EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

12 August 2015

Report by Deputy Chief Executive

REVIEW OF CASE - REVIEW/2015/09

ERECTION OF TWO STOREY REAR EXTENSION WITH ASSOCIATED RAISING OF RIDGE HEIGHT INCORPORATING RAISED PLATFORM AND BALCONY AT REAR AND ERECTION OF SINGLE STOREY SIDE EXTENSION; ENLARGEMENT OF DORMER WINDOW AT FRONT AT 8 NETHERCLIFFE AVENUE, NETHERLEE

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:- 2015/0085/TP).

Applicant: Mr and Mrs Johnstone.

Proposal: Erection of two storey rear extension with associated raising

of ridge height incorporating raised platform and balcony at rear and erection of single storey side extension; enlargement

of dormer window at front.

Location: 8 Nethercliffe Avenue, Netherlee.

Council Area/Ward: Netherlee, Stamperland and Williamwood (Ward 4).

REASON FOR REQUESTING REVIEW

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

RECOMMENDATIONS

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

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

BACKGROUND

- 5. At the meeting of the Council on 29 April 2009, consideration was given to a report by the Director of Environment seeking the adoption of a new Scheme of Delegation in terms of the new Section 43A of the Town and Country Planning (Scotland) Act 1997, subject to approval of the scheme by Scottish Ministers.
- 6. The report provided details of the new hierarchy of developments that took effect from 6 April 2009 explaining that the Scheme of Delegation related to those applications within the "local development" category as set out in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but would in future be determined by an "appointed officer". In the Council's case this would be either the Director of Environment or the Head of Roads, Planning and Transportation Service now designated the Head of Environment (Planning, 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 with came into effect on 3 August 2009 all appeals against decisions made in respect of local developments under delegated powers would be heard by a Local Review Body. The Local Review Body would also deal with cases where the appointed officer had failed to determine an application within two months from the date it was lodged.

NOTICE OF REVIEW - STATEMENT OF REASONS FOR REQUIRING THE REVIEW

- **8.** The applicants in submitting the review have stated the reasons for requiring the review of the determination of their application. A copy of the applicants' Notice of Review and Statement of Reasons is attached as Appendix 5.
- **9.** The applicants are entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and have indicated that the review can be determined based on the information submitted only without the need for further procedure.
- **10.** The Local Review Body is not bound to accede to the applicants' request as to how it will determine the review and will itself decide what procedure will be used in this regard.

INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

11. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The Local Review Body is advised that the focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.

- **12.** However, the applicants have submitted new information which was not available to the appointed officer at the time the determination of the application was made. The new information relates to plans and photographs of other properties.
- **13.** Members are advised that Section 43B of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 states that:-
 - "43B Matters which may be raised in a review under section 43A(8)
 - (1) In a review under section 43A(8), a party to the proceedings is not to raise any matter which was not before the appointed person at the time the determination reviewed was made unless that party can demonstrate—
 - (a) that the matter could not have been raised before that time, or
 - (b) that its not being raised before that time was a consequence of exceptional circumstances.
 - (2) Nothing in subsection (1) affects any requirement or entitlement to have regard to—
 - (a) the provisions of the development plan, or
 - (b) any other material consideration."
- **14.** The applicants' have been given an opportunity to explain why the information was not made available to the appointed officer at the time the application was determined.
- 15. In reply, their agent has indicated that he did not consider that the plans and photographs constituted new information. He has explained that the plans of the house opposite to his clients' property were already in the hands of the planning office and that as regards the photographs, he believed the planning officer would have been able to see all of the things in the photographs during the site inspection.
- 16. The Local Review Body must decide whether the new information should be considered as part of the review. In the event that the Local Review Body decides that the new information should be considered as part of the review, it is recommended, in the interests of equality of opportunity to all parties that the appointed officer and those interested parties who have submitted representations be given the opportunity to comment on the new information.
- **17.** Members should note that the new information has been excluded from the applicants' 'Notice of Review' form.
- **18.** The information detailed below is appended to this report to assist the Local Review Body in carrying out the review of the decision taken by the appointed officer:-
 - (a) Application for planning permission Appendix 1 (Pages);
 - (b) Copies of objections/representations Appendix 2 (Pages);
 - (b) Report of Handling by the planning officer under the Scheme of Delegation Appendix 3 (Pages);
 - (c) Decision notice and reasons for refusal Appendix 4 (Pages); and
 - (d) A copy of the applicants' Notice of Review and Statement of Reasons Appendix 5 (Pages).

