

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY11 February 2015Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2014/08ERECTION OF UPPER STOREY AT SIDE AND ERECTION OF TWO STOREY REAR
EXTENSION WITH DECKING AT 254 MEARNS ROAD, NEWTON MEARNS**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:- 2014/0568/TP).
- Applicant: Mr Robert Keany.
- Proposal: Erection of upper storey at side and erection of two storey rear extension with decking.
- Location: 254 Mearns Road, Newton Mearns.
- Council Area/Ward: Newton Mearns South (Ward 5).

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

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

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.

ADDITIONAL INFORMATION

12. The Local Review Body is advised that the applicant has submitted new information which was not available to the appointed officer at the time the determination of the application was made. The new information is in the form of an amended plan (Reference 1344_PL01_Rev_E_Draft-785297_1.pdf) and information relating to the plan in the review statement.

13. Members are advised that Section 43B of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 states that:-

“43B Matters which may be raised in a review under section 43A(8)

- (1) In a review under section 43A(8), a party to the proceedings is not to raise any matter which was not before the appointed person at the time the determination reviewed was made unless that party can demonstrate—
 - (a) that the matter could not have been raised before that time, or
 - (b) that its not being raised before that time was a consequence of exceptional circumstances.
- (2) Nothing in subsection (1) affects any requirement or entitlement to have regard to—
 - (a) the provisions of the development plan, or
 - (b) any other material consideration.”

14. The applicant has been given the opportunity to explain why the information was not made available to the appointed officer at the time the application was determined. The applicant has explained that it was felt that the original submitted drawing did not show clearly enough the footprint of the existing property and the purpose of submitting the new drawing was to clarify the existing footprint and therefore to show where the proposal would extend the footprint. The applicant has emphasised that there is no change to the proposal as a result of the amended drawing and that it merely clarifies what is existing and what is proposed. The applicant further states that the original drawing did not include the existing rear porch/glazed area and showed the existing ground floor side extension as a hatched area. It was felt that this may have caused confusion and led Members to think the side extension was entirely new.

15. 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, it is recommended, in the interests of equality of opportunity to all parties, that the appointed officer be given the opportunity to comment on the new information. It should be noted that there are no other representees in respect of this application.

16. 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 9-16);
- (b) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 2 (Pages 17-24);

- (c) Decision notice and reasons for refusal - Appendix 3 (Pages 25-28); and
- (d) A copy of the applicant's Notice of Review and Statement of Reasons - Appendix 4 (Pages 29-52).

17. The applicant has also submitted the drawing 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 53-58):-

- (a) Existing and proposed plans and elevations.

18. 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.

19. All the documents referred to in this report can be viewed online on the Council's website at www.eastrenfrewshire.gov.uk .

RECOMMENDATIONS

20. 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
e-mail: paul.o'neil@eastrenfrewshire.gov.uk
Tel: 0141 577 3011

Director - Caroline Innes, Deputy Chief Executive

KEY WORDS:

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

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

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**APPLICATION
FOR
PLANNING PERMISSION**

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2 Spiersbridge Way Thornliebank Glasgow G46 8NG

Tel: 0141 577 3001

Fax: 0141 577 8411

Email: planningapplications@eastrenfrewshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 000098411-001

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)

Erection of side & rear two storey extension with internal alterations.

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:

Ref. Number:

First Name: *

Last Name: *

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

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

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *

Other Title:

First Name: *

Last Name: *

Company/Organisation:

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

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

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

254 MEARNNS ROAD

Address 5:

Address 2:

NEWTON MEARNNS

Town/City/Settlement:

GLASGOW

Address 3:

Post Code:

G77 5LX

Address 4:

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

Northing

656075

Easting

255028

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: Grant A Johnston

On behalf of: Mr Robert Keany

Date: 27/08/2014

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: Grant A Johnston
Declaration Date: 27/08/2014
Submission Date: 27/08/2014

Payment Details

Cheque: Client will issue cheque direct to council., Client will issue cheque direct to council.

Created: 27/08/2014 16:48

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REPORT OF HANDLING

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REPORT OF HANDLING

Reference: 2014/0568/TP

Date Registered: 3rd September 2014

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South

Co-ordinates: 255028/:656075

Applicant/Agent:

Applicant:
Mr Robert Keany
254 Mearns Road
Newton Mearns
East Renfrewshire
G77 5LX

Agent:
CONSTRUCTION DESIGN
Architects
Grant A Johnston
19B Academy Street
Coatbridge
ML5 3AW

Proposal: Erection of upper storey at side and erection of two storey rear extension with decking

Location: 254 Mearns Road
Newton Mearns
East Renfrewshire
G77 5LX

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

REPRESENTATIONS: No representations have been received.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

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

ASSESSMENT:

The application site is a detached two storey property situated on the corner of Mearns Road and Broompark Drive. The area is characterised by a range of detached and semi-detached properties and is in close proximity to Mearns Road Neighbourhood Centre. The property sits within a corner plot with proportionate front, rear and side gardens. There is a detached garage to the rear of the house accessed via Broompark Drive. The house has two pairs of bay windows to the front and a projecting area to the rear containing the stairs, upper floor bathroom and part of the kitchen. The house has previously been extended with a single storey side extension and front porch. The house has a pitched roof with slate tiles and white render walls. There is a level change running east to west across the site of around 0.9m.

It is proposed to extend the property by means of a two storey wrap-around side and rear extension. The side element would incorporate the existing side extension, which projects 3.7m, adding a further storey and extending to the rear. The rear element of the extension projects approximately 6m from the main body of the original house. The rear element would have a width of 10.4m. The extension would have a maximum eaves height of just under 6m and a ridge height of 8.3m at the highest point tying into the existing ridge. Materials would be wet dash render and slate tiles to match the existing house. A rear timber decking area is also proposed measuring 10m by 2.4m.

The proposal requires assessment against policies DM1 and DM2.1 of East Renfrewshire Council's adopted Local Plan, policies D1 and D14 of the proposed Local Development Plan and the Householder Design Guide Supplementary Planning document. Local Plan policy DM1 states all development must not result in a significant loss of character or amenity to the surrounding area. Policy DM2.1 states that extensions must complement the existing building in terms of size, scale or

height. The proposed Local Development Plan policy D1 states that the size, scale and massing of any development must be appropriate to locality and ~~20~~ affect local architecture and building form. Policy D14 states extensions must complement the existing character of the property and be a size, scale and height appropriate to the existing building.

The Householder Design Guide Supplementary Planning Guidance document is a material consideration in the determination of planning applications. The purpose of the Supplementary Planning Guidance document is to expand on planning policy and gives more detailed design information on how policy compliance should be achieved. Of particular relevance to this application is the principle that extensions should not dominate or overwhelm the original form of the house and be subordinate in scale and appearance.

The Supplementary Planning Guidance document sets particular parameters to ensure extensions do not dominate and are subordinate in scale and appearance. It states, side extensions should be set 0.5m back from the front elevation of the house and have a ridge line lower than the existing house. It further states that two storey rear extensions should extend no more than four metres in length and should have a lower ridge line than the existing house.

A further relevant principle within the Supplementary Planning Guidance document is that extensions should not exceed 100% of the footprint of the existing house.

As described above, the extension has a roof which is not set below the existing ridge and the rear element of the extension projects 6m from the main body of the house. The side element of the extension is in line with the front elevation, though this is due to the incorporation of the existing extension. In addition to these considerations the front facing windows on the side extension are disproportionately large with a marked horizontal emphasis. Though existing, these add to the concern over the lack of an appropriate relationship with the design of the existing house with balanced double storey bay window arrangements.

The total footprint of the proposed extension, which incorporates the existing side extension, is 86.3m and the footprint of the original house as built is 88.3m². As such the proposed extension would represent an increase of approximately 98% on the original footprint area of the house.

Overall it is considered that the proposed two storey side and rear extension is contrary to policies DM1 and DM2.1 of the Local Plan, policies D1 and D14 of the Proposed Local Development Plan and the Householder Design Guide Supplementary Planning Guidance document. The size and scale of the extension is such that it would dominate the existing house, be clearly non subservient and be detrimental to the character and visual amenity of the existing house and area. The location of the property on a corner plot means that the rear extension would be clearly visible from Broom Park Drive and visible to the side on Mearns Road albeit to a lesser degree.

It is accepted that there is a mix of house types in the area many of which have been extended and that the property sits within a relatively large plot. As such, the general principal of extending the property by means of a two storey side and rear extension would be considered acceptable had the proposed scale have been appropriate. It is considered that the proposal could have been amended to ensure an acceptable design. Specifically had the roof ridge been lowered below that of the existing house and the rear element of the extension been reduced in length to lessen its impact. The applicant was advised of this but did not wish to amend the design.

In conclusion the proposal is considered contrary to the Local Plan, the Proposed Local Development Plan and the Householder Design Guide due to the adverse visual impact as a result of the height, length and overall massing. The proposal will not be subservient in scale to the original dwellinghouse to the detriment of the character of the house and visual amenity of the area and should accordingly be refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None.

REASON(S) FOR REFUSAL:

1. The proposal is contrary to Policies DM1 and DM2.1 the adopted East Renfrewshire Local Plan and Policies D1 and D14 of the proposed Local Development Plan having a detrimental impact on the design of the house and an adverse visual impact on the amenity of the area.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Ms Lynne McMenemy on 0141 577 3057.

Ref. No.: 2014/0568/TP
(LYMC)

DATE: 31st October 2014

DIRECTOR OF ENVIRONMENT

Reference: 2014/0568/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

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

East Renfrewshire Local Plan (Adopted 14th 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.

22

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) has been sent for Examination to the Scottish Government. The LDP outlines the Council's most up to date statement of planning policy.

Policy D1

Detailed Guidance for all Development

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

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

- communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
 12. As much as possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
 13. Where applicable, new development should take into account the legacy of former mining activity;
 14. Development should enhance the opportunity for and access to sustainable transportation, particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, where appropriate. The Council will not support development on railways 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

Finalised 02/11/2014.IM.

