

Business Operations and Partnerships Department

Director of Business Operations & Partnerships: Louise Pringle

Council Headquarters, Eastwood Park, Giffnock, East Renfrewshire, G46 6UG

Phone: 0141 577 3000

website: www.eastrenfrewshire.gov.uk

Date: 11 March 2022

When calling please ask for: Sharon McIntyre (Tel No. 0141 577 3011)

e-mail:- sharon.mcintyre@eastrenfrewshire.gov.uk

TO: Councillors A Ireland (Chair), B Cunningham (Vice Chair), A Convery, J Fletcher,
J McLean, S Miller and J Swift.

LOCAL REVIEW BODY

A meeting of the Local Review Body will be held on **Wednesday, 16 March 2022 at 2:30pm**

The agenda of business is as shown below.

Please note this is a virtual meeting.

Louise Pringle

L PRINGLE

DIRECTOR OF BUSINESS OPERATIONS & PARTNERSHIPS

AGENDA

1. **Report apologies for absence.**
2. **Declarations of Interest.**
3. **Notice of Review – Review 2022/02 – Erection of single storey extension. 58 Primrose Avenue, Newton Mearns, East Renfrewshire, G77 6FS. (Ref No:-2021/0550/TP) - Report by Director of Business Operations and Partnerships (copy attached, pages 3 - 96).**

This document can be explained to you in other languages and can be provided in alternative formats such as large print and Braille. For further information, please contact Customer First on 0141 577 3001 or email customerservices@eastrenfrewshire.gov.uk

For information on how to access the virtual meeting please email sharon.mcintyre@eastrenfrewshire.gov.uk

A recording of the meeting will also be available following the meeting on the Council's YouTube Channel <https://www.youtube.com/user/eastrenfrewshire/videos>

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EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY16 March 2022Report by Deputy Chief ExecutiveREVIEW OF CASE - REVIEW/2022/02

ERECTION OF SINGLE STOREY EXTENSION AT 58 PRIMROSE AVENUE, NEWTON MEARNS, EAST RENFREWSHIRE, G77 6FS.

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:- 2021/0550/TP).
- Applicant: Mrs Carol Heaton
- Proposal: Erection of single storey extension
- Location: 58 Primrose Avenue, Newton Mearns, East Renfrewshire, G77 6FS.
- Council Area/Ward: Newton Mearns North And Neilston (Ward 2).

REASON FOR REQUESTING REVIEW

3. The applicant has requested a review on the grounds that the Council's Appointed Officer refused the application.

RECOMMENDATIONS

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

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

NOTICE OF REVIEW – STATEMENT OF REASONS FOR REQUIRING THE REVIEW

8. The applicant in submitting the review has stated the reasons for requiring the review of the determination of the application. A copy of the applicant’s Notice of Review and Statement of Reasons including appeal statement and plans is attached as Appendix 4.

9. The applicant is entitled to state a preference for the procedure (or combination of procedures) to be followed by the Local Review Body in the determination of the review and has detailed in their opinion that this review can continue to conclusion based on the assessment of the review documents only, with no 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.

11. At the meeting of the Local Review Body on 10 August 2016, it was decided that the Local Review Body would carry out unaccompanied site inspections for every review case it received prior to the cases being given initial consideration at a meeting of the Local Review Body.

12. In accordance with the above decision, the Local Review Body will carry out an unaccompanied site inspection on Wednesday, 16 March 2022 before the meeting of the Local Review Body which begins at 2.30pm.

INFORMATION AVAILABLE TO ALLOW REVIEW OF APPLICATION

13. 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.

14. 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 and supporting statement – Appendix 1 (Pages 7 - 20);
- (b) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 2 (Pages 21 - 30);
- (c) Decision notice and reasons for refusal - Appendix 3 (Pages 31 - 36); and
- (e) A copy of the applicant's Notice of Review and Statement of Reasons including appeal statement and plans - Appendix 4 (Pages 37 - 76).

15. The applicant has also submitted the drawings listed below and these are attached as Appendix 5 (Pages 77 - 96).

- (a) Refused – Location Plan;
- (b) Block Plan as Existing;
- (c) Elevations as Existing;
- (d) Floor Plans as Existing;
- (e) Roof Plan as Existing;
- (f) Section as Existing;
- (g) Refused – Block Plan as Proposed 001;
- (h) Refused – First Floor Plan as Proposed 002;
- (i) Refused – First Floor and Roof Plans as Proposed Overview 003;
- (j) Refused – Ground Floor Plan as Proposed 004;
- (k) Refused – Ground Floor Plan as Proposed Overview 005;
- (l) Refused – North-East Elevation as Proposed 006;
- (m) Refused – North-West Elevation as Proposed 007;
- (n) Refused – Section A-A as Proposed 008;
- (o) Refused – Section B-B as Proposed 009;
- (p) Refused – South-East Elevation as Proposed 010;
- (q) Refused – South-West and North-East Elevations as Proposed Overview 011; and

- (r) Refused – South-West Elevation as Proposed 012.

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

RECOMMENDATIONS

17. 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; or
- (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: Sharon McIntyre

Director – Louise Pringle, Director of Business Partnerships and Operations

Sharon McIntyre, Committee Services Officer
e-mail: sharon.mcintyre@eastrenfrewshire.gov.uk
Tel: 0141 577 3011

Date:- March 2022

**APPLICATION FORM
AND
SUPPORTING STATEMENT**

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2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: planning@eastrenfrewshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100432326-001

The online reference 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)

Single storey extension to detached house

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:	Allison Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stephen	Building Name:	
Last Name: *	Allison	Building Number:	13
Telephone Number: *	01413531082	Address 1 (Street): *	Royal Crescent
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	United Kingdom
		Postcode: *	G3 7SL
Email Address: *	rebecca@allisonarchitecture.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Carol	Building Number:	58
Last Name: *	Heaton	Address 1 (Street): *	Primrose Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Newton Mearns
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	G77 6FS
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

58 PRIMROSE AVENUE

Address 2:

NEWTON MEARNES

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G77 6FS

Please identify/describe the location of the site or sites

Northing

657301

Easting

253685

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Stephen Allison

On behalf of: Mrs Carol Heaton

Date: 21/06/2021

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Stephen Allison

Declaration Date: 21/06/2021

Payment Details

Online payment [REDACTED]
Payment date: 2 [REDACTED]

Created: 21/06/2021 14:57



Planning Application Supporting Statement

<u>Project</u>	58 Primrose Avenue 2021/0550/TP
<u>Client</u>	Carol Heaton
<u>Project Number</u>	21018
<u>Revision</u>	Planning Supporting Statement
<u>Date</u>	27.08.21

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The Proposal

We are proposing a single storey rear extension which will project 7m from the rear of the existing house. Will have a dual pitch sloping roof and a gable to the rear façade. *Figure 1*.

The proposal could have been at 90 degrees, as shown in *Figure 2* below, however this would result in the kitchen or patio doors looking straight out at a two storey blank wall less than 7m from the window.

There would be little or no quality of outlook and almost zero visible sky available from the extension space.

The proposal *Figure 1* allows for the main glazing of the extension to face into the open sky allowing a quality outlook and plenty of visible sky.

The proposal's orientation would also allow for the remaining garden space to retain a good shape and proportion. The alternative Layout shown in *Figure 2* narrows the garden in both directions and fragments it resulting in lower quality external amenity space.

Consequently, the applicant sees the proposal in *Figure 1* as the only desirable option.

Fig. 1 - The Proposal

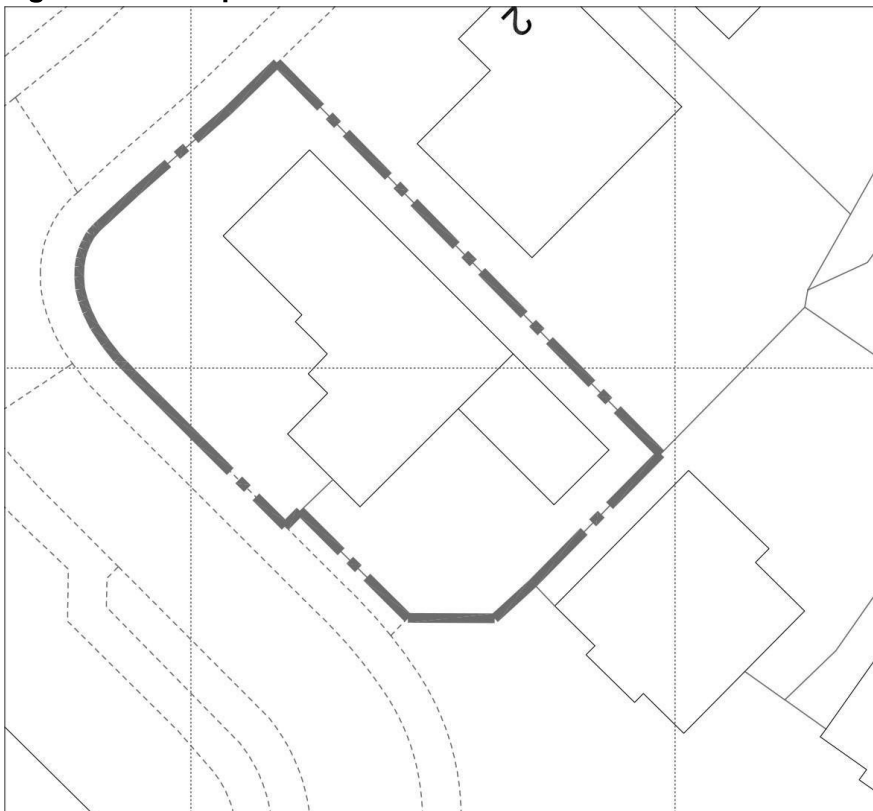
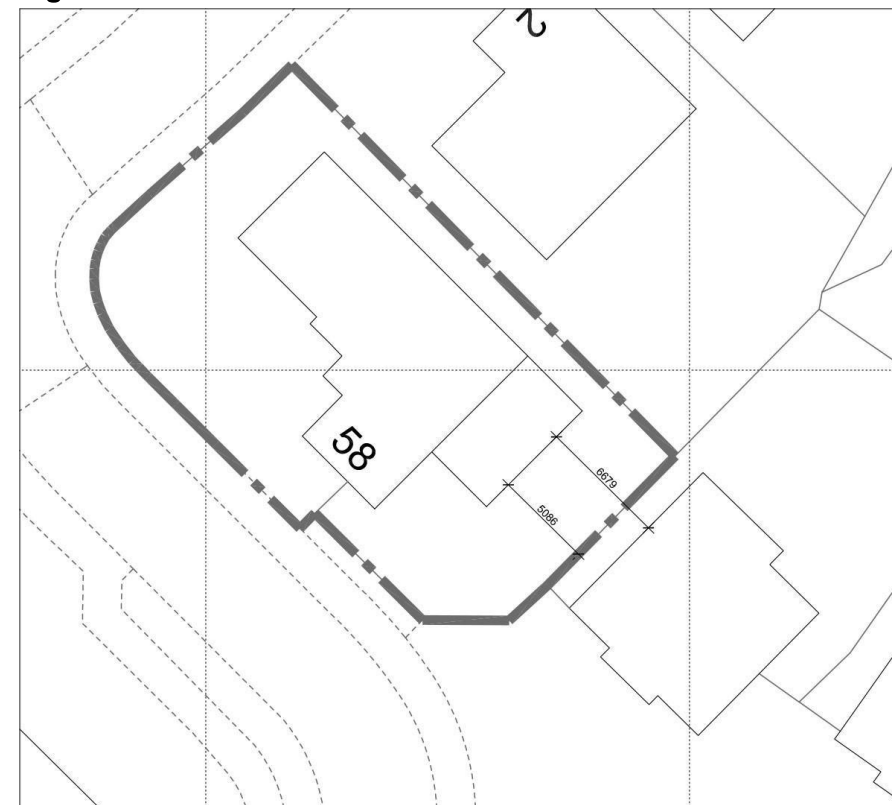


Fig. 2 - Alternative Orientation



Proposal

The proposal meets with all Planning Department requirements in all aspects; however, we acknowledge that the Planning Officer has stated that the projection of 7m from the rear wall of the house does not comply with policy. See below:

'Single storey extensions should not extend more than 4m down a common rear boundary'.

The policy guidance set out above has been developed and published to protect neighbouring properties and gardens from excessive overshadowing.

It is our position that the proposed extension does not sit on the common rear boundary as set out in the policy. The gutter line of the proposed extension actually sits off the boundary by over 1.6m.

We requested a confirmation from Graham Shankland of ERC of the dimension within which the extension is considered to be close enough to classify as *'along the boundary'*. It was confirmed that no such specific dimension exists.

We understand that Policy Guidance from other Planning Departments is irrelevant, however, we thought it worth noting that other local Planning Departments do give specific guidance on dealing with this issue.

Please see the following examples:

East Dunbartonshire Council

*Rear extensions must not extend more than 4 metres down a shared boundary to the rear of the property. The visual and amenity impact of the extension on the neighbouring property should be considered. Where proposals are set significantly off the common boundary (**i.e. by more than one metre**), extensions beyond four metres may be considered, subject to compliance with other policies and guidance.*

Glasgow City Council

Extensions should not cause a significant loss of daylight to any habitable room of neighbouring properties, or significantly block sunlight to adjacent private gardens. There should be no significant adverse impact on either existing adjacent properties, or the proposed accommodation....

*single storey extensions will be assessed using the **45° test**. Failure on both the elevation and plan would result in a significant loss of daylight to the habitable rooms in the neighbouring house and will not be acceptable;*

Renfrewshire Council

consideration should be given to prevent loss of daylight or sunlight into neighbouring properties.

Proposal

In the interests of assessing the overshadowing impact of the extension we have prepared diagrams which apply the 45 degree rule.