- **19.** The applicants have also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and these are attached as Appendix 6 (Pages):
 - (a) Plans as existing;
 - (b) Refused Location plan; and
 - (c) Refused Elevations as proposed;
- **20.** The Local Review Body is advised that initial consultation responses and representations received if any, relating to the application will be listed in the planning officer's Report of Handling.
- 21. All the documents referred to in this report can be viewed online on the Council's website at www.eastrenfrewshire.gov.uk with the exception of any representations that have been made to the application.

RECOMMENDATIONS

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

Report Author:

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:- July 2015

KEY WORDS:

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

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

APPLICATION FOR PLANNING PERMISSION



2 Spiersbridge Way Thornliebank Glasgow G46 8NG

Tel: 0141 577 3001 Fax: 0141 577 8411

Email: planning@eastrenfrewshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE

000111119-001

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.

when your form is validated. I lease quote this reference if you need to contact the Framming Authority	about this application.
Description of Proposal	
Please describe accurately the work proposed: * (Max 500 characters)	
Erection of an extension and roof replacement	
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:	John Gordon Associates Ltd.	You must enter a Building both:*	Name or Number, or
Ref. Number:		Building Name:	
First Name: *	John	Building Number:	3
Last Name: *	Gordon	Address 1 (Street): *	Dean Acres
Telephone Number: *	01383850134	Address 2:	Comrie
Extension Number:		Town/City: *	Dunfermline
Mobile Number:		Country: *	UK
Fax Number:	01383850134	Postcode: *	KY12 9XS
Email Address: *	gordonassociates@sky.com		
Is the applicant an individual	I or an organisation/corporate entity?	*	
✓ Individual ☐ Organi	isation/Corporate entity		
Applicant Detai	ls		
Please enter Applicant detail	ils		
Title: *	Other	You must enter a Building both:*	Name or Number, or
Other Title: *	Mr & Mrs	Building Name:	
First Name: *	-	Building Number:	8
Last Name: *	Johnstone	Address 1 (Street): *	Nethercliffe Avenue
Company/Organisation:		Address 2:	
Telephone Number:		Town/City: *	Glasgow
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G44 3UP
Fax Number:			
Email Address:			

Site Address	s Det	ails				
Planning Authority:		East Renfrewshire Council				
Full postal address of	the site (including postcode where available	e):		30	
Address 1:		8 NETHERCLIFFE AVENUE	Address 5:			
Address 2:		NETHERLEE	Town/City/Settlemen	it:	GLASGOW	
Address 3:			Post Code:		G44 3UP	
Address 4:						
Please identify/descri	ibe the lo	cation of the site or sites.				
			3			
Northing	658501		Easting	257668		
Pre-Applicat	tion [Discussion				
Have you discussed y	our prop	osal with the planning authority? *		Yes 🔽	No	
Trees						
Are there any trees or	n or adjac	ent to the application site? *				Yes No
If Yes, please mark or if any are to be cut ba		wings any trees, known protected	trees and their canopy spr	ead close	to the propo	sal site and indicate
Access and	Park	ing				
Are you proposing a r	new or alt	ered vehicle access to or from a pr	ublic road? *			Yes No
If Yes please describe you propose to make.	and sho You sho	w on your drawings the position of uld also show existing footpaths ar	f any existing, altered or ne nd note if there will be any i	w access mpact on	points, highli these.	ghting the changes
Planning Se	rvice	Employee/Elected	d Member Inter	est		
Is the applicant, or the elected member of the		t's spouse/partner, either a memb g authority? *	er of staff within the planning	ng service	or an	Yes No
Certificates	and I	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 ? *						
Is any of the land part	Is any of the land part of an agricultural holding? *				Yes V No	

Certificate Required					
The following Land Ownership Certificate is required to complete this section of the proposal:					
Certificate A					
Land Owne	rship Certificate				
Certificate and Notic Regulations 2013	e under Regulation 15 of the Town and Country Planning (Development Management Procedure	e) (Scotland)			
Certificate A					
I hereby certify that -	•				
lessee under a lease	than myself/the applicant was an owner (Any person who, in respect of any part of the land, is thereof of which not less than 7 years remain unexpired.) of any part of the land to which the apperiod of 21 days ending with the date of the accompanying application.	the owner or is the oplication relates			
(2) - None of the land	to which the application relates constitutes or forms part of an agricultural holding.				
Signed:	John Gordon				
On behalf of:	Mr & Mrs - Johnstone				
Date:	10/02/2015				
	✓ Please tick here to certify this Certificate. *				
Checklist -	Application for Householder Application				
in support of your ap	oments to complete the following checklist in order to ensure that you have provided all the nece plication. Failure to submit sufficient information with your application may result in your application authority will not start processing your application until it is valid.				
a) Have you provide	d 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? *				
c) Have you provided applicant, the name	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.? *				
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.					
e) Have you provide	d a certificate of ownership? *	✓ Yes ☐ No			
f) Have you provided the fee payable under the Fees Regulations? *					
g) Have you provide	g) Have you provided any other plans as necessary? *				
Continued on the next page					