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**DECISION NOTICE
AND
REASONS FOR REFUSAL**

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

REFUSAL OF PLANNING PERMISSION

Ref. No. **2014/0568/TP**

Applicant:

Mr Robert Keany
254 Mearns Road
Newton Mearns
East Renfrewshire
G77 5LX

Agent:

CONSTRUCTION DESIGN Architects
Grant A Johnston
19B Academy Street
Coatbridge
ML5 3AW

With reference to your application which was registered on 3rd September 2014 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of upper storey at side and erection of two storey rear extension with decking

at: 254 Mearns Road Newton Mearns East Renfrewshire G77 5LX

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 proposal is contrary to Policies DM1 and DM2.1 the adopted East Renfrewshire Local Plan and Policies D1 and D14 of the proposed Local Development Plan having a detrimental impact on the design of the house and an adverse visual impact on the amenity of the area.

Dated 2nd November 2014

Andrew J Cahill

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 and Block Plan	1344/PL01	A	31.10.2014
Plans Existing and Proposed	1344/PL04	B	31.10.2014

GUIDANCE NOTE FOR REFUSAL OF LOCAL DEVELOPMENTS DETERMINED UNDER DELEGATED POWERS

REVIEW BY EAST RENFREWSHIRE COUNCIL'S LOCAL REVIEW BODY

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

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

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

CONTACT DETAILS

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

**General Inquiry lines 0141 577 3895 or 0141 577 3878
Email planning@eastrenfrewshire.gov.uk**

**NOTICE OF REVIEW
AND
STATEMENT OF REASONS**

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2 Spiersbridge Way Thornliebank Glasgow G46 8NG

Tel: 0141 577 3001

Fax: 0141 577 8411

Email: planningapplications@eastrenfrewshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 000106040-001

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.

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:

Ref. Number:

First Name: *

Last Name: *

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

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

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="Robert"/>
Last Name: *	<input type="text" value="Keany"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

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

Building Name:	<input type="text"/>
Building Number:	<input type="text" value="254"/>
Address 1 (Street): *	<input type="text" value="Mearns Road"/>
Address 2:	<input type="text" value="Newton Mearns"/>
Town/City: *	<input type="text" value="Glasgow"/>
Country: *	<input type="text" value="UK"/>
Postcode: *	<input type="text" value="G77 5LX"/>

Site Address Details

Planning Authority:

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

Address 1:	<input type="text" value="254 MEARNS ROAD"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="NEWTON MEARNS"/>	Town/City/Settlement:	<input type="text" value="GLASGOW"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="G77 5LX"/>
Address 4:	<input type="text"/>		

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

Northing

Easting

Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of upper storey at side and erection of two storey rear extension with decking

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

see separate statement

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

Yes No

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Statement of reasons for seeking review,
 application form,
 decision notice,
 delegated officer report,
 location plan + proposed site plan,
 existing floor plans,
 existing elevations,
 proposed floor plans, roof plans + elevations,
 email exchange between agent and planning officer

Application Details

Please provide details of the application and decision.

What is the application reference number? *

2014/0568/TP

What date was the application submitted to the planning authority? *

28/08/14

What date was the decision issued by the planning authority? *

02/11/14

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be conducted by a combination of procedures.

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

to allow members of the review panel to understand the proposals fully

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

to allow members of the review panel to understand the proposals fully

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

This is a private dwelling and rear garden, therefore an accompanied site visit is appropriate

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Katherine Sneedden

Declaration Date: 22/12/2014

Submission Date: 22/12/2014

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2014/0568/TP

**Erection of upper storey at side and
erection of two storey rear extension with decking**

254 Mearns Road, Newton Mearns G77 5LX

Review Statement

December 2014

jigsaw
planning

Appeal to East Renfrewshire Council's Local Review Body

Against the Decision of the Planning Officer to refuse an application for full planning permission for the erection of upper storey at side and erection of two storey rear extension with decking

At 254 Mearns Road, Newton Mearns G77 5LX

1. This review statement has been prepared by Jigsaw Planning, Chartered Planning Consultancy, on behalf of our client, Mr Robert Keany. We dispute the Planning Officer's reasons for refusing the application and respectfully request that the Council's Local Review Body review that decision.

Summary of applicant's reasons for review

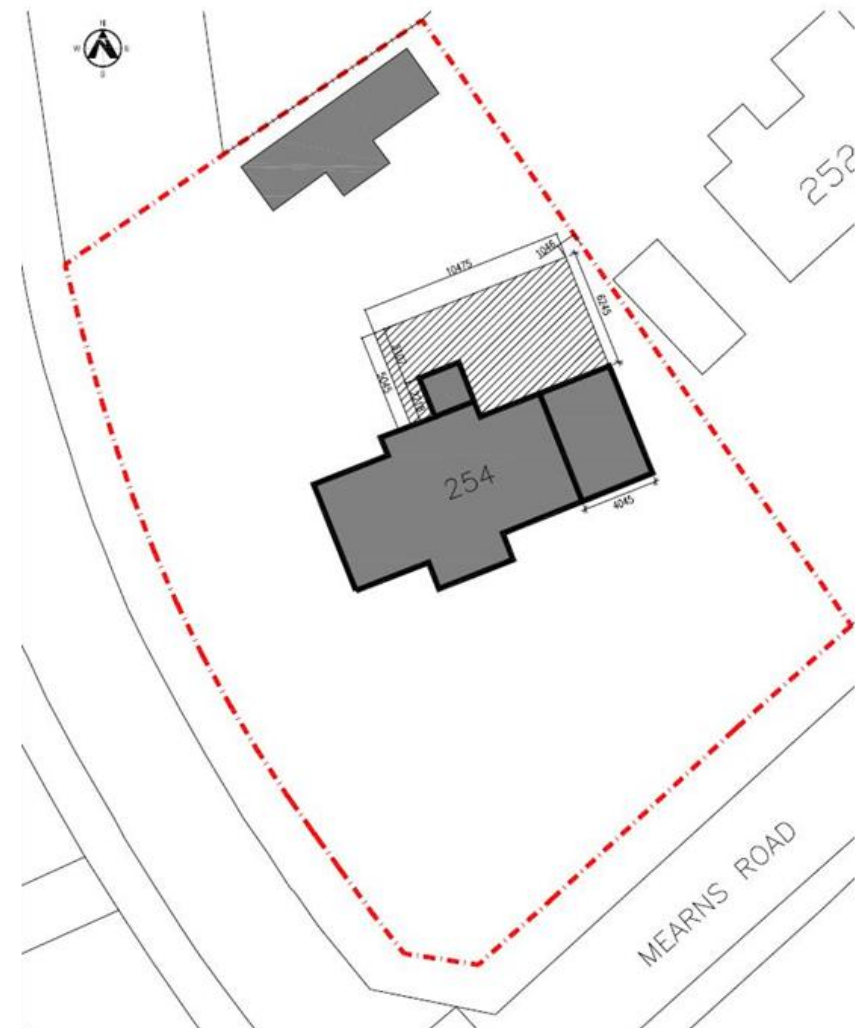
- The proposal is found to fully accord with the policies within the adopted Local Plan and the emerging LDP. The proposal complies with 34 of the 36 criteria within the adopted Local Plan, emerging LDP and SPG. On the two occasions it does not comply because the applicant already has a ground floor extension approved by ERC and the proposed use of slate on the roof.
- The SPG sets out in its introduction that each application should be determined on its own merits and that the criteria are only guidance for applications. The proposal in front of you has therefore taken on board and been designed well to accord with as much guidance as possible.
- The setting aside of the SPG has been evidenced in numerous other permissions in the area and as such it is justified that the proposed development should be granted planning permission. It will not have a detrimental impact on the design of the house and

will not have an adverse visual impact on the amenity of the area. The size of the resulting house will be in keeping with other properties in terms of both its footprint and internal space so will not have a detrimental impact on the area.

Application proposal and site

2. The proposal is to extend this family home to provide additional accommodation and living space. The property sits on a generous corner plot and has previously been extended with a single storey extension to the side, this sits flush with the original house as approved by ERC. To the rear is a small conservatory area which has a base original to the house, with the PVC windows and upper being a later replacement. The extract below combines the existing layout plan with the proposed layout plan so that it can clearly be seen which parts of the proposal will provide new footprint to the property. This is replicated as an appendix to this document.

3. The proposal is to extend the property by adding a second storey to the side extension and a further two storey extension to part of the rear of the property. There would also be some decking within the rear garden area. The resulting house would have a footprint and internal area in keeping with others in the area.



Comments on Reasons for Refusal

4. The application has been refused by the Council’s Planning Officer for one reason:

1. The proposal is contrary to Policies DM1 and DM2.1 the adopted East Renfrewshire Local Plan and Policies D1 and D14 of the proposed Local Development Plan having a detrimental impact on the design of the house and an adverse visual impact on the amenity of the area.

5. To respond to the reason for refusal it is necessary to set out why we disagree with the Planning Officer’s interpretation of policies DM1 and DM2.1 of the adopted Local Plan and policies D1 and D14 of the proposed LDP.

6. Policy DM1 contains the following criteria against which all developments should be considered, we have assessed the proposed against the criteria. It is clear that the proposed development accords with this policy.