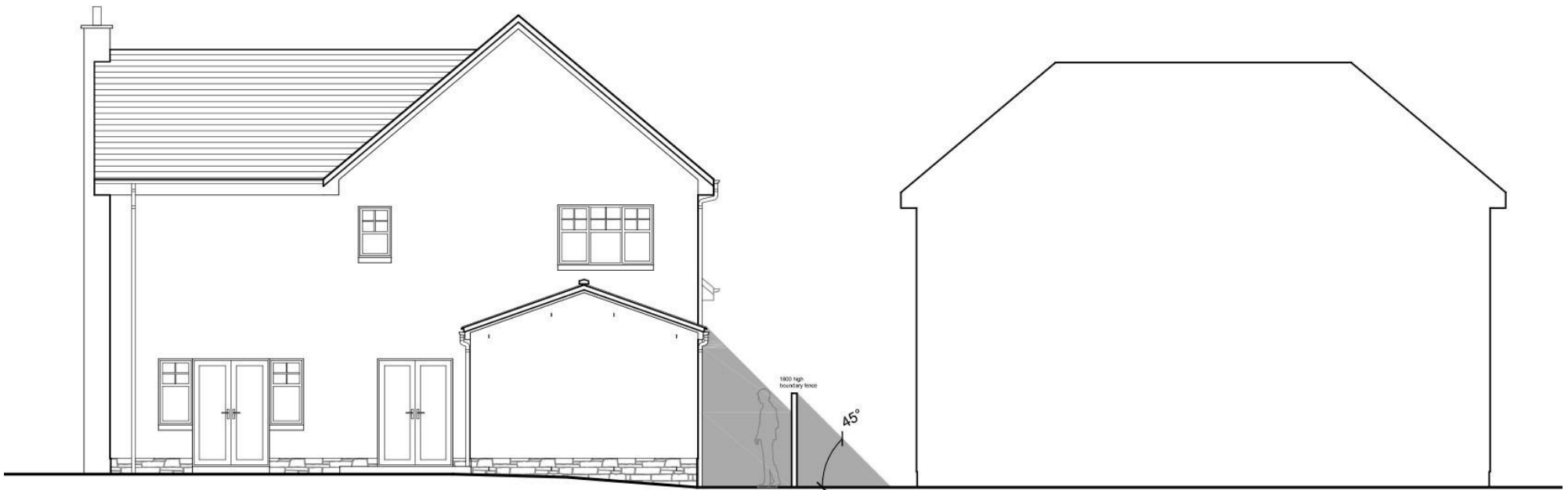
You will note from the image below that in elevation the extension does not overshadow to a greater degree than the existing boundary fence.

The plans overleaf show the existing condition illustrating the overshadowing effect on 2 Rose Crescent from the existing houses and fences.

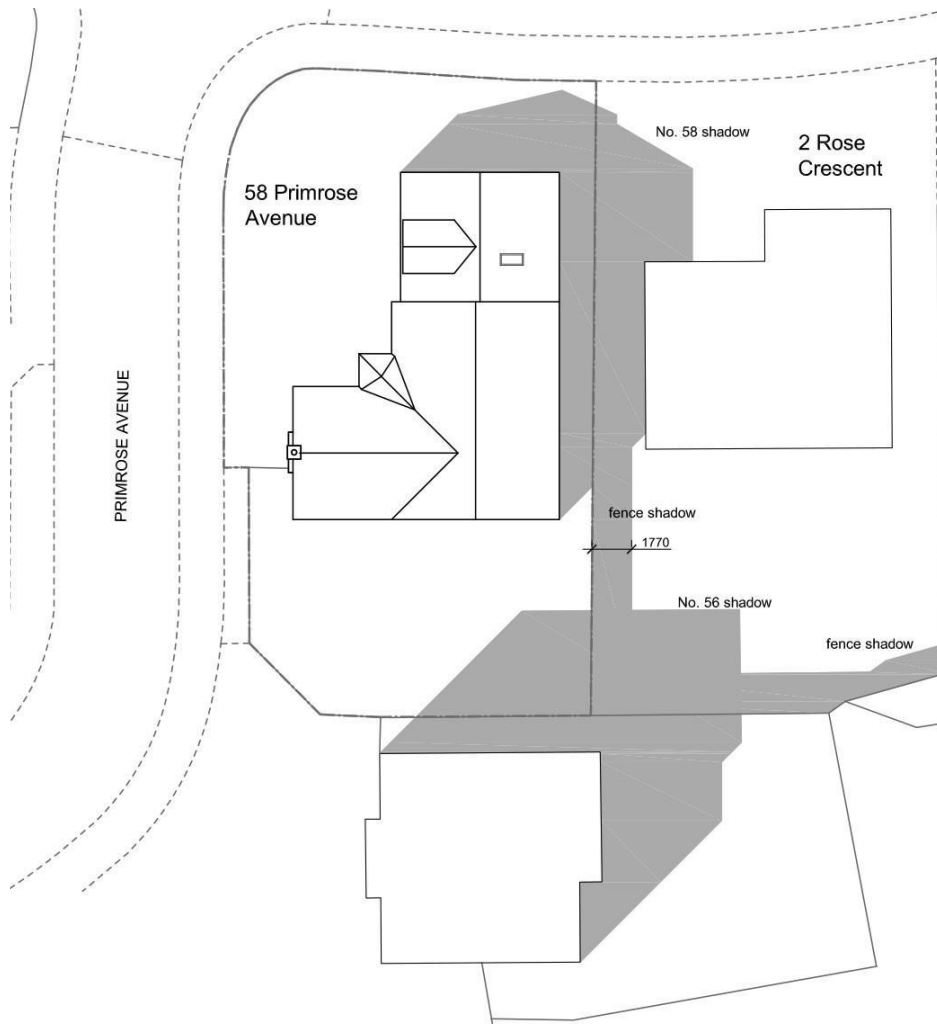
It is clear from the existing and proposed plans that no additional overshadowing is generated by the proposed rear extension.

From the point of view of outlook from the rear façade, 2 Rose Gardens will still have a completely interrupted sky view which greatly exceeds that which 58 Primrose Avenue currently experiences. With its outlook of a two storey blank wall.

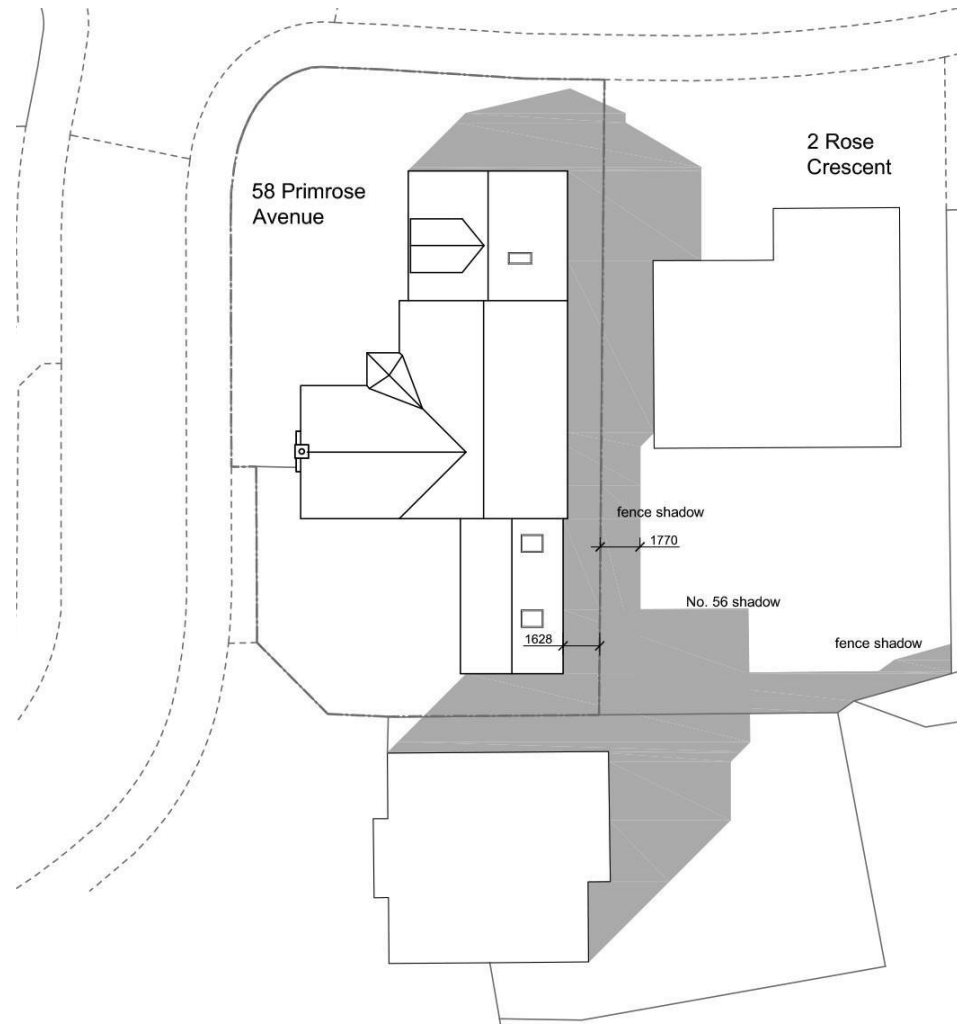
This current condition for 58 Primrose Avenue was deemed acceptable to East Renfrewshire Council Planning Department at the time of the development. 2 Rose Crescent will still experience and enjoy considerably more visible sky outlook than 58 Primrose Avenue should the proposed extension go ahead.



Existing Condition



Proposed Condition



REPORT OF HANDLING

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REPORT OF HANDLING

Reference: 2021/0550/TP

Date Registered: 21st June 2021

Application Type: Full Planning Permission

This application is a Local Development

Ward: 2 -Newton Mearns North And Neilston

Co-ordinates: 253685/:657301

Applicant/Agent:

Applicant:

Mrs Carol Heaton

58 Primrose Avenue

Newton Mearns

United Kingdom

G77 6FS

Agent:

Stephen Allison

13 Royal Crescent

Glasgow

United Kingdom

G3 7SL

Proposal: Erection of single storey extension

Location: 58 Primrose Avenue

Newton Mearns

East Renfrewshire

G77 6FS

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY: No relevant site history.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS: Supporting Statement (to accompany Planning Application)

ASSESSMENT:

This application is a Local Development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

The application site comprises of a detached dwellinghouse (and attached double garage) on a corner plot within an established, residential area. The dwelling is externally finished in concrete roof tiles, dry dash render, stone and upvc windows. In terms of boundary treatments, the rear garden is enclosed by approx. 1.8m high close boarded timber fencing and a stone wall.

Planning permission is sought for the erection of a single storey rear extension. The single storey extension is to extend from the existing rear elevation by more than 7m.

The application requires to be assessed against Policies D1 and D14 of the adopted East Renfrewshire Local Development Plan. Policy D1 requires that all development should not result in a significant loss of character to the surrounding area and not adversely affect neighbouring amenity. Policy D14 requires that extensions should complement the character of the existing

building in terms of its style, form and materials. The adopted Supplementary Planning Guidance: Householder Design Guide (SPG) is also of relevance.

It is noted that the proposed single storey extension would project more than 4m beyond the rear elevation and indeed extend almost the entire depth of the rear garden along the common boundary with No. 2 Rose Crescent. In this regard, while the extension is to the west of 2 Rose Crescent, and therefore not likely to result in significant overshadowing, it is noted that there is a slight change in levels between the properties and it is therefore considered that due to its height, length, and mass, the extension will have an overbearing effect on the adjacent property, resulting in a significant loss of visual amenity. Whilst there will be some loss of direct sunlight, it is considered that any loss will not be significant. In terms of public views of the proposal, given its length (taking up almost the whole depth of the rear garden), it is considered that the rear extension does not respect the local built form and adversely affects the character and amenity of the surrounding area. In particular, the proposal will result in the vast majority of the plot appearing as developed with buildings. It is noted that sufficient (at least 50%) side/rear garden will remain as undeveloped, in line with guidance in the SPG. Overall, it is considered that, on balance, the proposal is contrary to the specific terms of the SPG in relation to rear extensions as well as Policies D1 and D14.

The proposed Local Development Plan 2 is a material consideration. With regard to this planning application, the relevant policies are considered to be D1 and D1.1. The aforementioned policies largely reflect the adopted Local Development Plan policies. Consequently, for reasons stated above, it is considered that the proposed rear extension does not accord with the relevant policies in the Proposed Local Development Plan 2.

In conclusion, the proposed rear extension is considered to be in contravention of Policies D1 and D14 of the East Renfrewshire Local Development Plan as well as the associated SPG, and Policies D1 and D1.1 of the Proposed South Lanarkshire Local Development Plan 2. As such, it is recommended that the application be refused.

RECOMMENDATION: Refuse

1. The proposal is contrary to the terms of Policies D1 and D14 of the Adopted East Renfrewshire Local Development Plan and associated Supplementary Planning Guidance: Householder Design Guide, and Policies D1 and D1.1 of the Proposed East Renfrewshire Local Development Plan 2 as the rear extension would extend more than 4m beyond the rear elevation and create a dominant impact on the adjoining neighbour to the detriment of the amenity of the adjacent occupier.
2. The proposal is contrary to the terms of Policies D1 and D14 of the Adopted East Renfrewshire Local Development Plan and associated Supplementary Planning Guidance: Householder Design Guide, and Policies D1 and D1.1 of the Proposed East Renfrewshire Local Development Plan 2 as the proposal would have an adverse impact on the character and visual amenity of the surrounding area.

ADDITIONAL NOTES:

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Warrant approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

ADDED VALUE: None.

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Philip Sweeney on 0141 577 3861.

Ref. No.: 2021/0550/TP
(PHSW)

DATE: 1st November 2021

DIRECTOR OF ENVIRONMENT

Reference: 2021/0550/TP - Appendix 1

Adopted East Renfrewshire Local Development Plan

Policy D1

Detailed Guidance for all Development

Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In

some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways soliums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in

line with Planning Advice Note 68: Design Statements.

16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Policy D14

Extensions to Existing Buildings and Erection of Outbuildings and Garages

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

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

Side extensions should not create an unbroken or terraced appearance.

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

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

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

Proposed Local Development Plan 2

Policy D1

Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable

- quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
 8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
 9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
 10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
 11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
 12. There will be a general presumption against all proposals that involve landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
 13. Backland development should be avoided;
 14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
 15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces 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 Guidance;
 16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
 17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
 18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
 19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and

20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

Policy D1.1

Extensions and Alterations to Existing Buildings for Residential Purposes

Proposals will be assessed against the following criteria:

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. Should complement the scale and character of the existing building, neighbouring properties and their setting, particularly in terms of style, form and materials;
3. The size, scale and height of any development must be appropriate to and not adversely impact or dominate the existing building;
4. Should not create an unbroken or terraced appearance;
5. Where additional bedrooms are proposed or a garage/driveway is being converted to another use other than for the parking of a vehicle, proposals will be required to provide parking in accordance with the Council's Roads Development Guide; and
6. Should avoid over-development of the site by major loss of existing front and rear garden space. No more than 50% of the rear garden should be occupied by the development.

Further detailed information and guidance will be set out in the Householder Design Guide Supplementary Guidance.

GOVERNMENT GUIDANCE: None.

Finalised 01/11/2021 AC(6)

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**DECISION NOTICE
AND
REASONS FOR REFUSAL**

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

REFUSAL OF PLANNING PERMISSION

Ref. No. **2021/0550/TP**

Applicant:

Mrs Carol Heaton
58 Primrose Avenue
Newton Mearns
United Kingdom
G77 6FS

Agent:

Stephen Allison
13 Royal Crescent
Glasgow
United Kingdom
G3 7SL

With reference to your application which was registered on 21st June 2021 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Erection of single storey extension

at: 58 Primrose Avenue Newton Mearns East Renfrewshire G77 6FS

the Council in exercise of their powers under the abovementioned Act and Regulations hereby refuse planning permission for the said development.