A copy of other plans and drawing (two must be selected). *	s or information necessary to describ	e the proposals		
You can attach these electronic of	ocuments later in the process.			
Existing and proposed elev	ations.			
Existing and Proposed floo	plans.			
Cross sections.				
Site layout plan/Block plans	(including access).			
Roof plan.				
Photographs and/or photor	ontages.			
Additional Surveys – for example may need to submit a survey abo	a tree survey or habitat survey may b ut the structural condition of the existi	e needed. In some instances you ng house or outbuilding. *	Yes No	
		nd information or justification for your tatement. This can be combined with a	Yes No	
You must submit a fee with your a received by the planning authority		e able to be validated until the appropriate	fee has been	
Declare - For House	eholder Application			
I, the applicant/agent certify that to plans/drawings and additional info	nis is an application for planning perm rmation.	sission as described in this form and the ac	companying	
Declaration Name:	John Gordon			
Declaration Date:	10/02/2015			
Submission Date:	10/02/2015			
Payment Details				
		Created:	10/02/2015 13:22	

COPIES OF REPRESENTATIONS

Wallace, Joan

From:

Sheila Watt 02 March 2015 12:40 Sent:

Planning To:

Renerence no. 2015/0085/TP Subject: No8 Nethercliffe Ave.doc Attachments:

Dear Sirs,

Please find my comments as per attached document.

I have also posted by first class mail a duplicate.

S.G. Watt

This email has been scanned.

781 Clarkston Road Netherlee Glasgow G44 3XU

Your Ref: 2015/0085/TP

02 March 2015

Head of Environment
Planning, Property and Regeneration
2 Spiersbridge Way
Spiersbridge Business Park
Thornliebank
East Renfrewshire
G46 8NG

Dear Sirs

8 NETHERCLIFFE AVENUE, NETHERLEE, EAST RENFREWSHIRE

With regards to the planning application for the above property, I object to the following aspects:

- (1) Balcony Height At this height the balcony would overshadow my garden and those of other neighbouring properties;
 - (2) Roof Height The proposed height of the roof would introduce a discordancy in the pattern of the surrounding area; and
 - (3) Over-Development of the Property The scale of the proposed development would substantially reduce the size of the garden.

In accordance with section 25 of the Town and Country Planning (Scotland) Acting y 1997 as amended by the Planning etc (Scotland) Act 2006, in making any determination under the planning acts, regard is to be had to the development plan and the determination is to be made in accordance with that plan, unless material considerations indicate otherwise.

believe that the above aspects are contrary to the following policies of the current Local Development Plan:

Policy D15: Sub-division of the Curtilage of a Dwellinghouse for a New Dwellinghouse and Replacement of an Existing House with a New House

 The proposed plot should reflect the established pattern of development and should be of a size and shape capable of accommodating a dwellinghouse.
 There should also be sufficient land to provide garden ground that is of a

- scale and character compatible with the locality.
- Any new house must reflect the scale and character of the surrounding residences and the established pattern of development in the area. It should be designed to contribute to the visual character of the area.
- Existing building lines should be respected.

Policy D14: Extensions to Existing Buildings and Erection of Outbuildings and Garages

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

I also believe that the proposals for the extension do not reflect the General Principles set out in 2.1.1 of the Proposed Supplementary Planning Guidance 2012. These principles are a supplement to the policies and proposals of the Proposed Local Development Plan 2015.

These include:

- Direct overlooking and excessive overshadowing of neighbouring properties should be avoided.
- 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.

Also, 'Illustration 3: Rear Extension' states: The extension to the rear of a bungalow should have its ridge line below the ridge of the house.

I feel that to permit this development would be to undermine the principles of the current development plan and its soon to be adopted successor.

Yours faithfully

S. G. Watt

781 Clarkston Road Netherlee Glasgow East Renfrewshire G44 3XU

28th May, 2015

Mr. Paul O'Neil
Head of Democratic & Partnership Services
East Renfrewshire Council
Corporate & Community Services
Council HQ
Eastwood Park
Rouken Glen Road
Giffnock
Glasgow
G46 6UG

Dear Sir

Ref No: REVIEW/2015/09

Location: 8 Nethercliffe Avenue, Netherlee, East Renfrewshire G44 3UP

I refer to you letter of 15th May, 2015.