<p>1. Not result in a significant loss of character or amenity to the surrounding area</p>	<p>The proposed development is wholly within the substantial garden plot of an existing house which is characterised by mature landscaping. The rear extension will only be seen from within the property’s garden or from upper floors of neighbouring properties. The upper, side extension will only be visible from passers-by for a short glimpse due to the substantial hedging in the front garden. Therefore the proposal cannot be considered to have a significant</p>
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	loss of character or amenity on the surrounding area. There are numerous other properties in the area, as set out later in this statement, which have been subject to similar extensions or are properties of a similar original size and therefore the resulting property would not be out of keeping with the 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	As can be seen from the above extract and the drawings submitted as part of the application, the proposed development is in keeping with the scale of the house. The design of the side, upper extension which would lie flush with the side of the house is dictated by the existing ground floor extension. It would not be desirable or sustainable to insist on the removal of the ground floor extension which has previously been found to be acceptable to the Council. The rear extension extends to only just over 3metres from the back of the property and whilst 10 metres in its width is in keeping with the overall width of the property. The new footprint created by the proposal only increases the overall footprint of the property by 48.8% as opposed to the 98% incorrectly referred to by the Planning Officer in her report. The property benefits from a substantial garden and the extension will not over-dominate the resulting garden ground.
3. Not constitute 'backland' development without a road frontage	Not applicable
4. Not impact adversely on the landscape character, involve a significant loss of trees or other important landscape, greenscape or biodiversity features	The proposed development will not result in the loss of any landscaping other than lawn area. Therefore the development will not impact adversely on the landscape character of the site.

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.	Given the development sits within an existing, maturely landscaped garden there is no additional landscaping proposed. However if members felt this would assist then a suitably worded planning condition could be added to the planning permission requiring this to be looked at.
6. Ensure that the standards for 'open space' are satisfied.	Not applicable
7. Meet the parking and access requirements of the Council and provide appropriate mitigation to minimise the impact of new development.	Not applicable
8. Not prejudice the amenity of neighbouring properties by unreasonably restricting sunlight or privacy.	The amenity of neighbouring properties is not affected by this proposal and is evidenced by no objections being received by the Council. Also this was not raised as an issue in the Planning Officer's delegated report.
9. Seek to create safe and secure environments and reduce the scope for anti-social behaviour and fear of crime.	Not applicable
10. Be designed to meeting disability needs and include provision for disabled access within public areas.	Not applicable
11. Minimise the extent of light pollution caused by street and communal lighting and any flood lighting forming part of, or associated with, development.	Not applicable
12. Be designed to include provision for the recycling, storage, collection and composting of waste materials	As existing

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.	No significant ground works are required for the development other than standard foundations.
14. Be designed where applicable to take into account the legacy of former mining activity.	Not applicable

7. Turning to Policy DM2.1, which relates specifically to extensions, we have again assessed the proposal against the criteria therein. Again the proposal accords with the policy.

1. Must complement the existing character of the building, particularly in terms of scale, style, form and materials.	As set out above the proposal complements and respects the original property and its subsequent existing extension. The scale, style and form are led by the existing property and all materials proposed have been chosen to reflect those existing.
2. Must complement the existing building in terms of size, scale or height.	The size of the proposal suits the existing property and the setting created by the substantial plot in which it sits. The height of the proposal mirrors the existing height of the property.
3. Incorporate a pitched roof where exposed to public view, with roof tiles or slate to match existing.	Pitched, slated roof is proposed to match existing.
4. Side extensions should not create an unbroken or terraced appearance along the street frontage.	The ground floor side extension is already in existence and was approved by the Council, therefore the upper floor side extension has been designed to take its lead from this and is therefore appropriate.
5. Avoid major loss of existing garden space.	There is loss of garden ground however a substantial garden will be retained post development.

<p>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.</p>	<p>No dormer windows are proposed.</p>
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- 8. This policy also states that the Council will prepare and approve a design guide for householders on alterations to existing dwellinghouses – this is noted and comment on the design guide is later in this statement.

- 9. The Local Development Plan is at an advanced stage of preparation and therefore the Planning officer has also assessed the proposal against the equivalent policies within the LDP i.e. D1 and D14. Policy D1 only introduces two new criteria relating to sustainable travel and a requirement for a Design Statement for national and major developments; neither of which are relevant to this proposal. Policy D14 amends the wording very slightly of adopted policy DM2.1 and does not introduce any new criteria. Therefore it is our position that the proposed development does accord with the emerging LDP.

Supplementary Planning Guidance – Householder Design Guide – Dec 2012

- 10. The above SPG is available only in consultation draft as issued on the Council’s website. It is still to be formally adopted through the adoption in due course of the LDP. The SPG is clear in setting out in its introduction that “The content of this guide informs and guides anyone who is planning, designing and constructing house extensions, including dormer windows and domestic garages. It gives general principles which are applied to house extensions and garages and some practical guidance for their design.” It is clear that it is to ‘guide’ proposals and not necessarily be rigid, strict criteria with a ‘yes/no’ function. As such the statement goes on the

say that “Any planning application will be assessed on its own merits and this guide will be used as a material consideration in determining a planning application.”

- 11. As with the other policies we set out below how the proposal responds to each of the ‘general principles’ and then the ‘additional criteria’.

General Principles 2.1

- 12. The introductory paragraph to this section highlights again that a proposal will be considered against the principles below but points out that this will be as well as the individual circumstances of the application implying some flexibility.

<p>- Extensions, dormer windows and garages should respect the character of the original house and the surrounding area in terms of design, scale and materials. No extension, dormer windows or garages should detract from the character of the area. Within this context innovative, contemporary or modern design will be considered;</p>	<p>As set out above, the proposed development is in keeping with the scale of the house. The design of the side, upper extension which would lie flush with the side of the house is dictated by the existing ground floor extension. It would not be desirable or sustainable to insist of the removal of the ground floor extension which has previously been found to be acceptable to the Council. The rear extension extends to only just over 3metres from the back of the property and whilst 10 metres in its width is in keeping with the current width of the property. The new footprint created by the proposal only increases the overall footprint by 48.8% as opposed to the 98% incorrectly referred to by the Planning Officer in her report. The property benefits from a substantial garden and the extension will not over-dominate the resulting garden ground.</p>
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<p>- Extensions should not dominate or overwhelm the original form or appearance of the house and be subordinate in scale and appearance to the original house;</p>	<p>The proposed extension does not dominate or overwhelm the house given the existing extension at the ground floor level. From the front, the upper storey side extension will be seen as an infilling of the property, which will complement the existing house.</p>
<p>- Extensions should be in proportion to the original house and should not exceed 100% of the footprint of the original house. Extensions should not dominate or overwhelm neighbouring properties;</p>	<p>The extension is in proportion. The footprint of the house will increase as follows:</p> <p>48.8% over the existing house footprint 89% over the original house footprint (if take out existing side extension)</p> <p>Therefore the proposal does not exceed 100% and accords with this criterion.</p> <p>The nature of the large plot size enjoyed by the house means that the site and the existing house can easily accommodate the extension without both the house and any neighbours being overwhelmed or dominated.</p>
<p>- Direct overlooking and excessive overshadowing of neighbouring properties should be avoided. A Design Guide on Daylight and Sunlight is available separately;</p>	<p>As set out above, the amenity of neighbouring properties is not affected by this proposal and is evidenced by no objections being received by the Council. Also this was not raised as an issue in the Planning Officer's delegated report.</p>
<p>- Over-development of the site should be avoided and useable private (i.e. rear) garden ground should be retained. No more than 50% of the rear garden should be occupied by the development;</p>	<p>Given the generous plot size, a large amount of garden ground will be retained – the proposal has a plot to build ration of 19% and therefore accords with this criterion.</p>

- Developments should have the same roof design as the house particularly when visible from public view;	Criterion met
- Window and doors should be aligned vertically and horizontally with existing windows and doors;	Criterion met
- No extension (other than a porch) should project beyond the front or principal elevation of the existing house;	Criterion met
- The external materials should be identical or closely match those on the existing property.	Criterion met

Additional Criteria

<p>Side extensions should...</p> <ul style="list-style-type: none"> - Be no more than 50% of the frontage of the original house; - Be set back at least 0.5 metres from the front elevation of the original house; 	<p>Criterion met</p> <p>The existing ground floor extension, approved by ERC, is flush with the main elevation of the house, albeit there is a porch on the original property which protrudes forward. Therefore it is not feasible to set the upper extension back or sustainable to remove the existing extension. It should also be noted that there are other extensions in the area that have recently been approved and have been allowed to be flush with the existing building. Details of these are set out later.</p>
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<ul style="list-style-type: none"> - The ridge line of the extension should be below the ridge line of the original house; - Be set back at least 1 metre from the side boundary; - Have a fully enclosed lower storey. 	<p>The ridge line of the extension is proposed to match that of the house. If a lower ridge line were to be proposed then the angle would not be appropriate for the slate, which has been chosen to match the existing house. The British Standard BS 5534:2003, Code of Practice for Slating and Tiling, recommends an absolute minimum pitch of 20 degrees for a natural slate roof. The existing hipped roof is approximately 24 degrees. This 4 degrees of difference would make very little impact on reducing the ridge line because of the geometry of the roof. We would have to drop below the 20 degrees to 18 or 15 degrees to significantly drop the ridge line to meet the planning guidance and to do this we cannot use natural slate. Therefore, the whole roof would need recovered in the newer product which will comply with the extension geometry not the existing house and would be unsustainable and costly.</p> <p>Criterion met</p> <p>Criterion met</p>
<p>Two storey rear extensions should...</p> <ul style="list-style-type: none"> - Not extend more than 4 metres from the rear elevation of the original house; - Not be within 2 metres of the boundary on a terrace or semi-detached house. 	<p>Criterion met, the extension extends 3.1m from the rear elevation at the point of the conservatory area the base of which, we understand, formed part of the original house.</p> <p>n/a</p>

Assessment of the proposals

13. During the course of the application, the agent, Construction Design Architects, questioned the use of the SPG by the Planning Officer. This was due to research being undertaken to look at other decisions in the area by Council Officers in the last couple of years. The research specifically looked at decisions which had been made since the publication of the SPG. Given the SPG has not been adopted, the status of the document has not changed since its publication i.e. it is to inform applicants of the Council's guidelines for proposals. As set out above, the document itself implies that its application is not set in stone and rigid but allows for some variance as "any planning application will be assessed on its own merits and this guide will be used as a material consideration in determining a planning application".

