EAST RENFREWSHIRE COUNCIL

LOCAL REVIEW BODY

12 August 2015

Report by Deputy Chief Executive

REVIEW OF CASE - REVIEW/2015/10

ERECTION OF UPPER FLOOR EXTENSION TO FORM TWO STOREY DWELLINGHOUSE AT 38 BROOMVALE DRIVE, 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:- 2015/0172/TP).

Applicant: Mr Richard Stevens.

Proposal: Erection of upper floor extension to form two storey

dwellinghouse.

Location: 38 Broomvale Drive, Newton Mearns G77 5NN.

Council Area/Ward: Newton Mearns South (Ward 5).

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 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 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 applicant's request as to how it will determine the review and will itself decide what procedure will be used in this regard.

INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

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

- **12.** The information detailed below is appended to this report to assist the Local Review Body in carrying out the review of the decision taken by the appointed officer:-
 - (a) Application for planning permission Appendix 1 (Pages);
 - (b) Copies representations Appendix 2 (Pages);
 - (c) Report of Handling by the planning officer under the Scheme of Delegation Appendix 3 (Pages);
 - (d) Decision notice and reasons for refusal Appendix 4 (Pages); and
 - (e) A copy of the applicant's Notice of Review and Statement of Reasons Appendix 5 (Pages).
- 13. The applicant has also submitted the drawings listed below (available for inspection within the Planning Division of the Environment Department prior to the meeting and for reference at the meeting) and these are attached as Appendix 6 (Pages):
 - (a) Existing site and location plan;
 - (b) Existing elevations and sections;
 - (c) Existing floor and roof plans;
 - (d) Proposed sections A-A and B-B;
 - (e) Refused Proposed site and location plan;
 - (f) Refused Proposed elevations; and
 - (g) Refused Proposed floor and roof plans.
- **14.** The Local Review Body is advised that initial consultation responses and representations received if any, relating to the application will be listed in the planning officer's Report of Handling.
- **15.** All the documents referred to in this report can be viewed online on the Council's website at www.eastrenfrewshire.gov.uk with the exception of any representations that have been made to the application.

RECOMMENDATIONS

- **16.** The Local Review Body is asked to:-
 - (a) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
 - 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



Renjreushire

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 000114978-001

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)	
Formation of second storey to accommodate 4 bedrooms (1 master) + family bathroom	
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:	Spacesix Architects	You must enter a Building Name or Number, or both:*		
Ref. Number:		Building Name:	Berkeley Offices	
First Name: *	George	Building Number:	116	
Last Name: *	Skinner	Address 1 (Street): *	Elderslie Street	
Telephone Number: *	0141 237 4878	Address 2:		
Extension Number:		Town/City: *	Glasgow	
Mobile Number:		Country: *	UK	
Fax Number:		Postcode: *	G3 7AW	
Email Address: *	george.skinner@spacesix.com			
Is the applicant an individual or	r an organisation/corporate entity? *			
✓ Individual ☐ Organisa	ition/Corporate entity			
Applicant Details	Applicant Details			
Please enter Applicant details				
Title: *	Mr	You must enter a Building Nar both:*	me or Number, or	
Other Title:		Building Name:		
First Name: *	Richard	Building Number:	38	
Last Name: *	Stevens	Address 1 (Street): *	Broomvale Drive	
Company/Organisation:		Address 2:	Newton Mearns	
Telephone Number:		Town/City: *	Glasgow	
Extension Number:		Country: *	Scotland	
Mobile Number:		Postcode: *	G77 5NN	
Fax Number:				
Email Address:				

Site Address	Details		
Planning Authority:	East Renfrewshire Council		
Full postal address of th	e site (including postcode where availa	ble):	
Address 1:	38 BROOMVALE DRIVE	Address 5:	
Address 2:	NEWTON MEARNS	Town/City/Settlement	GLASGOW
Address 3:		Post Code:	G77 5NN
Address 4:			
Please identify/describe	the location of the site or sites.		
Northing 6	56133	Easting	254751
Pre-Application	on Discussion		
Have you discussed you	r proposal with the planning authority?	*	Yes No
Pre-Applicati	on Discussion Detail	s	
In what format was the f	eedback given? *		
Meeting 1	elephone Letter 🗸 Ema	il	
Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)			
There was no objection in principle. However, the second storey was unlikely to be viewed favourably. The client wishes to continue			
with the application as it is felt the proposals can be justified. The client is also willing to have the application refused and take the proposals to the local review committee			
Title:	Mrs	Other title:	
First Name:	Alison	Last Name:	Mitchell
Correspondence Refere Number:	nce	Date (dd/mm/yyyy):	16/02/15
Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.			
Trees			
Are there any trees on o	r adjacent to the application site? *		Yes V 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 I	Parking	
Are you proposing a ne	ew or altered vehicle access to or from a public road? *	Yes No
If Yes please describe you propose to make.	and show on your drawings the position of any existing, altered or new access points, highlighout should also show existing footpaths and note if there will be any impact on these.	ghting the changes
Planning Ser	vice Employee/Elected Member Interest	
Is the applicant, or the elected member of the	applicant's spouse/partner, either a member of staff within the planning service or an planning authority? *	Yes No
Certificates a	and Notices	
	OTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT LAND) REGULATIONS 2013	MANAGEMENT
One Certificate must be Certificate B, Certificate	e completed and submitted along with this application form. This is most usually Certificate A e C or Certificate E.	A, Form 1,
Are you/the applicant th	ne sole owner of ALL the land ? *	✓ Yes ☐ No
Is any of the land part of	of an agricultural holding? *	Yes No
Certificate Re	equired	
The following Land Ow	nership Certificate is required to complete this section of the proposal:	
Certificate A		
Land Owners	ship Certificate	
Certificate and Notice u Regulations 2013	under Regulation 15 of the Town and Country Planning (Development Management Procedu	ure) (Scotland)
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:	George Skinner	
On behalf of:	Mr Richard Stevens	
Date: 2	21/03/2015	
	✓ Please tick here to certify this Certificate. *	

