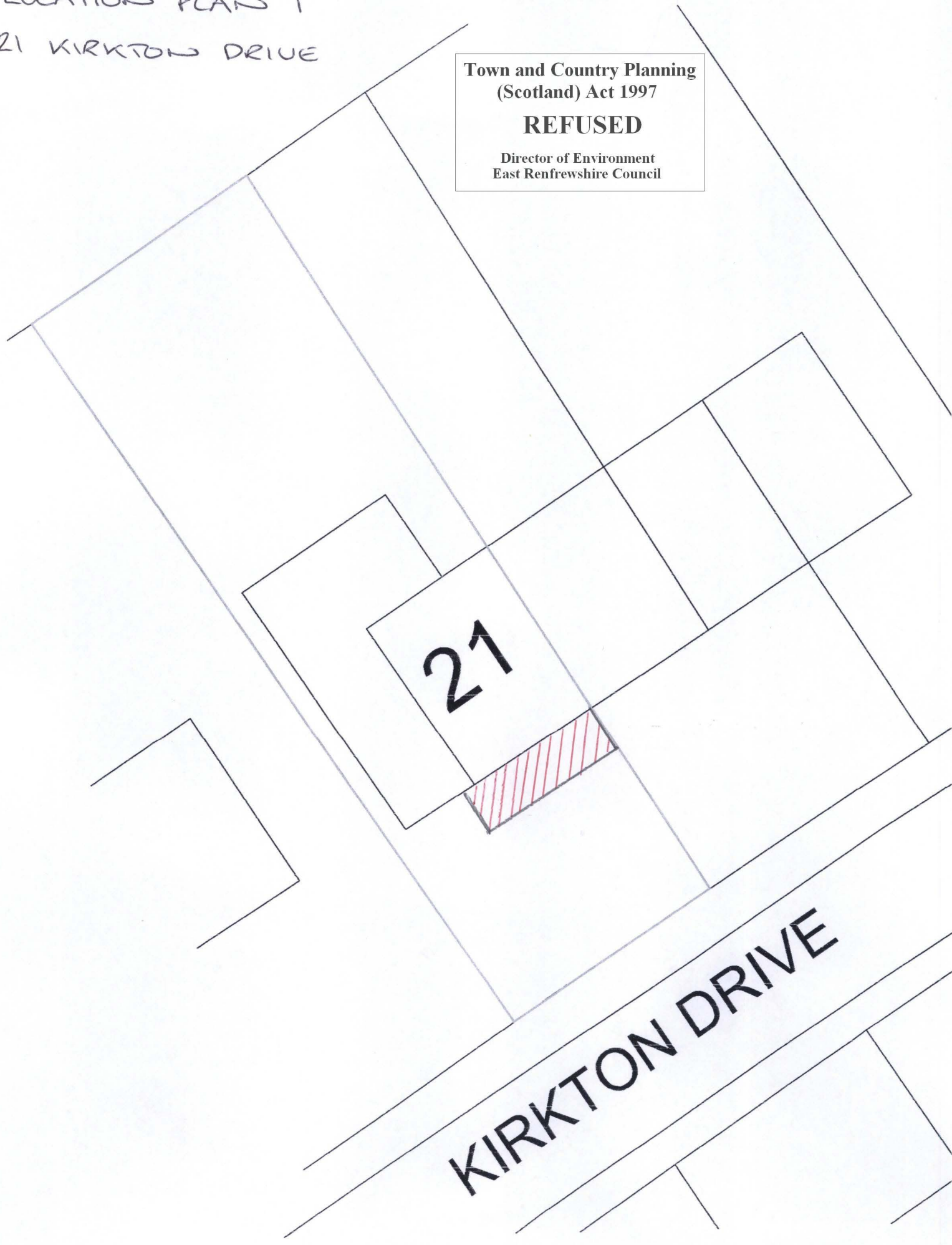
LOCATION PLAN 1

21 KIRKTON DRIVE

Town and Country Planning  
(Scotland) Act 1997

**REFUSED**

Director of Environment  
East Renfrewshire Council





GROUND FLOOR  
1:50  
PROPOSED

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

N. McWHIRTER  
PROPOSED ERECTION OF  
FRONT PORCH AND  
KITCHEN EXTENSIONS  
MARCH 2015

DRAWING No Z ~~2015~~  
SCALE: 1:50