14. As with any decision undertaken in development planning, decisions should be taken in accordance with the development plan unless there are material reasons which outweigh this. In terms of this proposal, the design and layout of the proposal does not fully comply with only 2 of the 36 'guideline' criteria of the adopted Local Plan, the emerging LDP and the emerging SPG. Where the proposal does not fully accord there are good, valid, material reasons why this is the case.
 - the extension is not set back from the front elevation of the house due to the existing extension being flush with the original house, as previously approved by ERC.
 - the ridge line is not proposed to be lower than that of the original house due to the issues with the use of slate at a lower angle

15. It is interesting to note that there have been a large number of other proposals in the locality which have been approved despite not fully adhering to the 'guidelines' within the SPG. Below is a list already provided to the planning officer during the course of the application process:

- 2013/0633/TP (Conservation area) - Ambleburn, 45 Broom Road - 2 rear extensions one extending to 7.8m from the rear elevation and the other 5.5m. The existing side extension was demolished and the permission granted the new extension flush with the front elevation with the extended roof ridge lining up with existing ridge.
- 2013/0615/TP - 14 Burnside Road - front elevation in line with existing, roof ridge in line with existing on side extension, 5.5m rear extension.
- 2014/0432/TP - 4 Broomcroft Road - Rear extension exceeding 4m.
- 2010/0137/TP - 31 Broomcroft Road - Front extension protruding beyond original front elevation.
- 2012/0523/TP - 5 Duart Drive - two storey side extension, front elevation in line with existing and ridge line running through with existing house.
- 2013/0328/TP – 11 Dundonald Crescent – side extension which is flush with front elevation and roof ridge.
- 2014/0596/TP – 14 Falkland Avenue – existing side, ground floor extension and approval for first floor addition flush with the original elevation.

16. These are just a small number of permissions after a short search and in reality there may be a great many more approved. It is therefore clear that whilst the SPG guidelines are material considerations and provide advice on what may be acceptable, there are

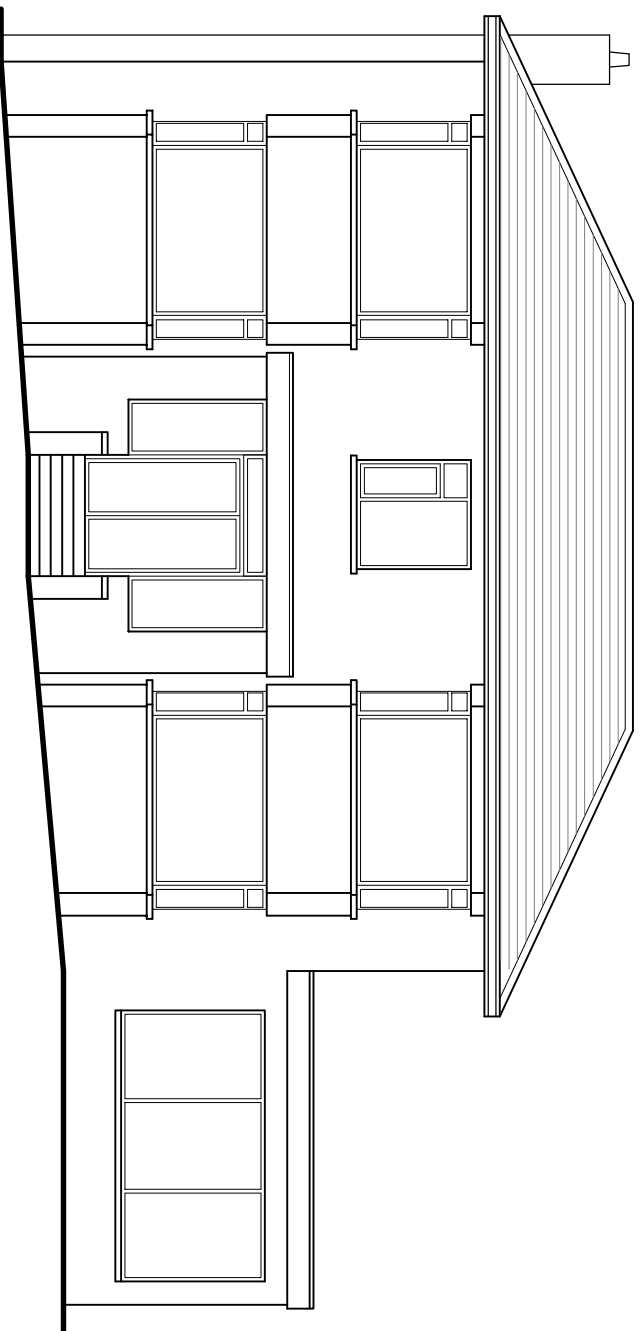
occasions, and it would appear numerous occasions, where the guidelines have been set aside in response to the individual characteristics of the site and proposal in question.

Conclusions

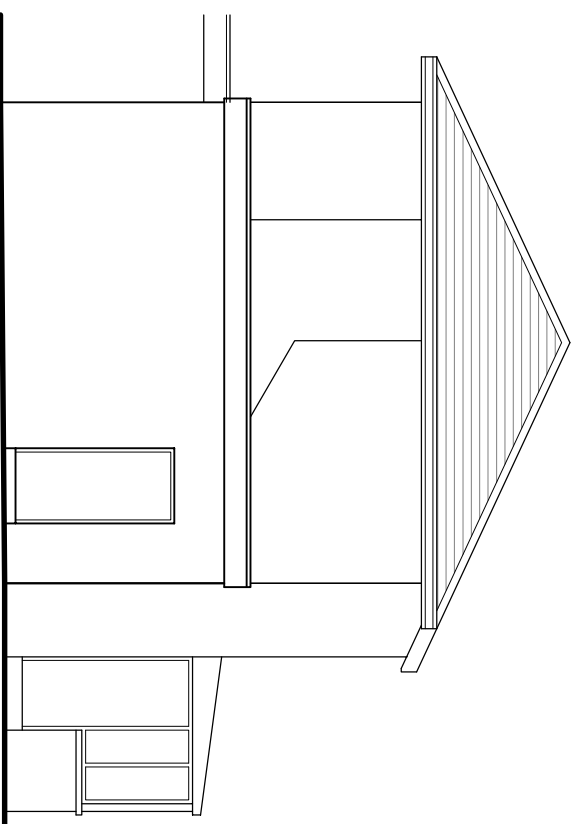
17. This review statement has assessed the proposal against the policies referred to by the Planning Officer in their Delegated Report. The proposal is found to fully accord with the policies within the adopted Local Plan and the emerging LDP. Not specifically referred to in the reason for refusal but detailed in the Delegated Report is the draft SPG on Householder Design Guidance. The proposal does not comply with only 2 of the 36 guidelines and on these two occasions there are material, robust reasons why not given the existing ground floor extension and the proposed use of slate on the roof. The SPG sets out in its introduction that each application should be determined on its own merits and that the criteria are only guidance for applications. The proposal in front of you has therefore taken on board and been designed well to accord with as much guidance as possible. The setting aside of the SPG has been evidenced in numerous other permissions in the area and as such it is justified that the proposed development should be granted planning permission. It will not have a detrimental impact on the design of the house and will not have an adverse visual impact on the amenity of the area. It will result in a house of similar size and footprint of others in the area and maintain a generous garden area.

PLANS/DRAWINGS

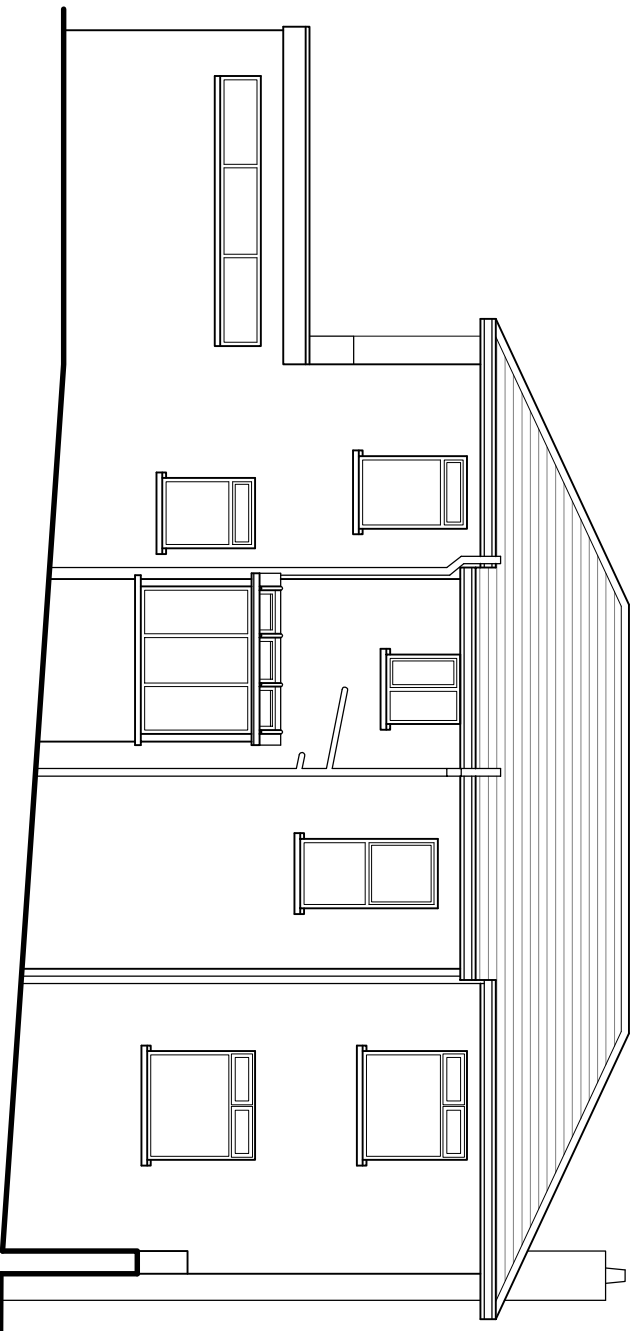
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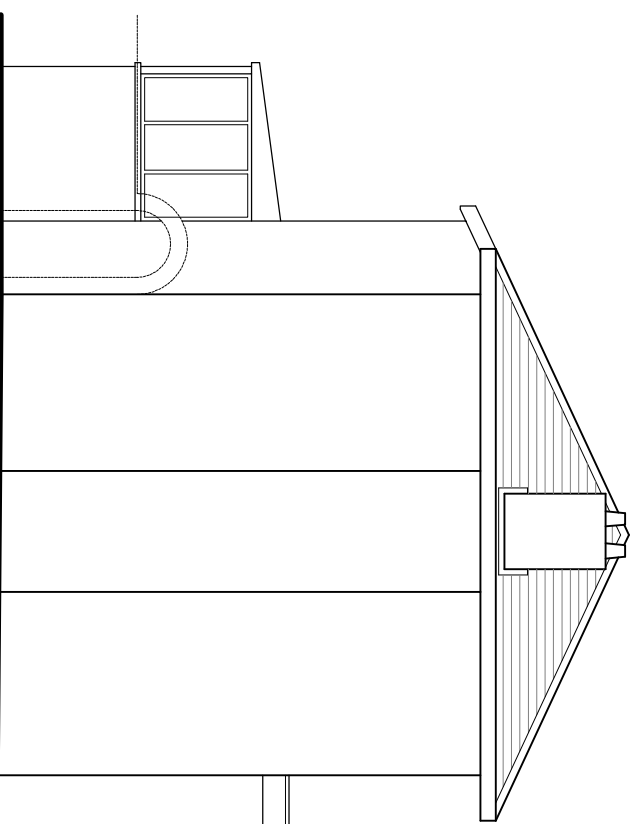
Existing Front (South) Elevation 1:100