Checklist - Application for Householder Application			
in support of your application. Fail	mplete the following checklist in order to ensure that you have provided all the nec lure to submit sufficient information with your application may result in your applical I not start processing your application until it is valid.	essary information ation being deemed	
a) Have you provided a written de	escription of the development to which it relates?. *	✓ Yes ☐ No	
b) Have you provided the postal a has no postal address, a descripti	address of the land to which the development relates, or if the land in question of the location of the land? *	✓ Yes ☐ No	
c) Have you provided the name a applicant, the name and address	nd address of the applicant and, where an agent is acting on behalf of the of that agent.? *	✓ Yes ☐ No	
	olan sufficient to identify the land to which it relates showing the situation of the in particular in relation to neighbouring land? *. This should have a north point le.	✓ Yes ☐ No	
e) Have you provided a certificate	e of ownership? *	✓ Yes ☐ No	
f) Have you provided the fee paya	able under the Fees Regulations? *	✓ Yes ☐ No	
g) Have you provided any other p	lans as necessary? *	✓ Yes ☐ No	
Continued on the next page			
A copy of other plans and drawing (two must be selected). *	gs or information necessary to describe the proposals		
You can attach these electronic d	ocuments later in the process.		
Existing and proposed elever	ations.		
Existing and Proposed floor	r plans.		
Cross sections.			
Site layout plan/Block plans	s (including access).		
Roof plan.			
Photographs and/or photom	nontages.		
Additional Surveys – for example may need to submit a survey abo	a tree survey or habitat survey may be needed. In some instances you ut 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. *			
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 Hous	seholder Application		
I, the applicant/agent certify that to plans/drawings and additional info	his is an application for planning permission as described in this form and the accommation.	ompanying	
Declaration Name:	George Skinner		
Declaration Date:	21/03/2015		
Submission Date:	21/03/2015		
Payment Details	Created: 2	1/03/2015 14:50	

COPIES OF REPRESENTATIONS

Ack. 13/04/15-AM

01082 receipt Nº

RECEIVED
1 0 APR 2015



36 Broomvale Drive, Glasgow G77 5NN. 16th April, 2015.

Head of Environment, (Planning, Property and Regeneration), 2 Spiersbridge Way, Thornliebank, East Renfrewshire G46 8NG. (F.A.O Mrs Alison Mitchell)

Dear Mrs Mitchell,

Application Proposal 2015/0172/TP@

Location: 38 Broomvale Drive, Newton Mearns, G77 5NN.

I acknowledge, with thanks, receipt of the "Notice to neighbours" on 9th April 2015. This concerned the application by Mr R. Stevens who is proposing erecting an upper floor extension to form a two story dwelling house at his address, 38 Broomvale Drive, Newton Mearns.

On 9th April, Miss Alison Farrel let me see the plans of the proposals.

1. I am surprised that it is proposed to set a 2 storey building adjacent to the rows of very pleasant 1- storey bungalows (with extra accommodation under the existing roofs) which, in the main are the types of properties besides and near my house. I have added to this letter some photographs to show these house types.

Surely the proposals would result in quite a change of character and not necessarily one sympathetic to the existing adjacent types?

2. You also let me see the, was it called a "Statement of Intent" where it was pointed out (I'm not sure by whom) that there are 2 storey buildings further along the road in the direction of the Ayr Road. But these were built, I believe, as 2-storey buildings in an 'Art Deco' pastiche and that is rather different from simply adding on an extra floor to an existing bungalow.

3. The same "Statement" said that 3 out of 4 elevations of No. 38 would be some 27 or 32 metres away from other buildings...hoping I suppose to suggest that this new building really would not impinge on other buildings. Well, one building, mine, will really be affected. The 4th Elevation in its new height (1.8 metres added on I believe?) will have quite an impact as the distance from that elevation to our mutual boundary is circa. 6-9" *\times\$ (I hope that the photos which I have taken from my back garden will show more clearly how I feel rather anxious about a new build beginning to tower above my back garden views.)

You will appreciate from my comments that I do not find the proposals as set out in the documents I saw either as being sympathetic to, or in the spirit of those properties originally built in the past for this area.

Finally, if the plans for No 38 doubtless go ahead, then I wish to record that I am not giving permission for any tradesmen /workers /scaffolders etc to come on to my site and given the proximity of my Garage to the areas where work will be undertaken, I would require that my house and property will be protected from damage, nuisance, dust etc.

Once again, I appreciate the courtesy of your letting me see the proposals. Thank you.

Yours faithfully,

Amelia Maher (Miss) B.Arch. (Strathclyde),RIAS.

* (P.G. This is approximate.)

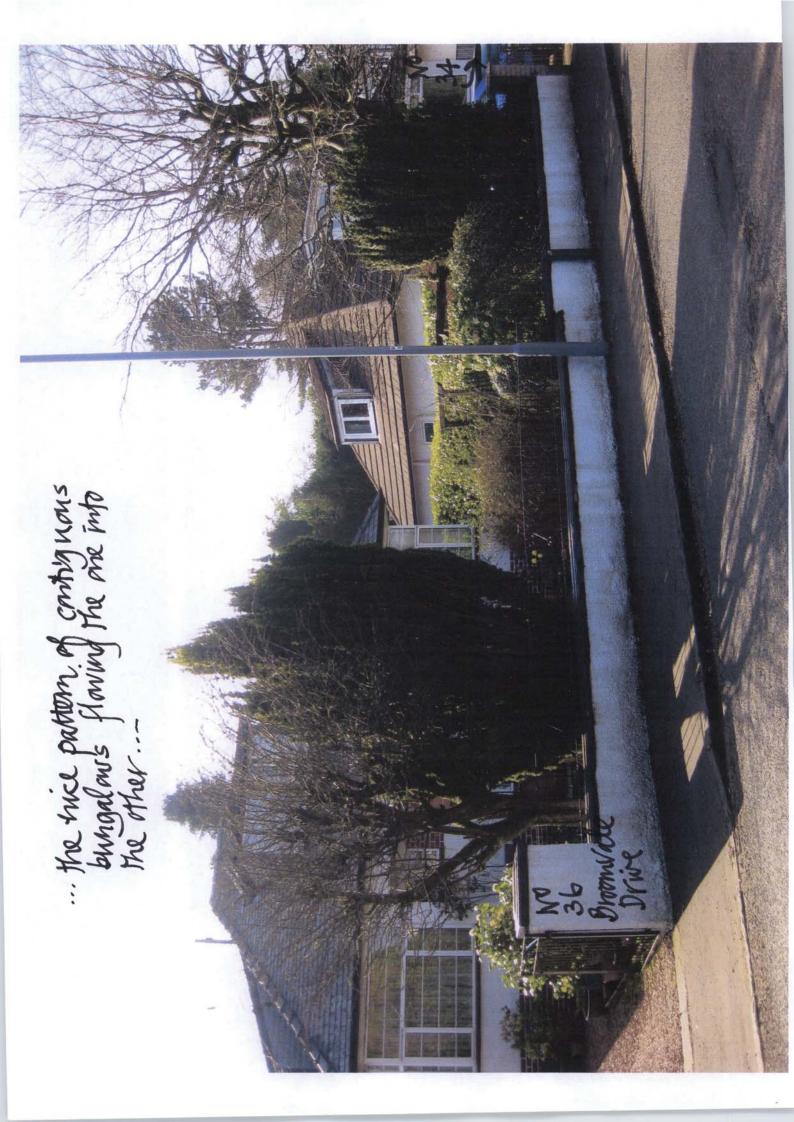
Amelia Patricia Maher ARCHITECT 36 Broomvale Drive Newton Mearns Glasgow G77 55/N Telephone 0141-639 2009 > SET OF 9 PHOTOS Setting and my areas of concern regarding the Planning Application:-2015 0172 | TP