I have been made aware that the owners of 8 Nethercliffe Avenue intend to appeal the recent planning decision in regard to their application for extension and in the event of the appeal being unsuccessful will be submitting altered plans.

I would be very grateful if the council would ensure that it is clearly specified on any future building warrant/plans that the lane at the side of 8 Nethercliffe Avenue is private property. The lane belongs to me and my neighbours on Clarkston Road and requires 24 hour access.

I am therefore keen that this is noted and made clear to any future contractors in order that they do not use it for **parking**, **unloading** or **access** to the property at no 8 Nethercliffe Avenue.

I look forward to hearing from you in due course.

Yours faithfully,

S. G. Watt

O'Neil, Paul [CE]

From:

John Johnston <

Sent:

10 June 2015 08:34

To:

O'Neil, Paul [CE]

Subject:

Ref No. REVIEW/2015/09 - 8 Nethercliffe Avenue, Netherlee, East Renfrewshire, G44

3UP.

Dear Mr. O'Neil

Thank you for your letter of 28th May 2015.

The attached submission refers to the private lane at the side of our property. We have lived here for 20 years and we are aware of the need for 24 hour access. Indeed in the past we have taken down a section of our fence at the rear of our property to allow heavy machinery access to our neighbours on Clarkston Road rear gardens. We say this to make the point that we have been considerate neighbours for 20 years and will continue to be so.

We have not had the opportunity to reassure Sheila face to face that we will not any in away block access as she is in the process of moving to 52 Nethervale Avenue and has spent most of her days preparing house and garden for the move.

Yours sincerely

John & Karin Johnston

This email has been scanned.

REPORT OF HANDLING

REPORT OF HANDLING

Reference: 2015/0085/TP Date Registered: 13th February 2015

Application Type: Full Planning Permission This application is a Local Development

Ward: 4 -Netherlee Stamperland Williamwood

Co-ordinates: 257668/:658501

Applicant/Agent: Applicant: Agent:

Mr & Mrs Johnstone John Gordon Associates Ltd.

8 Nethercliffe Avenue Mr. John Gordon Netherlee 3 Dean Acres

East Renfrewshire Comrie
G44 3UP Dunfermline
KY12 9XS

Proposal: Erection of two storey rear extension with associated raising of ridge height

incorporating raised platform and balcony at rear and erection of single

storey side extension; enlargement of dormer window at front

Location: 8 Nethercliffe Avenue

Netherlee

East Renfrewshire

G44 3UP

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

1991/0215/TP INSTALLATION OF Granted 28.06.1991

SIDE DORMER

WINDOW

REPRESENTATIONS:

One letter of objection has been received in respect of the application. The grounds of objection relate to:

- Overshadowing and overlooking from the proposed balcony;
- The increase in the roof height would be out of character with the area;
- Overdevelopment, leaving a much reduced garden area;
- Contrary to Policies D14 and D15 of the proposed East Renfrewshire Local Development Plan; and
- Contrary to the general principles set out in the proposed Supplementary Planning Guidance: Householder Design Guide.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

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

ASSESSMENT:

The application site comprises a detached pyramidal hipped-roofed bungalow with front and side facing attic dormers and its curtilage. It is externally finished with a slate roof, white and brown painted render and red painted brick detailing. The side and rear boundaries of the site are characterised by established hedges and timber fencing that provide effective screening at ground level. The property has an existing raised patio that functions as an access landing to rear patio doors. The property sits adjacent to an access lane and an area of open space and as such is open to long views from Nethercliffe Avenue and Clarkston Road.

Planning permission is sought for the erection of a two storey rear extension with a rear gable wall and associated raising of the ridge height and steepening of the roof pitch with the erection of a single

storey side extension as well as the enlargement of the front dormer window. The rear extension comprises a projecting balcony at first floor level and a raised deck accessed via ground level. The ridge height is proposed to be raised from 7.4 metres to 8.2 metres (measured from a point at the centre of the existing dwelling). The proposed extensions are to be externally finished with grey concrete roofing tile with render and brick work to match the existing.

The proposed rear extension, with its large gable wall, is considered to be of a design and form markedly different from that of the existing hipped roofed bungalow. The impact of the proposed extension on the character of the existing building is exacerbated by the increase in the ridge height and the steepening of the roof pitch. As such, the proposed extension is not considered to be in keeping with the existing dwelling in terms of size, scale and height. The additional mass created by the extension is considered to dominate and overwhelm the existing dwelling. As the area is characterised by similar bungalow and as the site is open to views from Nethercliffe Avenue and Clarkston Road, the proposal is considered to be detrimental to the character and amenity of the wider area. From the proposed balcony it would be possible to have unrestricted views over adjacent gardens which would be detrimental to the privacy and amenity of neighbouring properties.