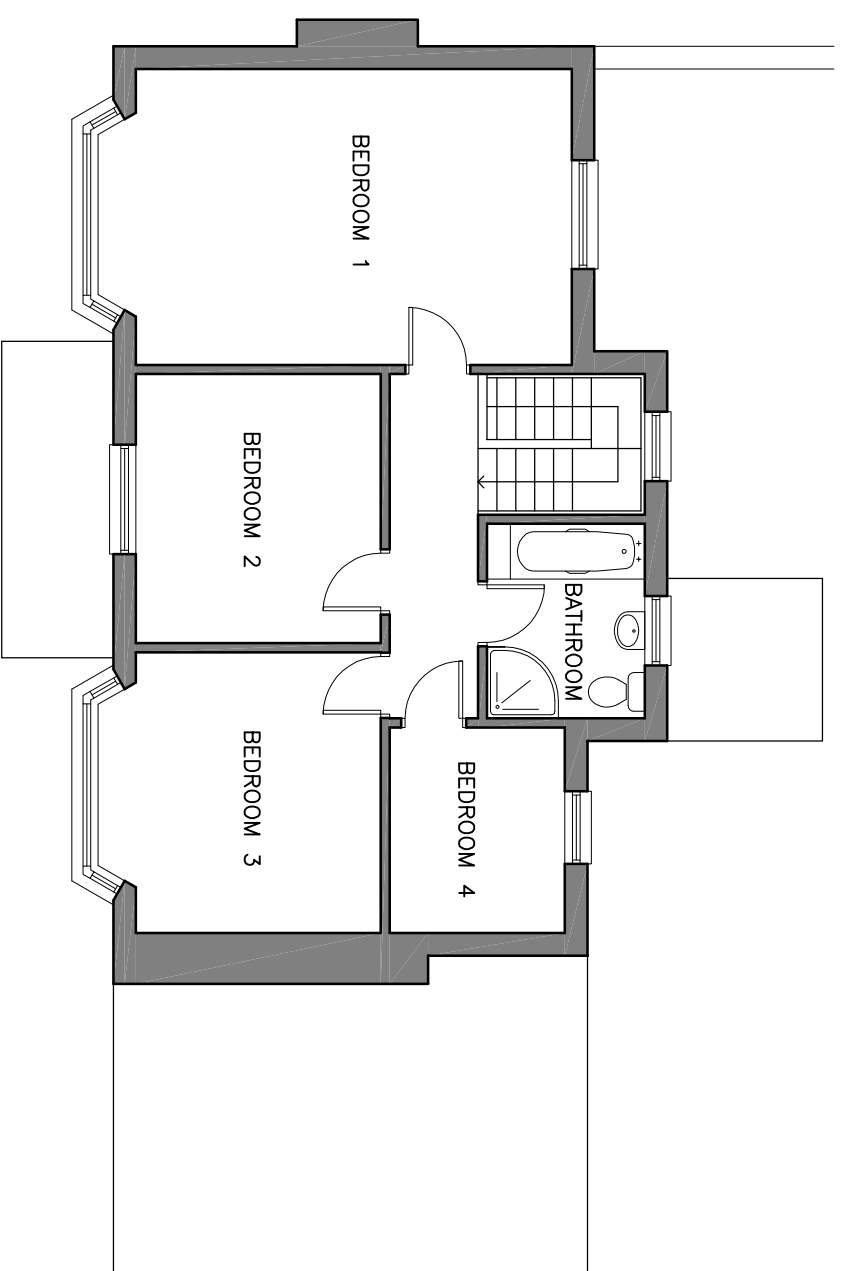
Existing Side (East) Elevation 1:100



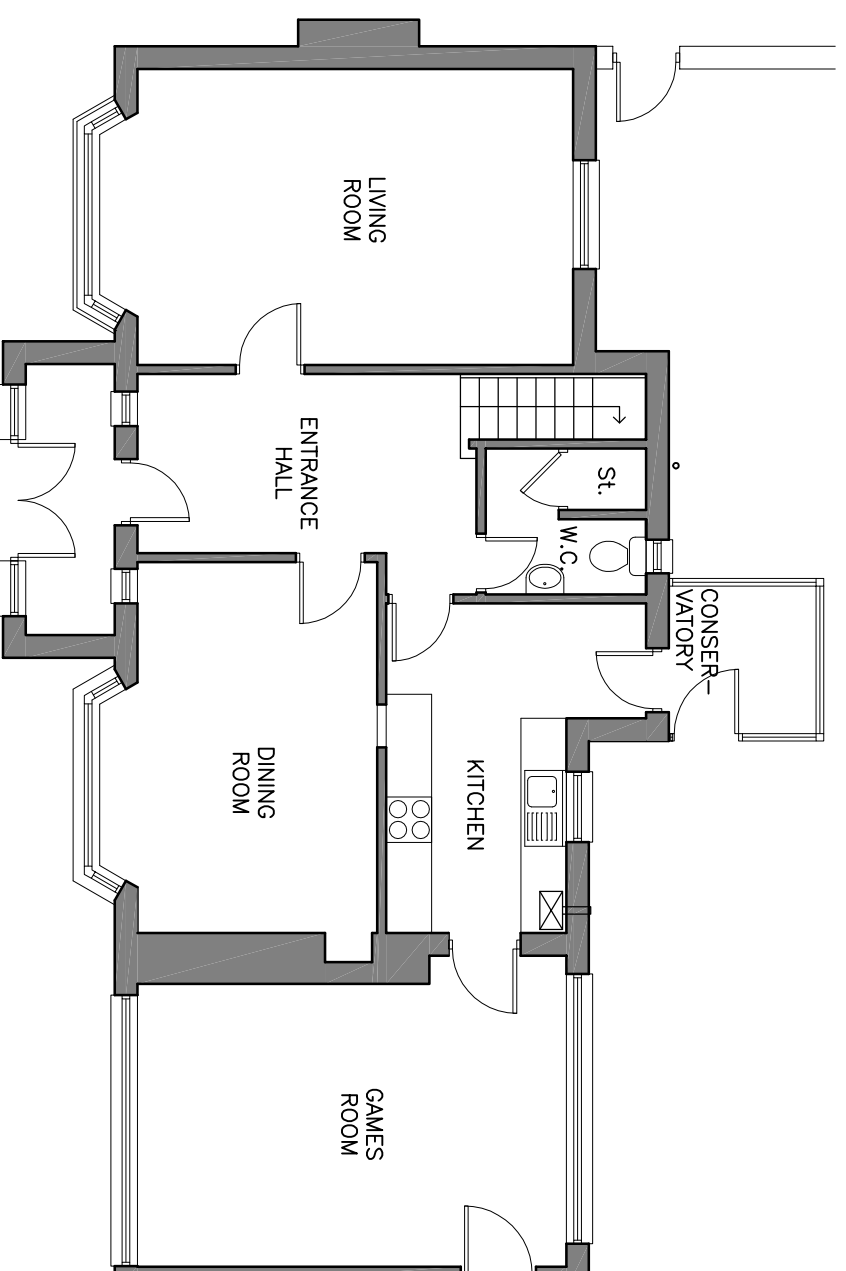
Existing Rear (North) Elevation 1:100



Existing Side (West) Elevation 1:100



Existing First Floor Plan 1:100



Existing Ground Floor Plan 1:100

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project title:
**Proposed House Alterations for
 Mr. R. Keany at
 254 Meams Road, Newton Meams
 Glasgow, G77 5LX**

drawing title:
Existing Plans

issue stage:		scale @ A3:
PLANNING		
date:	drawn:	scale @ A3:
AUG'14	CY	SHOWN
drawing number:	revisior:	
1344/PL02	-	

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Existing Location Plan 1:1250

Site Area: 1,156sqm
 Existing House Footprint: 121sqm
 Garage Footprint: 36sqm

Proposed Ground Floor: 57sqm = 47% of the existing house footprint.
 Proposed First Floor: 87sqm
TOTAL EXTENSION AREA: 174sqm

Plot to Build Ratio = 29%.