attractive pattern
of 1 storey bungalous
along Broomvate Drive

to old Mearns Road.

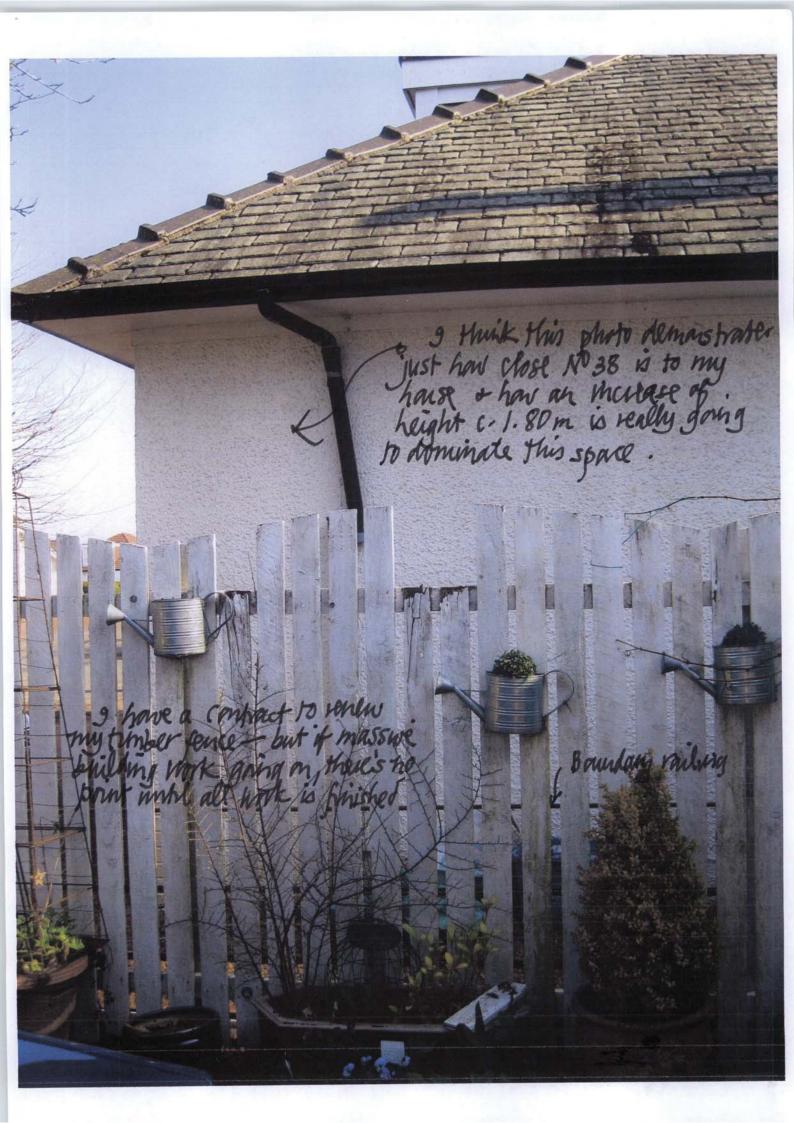
Knowes Ave No 38











I find it nather ironic that who wer prepared the "Statement of That soughing that 3 and of 4 elevations were c. 27 m or 32 m from other buildings... they comy fright the 4th elevation which adjoins my property, and you can see just has near it is. this photo shows how close No 38 is to my property a of as 9 suppose, some sort of scaffolding nell be exected in this nanow space, I must ask that g am protected from hamage eg to my gange

incience of height 9 believe of c. 1.80m proposed?—this could really dominate the view from en my kitchen window—the effect would be of this massive wall extending upwars. I out off some of the sky view - distant view knows avorage.



ann boyle

From:ann boyle

Sent:20 Apr 2015 14:45:50 +0100

To:Planning

Subject:2015/0172/tp to whom it may concern

We have received notice on the above proposed planning application and we would like to raise our concern about the height of the new proposed windows, we feel that they are considerably higher than the present dormer window and will seriously effect the privacy of our back garden at 37 dunbeath ave.

Ann and Tony Boyle

This email has been scanned.

REPORT OF HANDLING

REPORT OF HANDLING

Reference: 2015/0172/TP Date Registered: 2nd April 2015

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

Ward: 5 -Newton Mearns South

Co-ordinates: 254751/:656133
Applicant/Agent: Applicant: Agent:

Mr Richard Stevens
38 Broomvale Drive
Newton Mearns
East Renfrewshire
Spacesix Architects
Mr. George Skinner
Berkeley Offices
116 Elderslie Street

G77 5NN Glasgow G3 7AW

Proposal: Erection of upper floor extension to form two storey dwellinghouse

Location: 38 Broomvale Drive

Newton Mearns East Renfrewshire

G77 5NN

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY: None

REPRESENTATIONS:

Two representations have been received:

The representations can be summarised as follows:

Overlooking of rear garden/proximity to boundary

Change in character/unsympathetic to existing house types

Access/damage to property

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Design Statement The Statement considers the external appearance of the upper storey

respects character of house and neighbouring properties. Located on a corner plot, and separated 32m to 47m from neighbouring properties with mature landscaping, the alterations will not impact on the streetscape. Properties further north on road are two storeys. Questions house opposite which has been inappropriately extended. There will be no

overlooking or overshadowing issues.