The reason(s) for the Council's decision are:-

1. The proposal is contrary to the terms of Policies D1 and D14 of the Adopted East Renfrewshire Local Development Plan and associated Supplementary Planning Guidance: Householder Design Guide, and Policies D1 and D1.1 of the Proposed East Renfrewshire Local Development Plan 2 as the rear extension would extend more than 4m beyond the rear elevation and create a dominant impact on the adjoining neighbour to the detriment of the amenity of the adjacent occupier.
2. The proposal is contrary to the terms of Policies D1 and D14 of the Adopted East Renfrewshire Local Development Plan and associated Supplementary Planning Guidance: Householder Design Guide, and Policies D1 and D1.1 of the Proposed East Renfrewshire Local Development Plan 2 as the proposal would have an adverse impact on the character and visual amenity of the surrounding area.

Dated 1st November 2021



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
Block Plan Proposed	001		
Roof Plan Proposed	002		
Proposed floor plans	003		
Proposed floor plans	004		
Elevations Proposed	005		
Elevations Proposed	006		
Proposed floor plans	007		
Sections Proposed	008		
Sections Proposed	009		
Elevations Proposed	010		
Elevations Proposed	011		
Elevations Proposed	012		
Location Plan			

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 a decision to refuse permission (or by an 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 can be submitted online at www.eplanning.scotland.gov.uk. Please note that beyond the content of the appeal or review forms, **you cannot normally raise new matters** in support of an appeal or review, unless you can demonstrate that the matter could not have been raised before, or that its not being raised before is a consequence of exceptional circumstances. 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 3861
Email planning@eastrenfrewshire.gov.uk**

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**NOTICE OF REVIEW
AND
STATEMENT OF REASONS**

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2 Spiersbridge Way Thornliebank G46 8NG Tel: 0141 577 3001 Email: planning@eastrenfrewshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100432326-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Allison Architecture"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Stephen"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Allison"/>	Building Number:	<input type="text" value="13"/>
Telephone Number: *	<input type="text" value="01413531082"/>	Address 1 (Street): *	<input type="text" value="Royal Crescent"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="G3 7SL"/>
Email Address: *	<input type="text" value="rebecca@allisonarchitecture.co.uk"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Carol"/>	Building Number:	<input type="text" value="58"/>
Last Name: *	<input type="text" value="Heaton"/>	Address 1 (Street): *	<input type="text" value="Primrose Avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Newton Mearns"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G77 6FS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="East Renfrewshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="58 PRIMROSE AVENUE"/>
Address 2:	<input type="text" value="NEWTON MEARNNS"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GLASGOW"/>
Post Code:	<input type="text" value="G77 6FS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="657301"/>	Easting	<input type="text" value="253685"/>
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Description of Proposal

Please provide a description of your 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)

Single storey extension to detached house

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 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.

Please see Statement of Reasons and Supporting Statement attached

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

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Statement of Reasons, Supporting Statement, All drawings that were included in the original application: location plan, existing and proposed block plans, existing and proposed floor plans, existing and proposed elevations and sections

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

2021/0550/TP

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

21/06/2021

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

11/11/2021

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 Body appointed to consider your application decides to inspect the site, in your opinion:

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

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

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

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

Declaration Name: Mr Stephen Allison

Declaration Date: 03/02/2022

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Statement of Reasons

<u>Project</u>	58 Primrose Avenue 2021/0550/TP Planning Refusal
<u>Client</u>	Carol Heaton
<u>Project Number</u>	21018
<u>Revision</u>	Statement of Reasons
<u>Date</u>	03.02.22

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Introduction

The applicant, Carol Heaton, owner of the premises of 58 Primrose Avenue, has instructed that a Notice of Review be lodged with East Renfrewshire Council against the recent refusal of planning permission for the proposed development as described below:

“Alterations to and replace roof to form extended upper floor accommodation with installation of dormer windows at front and side; erection of raised decking at rear.”

Refusal of planning permission was issued under delegated powers for this local application on 9th November 2021. Two reasons for refusal were applied to the refusal notice as follows:

1. ‘The proposal is contrary to the terms of Policies D1 and D14 of the Adopted East Renfrewshire Local Development Plan and associated Supplementary Planning Guidance: Householder Design Guide, and Policies D1 and D1.1 of the Proposed East Renfrewshire Local Development Plan 2 as the rear extension would extend more than 4m beyond the rear elevation and create a dominant impact on the adjoining neighbour to the detriment of the amenity of the adjacent occupier.’
2. ‘The proposal is contrary to the terms of Policies D1 and D14 of the Adopted East Renfrewshire Local Development Plan and associated Supplementary Planning Guidance: Householder Design Guide, and Policies D1 and D1.1 of the Proposed East Renfrewshire Local Development Plan 2 as the proposal would have an adverse impact on the character and visual amenity of the surrounding area.’

This report is prepared to address the reasons for refusal of planning permission, and to promote the reasons why this appeal to the Local Review Body has been submitted.

Planning History

There have been no previous applications for the above property and this is the first alteration to be made to the property concerning the external envelope.

Development Proposal

Planning application 2021/0550/TP was lodged to East Renfrewshire Council on 21st June 2021. The application submission provided detailed floor and elevation plans for the proposed alterations to the premises of 58 Primrose Avenue.

In its current state, 58 Primrose Avenue is a two storey dwelling with integral double garage to the front curtilage.

The existing rear garden curtilage is 132sqm. Not including the pathway surrounding the house but including the area of the old patio which is to be removed and replaced with a new patio.

The proposed development at 58 Primrose Avenue promotes the enlargement of the Ground Floor to create a larger habitable area designed to meet the needs of the inhabitants and would introduce, for the first time, a view of sky from the ground floor windows of the house.

The proposal involves the single storey extension of the kitchen space with external dimensions of 7.1m rear projection and 4.37m width.

The overall height at ridge is 3.98m and the height at eaves is 3m. The distance from the boundary is 1.78m.

The overall newly developed area including new pathway and patio is 53sqm, 30% of the rear curtilage.

The proposed external materials fairfaced block and roughcast to match the existing building. To achieve the low profile of the roof we have proposed a zinc standing seam roof of a colour to match the existing roofs of the main house and surrounding area.

It is considered that the scale, design and materials are in character with the wider residential area, and the proposed alterations works to the property fits in with the streetscape of Primrose Avenue and Rose Crescent without dominating or detracting from the character or nature of the residential area.

The purpose of the proposed alterations to 58 Primrose Avenue is to create a family home that meets the needs of the owner and is promoted to be of a scale of character that does not dominate the existing property, but complements the house and the wider residential area.

Statement of Reasons

East Renfrewshire Council refused planning permission for the proposed alteration works at 58 Primrose Avenue, as previously detailed. The reasons for refusal issued stated that:

1. 'The proposal is contrary to the terms of Policies D1 and D14 of the Adopted East Renfrewshire Local Development Plan and associated Supplementary Planning Guidance: Householder Design Guide, and Policies D1 and D1.1 of the Proposed East Renfrewshire Local Development Plan 2 as the rear extension would extend more than 4m beyond the rear elevation and create a dominant impact on the adjoining neighbour to the detriment of the amenity of the adjacent occupier.'

2. 'The proposal is contrary to the terms of Policies D1 and D14 of the Adopted East Renfrewshire Local Development Plan and associated Supplementary Planning Guidance: Householder Design Guide, and Policies D1 and D1.1 of the Proposed East Renfrewshire Local Development Plan 2 as the proposal would have an adverse impact on the character and visual amenity of the surrounding area.'

We wish to note that the reasons for refusal relate specifically to the following:

The projection of over 7.1m along the boundary line.

Policy D1: Detailed Guidance for all Development Proposals states: "Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance; ..."

Policy D14: Extensions to Existing Buildings and Erection of Outbuildings and Garages states that “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... 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”.

In respect of the key issue identified, specifically the length of the projection of the extension at 7.1m. We wish to point out the following:

It was discussed with the Planning Officer that we might rotate the extension 90 degrees thereby reducing the length the projection.

It was pointed out to the Planning Officer that the rear windows of the existing ground floor of the house have the view of the gable of 56 Primrose Avenue and very little else. The visible sky component for the ground floor windows of 58 Primrose Avenue results in a total failure as per the East Renfrewshire Council’s own Daylight and Sunlight Design Guide Supplementary Planning Guidance .

By using the 25 degree rule of thumb the daylight measurement is a failure as it barely achieves 35 degrees. This bring into question how the existing arrangement could have been given Planning Permission by East Renfrewshire Planning Department.

By suggesting that the extension is turned 90 degrees to face the gable wall of 56 Primrose Avenue would be to further exacerbate the current visible sky component issue with an angle of 51 degrees and thereby ensuring that 58 Primrose Avenue will at no time in its existence enjoy the view of sky from its ground floor windows.

The point was made that the views from the neighbouring 2 Rose Crescent would be affected.

2 Rose Crescent has enjoyed panoramic uninterrupted sky views on three sides since its original construction. By comparison 58 Primrose Avenue has faced the gable of 56 Primrose Avenue.

With the new proposal in place there will be a minimal impact to the panoramic views from 2 Rose Crescent but a dramatic change to the views and visible sky seen from 58 Primrose Avenue promoting the health and wellbeing of its occupants.

Householder Permitted Development Rights

Through the East Renfrewshire Council Planning Department's own Permitted Development Rights Guidance Document the proposal would appear to fall under Permitted Development.

It would appear that East Renfrewshire Planning rejected their own guidance on the matter in order to ensure refusal of the proposal.

The Guidance Note sets out the following questions:

1. Is the house in a conservation area or the Netherlee Protection Area?

Answer - No (go to next question)

2. Will the extension be at the front of the house?

Answer - No (go to next question)

3. Will the extension be at the side of the house?

Answer - No (go to next question)

4. Will any part of the extension be within 1m of the boundary?

Answer - No (go to question 10)

10. Will the eaves of the development be more than 3m high or any part of the development be more than 4m high?

Answer - No (go to next question)

11. Will the ground covered by the extended house (including all extensions built since 1948) be more than twice the ground covered by the original house?

Answer - No (go to next question)

12. Will the area of the ground covered by development take up more than half of the front or rear curtilages?

Answer - No (no Planning Permission needed)

It is clear that the first response from the Planning Officer should have been to qualify the proposal as permitted development which should be a procedural standard.

We would like to point out that we have since submitted an application for Certificate of Lawful Development for the proposal but due to a lack of faith that East Renfrewshire Planning Department will uphold their own Permitted Development Guidelines we are compelled to seek a review of the original application by the Local Review Body.

Conclusions

1. The proposed extension is located to the rear of the property and is of a scale and size which does not affect the visual amenity of the area.
2. The proposal should, under the ERC own Permitted Development Guidelines, have been categorised as Permitted Development.
3. The proposal allows a dramatic increase in the visible sky and daylight from the ground floor windows with minimal detrimental effect on 2 Rose Crescent which by contrast has very good visible sky and daylight on three sides. The changes 58 Primrose Avenue will subsequently greatly improve the health and wellbeing of its occupants.

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Planning Application Supporting Statement

<u>Project</u>	58 Primrose Avenue 2021/0550/TP
<u>Client</u>	Carol Heaton
<u>Project Number</u>	21018
<u>Revision</u>	Planning Supporting Statement
<u>Date</u>	27.08.21

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The Proposal

We are proposing a single storey rear extension which will project 7m from the rear of the existing house. Will have a dual pitch sloping roof and a gable to the rear façade. *Figure 1*.

The proposal could have been at 90 degrees, as shown in *Figure 2* below, however this would result in the kitchen or patio doors looking straight out at a two storey blank wall less than 7m from the window.

There would be little or no quality of outlook and almost zero visible sky available from the extension space.

The proposal *Figure 1* allows for the main glazing of the extension to face into the open sky allowing a quality outlook and plenty of visible sky.

The proposal's orientation would also allow for the remaining garden space to retain a good shape and proportion. The alternative Layout shown in *Figure 2* narrows the garden in both directions and fragments it resulting in lower quality external amenity space.

Consequently, the applicant sees the proposal in *Figure 1* as the only desirable option.

Fig. 1 - The Proposal

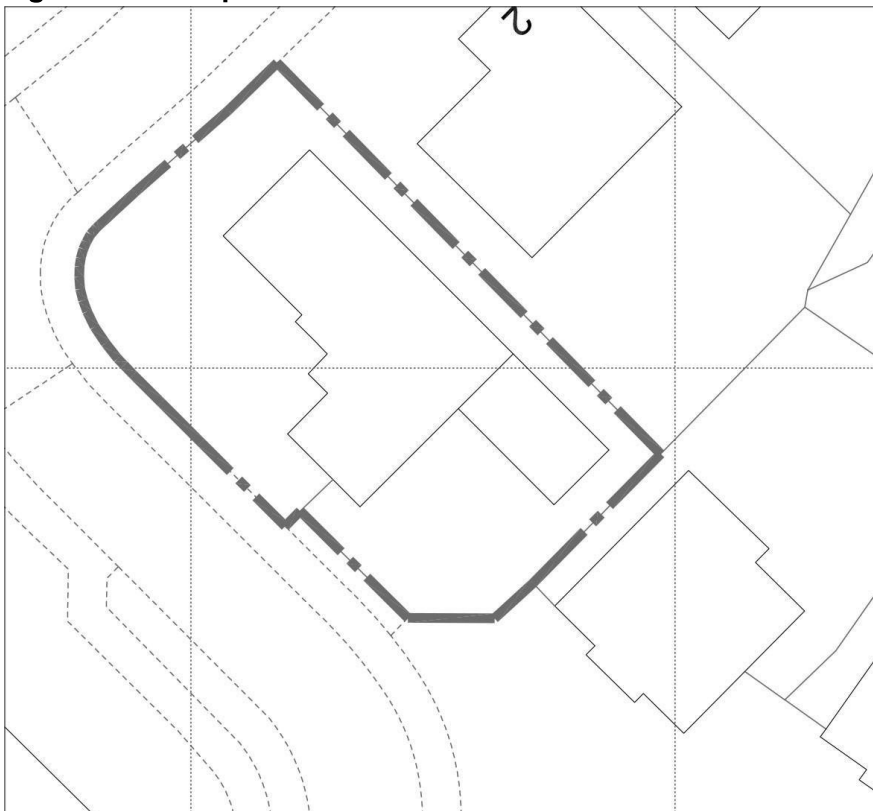
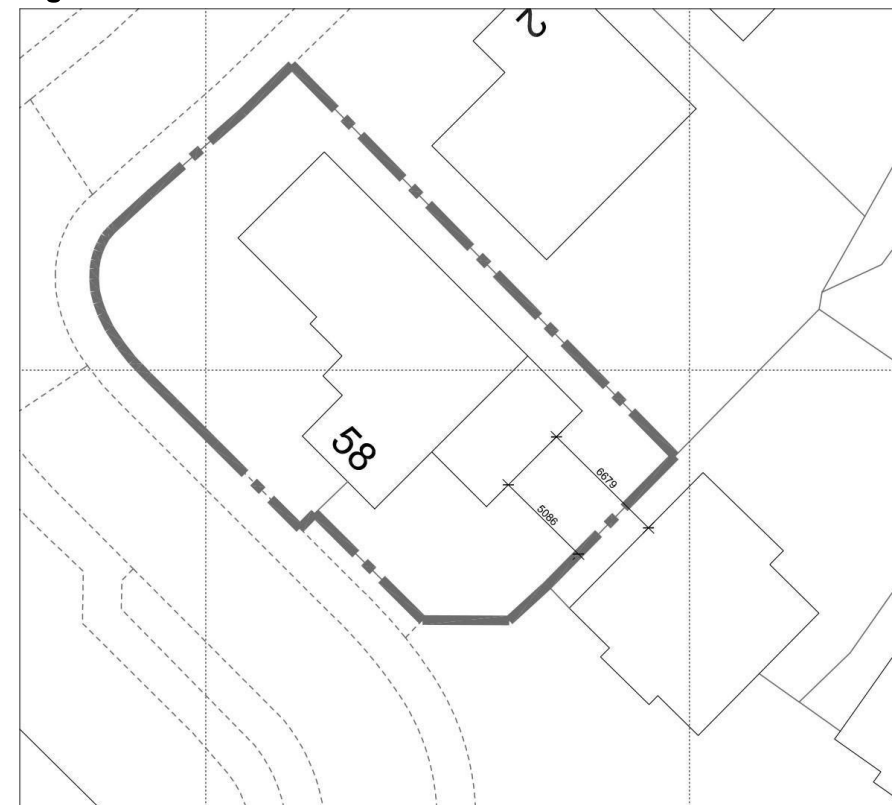