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Proposed House Alterations for
 Mr R. Keary at
 254 Mearns Road, Newton Meams
 Glasgow, G77 5LX

Drawing title:
 Existing Location Plan &
 Proposed Site Plan

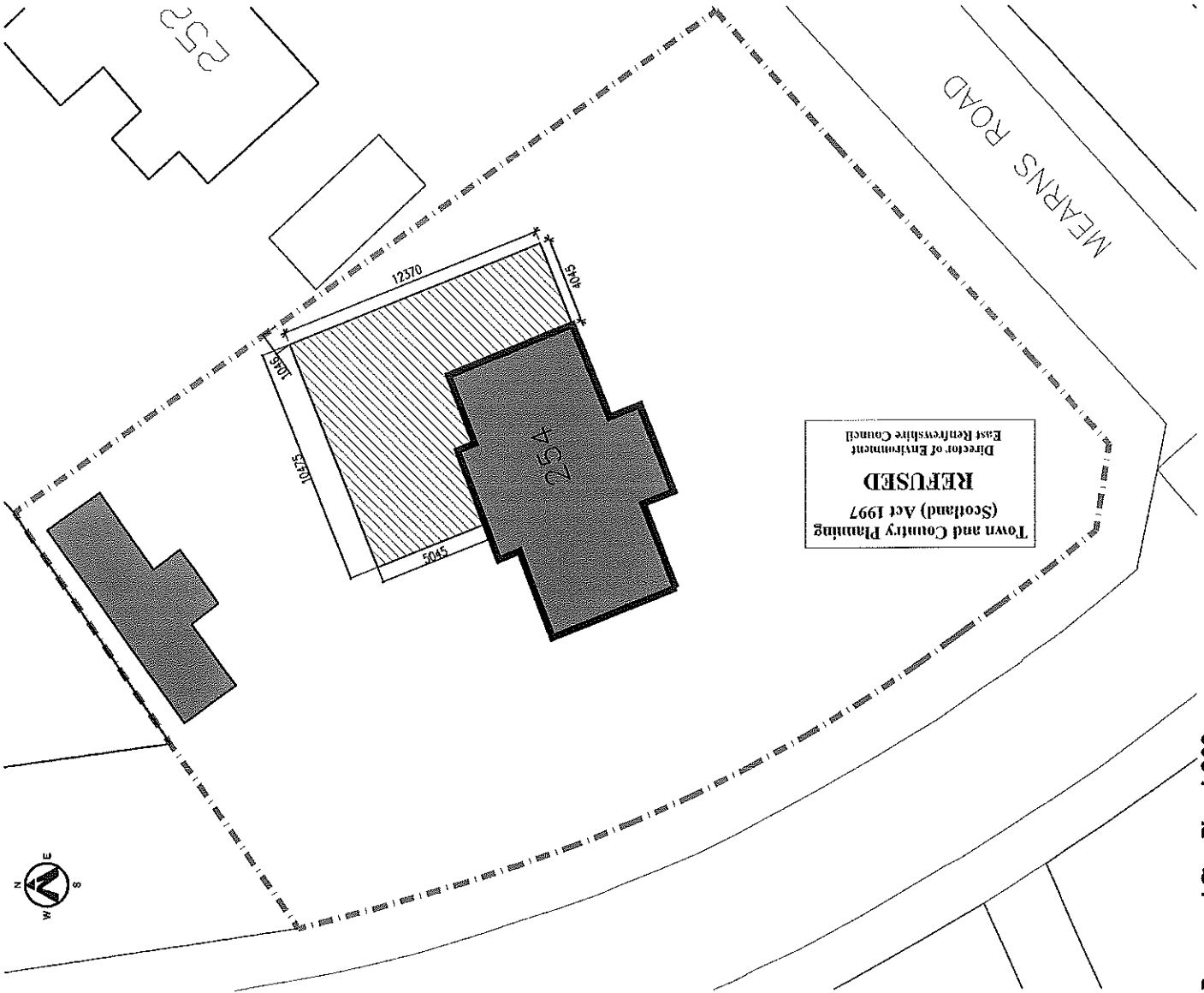
Issue origin:
 PLANNING

Scale @ A2:
 shown
 CY

Drawing number:
 1344/PL01

Revision:
 A

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Proposed Site Plan 1:200

O'Neil, Paul [CE]

From: Katherine Sneedden <katherine@jigsawplanning.co.uk>
Sent: 07 January 2015 13:13
To: O'Neil, Paul [CE]
Cc: 'Robert Keany'; katherine@jigsawplanning.co.uk
Subject: REVIEW/2014/08 - 254 Mearns Road, Newton Mearns
Attachments: Email Exchange.pdf; 1344_PL01 Rev A.PDF; 1344_PL04 Rev B.PDF; 1344 Doune Cres Extension.jpg

Paul

Many thanks for the letter to our client dated 30th December regarding the above 'Notice of Review'.

As requested we clarify the two points raised:

Firstly, you are correct in noting that the drawing 1344_PL01_Rev_E_Draft-785297_1.pdf was not submitted with the original application. The purpose of submitting the revised drawing is to clarify for the Review Body the existing footprint of the property and therefore where the proposal will extend the footprint. It is felt that the originally submitted drawing (1344/PL01) does not show this clearly. There is no change to the proposal as a result of the amended drawing, it merely clarifies what is existing and what is proposed.

The original submitted drawing did not include the existing rear porch/glazed area and showed the existing ground floor side extension as a hatched area which may have confused Members into thinking that the side extension is entirely new.

The submitted additional drawing is therefore only intended to aid Members in having a full and complete understanding of what is existing on site and what elements are proposed. As a result the figures for the various site areas have been corrected.

Secondly, please find attached the email exchange referred to. I apologise for not enclosing this with the review submission. The email from the architect to the planning officer dated 31.10.14 enclosed a couple of drawings and a photograph and these are attached.

We trust that the above information clarifies matters, however please do get in touch if you require anything further.

Kind regards

Katherine

Katherine Sneedden
Jigsaw Planning
PO Box 2844
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find us on Facebook

Katherine Sneedan

Subject: FW: Planning Application 2014/0568/TP - 254 Mearns Road, Newton Mearns

From: Grant Johnston [mailto:grant@cd-architects.co.uk]
Sent: 03 November 2014 15:16
To: 'McMenemy, Lynne'
Cc: 'Robert Keany'; [REDACTED]
Subject: RE: Planning Application 2014/0568/TP - 254 Mearns Road, Newton Mearns

Hi Lynne,

Thanks for your email. Disappointed that our justifications below did not change your mind on your decision.

We will be in touch once the decision notice has been issued.

Many thanks,
Grant

Grant Johnston
Director / Architect

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Please consider the environment before printing this e-mail

From: McMenemy, Lynne [mailto:Lynne.McMenemy@eastrenfrewshire.gov.uk]
Sent: 03 November 2014 14:28
To: 'Grant Johnston'
Subject: RE: Planning Application 2014/0568/TP - 254 Mearns Road, Newton Mearns

Grant,

I have proceeded to determine the application and have refused it on a basis of non-compliance with Local Plan and Proposed Local Development Plan policy. The Report of Handling will be available on the Planning Public Access webpage either by the end of today or at some point tomorrow and will set out the reasons for refusal. The Decision Notice will be in the post to you in the next day or so.

As you know, if you wish to appeal, the next stage would be for you to seek review from the Council's Local Review Body. There will be details and forms for this on our website and I believe you have three months to seek review. You can also submit a revised application within a year of the original provided it is of the same description and general character without incurring a further fee.

Kind regards,

Lynne

Lynne McMenemy
Senior Planner
Development Management

Environment (Planning, Property and Regeneration)
0141 577 3057
Lynne.McMenemy@eastrenfrewshire.gov.uk

East Renfrewshire: Your Council, Your Future

From: Grant Johnston [<mailto:grant@cd-architects.co.uk>]
Sent: 31 October 2014 13:04
To: McMenemy, Lynne
Cc: 'Robert Keany'; [REDACTED]
Subject: RE: Planning Application 2014/0568/TP - 254 Mearns Road, Newton Mearns

Hi Lynne,

Thank you again for your time yesterday, greatly appreciated.

Robert and I are disappointed we could not reach a compromise solution with you in terms of the current design which we have submitted. It was also disappointing to hear that we had to make a response to you by the latest 12pm today as the application will be determined this afternoon, seems a bit unfair if I'm honest given how busy we all are.

Regardless, as discussed, the points you have raised below in your original email regarding the design, scale & mass of the proposed extension, we do not agree with you for a number of reasons.

Point 1 - It was our intention to retain the majority of the existing single storey side extension and upgrade the wall insulation etc, therefore graphically showing a new build element on the drawings. For clarification, please find attached the revised drawings showing this. This also highlights that our proposed footprint percentage is nowhere near 100% of the existing house that your state below. The ground floor extension is 47% of the existing house footprint.

Point 2 - We disagree with your view that the proposed extension 'dominates' the appearance of the original house. The applicant's desire is to create a new family home which does not look as if it has been 'extended' and therefore the design we have submitted is in keeping with the existing scale and character of the original house. The original house has no real architectural quality to it as it currently stands.

Point 3 - As we highlighted to you, to reduce the roof ridge line is practically impossible given the existing geometry of the side extension and existing roof pitch. If we were to drop the extension roof angles to achieve the drop in ridge line then we have an issue in terms of using slate for the roof as the angle would then fall below the approved angle to use slate. This would then suggest our client has to now re-roof the entire house to match the same product which matches the new extension roof tiles, probably concrete roof tiles. This is an additional expense of at least £10k, if not a lot more, to replace an existing roof which is perfectly fine. We could raise the existing house roof but this is not cost effective. There are examples of other applications on your website that have been approved within the last 2 years where they do not have a step in the ridge line and where the ridge lines through with the existing ridge. What we are proposing is not untoward.

Point 4 - Setting back from the front facade - is not applicable given the fact that there is an existing extension line which we are retaining and re-using.

Point 5 - Rear extension maximum depth to be 4m from existing house. It is currently at 5045mm from the existing rear house. To reduce the size of the area of the extension impacts the desired internal space for our client. Again, there are plenty of other applications approved within the last 2 years, even within this ward, which have two storey extensions extending 5m or even greater beyond the existing rear elevation.