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 the rear of bungalows should have the same roof design as the existing dwelling as well as having a ridge line below that of the existing dwelling. The proposal is therefore considered to be contrary to the terms of the SPG.

Whilst it would be possible to overlook the adjacent rear garden from the proposed raised deck accessed from the ground floor, this would not be considered to be significantly greater than the degree of overlooking possible at present.

The points of objection not specifically addressed above are noted. It is not considered that the proposed extension would give rise to significant additional overshadowing given the orientation of the property in relation to its neighbours. Policy D15 of the proposed Local Development Plan relates to the sub-division of plots and is not considered relevant to the consideration of this application. It is considered that the plot would retain sufficient useable private garden ground and as such, if approved, the proposal would not result in the overdevelopment of the site.

Taking all of the above into account is recommended that the application is refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None

REASONS FOR REFUSAL:

- 1. The application is contrary to Policies DM1 and DM2.1 of the adopted East Renfrewshire Local Plan as (1) the proposed one and a half storey rear extension and gable end with the increase in ridge height and steepening of the roof pitch would not be in keeping with the character of the existing dwelling in terms of its form and design and would dominate and overwhelm its original form and character; and (2) the proposed balcony would give rise to excessive additional overlooking, all to the detriment of the character and amenity of the wider area and the adjacent dwellings.
- 2. The application is contrary to Policies D1 and D14 of the proposed East Renfrewshire Local Development Plan as (1) the proposed one and a half storey rear extension and gable end with the increase in ridge height and steepening of the roof pitch would not be in keeping with the character of the existing dwelling in terms of its form and design and would dominate and overwhelm its original form and character; and (2) the proposed balcony would give rise to excessive additional overlooking, all to the detriment of the character and amenity of the wider area and the adjacent dwellings.
- 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.

ADDITIONAL NOTES: None

ADDED VALUE: None

BACKGROUND PAPERS:

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

Ref. No.: 2015/0085/TP

(DESC)

DATE: 18th March 2015

DIRECTOR OF ENVIRONMENT

Reference: 2015/0085/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.

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.

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;
- 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;
- 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 18/03/15 IM(1)

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. **2015/0085/TP**

Applicant:

Mr & Mrs Johnstone 8 Nethercliffe Avenue Netherlee East Renfrewshire G44 3UP Agent:

John Gordon Associates Ltd. Mr. John Gordon 3 Dean Acres Comrie, Dunfermline KY12 9XS

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

Erection of two storey rear extension with associated raising of ridge height incorporating raised platform and balcony at rear and erection of single storey side extension; enlargement of dormer window at front

at: 8 Nethercliffe Avenue Netherlee East Renfrewshire G44 3UP

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:-

- The application is contrary to Policies DM1 and DM2.1 of the adopted East Renfrewshire Local Plan as (1) the proposed one and a half storey rear extension and gable end with the increase in ridge height and steepening of the roof pitch would not be in keeping with the character of the existing dwelling in terms of its form and design and would dominate and overwhelm its original form and character; and (2) the proposed balcony would give rise to excessive additional overlooking, all to the detriment of the character and amenity of the wider area and the adjacent dwellings.
- 2. The application is contrary to Policies D1 and D14 of the proposed East Renfrewshire Local Development Plan as (1) the proposed one and a half storey rear extension and gable end with the increase in ridge height and steepening of the roof pitch would not be in keeping with the character of the existing dwelling in terms of its form and design and would dominate and overwhelm its original form and character; and (2) the proposed balcony would give rise to excessive additional overlooking, all to the detriment of the character and amenity of the wider area and the adjacent dwellings.
- 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 18th March 2015

Angreni J Calif

Director of Environment

East Renfrewshire Council 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank,

G46 8NG Tel. No. 0141 577 3001

The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	RPG0901/LP		
Plans Proposed	RPG0901/2		

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 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



2 Spiersbridge Way Thornliebank Glasgow G46 8NG

Tel: 0141 577 3001 Fax: 0141 577 8411

Email: planning@eastrenfrewshire.gov.uk

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

Thank you for completing this application form:

✓ Individual Organisation/Corporate entity

ONLINE REFERENCE 0001111

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 Ag Are you an applicant, or an a on behalf of the applicant in	agent? * (An agent is an architect, con connection with this application)	sultant or someone else acting	Applicant Agent
Agent Details			
Please enter Agent details			
Company/Organisation:	John Gordon Associates Ltd.	You must enter a Building I both:*	Name or Number, or
Ref. Number:		Building Name:	
First Name: *	John	Building Number:	3
Last Name: *	Gordon	Address 1 (Street): *	Dean Acres
Telephone Number: *	01383850134	Address 2:	Comrie
Extension Number:		Town/City: *	Dunfermline
Mobile Number:		Country: *	UK
Fax Number:	01383850134	Postcode: *	KY12 9XS
Email Address: *	gordonassociates@sky.com		
Is the applicant an individua	I or an organisation/corporate entity?	•	

Applicant Det	ails			
Please enter Applicant d	etails			
Title: *	Other	You must enter a Bui both:*	lding Name or Number, or	
Other Title: *	Mr & Mrs	Building Name:		
First Name: *	-	Building Number:	8	
Last Name: *	Johnston	Address 1 (Street): *	Nethercliffe Avenue	
Company/Organisation:		Address 2:		
Telephone Number:		Town/City: *	Netherlee	
Extension Number:		Country: *	Scotland	
Mobile Number:		Postcode: *	G44 3UP	
Fax Number:				
Email Address:				
Site Address	 Details			
Planning Authority:	East Renfrewshire Council			
Full postal address of the	e site (including postcode where available	le):		
Address 1:	8 NETHERCLIFFE AVENUE	Address 5:		
Address 2:	NETHERLEE	Town/City/Settlemen	nt: GLASGOW	
Address 3:		Post Code:	G44 3UP	
Address 4:				
Please identify/describe	the location of the site or sites.			
		1		
Northing 65	58501	Easting	257668	
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 two storey rear extension with associated raising of ridge height incorporating raised platform and balcony at rear and erection of single storey side extension; enlargement of dormer window at front				

Type of Application					
What type of application did you submit to the planning auth	nority? *				
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 conditi	ions.				
What does your review relate to? *					
Refusal Notice.					
Grant of permission with Conditions imposed.					
No decision reached within the prescribed period (two	months after valida	tion date	or any ag	greed exte	ension) – deemed refusal.
Statement of reasons for seekin	g review				
You must state in full, why you are seeking a review of the p statement must set out all matters you consider require to b provided as a separate document in the 'Supporting Document's provided in the state of the	e taken into account	in deter	mining yo	to make ur review	a decision). Your . If necessary this can be
Note: you are unlikely to have a further opportunity to add to all of the information you want the decision-maker to take in		appeal at	a later da	ate, so it i	s essential that you produce
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 ATTACHED					
Have you raised any matters which were not before the app determination on your application was made? *	pointed officer at the	time the			Yes No
Please provide a list of all supporting documents, materials intend to rely on in support of your review. You can attach to characters)	and evidence which these documents ele	you wish ctronical	n to subm lly later in	it with you the proce	ur notice of review and ess: * (Max 500
DECISION NOTICE					
REFUSAL NOTICE GROUNDS FOR REVIEW					
APPLICATION DRAWINGS					
Application Details					
Please provide details of the application and decision.					
What is the application reference number? * 2015/0085/TP					
What date was the application submitted to the planning au	thority? *		10/02/15		
What date was the decision issued by the planning authority	y? *	18/03/1	5		

Review Procedure	•			
process require that further infor	de on the procedure to be used to determine your review a mation or representations be made to enable them to dete tion of procedures, such as: written submissions; the holdi subject of the review case.	rmine the review	. Further information may	
Can this review continue to a cor parties only, without any further p	nclusion, in your opinion, based on a review of the relevan procedures? For example, written submission, hearing ses	t information prov ssion, site inspect	vided by yourself and other ion. *	
✓ Yes ☐ No				
In the event that the Local Revie	w Body appointed to consider your application decides to	inspect the site, i	n your opinion:	
Can the site be clearly seen from	n a road or public land? *	✓ Y	es No	
Is it possible for the site to be according	cessed safely and without barriers to entry? *	✓ Y	es No	
Checklist - Applic	ation for Notice of Review			
Please complete the following ch Failure to submit all this informat	necklist to make sure you have provided all the necessary ion may result in your appeal being deemed invalid.	information in su	oport of your appeal.	
Have you provided the name and	d address of the applicant? *		✓ Yes No	
Have you provided the date and	reference number of the application which is the subject o	of this review? *	✓ Yes No	
	ehalf of the applicant, have you provided details of your na iny notice or correspondence required in connection with to licant? *			
			✓ Yes ☐ No ☐ N/A	
Have you provided a statement s (or combination of procedures) y	setting out your reasons for requiring a review and by what ou wish the review to be conducted? *	t procedure	✓ 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 docur drawings) which are now the sub	ments, material and evidence which you intend to rely on ()ject of this review *	e.g. plans and	✓ 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 o	f Review			
I/We the applicant/agent certify the	hat this is an application for review on the grounds stated.			
Declaration Name:	John Gordon			
Declaration Date:	13/05/2015			
Submission Date:	13/05/2015			