Fig. 2 - Alternative Orientation



Proposal

The proposal meets with all Planning Department requirements in all aspects; however, we acknowledge that the Planning Officer has stated that the projection of 7m from the rear wall of the house does not comply with policy. See below:

'Single storey extensions should not extend more than 4m down a common rear boundary'.

The policy guidance set out above has been developed and published to protect neighbouring properties and gardens from excessive overshadowing.

It is our position that the proposed extension does not sit on the common rear boundary as set out in the policy. The gutter line of the proposed extension actually sits off the boundary by over 1.6m.

We requested a confirmation from Graham Shankland of ERC of the dimension within which the extension is considered to be close enough to classify as *'along the boundary'*. It was confirmed that no such specific dimension exists.

We understand that Policy Guidance from other Planning Departments is irrelevant, however, we thought it worth noting that other local Planning Departments do give specific guidance on dealing with this issue.

Please see the following examples:

East Dunbartonshire Council

*Rear extensions must not extend more than 4 metres down a shared boundary to the rear of the property. The visual and amenity impact of the extension on the neighbouring property should be considered. Where proposals are set significantly off the common boundary (**i.e. by more than one metre**), extensions beyond four metres may be considered, subject to compliance with other policies and guidance.*

Glasgow City Council

Extensions should not cause a significant loss of daylight to any habitable room of neighbouring properties, or significantly block sunlight to adjacent private gardens. There should be no significant adverse impact on either existing adjacent properties, or the proposed accommodation....

*single storey extensions will be assessed using the **45° test**. Failure on both the elevation and plan would result in a significant loss of daylight to the habitable rooms in the neighbouring house and will not be acceptable;*

Renfrewshire Council

consideration should be given to prevent loss of daylight or sunlight into neighbouring properties.

Proposal

In the interests of assessing the overshadowing impact of the extension we have prepared diagrams which apply the 45 degree rule.

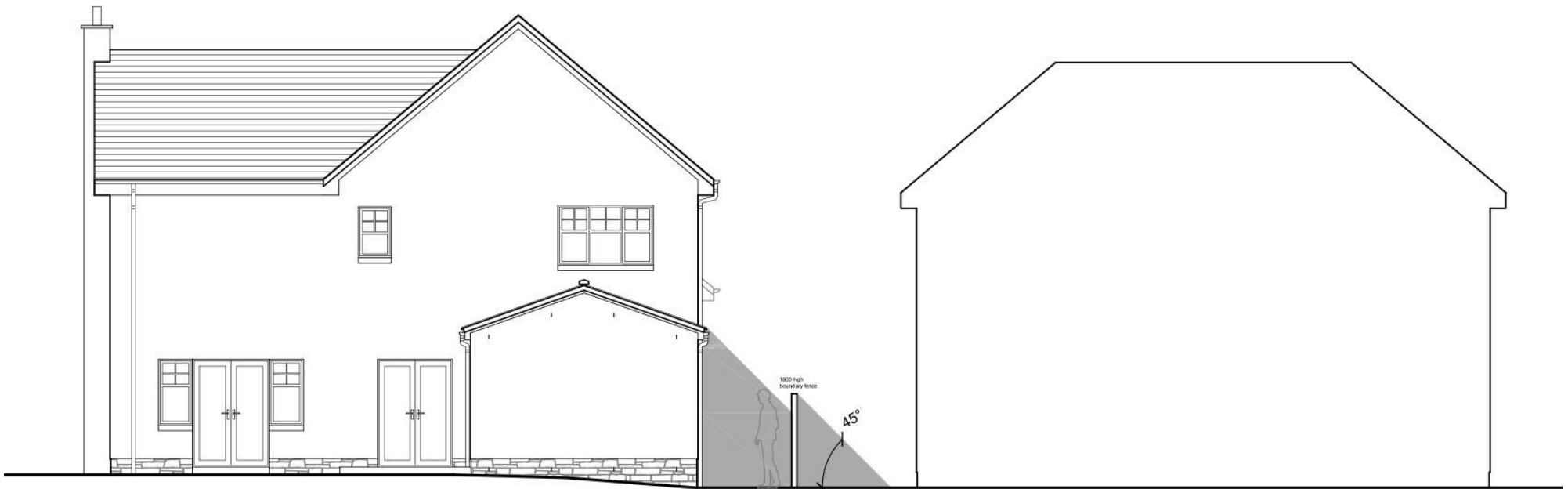
You will note from the image below that in elevation the extension does not overshadow to a greater degree than the existing boundary fence.

The plans overleaf show the existing condition illustrating the overshadowing effect on 2 Rose Crescent from the existing houses and fences.

It is clear from the existing and proposed plans that no additional overshadowing is generated by the proposed rear extension.

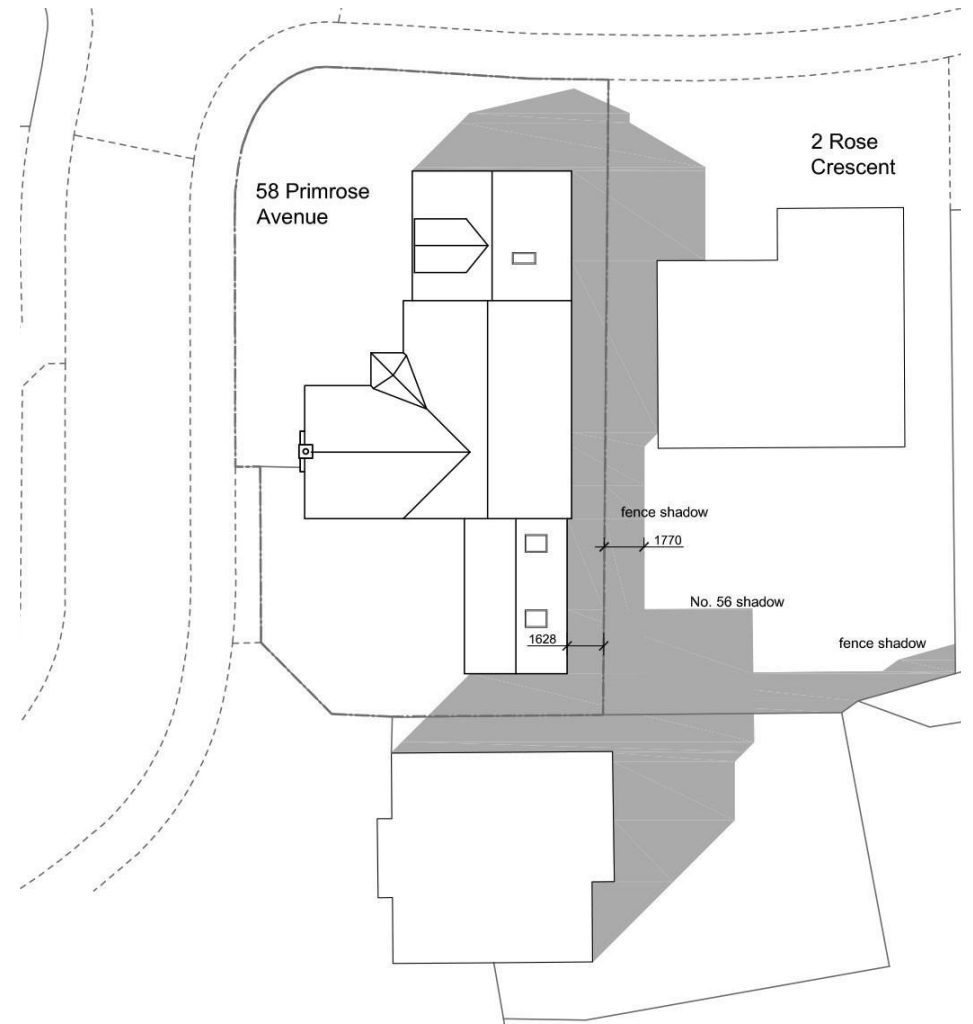
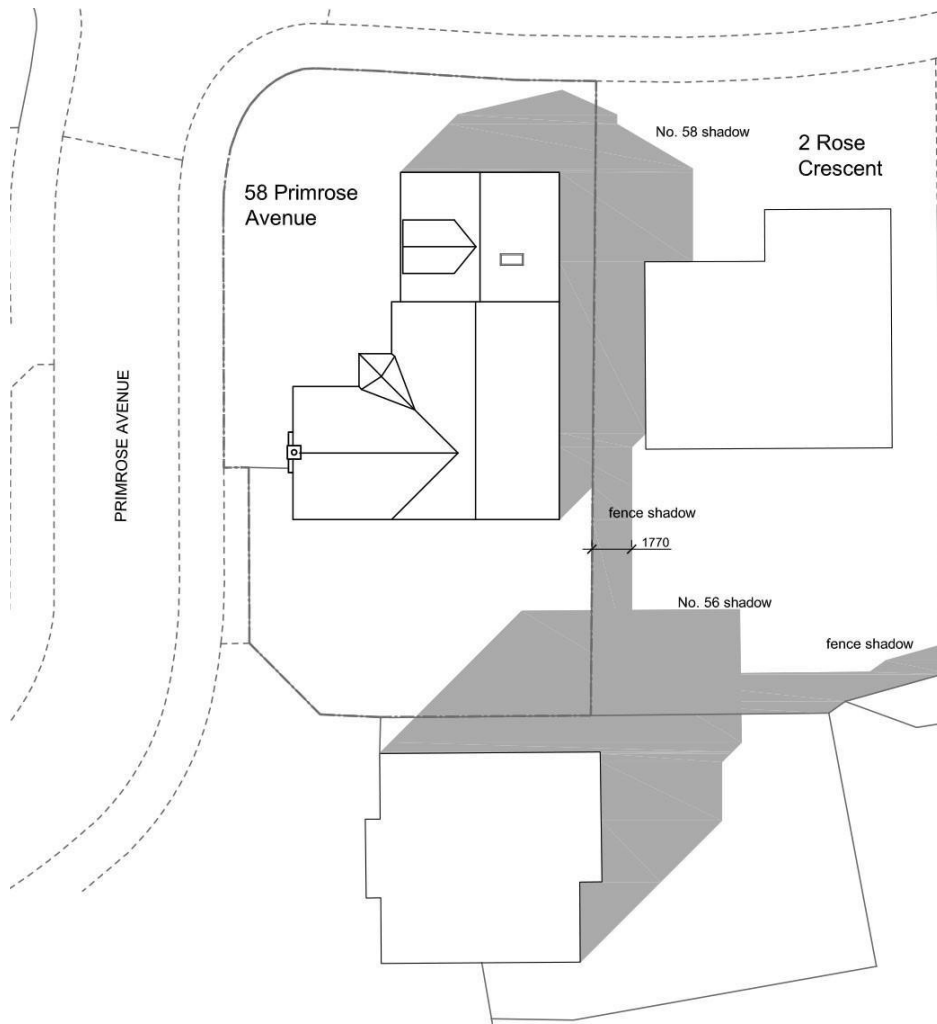
From the point of view of outlook from the rear façade, 2 Rose Gardens will still have a completely interrupted sky view which greatly exceeds that which 58 Primrose Avenue currently experiences. With its outlook of a two storey blank wall.

This current condition for 58 Primrose Avenue was deemed acceptable to East Renfrewshire Council Planning Department at the time of the development. 2 Rose Crescent will still experience and enjoy considerably more visible sky outlook than 58 Primrose Avenue should the proposed extension go ahead.