It is also worth noting that the proposed extension will be hidden from the main two public roads, and given the existing foliage on the site, it will never be seen. That's why it was located in the position it is, to reduce any impact it may have.

In terms of the size of the existing plot, this proposal does not impact the plot to build ratio at all. With the extension we are at 29% of building footprint including the existing garage.

It seemed from our conversation that for our client to achieve the current design, we would be better demolishing the existing house and rebuilding a new, potentially even larger house. Personally, I can't understand the logic of this and surely if the existing house and plot has the capacity to be extended, even doubled in size, and the architectural solution marries in to the existing scale, mass and character of the house then for a sustainably point of view, not to mention financially, this is the most acceptable solution for all parties.

As mention above, there are a number of house extensions within this area which have been approved within the last 2 years which are similar to our proposals. The precedent is already set. We are not proposing anything untoward here. Below is a list of these applications which I have been referring to:-

- 2013/0633/TP (Conservation area) - Ambleburn, 45 Broom Road - 5.5m rear extensions, extended roof ridge lines up with existing ridge and front elevation matches up with existing.
- 2013/0615/TP - 14 Burnside Road - front elevation in line with existing, roof ridge in line with existing on side extension, 5.5m rear extension.
- 2014/0432/TP - 4 Broomcroft Road - Rear extension exceeding 4m.
- 2010/0137/TP - 31 Broomcroft Road - Front extension protruding beyond original front elevation.
- 2012/0523/TP - 5 Duart Drive - two storey side extension, front elevation in line with existing and ridge line running through with existing house.
- The photo attached shows a very simple extension which blend in very well with the existing house, where the roof ridge does not step below the existing. This extension is on the street parallel to our site (Doune Cress).

In summary, we believe our current design is well considered for the existing property and the surrounding area for the following reasons:-

- Our current design integrates well with the existing house.
- To step the front elevation back a min. 500mm is not applicable in this particular case. If we were to demolish the existing side extension and step the building back it would only achieve a drop in ridge line of approx. 120mm. To achieve 300mm min drop in ridge line then the building would need to be step back by at least 1.5m which isn't feasible for the loss of floor area over the two levels.
- Reducing the ridge line by changing the pitch of the extension roof impacts the use of slate as a roofing product ie we cannot use slate as a product.
- There are a number of precedents within the area where similar extensions have been approved within the last two years or so that are designed in a similar manner to our proposals and also don't comply with Guidance notes DM2.1.
- Our client is looking to spend over £200k on this project to get the home he wants, granted this is not a planning consideration but he ultimately wants to spend this level of money on the house that he wants spacially, not compromised.
- As far as we are aware, there has been no objections from surrounding properties.

If my justifications above are not acceptable to you, sadly our client will continue with the current design and application which from our discussions yesterday will be refused to which we will appeal your decision.

I look forward to hearing from you.

Kind Regards,
Grant

Grant Johnston
Director / Architect

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grant@cd-architects.co.uk | www.cd-architects.co.uk



Please consider the environment before printing this e-mail

From: McMenemy, Lynne [<mailto:Lynne.McMenemy@eastrenfrewshire.gov.uk>]
Sent: 14 October 2014 12:03
To: 'grant@cd-architects.co.uk'
Subject: Planning Application 2014/0568/TP - 254 Mearns Road, Newton Mearns

Dear Mr Johnston,

Further to the submission of the above application for a two storey rear and upper storey side extension I have been out on site to make an assessment of the application.

I am concerned that the proposed extension currently does not comply with policy DM2.1 of the Local Plan and accompanying Householder Design Guide SPG.

Policy DM2.1 requires extensions to be complimentary to the existing property in terms of form, scale, size and height. The SPG expands on the policy, stating extensions should not dominate or overwhelm the existing house and should not exceed 100% of the footprint of the existing house. For rear extensions, these should not extend more than 4m from the rear elevation of the original house and all extensions should have a lower ridge line than the existing house.

Overall, we look for extension to respect the character and scale of the original house and be subservient in appearance.

Currently the proposed extension would be considered to dominate the appearance of the original house. The extension is close to 100% increase in the footprint of the house and is not set back from front elevation or set below the ridge line of the existing roof.

It is accepted that the house is a relatively large detached property with generous surrounding ground and as a result of this has more potential to accommodate a large scale extension, however, the proposal would require amendments to be compliant with adopted policy and receive planning permission.

The adopted Local Plan can be accessed here: <http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=838&p=0> and SPG here: <http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=8418&p=0>.

Please let me know how you wish to proceed with the application and to discuss potential revisions.

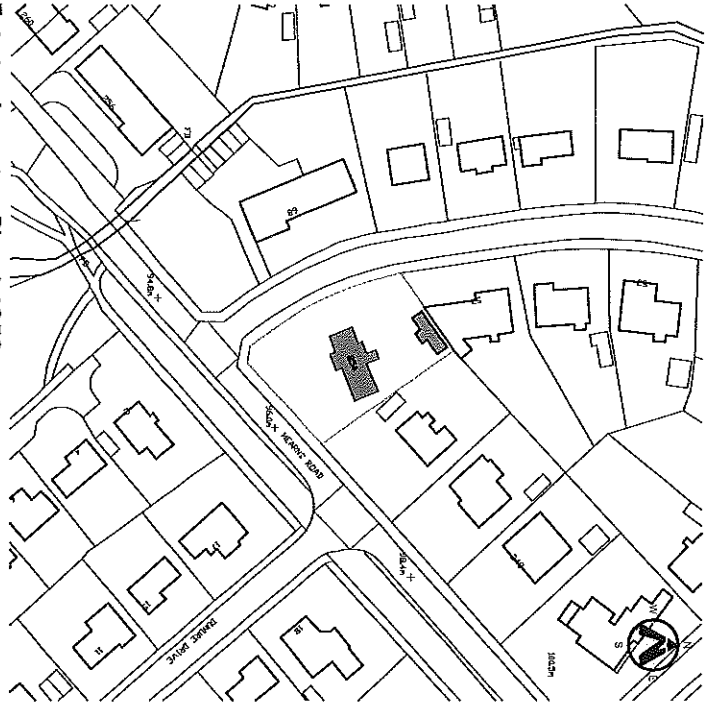
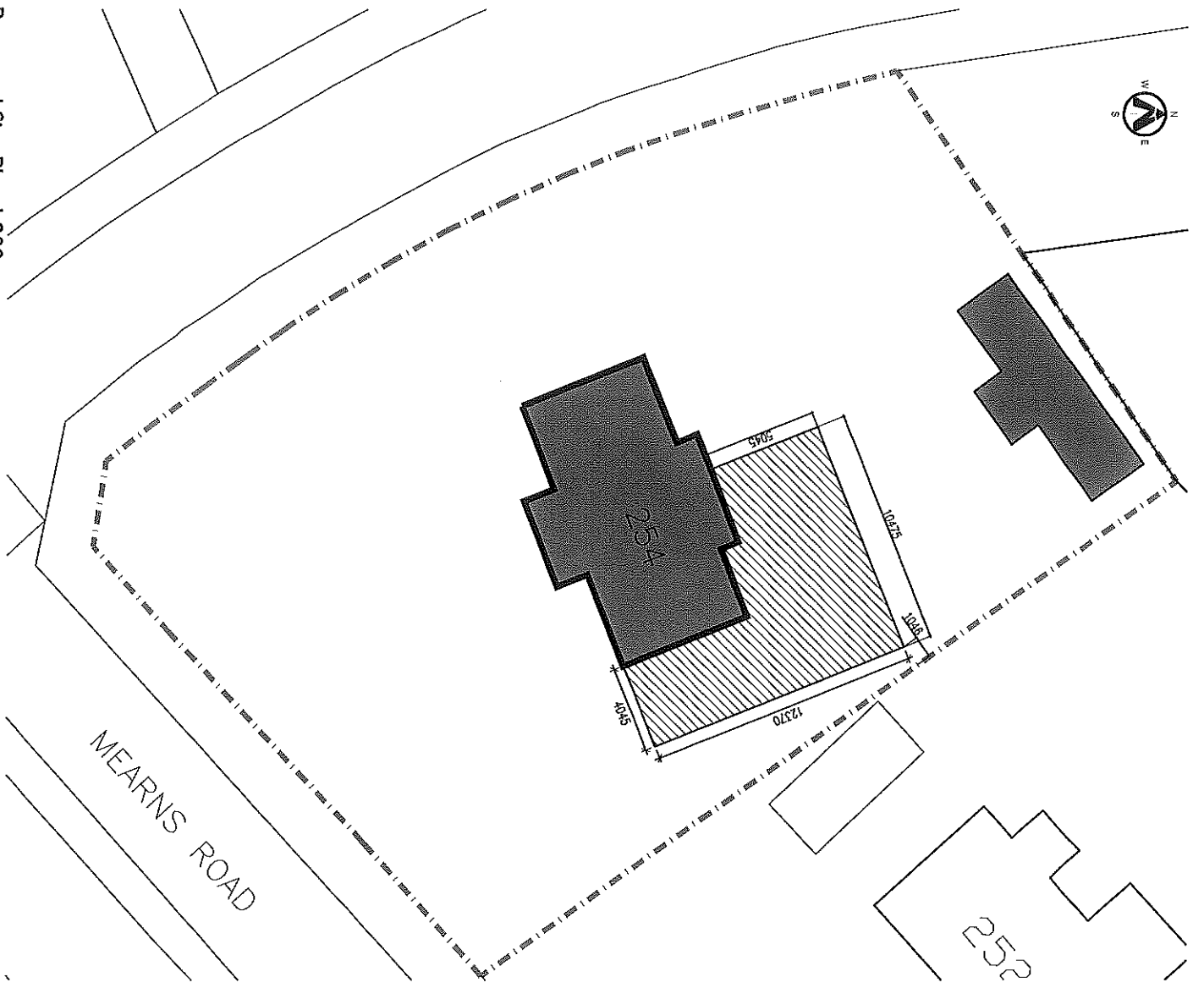
Kind regards,

Lynne McMenemy
Senior Planner
Development Management
Environment (Planning, Property and Regeneration)
0141 577 3057
Lynne.McMenemy@eastrenfrewshire.gov.uk

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Existing Location Plan 1:1250

Site Area: 1,166sqm
 Existing House Footprint: 121sqm
 Garage Footprint: 36sqm
 Proposed Ground Floor: 57sqm = 47% of the existing house footprint
 Proposed First Floor: 87sqm
 TOTAL EXTENSION AREA: 174sqm
 Plot to Build Ratio = 29%.