ASSESSMENT:

The site is located on the west side of Broomvale Drive at its junction with Knowes Road and is situated within an established residential area predominately characterised by detached bungalows. The property is a one and a half storey bungalow with a flat roofed rear extension and freestanding garage at the rear. Vehicular access is from Broomvale Drive and the front garden area is formed as hardstanding. The front and side boundary to Knowes Road is delineated by low walling supplemented, at the side, by additional timber fencing with the rear garden area exposed to public view. There are various species of trees within the front garden area.

Planning permission is being sought to erect a second storey to form a two storey dwellinghouse. The existing roof would be removed and the external walls extended upwards to form a second floor accommodating four rooms. The new ridge would be approximately 1.7m higher and approximately

0.8m shorter than the current ridge but otherwise the roof profile would be the same. The house is currently finished in render with a slate roof and the submitted drawings indicate that the extended house would be finished in render and a concrete tile. In terms of new openings, there would be three windows on the front elevation, two on the rear, no openings on the side elevation to the neighbour at 36 Broomvale Drive and one window on the side elevation to Knowes Road.

The applicant submitted a pre-application enquiry prior to submitting the application and was advised that it did not accord with the Development Plan and would be unlikely to be supported.

The application requires to be assessed against the Development Plan and any material considerations. The relevant policies in the East Renfrewshire Local Plan are E1, DM1 and DM2.1. Policy E1 presumes against developments which would be out of keeping with, and detrimental to, the surrounding area and requires that, where acceptable, proposals comply with policies DM1 and DM2.1. It is considered that extending an existing house in an established residential area would not have a significant detrimental impact on the amenity and character of the area. Whereas there are no objections in principle to altering and extending the property, the acceptability, or otherwise, of the proposal will depend on what is being proposed.

Policy DM1 provides general planning criteria against which all developments would be assessed. In this case, the relevant criteria are considered to be: 1) not result in a significant loss of character or amenity to the surrounding area; and 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. Policy DM2.1 sets out six criteria by which applications for extensions to existing residential properties will be assessed and the relevant criteria, in this case, are considered to be: 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 and height; and 8) not prejudice the amenity of neighbouring properties by restricting sunlight or privacy.

With regard to Policy DM1, it is considered that as the proposal relates to a single house it will not have a significant adverse impact on the surrounding area and, as such, the proposal does not conflict with Policy DM1 (1).

As previously stated, the area is predominately characterised by detached bungalows and the site is located in a prominent position at the corner of Broomvale Drive with Knowes Road. The increase in the ridge height and the introduction of a two storey house at this locus would create a discordant element in the streetscene and conflict with the established character and amenity of the area. It is acknowledged that there are distinct pockets of two storey houses in the vicinity at, for example, the north end of Broomvale Drive and in Dunbeath Avenue. There is not, however, a random mix of single and two storey houses with bungalows being the clearly predominate built form in Broomvale Drive. The proposed development would result in a two storey house which would conflict with the established amenity and character of the area and, as such, the proposal conflicts with Policy DM1(2).

The plot is set on a south west/north east axis and the proposal continues to respect the front and rear building lines. The increase in the height of the property will inevitably have an impact on the extent of overshadowing created. However, due to the orientation of the plot and the existing relationship of the site to the nearest affected neighbour at 36 Broomvale Drive, it is considered that the increase in height will not significantly prejudice residential amenity by additional overshadowing. The new front windows serve two bedrooms and a bathroom. Due to the separation distance between the application property and those properties on the opposite side of the road i.e. in excess of 25m, loss of privacy is not considered an issue. Likewise, while the two rear bedroom windows would inevitably overlook neighbouring gardens due to the suburban nature of the area, there will not be any significant or unacceptable loss of privacy. The proposal does not conflict with Policy DM1(8).

Drawing the above matters together, it is considered the proposal conflicts with Policy DM1(2) of the adopted East Renfrewshire Local Plan.

Policy DM2.1 requires that extensions should, inter alia, complement the character of the building and its style, form and height. The proposed alterations and extension represent a substantial change to the design and appearance of the existing property which conflicts with and detracts from the character and visual amenity of the area. The proposal cannot, therefore, be supported by Policies DM2.1(1) and DM2.1(2).

In terms of material considerations, the proposed Local Development Plan represents the Councils current policy position in respect of the consideration of development proposals. Significant weight can now be given to this document as the proposed Local Development Plan has been examined by the

Scottish Ministers and is intended to be adopted in the near future. With regard to this planning application, the relevant policies are considered to be Policies D1, D2 and DM14 and it's supporting (SPG) Supplementary Planning Guidance: Householder Design Guide. These policies largely reflect the corresponding policies in the adopted Local Plan and, consequently, for reasons stated above, it is considered that the proposal conflicts with policies D1(2) and D14 of the Proposed Local Development Plan.

Section 2.1 of the Supplementary Planning Guidance: Householder Design Guidance states that:

- Extensions should respect the character of the original house and the surrounding area in terms of design, scale and materials;
- Extensions should not dominate or overwhelm the original form or appearance of the house;

The SPG is a guide to development and, where there are material considerations, the specific advice in the SPG may be set aside. In this case, for example, if there was a significant mixture of single and two storey houses or the property next door was two storey, these would be material considerations. However, for reasons given in the preceding paragraphs, the proposal does not comply with the provisions of the SPG and is, therefore, unacceptable.

The applicant has submitted a Design Statement in support of, and justification for, the proposal. The case put forward is that, inter alia, the development would never be read in the context of the neighbours due to separation distances and existing mature landscaping. The applicant has specifically highlighted a group of 18 houses at the north end of Broomvale Drive which are all two storey. Furthermore, reference is made to a property at 19 Broomvale Drive and the applicant questions multiple extensions which, it is considered, have rendered the property out of character with the street.