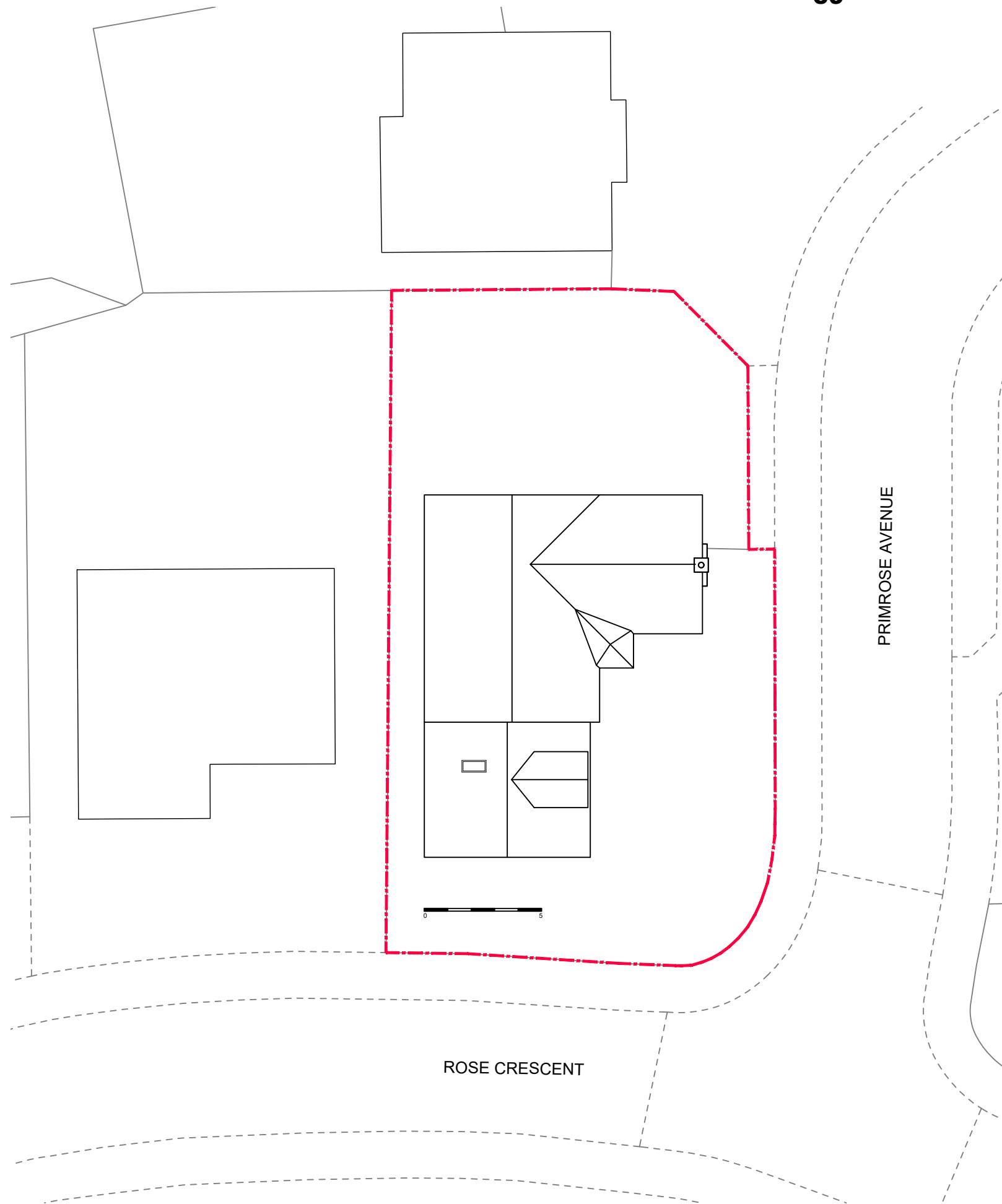


Existing Condition

Proposed Condition



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01 Block plan as existing
1:200 @ A3

Revisions

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Carol Heaton

Project
58 Primrose Avenue
Newton Mearns
G77 6FS

Title
Block plan
as existing

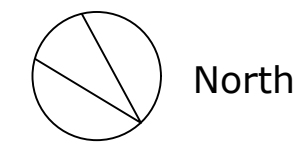
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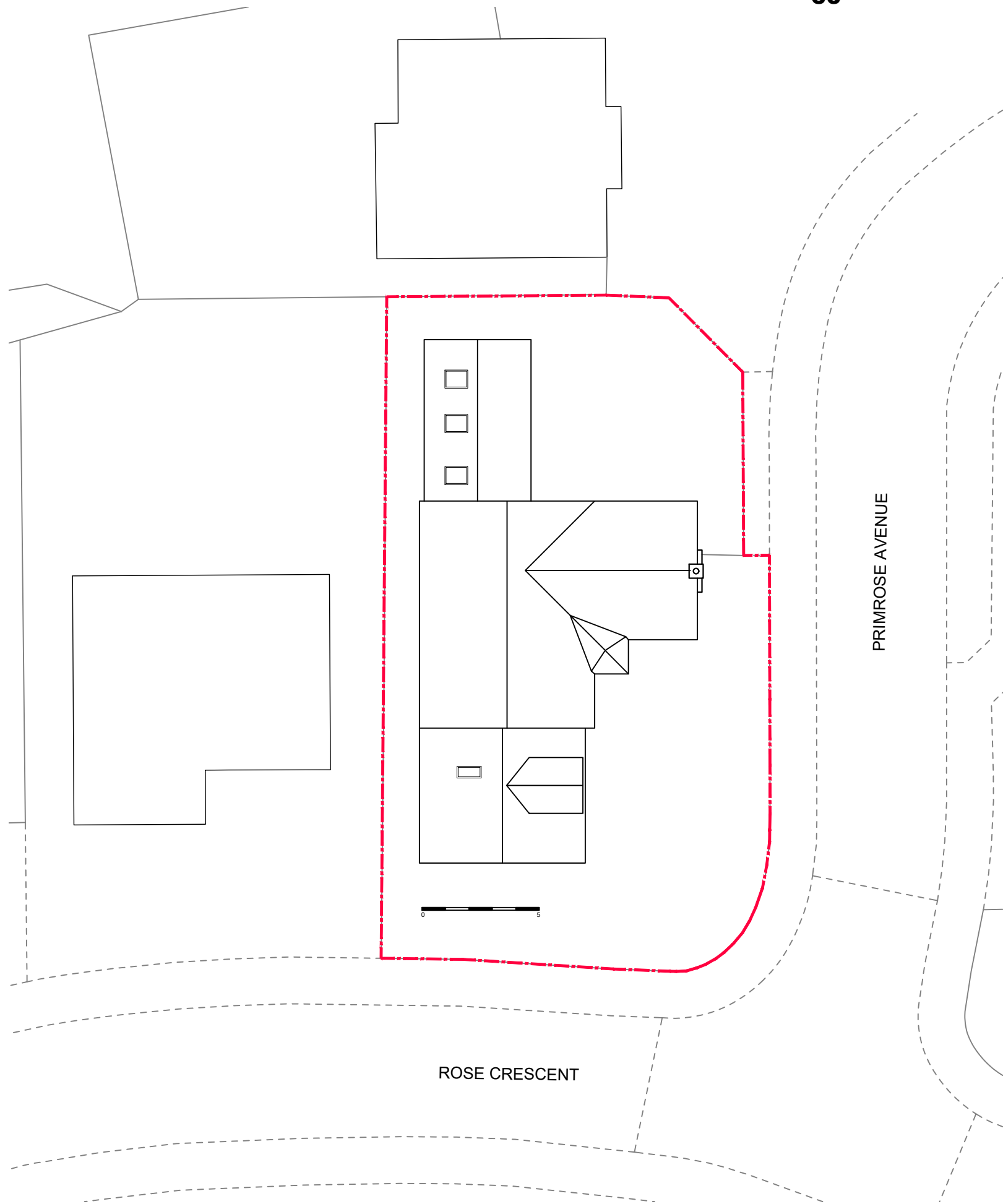
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01 Block plan as proposed
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Status
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58 Primrose Avenue
Newton Mearns
G77 6FS

Title
Block plan
as proposed

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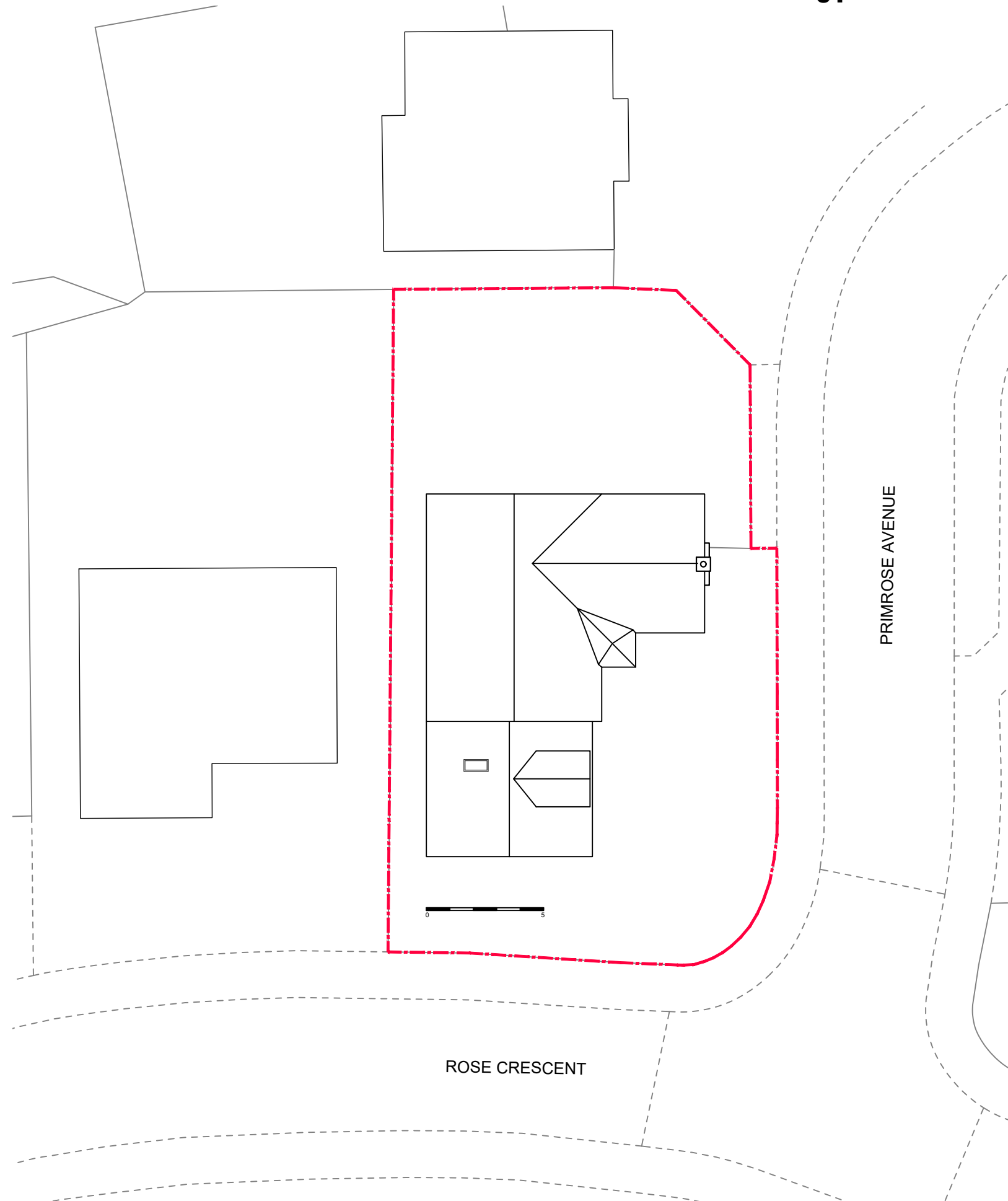
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58 Primrose Avenue
Newton Mearns
G77 6FS