GROUNDS TO ACCEPT THE ORIGINAL DESIGN PLANS FOR NO. 8 NETHERCLIFFE AVE NETHERLEE PLANNING APPLICATION 2015/0085/TP

- We are submitting this request for a local review based on Point 1, item 1 of the
 reasons for the council's decision to refuse the application, being the alteration of
 the roof to incorporate a gable end and associated glazed elements.
- The proposed design of the extension adds less than 100% of the original floor space to the property and as such would not overwhelm the original house.
- The proposed design is not considered overdevelopment of the site and as such the plot would retain sufficient usable private garden
- The proposed extension is principally to the rear of the property and does not significantly alter the view from the front of the property. The pyramidal style roof which is characterised in the area is largely maintained and as such the view from the street is similar to those neighbouring properties (please see attached pictures)
- The proposed extension is very similar in design to the property directly across the road at No. 5, therefore the two properties on entering the street would mirror each other making it aesthetically pleasing
- A precedent has been set for a building of this type as there are a number of modified houses in Nethercliffe Ave and the neighbouring streets.
- The applicant has offered to remove the rear balcony and concedes the point it may be overlooking other properties and has also offered to reduce the ridge height, to reduce the size of the front dormer and to reduce the width of the extension.
- Given the age of the original house the applicant was looking to refurbish the
 property and renew the somewhat tired and leaking roof. One of the main reasons
 for the redesign is to increase the size of the public rooms on the ground floor but
 also to provide a larger guest bedroom with its own en-suite bathroom on the first
 floor. This is for an elderly relative who stays over on a regular basis and who will
 move in permanently at some future date. This will afford them bathroom facilities
 on the same level as their bedroom.
- Can we also draw your attention to other recent similar planning requests that were refused on the same principal's as the proposed plans. The points for refusal were the gable roof style, raised roof ridge height, they were not in keeping with the existing and neighbouring properties, not retaining the pyramidal style roof and they had not taken advantage of the pre submission advice. These jobs were lodged in late 2014 and early 2015, they were both judged as failing to meet the proposed local development plan and the planning guidance rules, despite neither of these directives being applicable at the time the plans were submitted. Both refusals were overturned by the review committee after being considered on their own individual merits.

Case A – Mr Melrose 105 Ayr Rd, Newton Mearns, Glasgow, G77 6RA – 2014/0821/TP Date registered 18/12/2014

Case B – Mr & Mrs Paton 5 Strathearn Rd, Clarkston, Glasgow, G76 7TY – 2015/0013/TP

We accept that we are in the transitional phase between the 2011 Development Plan and the (as yet not approved) 2015 Development Plan. However we feel that the Planning Department has been over zealous in applying the principles outlined in the 2015 Plan before the Plan has been approved.

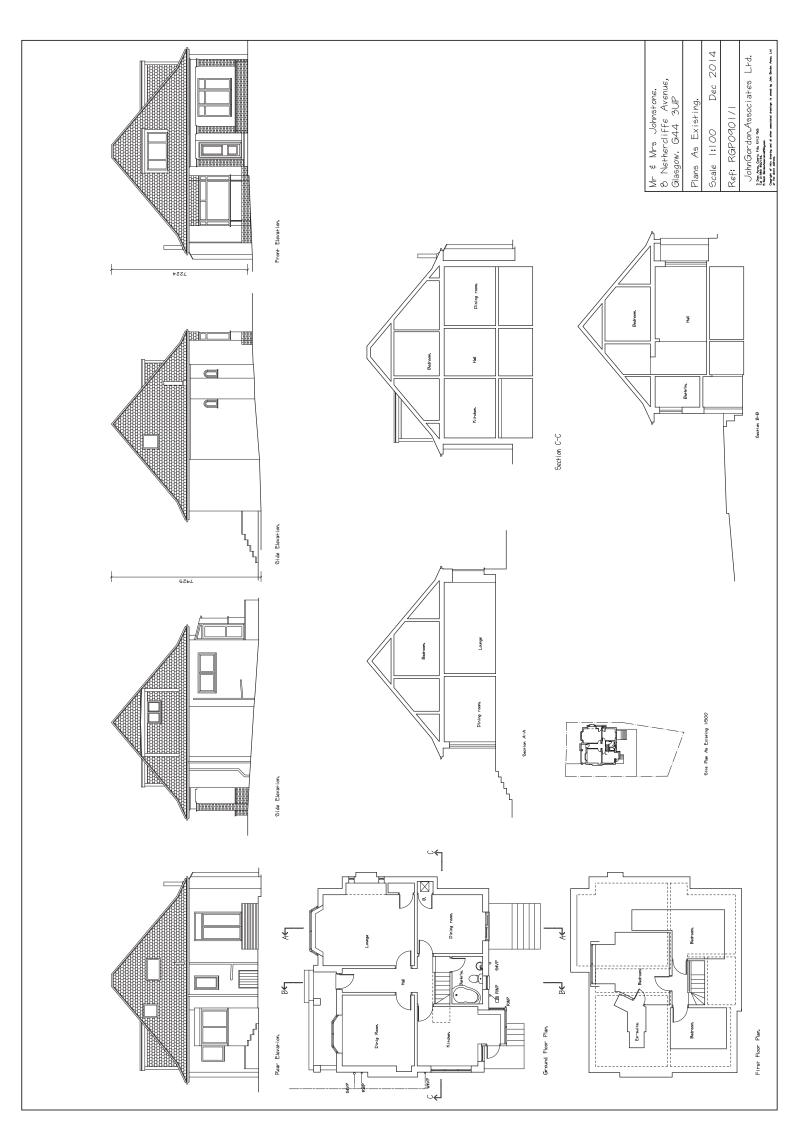
In particular we feel that we were badly treated as we were directed to two documents both of which post-dated our planning application;