In response to the applicant's comments, it should be noted that of the 18 houses highlighted as being two storey, five are actually single storey. Nevertheless, as previously stated, two storey houses in the area are in distinct groups and not randomly spread throughout the area. Therefore, as previously discussed, the introduction of a two storey house on this prominent corner would be detrimental to the established amenity and character of the area. While mature landscaping adds amenity value to the area, it does not address concerns regarding the inappropriateness of a two storey house at this locus. Trees within this area are not protected by the provisions of a Tree Preservation Order.

With regard to the applicant's comments relating to a property at 19 Broomvale Drive, the property is located at the junction of Broomvale Drive with Doune Crescent where the houses are single storey. The built forms in Doune Crescent differ from Broomvale Drive in that there is a mixture of single storey housetypes and roof profiles. Planning permission was issued under 2005/0208/TP for alterations and extensions to the house which was originally of a style similar to the application property. It was conceded at the time that, although the alterations significantly altered that appearance of the house, the property did retain its one and half storey form which was in keeping with other houses in Doune Crescent. Nevertheless, every application is treated on its own merits and that application predates the adopted Local Plan, the proposed Local Development Plan and the SPG: Householder Design Guidance.

The concerns of the representees are noted and have been addressed in the preceding paragraphs. Access onto and/or damage to private property would require to be resolved between the parties concerned

To conclude, the proposal:

- Conflicts with the East Renfrewshire Local Plan as, the proposal cannot be supported by policies DM1 (2), DM2.1 (1) and DM2.2 (2)
- Conflicts with the Proposed Local Development Plan as the proposal cannot be supported by Policies D1 (2) and D14
- Conflicts with the Supplementary Planning Guidance-householder Design Guide for which significant weight can now be given as the Proposed Local Development Plan Examination Report received from the Scottish Government Directorate for Planning and environment Appeals in January 2015 raised no issues.

Accordingly, for reasons stated above, it is considered that there are no material considerations, which would justify setting aside the Development Plan and approving the application. It is therefore recommended that the application be refused.

RECOMMENDATION: Refuse

PLANNING OBLIGATIONS: None.

REASONS FOR REFUSAL:

- 1. The proposed development would be contrary to Policies DM1(2), DM2.1(1) and DM2.1(2) in the East Renfrewshire Local Plan as it would result in a two storey house which would alter the original character and design of the existing house to the detriment of the amenity and character of the local wider.
- 2. The proposed development would be contrary to Policies D1(2) and D14 in the Proposed Local Development Plan as it would result in a two storey house which would alter the original character and design of the existing house to the detriment of the amenity and character of the local wider.
- 3. The proposed development would be contrary to the Supplementary Planning Guidance-Householder Design Guide as it does not comply with the design principles therein.

ADDITIONAL NOTES: None.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Ms Alison Mitchell on 0141 577 3117.

Ref. No.: 2015/0172/TP

(ALMI)

DATE: 4th June 2015

DIRECTOR OF ENVIRONMENT

Reference: 2015/0172/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 E1

General Urban Areas

Within the general urban area, as shown on the Proposals Map, there will be a presumption against significant new development or change of use not compatible with the character and amenity of the locality and its surrounding land uses.

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:

- Not result in a significant loss of character or amenity to the surrounding area.
- 2. Be of a size, scale and density in keeping with the buildings in the locality and respect local architecture, building form, design, and materials.
- 3. Not constitute backland development without a road frontage.
- 4. Not impact adversely on the landscape character, involve a significant loss of trees or other Important landscape, greenspace or biodiversity features (see Policies E3 - "Protection of Natural Features", E6 - "Biodiversity" L1 - "Protection of Important Urban Greenspace", and L2- "Safeguarding the Local Greenspace Resource".
- 5. Ensure that landscaping is an integral element in layout design, taking account of existing physical features (e.g. trees, hedgerows, walls, etc.). Where appropriate, tree

- planting should augment the amenity and appearance of the site.
- 6. Ensure that the standards for 'Open Space' are satisfied see Policy L4 "Open Space Provision in New Developments" and Appendix 1).
- 7. Meet the parking and access requirements of the Council and provide Appropriate mitigation to minimise the impact of new development (see Policies T3 "New Transport Infrastructure" and T5 -"Other Traffic Management and Calming Measures).
- 8. Not prejudice the amenity of neighbouring properties by unreasonably restricting sunlight or privacy.
- 9. Seek to create safe and secure environments and reduce the scope for anti-social behaviour and fear of crime.
- 10. Be designed to meet disability needs and include provision for disabled access within public areas.
- 11. Minimise the extent of light pollution caused by street and communal lighting and any flood lighting forming part of, or associated with, development.
- 12. Be designed to include provision for the recycling, storage, Collection and composting of waste materials.
- 13. Be designed to retain on-site, for use as part of the development, as much as possible of all waste material arising from construction of the development.
- 14. Be designed where applicable to take into account the legacy of former mining activity.

Policy DM2.1

Extensions

- 1. Must complement the existing character of the building, particularly in terms of scale, style, form and materials.
- 2. Must complement the existing building in terms of size, scale or height.
- 3. Incorporate a pitched roof where exposed to public view, with roof tiles or slates to match existing.
- 4. Side extensions should not create an unbroken or terraced appearance along the street frontage.
- 5. Avoid major loss of existing garden space.
- 6. Dormer windows should not in general dominate the existing roof profile, nor rise above or break the existing ridgeline or hip of the roof, and should be finished in materials to match existing roof finishes.

The Council will prepare and approve a design guide for householders on alterations to existing dwellinghouses.

Proposed Local Development Plan

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

Policy D2

General Urban Areas

Development will be supported within the general urban areas, as defined on the Proposals Map, where compatible with the character and amenity of the locality and surrounding land uses and where it complies with other appropriate policies of the Proposed Plan.

Policy D1

Detailed Guidance for all Development

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

- 1. The development should not result in a significant loss of character or amenity to the surrounding area;
- 2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
- 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;
- 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 D2 General Urban Areas

Development will be supported within the general urban areas, as defined on the Proposals Map, where compatible with the character and amenity of the locality and surrounding land uses and where it complies with other appropriate policies of the Proposed Plan.