Title
Block plan
as existing

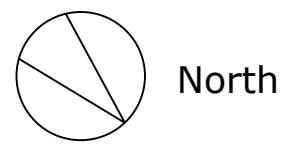
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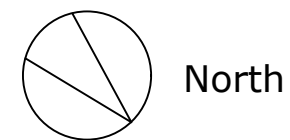
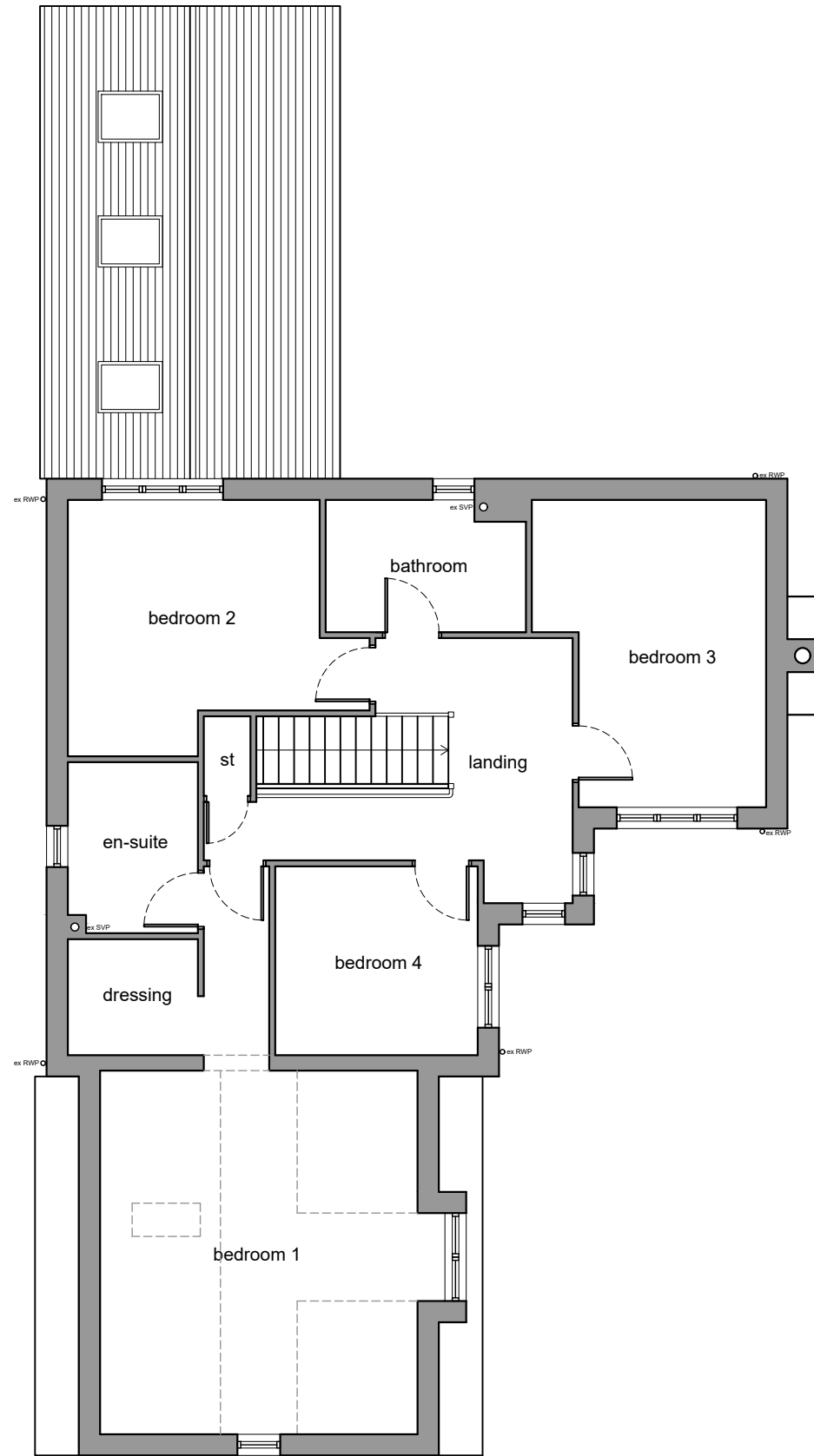
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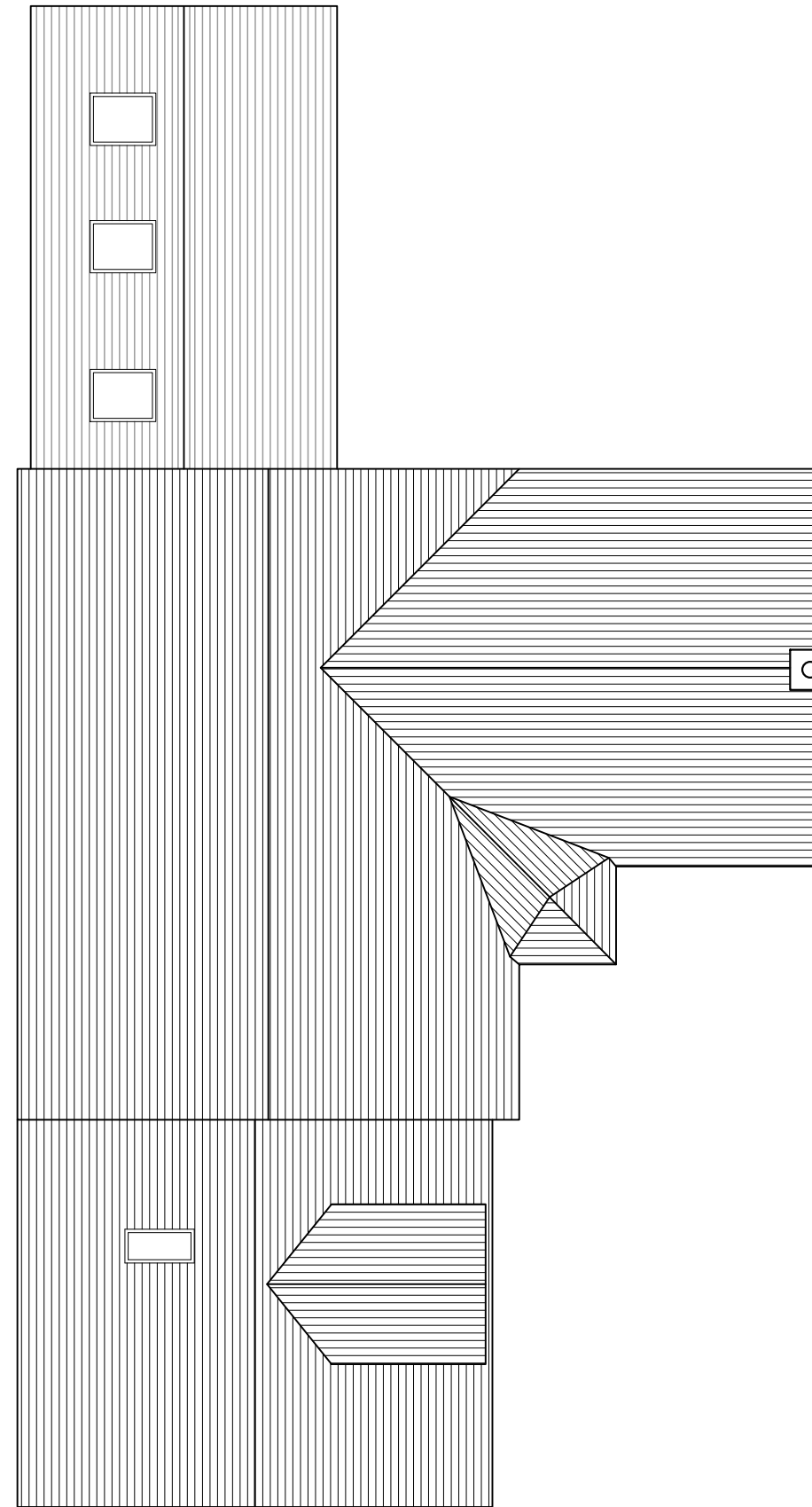
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North



01 First floor plan as proposed
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02 Roof plan as proposed
 1:100 @ A3

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Carol Heaton
 Project
**58 Primrose Avenue
 Newton Mearns
 G77 6FS**
 Title
**First floor and roof plan overviews
 as proposed**

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1:100	A3	28.05.21	SW	SA



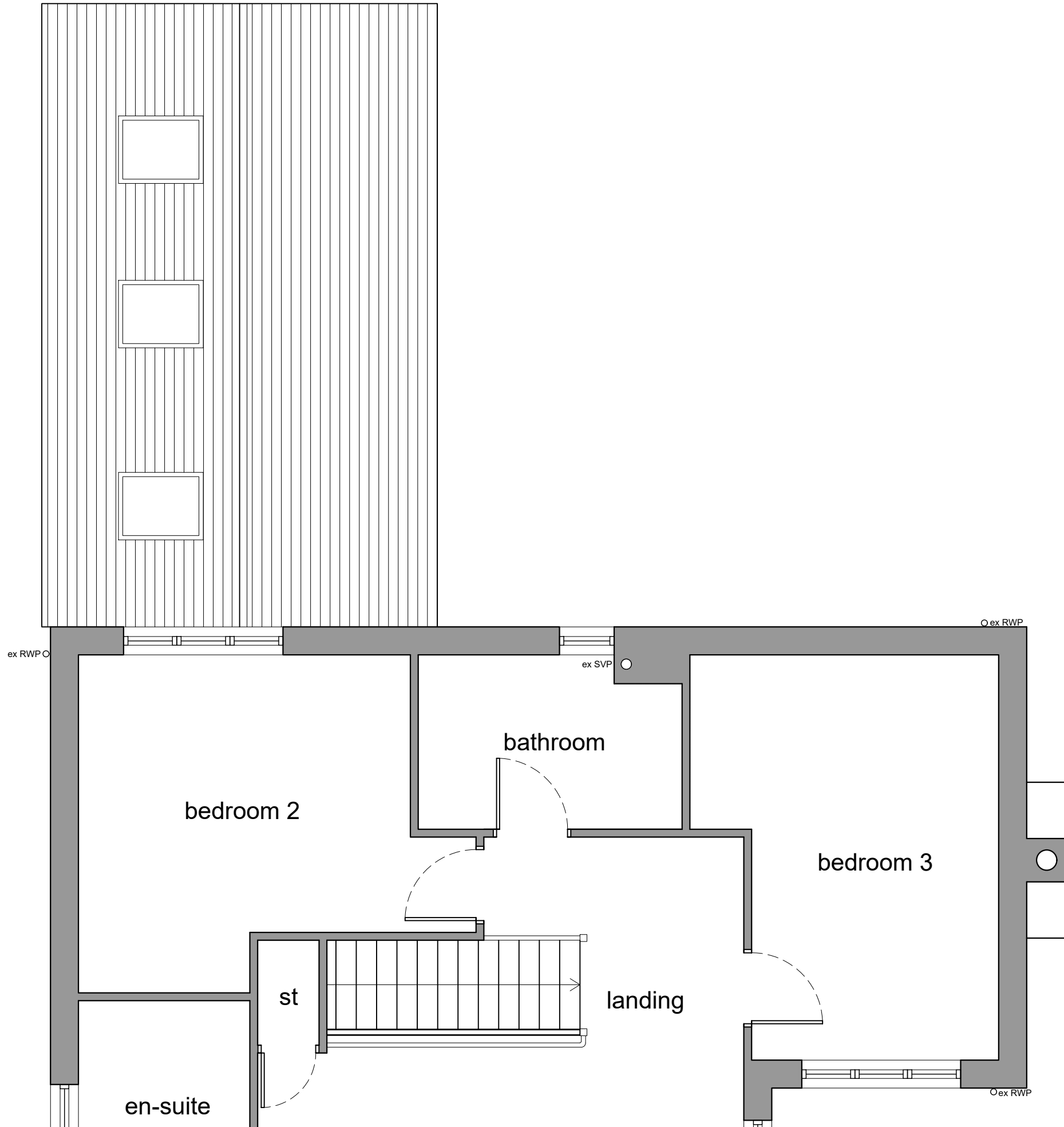
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01 First floor plan as proposed
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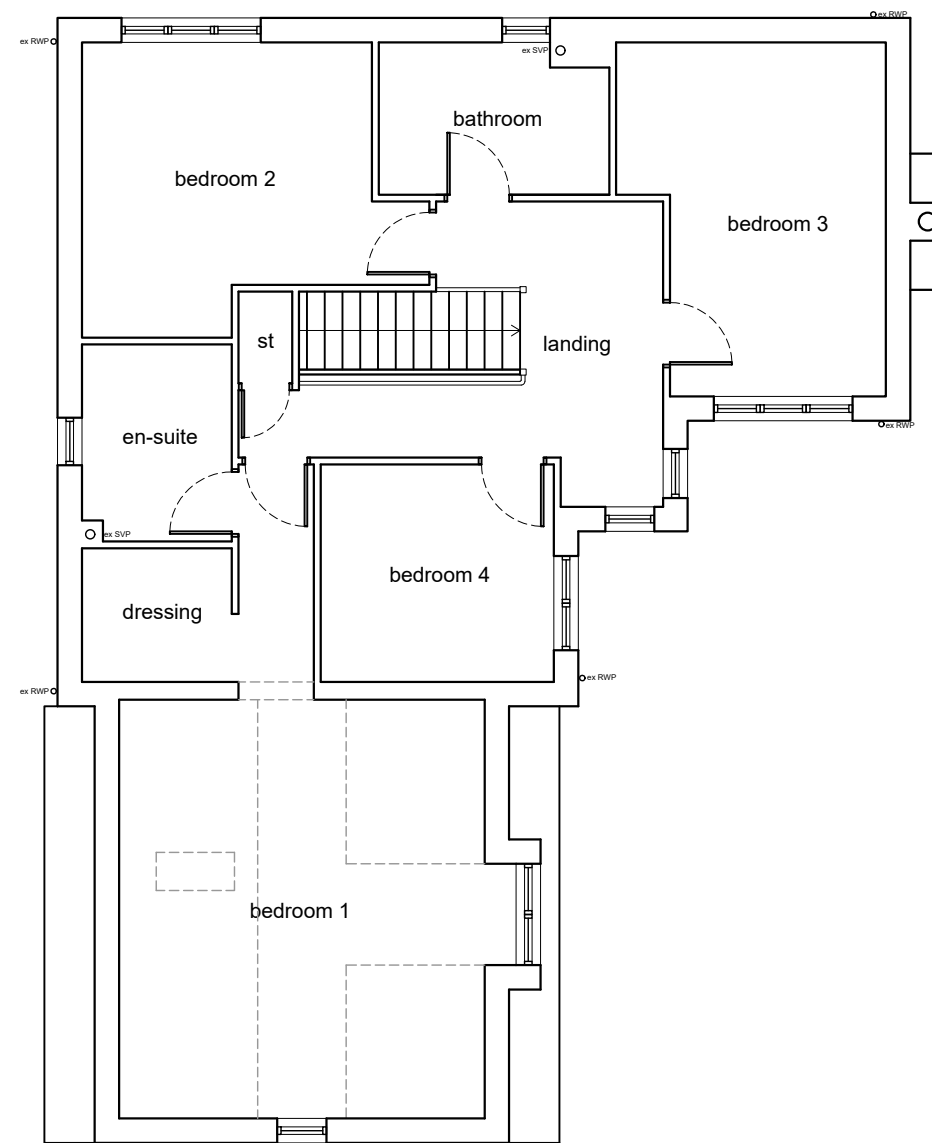
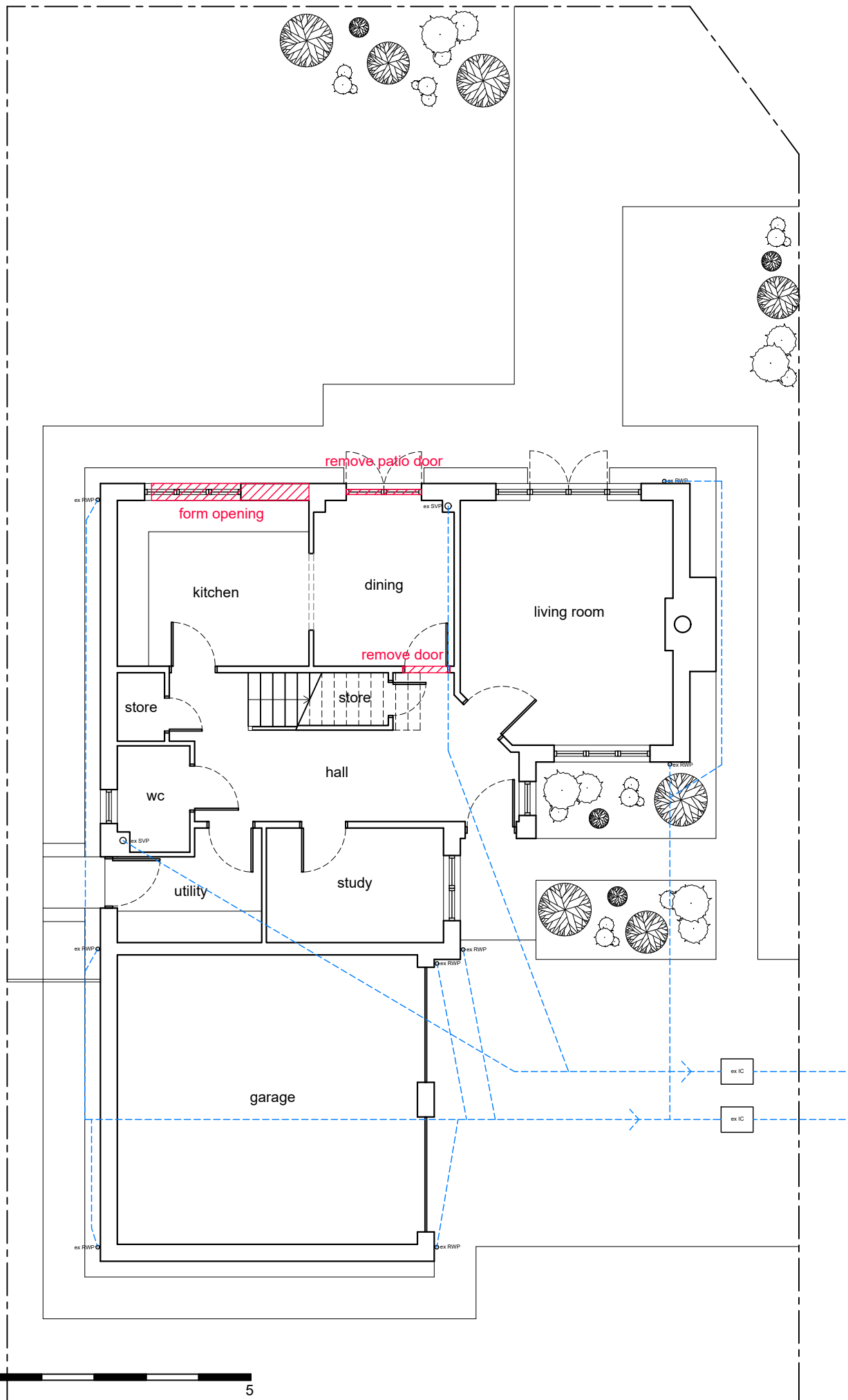
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Status	PLANNING / BUILDING WARRANT			
Client	Carol Heaton			
Project	58 Primrose Avenue Newton Mearns G77 6FS			
Title	First floor plan / extension roof plan as proposed			
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01 Ground floor plan as existing
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02 First floor plan as existing
 1:100 @ A3