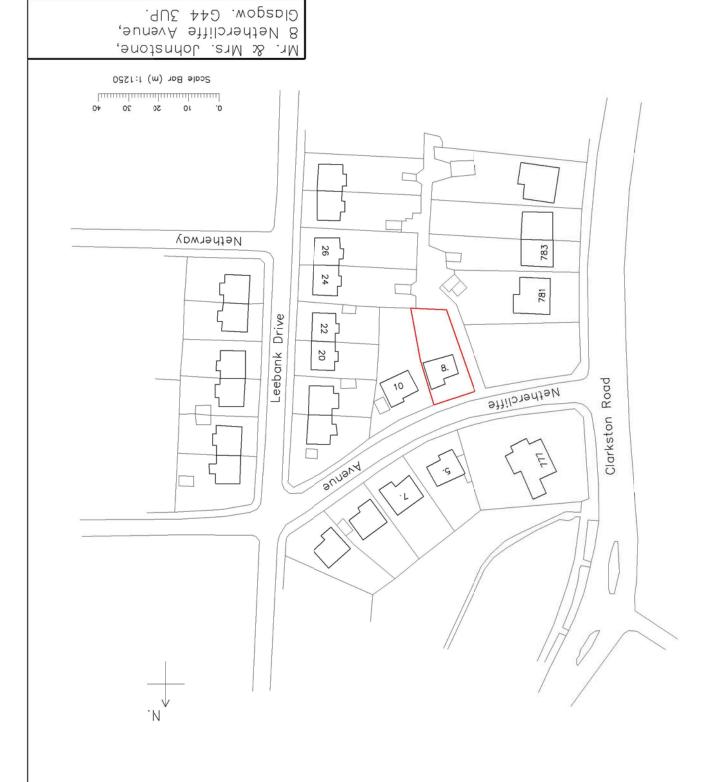
- 1. East Renfrewshire Proposed Local Development Plan dated March 2015 but not due to be approved until Summer 2015.
- 2. Supplementary Planning Guidance: Householder Design Guide dated March 2015

Our plans were submitted 10th February 2015, a month before the above two documents were published and several months before they were due to be approved. In both of these documents it stated that any extension with a gable end would be resisted. We accept that this should be the case going forward but to impose this retrospectively is capricious.

During our meeting with Gillian McCarney there was also mention of Netherlee as a conservation area - when I challenged this point on the basis that Netherlee was merely being promoted as a conservation area and did not yet have that status, she conceded that this was the case. Again there seems to be the desire to enforce conditions on the basis of a "status" that has not yet been granted.

PLANS/PHOTOGRAPHS/DRAWINGS





Town and Country Planning (Scotland) Act 1997

KEEUSED

Director of Environment East Renfrewshire Council

Tel/Fax: 01383 850 134 COMRIE 3 DEAN ACRES

Dec.

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FIFE KY12 9X5 8 @sky.com @sky.com

JOHN GORDON ASSOCIATES LTD

Ref: RGP0901/LP

Scale: 1:1250

Location Plan

This is a true copy of the plan referred to in our application.

Jafed: Signed:

Copyright of this drowing, and all other associated drowings, is owned by John Gordon Associates Ltd at the above address.