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 04/06/15 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. 2015/0172/TP

Applicant Agent:

Mr Richard StevensSpacesix Architects38 Broomvale DriveMr. George SkinnerNewton MearnsBerkeley OfficesEast Renfrewshire116 Elderslie StreetG77 5NNGlasgow

With reference to your application which was registered on 2nd April 2015 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

G3 7AW

Erection of upper floor extension to form two storey dwellinghouse

at: 38 Broomvale Drive Newton Mearns East Renfrewshire G77 5NN

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 proposed development would be contrary to Policies DM1(2), DM2.1(1) and DM2.1(2) in the East Renfrewshire Local Plan as it would result in a two storey house which would alter the original character and design of the existing house to the detriment of the amenity and character of the local wider.
- The proposed development would be contrary to Policies D1(2) and D14 in the Proposed Local Development. Plan as it would result in a two storey house which would alter the original character and design of the existing house to the detriment of the amenity and character of the local wider.
- The proposed development would be contrary to the Supplementary Planning Guidance-Householder Design Guide as it does not comply with the design principles therein.

Dated 4th June 2015



Director of Environment East Renfrewshire Council 2 Spiersbridge Way, Spiersbridge Business Park, Thornliebank, G46 8NG

Tel. No. 0141 577 3001

The following drawings/plans have been refused.

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location and Block Plan	AP(0)004		
Proposed floor plans	AP(0)005		Č.
Elevations Proposed	AP(0)006		

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

000114976-002

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 Applicant Applicant				
Agent Details				
Please enter Agent details				
Company/Organisation:	Spacesix Architects	You must enter a Building Name or Number, or both:*		
Ref. Number:		Building Name:	Berkeley Offices	
First Name: *	George	Building Number:	116	
Last Name: *	Skinner	Address 1 (Street): *	Elderslie Street	
Telephone Number: *	0141 237 4878	Address 2:		
Extension Number:		Town/City: *	Glasgow	
Mobile Number:		Country: *	UK	
Fax Number:		Postcode: *	G3 7AW	
Email Address: *	george.skinner@spacesix.com			
Is the applicant an individual	or an organisation/corporate entity? *			

Applicant Details	5						
Please enter Applicant details							
Title: *	Mr	You must enter a Build both:*	t enter a Building Name or Number, or				
Other Title:		Building Name:					
First Name: *	Richard	Building Number:	38				
Last Name: *	Steven	Address 1 (Street): *	Broomvale Drive				
Company/Organisation:		Address 2:					
Telephone Number:		Town/City: *	Glasgow				
Extension Number:		Country: *	Scotland				
Mobile Number:		Postcode: *	G77 5NN				
Fax Number:							
Email Address:							
Site Address Details							
Planning Authority:	East Renfrewshire Council						
Full postal address of the site (including postcode where available):							
Address 1:	38 BROOMVALE DRIVE	Address 5:					
Address 2:	NEWTON MEARNS	Town/City/Settlemen	t: GLASGOW				
Address 3:		Post Code:	G77 5NN				
Address 4:							
Please identify/describe the le	ocation of the site or sites.						
Northing 656133	3	Easting	254751				
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)							
Add a new storey to the existing bungalow to form 4 family bedrooms							

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.						
We wish for the application to be reviewed as there are a number to 2 storey houses on Broomvale Drive and believe the proposed alteration to the application property is entirely in keeping with the design and character of the area. This house also occupies a large corner plot which can comfortably accommodate a 2 storey house without any negative impact on its surroundings						
Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? *						
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)						
The applications drawings and design statement						
Application Details						
Please provide details of the application and decision.						
What is the application reference number? * 2015/0172/TP						
What date was the application submitted to the planning authority? * 21/03/15						
What date was the decision issued by the planning authority? * 09/06/15						

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						
In the event that the Local Review	v Body appointed to consider your application decides to inspe	ect the site, in	your opinion:			
Can the site be clearly seen from	a road or public land? *	✓ Ye	s No			
Is it possible for the site to be according	essed safely and without barriers to entry? *	✓ Ye	s No			
Checklist - Applica	ation 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 re	eference 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 se (or combination of procedures) yo	etting out your reasons for requiring a review and by what produce wish the review to be conducted? *	cedure	✓ 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 docum drawings) which are now the subj	nents, material and evidence which you intend to rely on (e.g. μ ect of this review *	olans 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 of	Review					
I/We the applicant/agent certify that this is an application for review on the grounds stated.						
Declaration Name:	George Skinner					
Declaration Date:	14/06/2015					
Submission Date:	14/06/2015					

Design Statement

Introduction – Pre application advice.

The pre-application guidance stated that there was no objection in principle to the development of the property. However, it was felt that that the addition of a second storey was out of character with the area and would upset the street scene and therefore the proposal would be unlikely to receive a favourable outcome.

We wish to challenge this point of view for the following reasons

1. Proposed Building Design

- The proposed first floor will be white rendered in keeping with the character of the existing house and the neighbouring properties
- The proposed new roof will be hipped in keeping with the character of the existing house and the neighbouring properties.
- The proposed window openings are of a size, orientation and character in keeping with the character of the existing house and the neighbouring properties.
- The proposal has been considered sympathetically in terms of its increased height. The original roof has a pitch of 38 degrees. The proposed roof has a pitch of 30 degrees. This results in the ridge height only increasing 1.75m compared with the 2.4m high storey height.

2. Immediate street context.

• The house occupies a large corner plot. On 3 of its 4 sides its relationship to neighbouring properties is between 32 – 47m. The distance to, and the existing mature landscaping that surround the properties will mean that the proposed alterations will never be read in the context of those neighbouring properties. See figure below:



The series of images below illustrate the street views and highlight how the proposed house will not be read in the context of the neighbouring properties due to the distance apart and the existing landscaping







3. Wider Street context

• The dwellings to north end of Broomvale Drive highlighted by the red box below are all 2 storey. To the south diagonally across from the proposed site highlighted by the blue box is a dwelling house which has been extensively developed. This dwelling is completely out of character with the remainder of the street and yet this was granted approval?