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Client
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Project
**58 Primrose Avenue
 Newton Mearns
 G77 6FS**

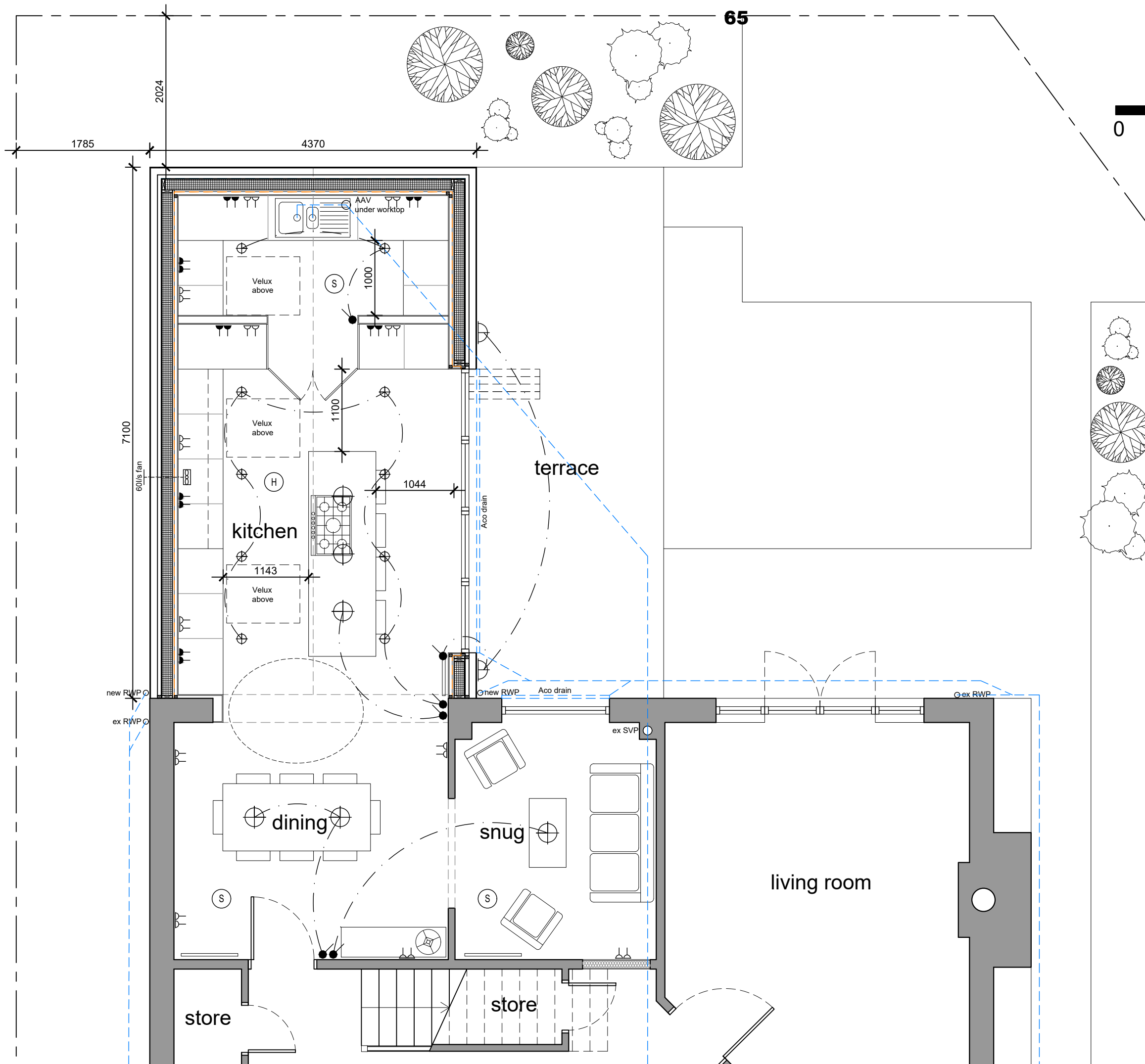
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**Floor plans
 as existing**

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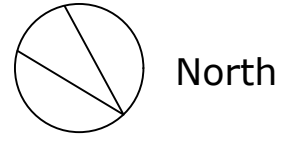
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01 Ground floor plan as proposed
1:50 @ A3



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Project
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Newton Mearns
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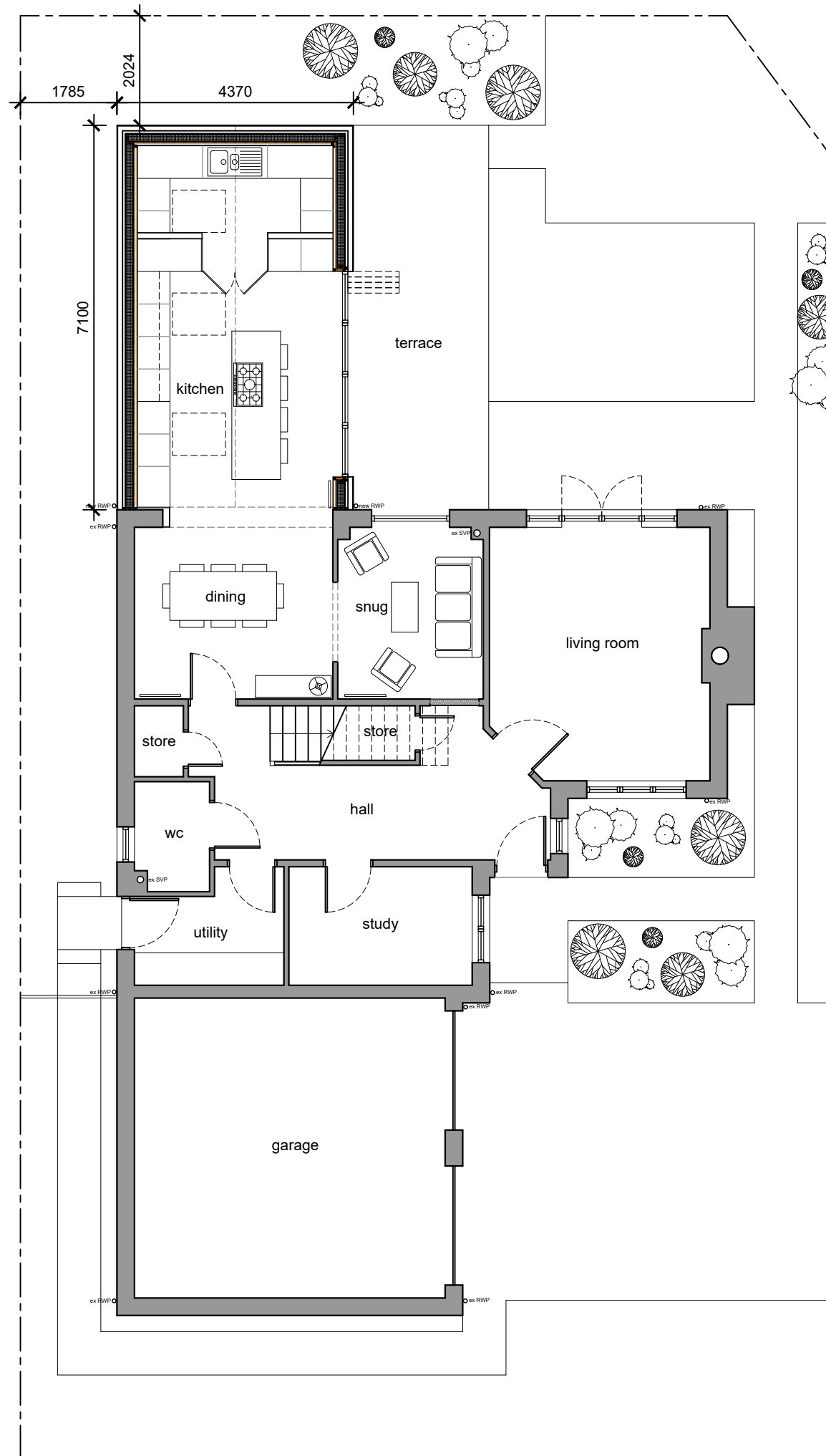
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Ground floor plan
as proposed

Scale	Size	Date	Drawn	Checked
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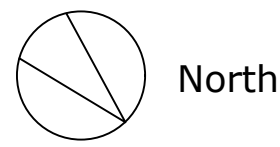


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North



01 Ground floor plan as proposed
1:100 @ A3

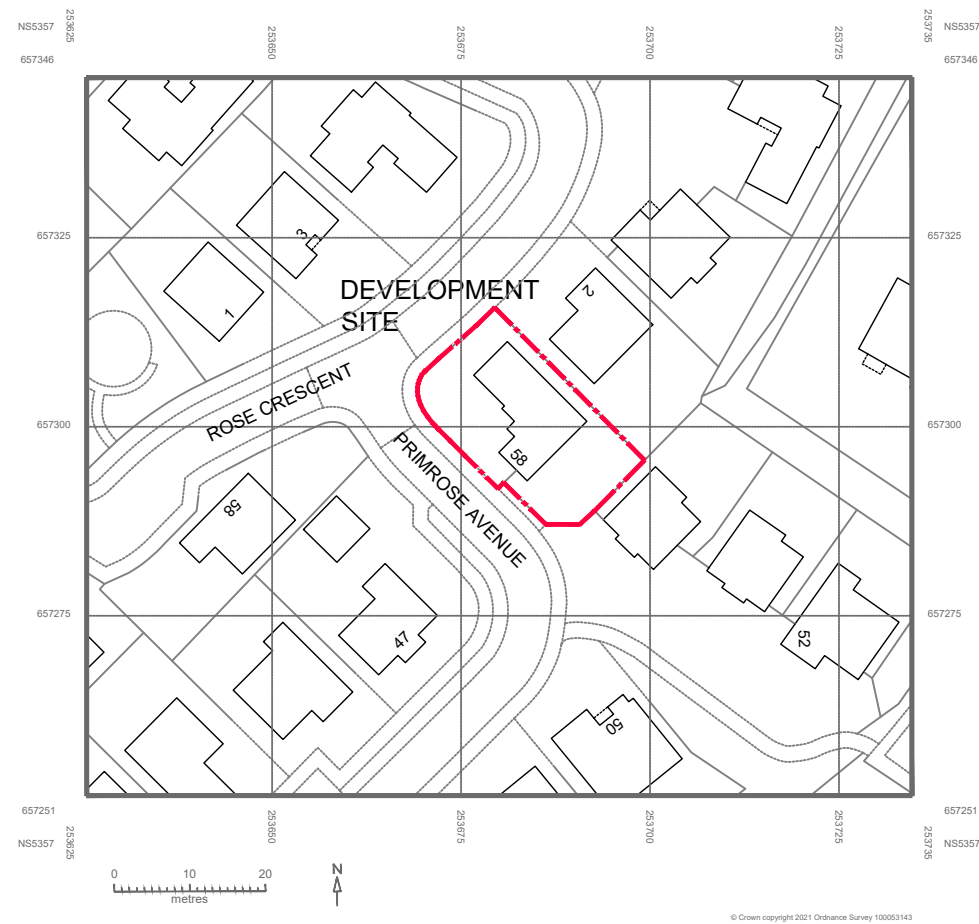
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Client	Carol Heaton			
Project	58 Primrose Avenue Newton Mearns G77 6FS			
Title	Ground floor plan overview as proposed			
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Project
**58 Durward Avenue
 Newton Mearns
 G77 6FS**

Title
Location plan

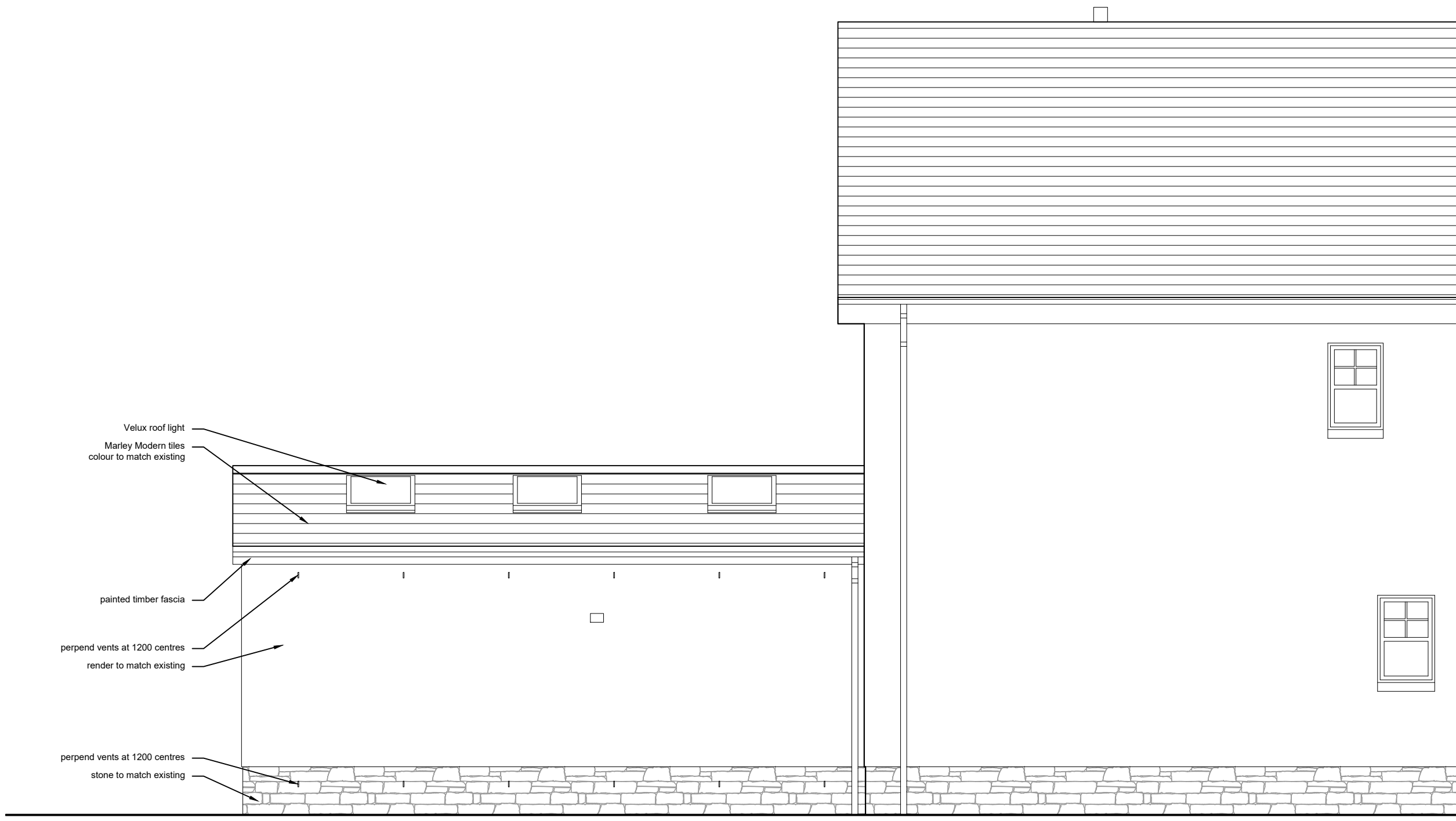
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Client
Carol Heaton