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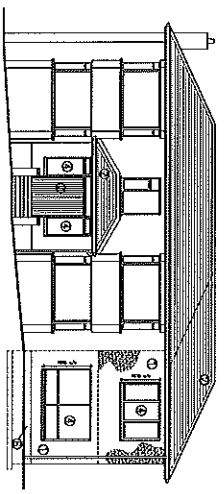
Proposed House Alterations for
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drawing title:
 Existing Location Plan &
 Proposed Site Plan

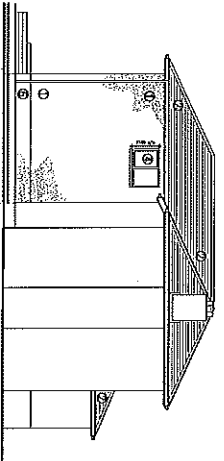
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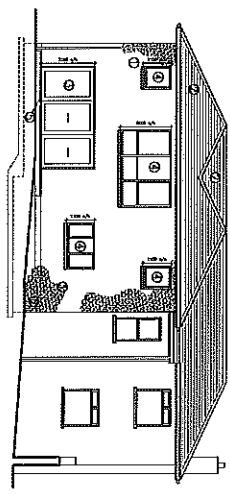
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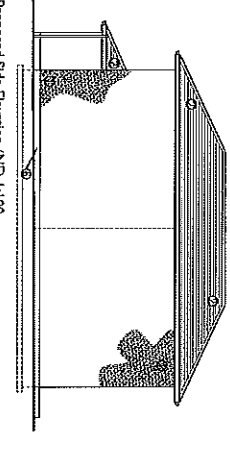
Proposed Front Elevation (SE) 1:100



Proposed Side Elevation (SW) 1:100

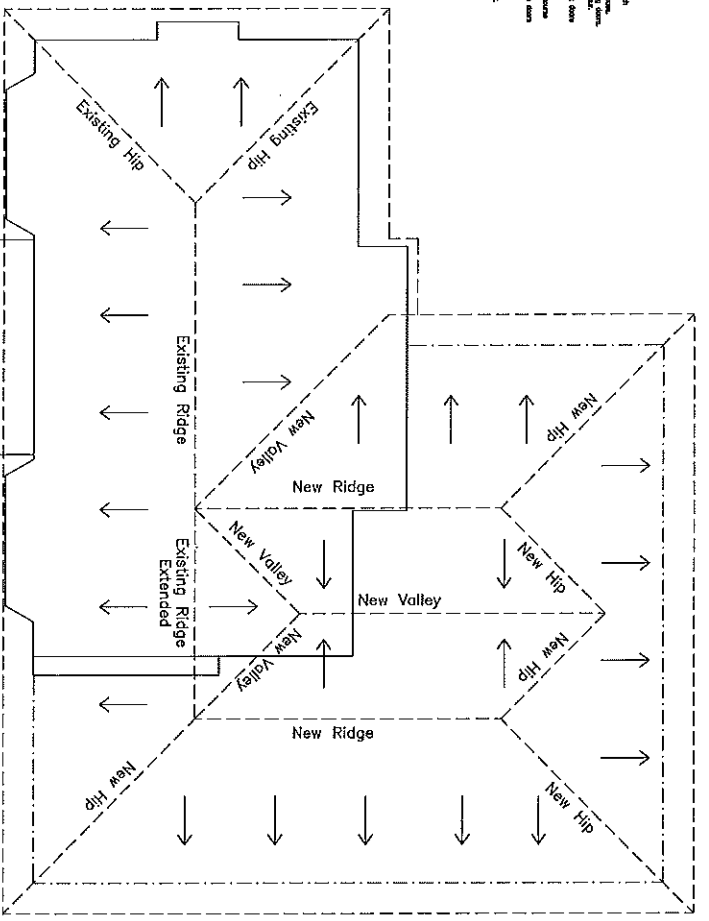


Proposed Side Elevation (NW) 1:100

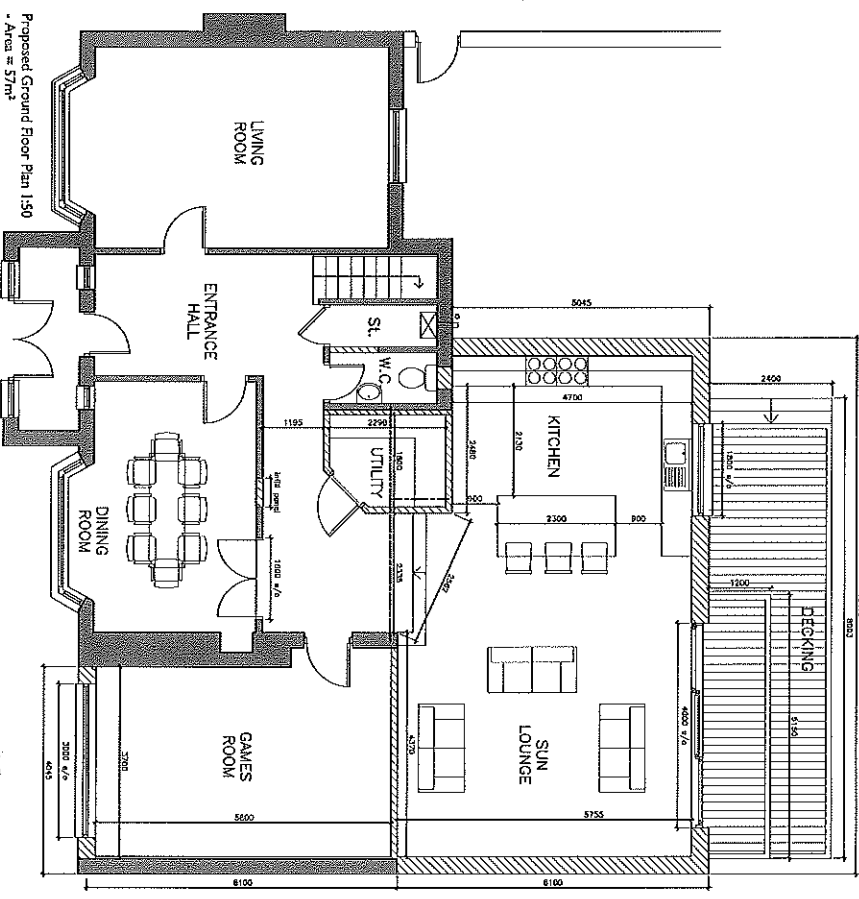


Proposed Side Elevation (NE) 1:100

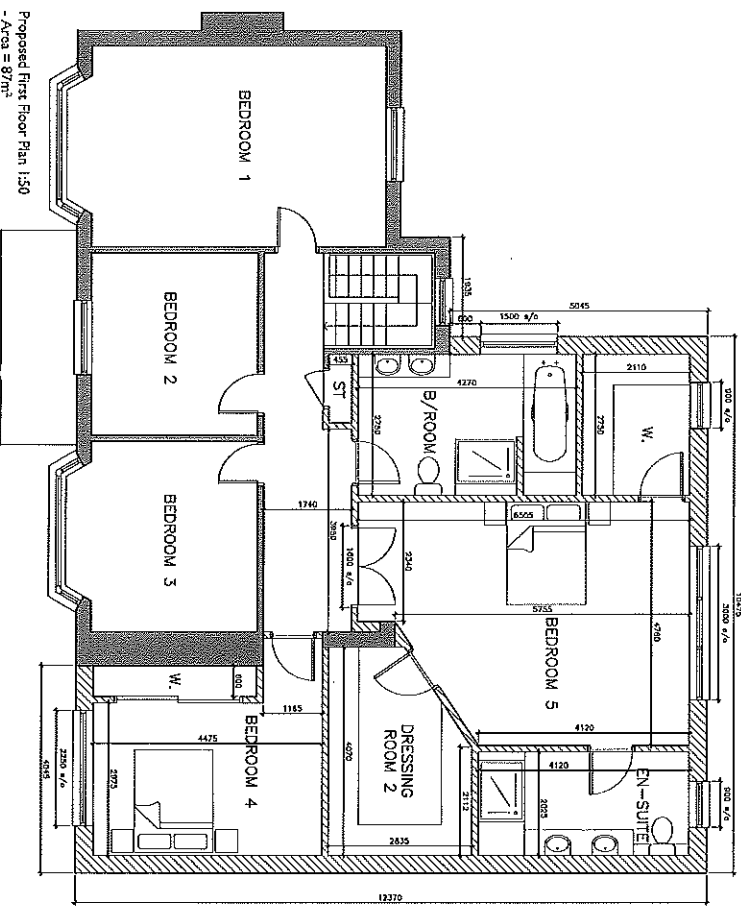
NOTE: ALL ELEVATIONS SHALL BE TO FINISH GRADE UNLESS OTHERWISE NOTED.
 1. ALL ROOF PITCHES SHALL BE 12:12 UNLESS OTHERWISE NOTED.
 2. ALL ROOFING SHALL BE 30 YEAR RESISTANCE ASBESTOS-CEMENT SHINGLES.
 3. EXTERIOR WALLS SHALL BE 8\"/>



Proposed Roof Plan 1:50



Proposed Ground Floor Plan 1:50
 - Area = 57m²



Proposed First Floor Plan 1:50
 - Area = 87m²