Below is a street view of the existing 2 storey dwellings on Broomvale Drive



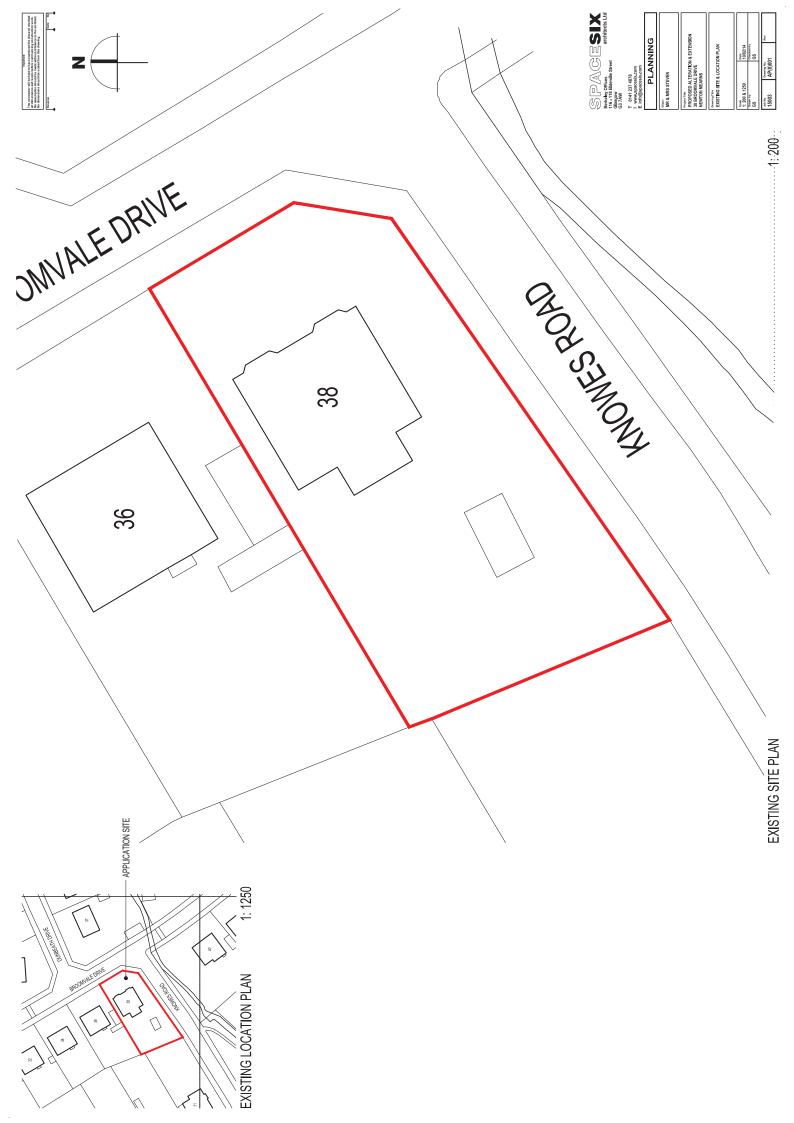
 Below is the approved property which bears no resemblance to anything on Broomvale Drive. This house has been extended out on 3 sides and into the roof. The roof line is predominately a dual pitched roof with gable ends. This is the only house on the street in this format.

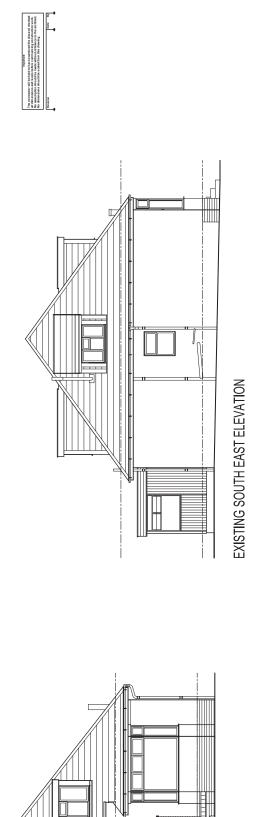


4. Residential amenity

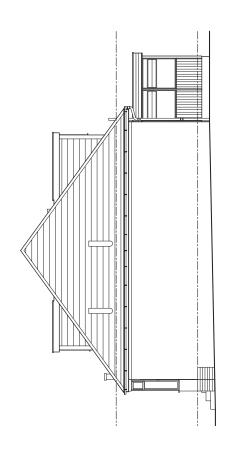
- Any additional shadow cast by the proposals will only fall on the neighbour's garage and side garden. The neighbour's rear garden will be unaffected.
- The proposals will not cause any additional overlooking.

PLANS/PHOTOGRAPHS/DRAWINGS



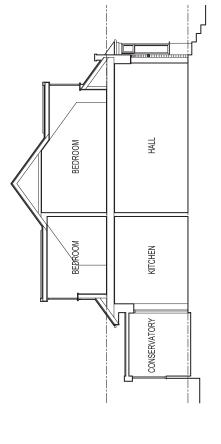


EXISTING NORTH EAST ELEVATION



EXISTING NORTH WEST ELEVATION

EXISTING SOUTH WEST ELEVATION

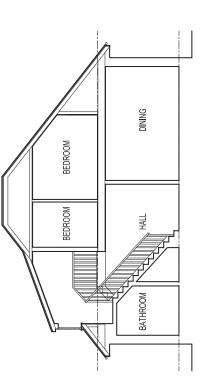


SPACE Berkely Office and Architects Ltd (16 - 178 Eleveshe Street architects Ltd 63 74%

PLANNING

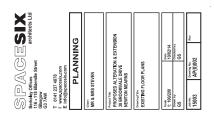
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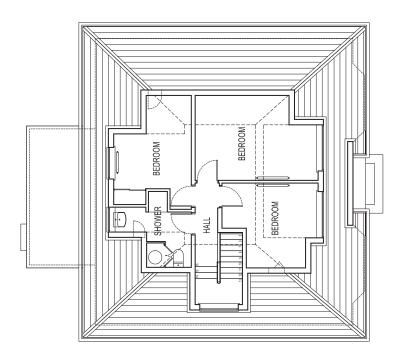
AP(0)003

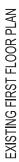


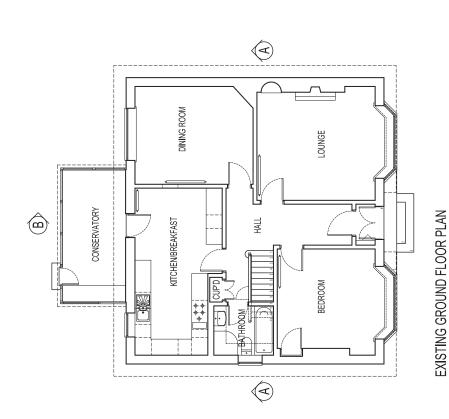
EXISTING SECTION A - A

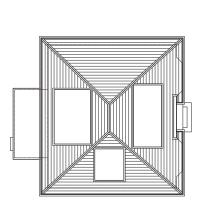






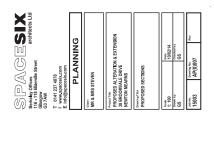


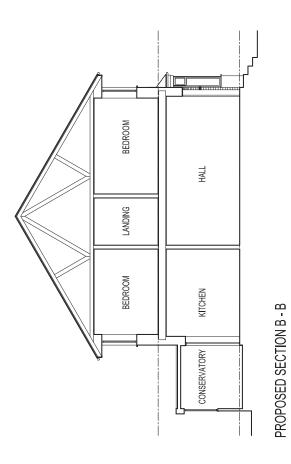


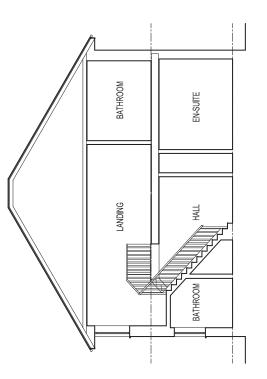


EXISTING ROOF PLAN



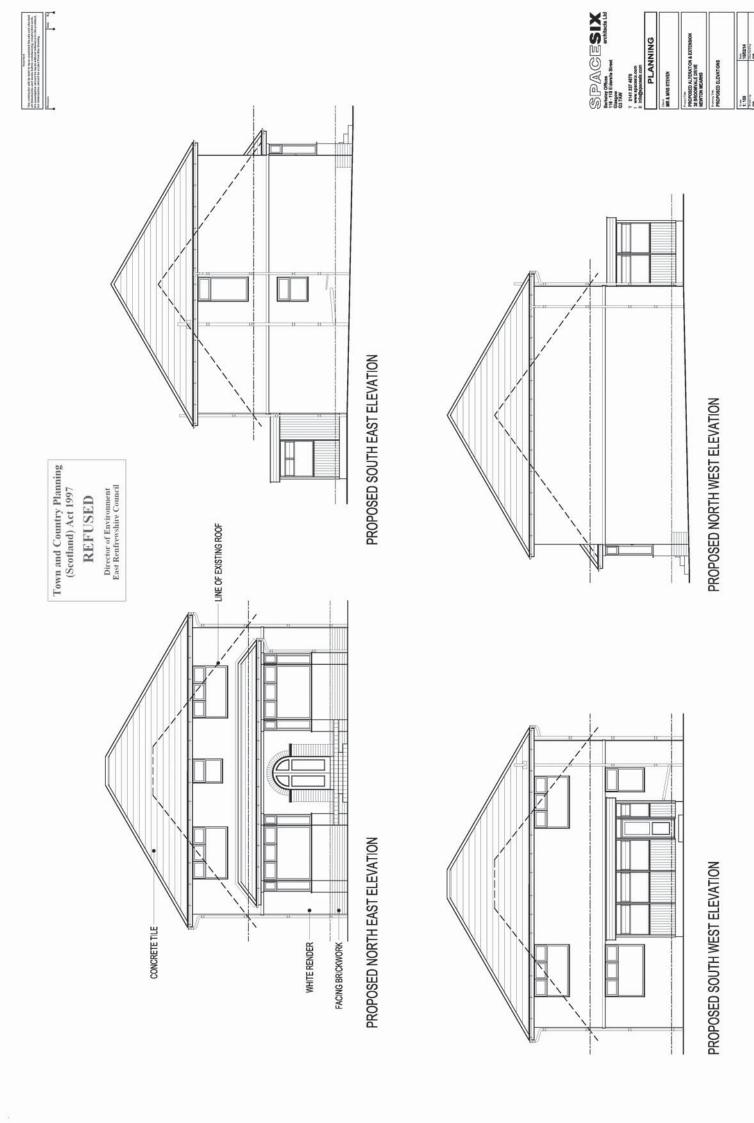




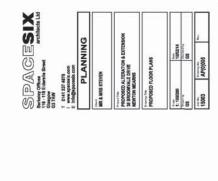


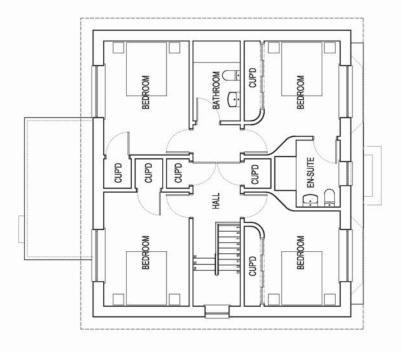
PROPOSED SECTION A - A







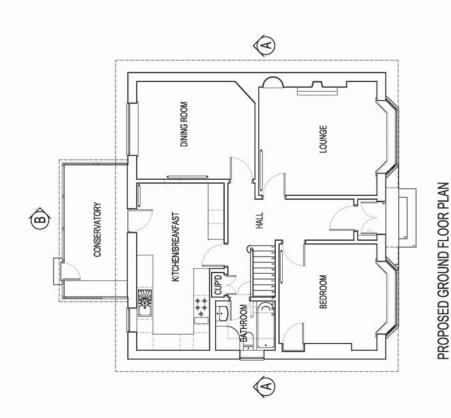


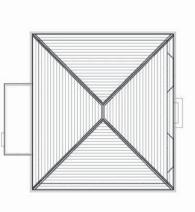


PROPOSED FIRST FLOOR PLAN

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PROPOSED ROOF PLAN