Project
**58 Primrose Avenue
 Newton Mearns
 G77 6FS**

Title
**North-East elevation
 as proposed**

Scale	Size	Date	Drawn	Checked
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01 North-East elevation as proposed
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Client
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Project
**58 Primrose Avenue
 Newton Mearns
 G77 6FS**

Title
**North-West elevation
 as proposed**

Scale	Size	Date	Drawn	Checked
1:50	A3	28.05.21	SW	SA



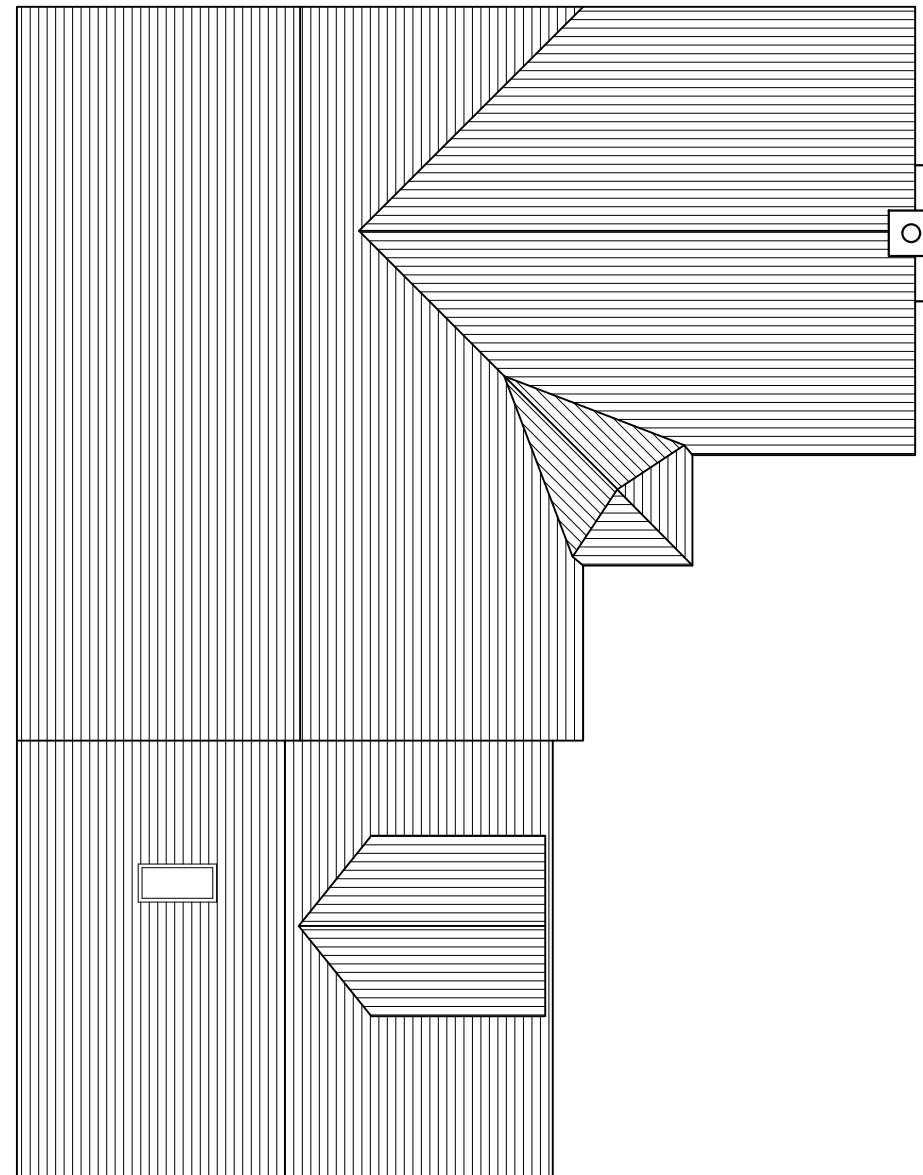
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01 North-West elevation as proposed
 1:50 @ A3

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Client
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Project
58 Primrose Avenue
Newton Mearns
G77 6FS
Title
Roof plan
as existing

Scale	Size	Date	Drawn	Checked
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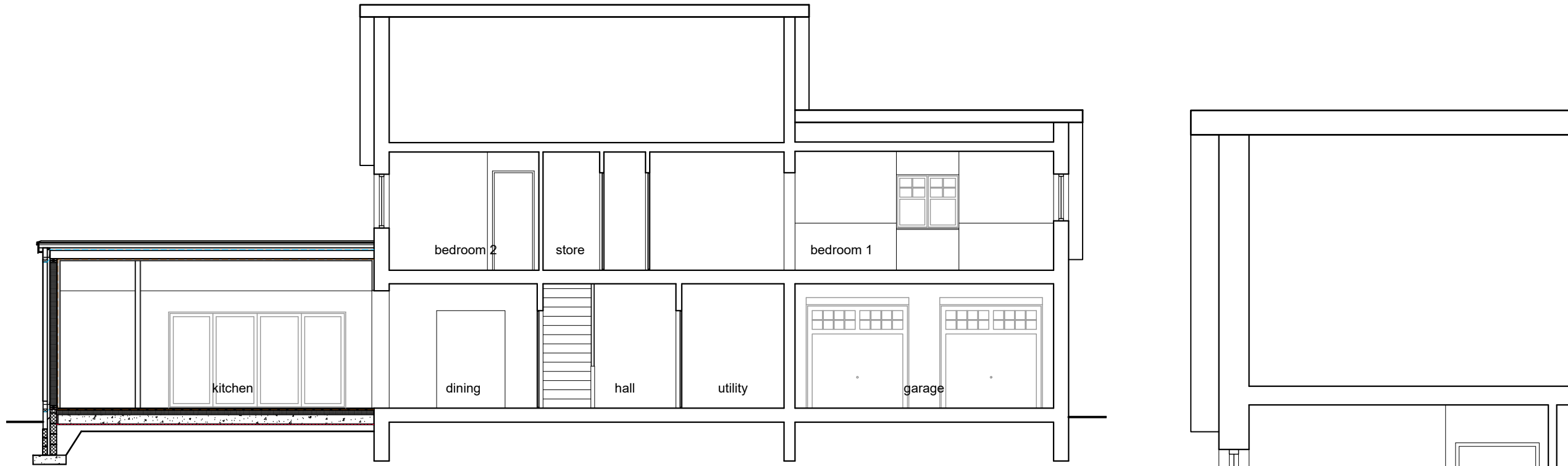
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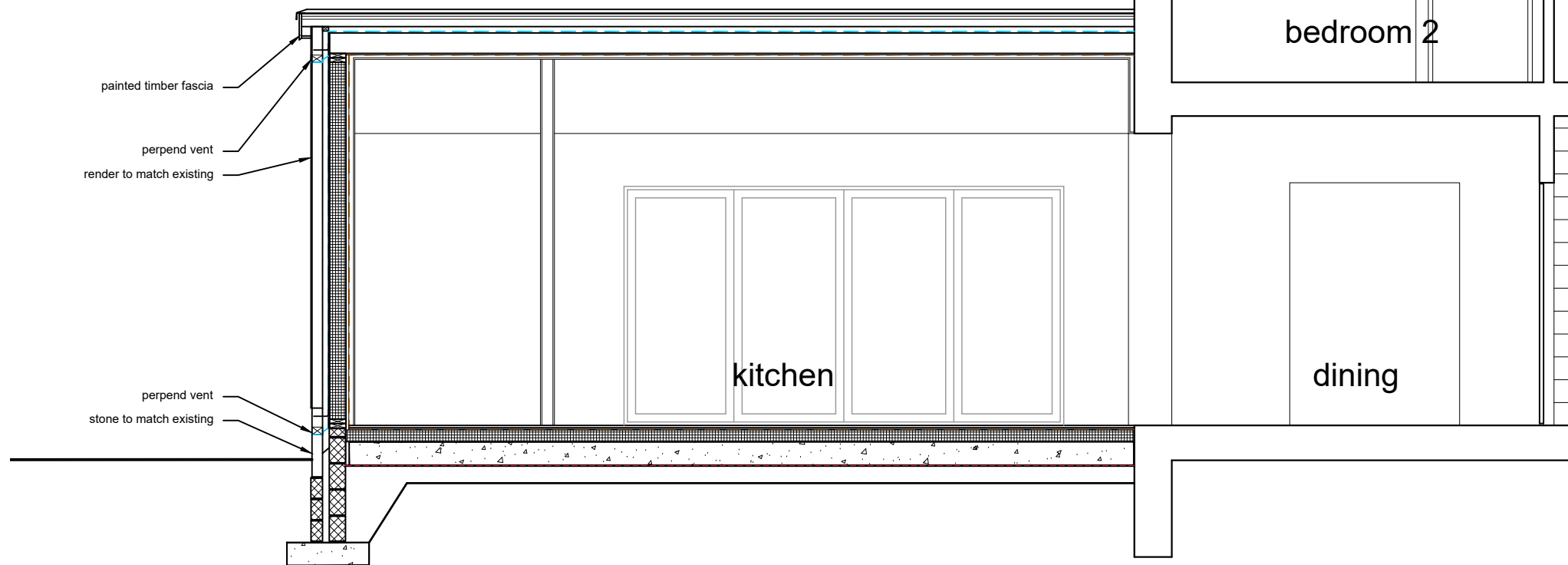
01 Roof plan as existing
1:100 @ A3



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01 Section A-A' as proposed
 1:100 @ A3



02 Section A-A' as proposed
 1:50 @ A3

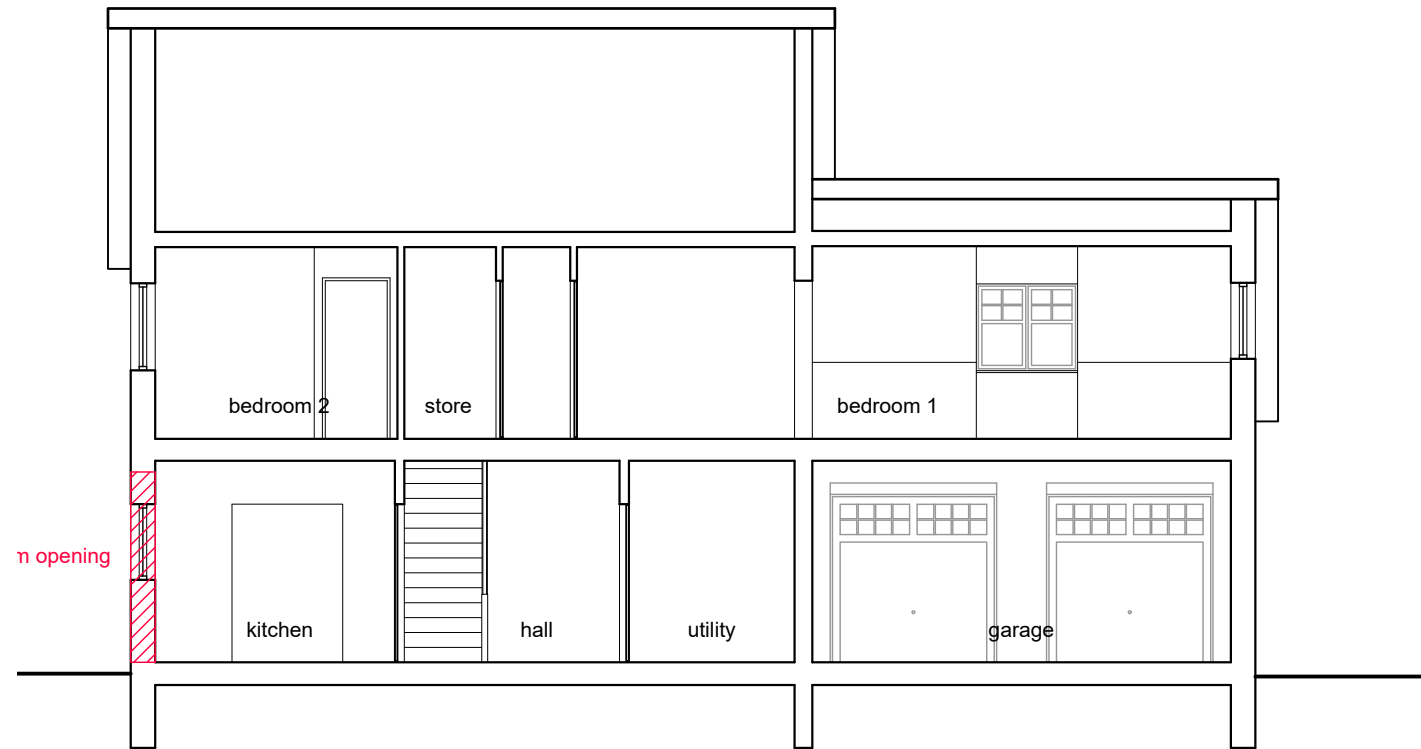
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Status	PLANNING / BUILDING WARRANT			
Client	Carol Heaton			
Project	58 Primrose Avenue Newton Mearns G77 6FS			
Title	Section A-A' as proposed			
Scale	Size	Date	Drawn	Checked
VAR	A3	28.05.21	SW	SA



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01 Section A-A' as existing
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Project
 58 Primrose Avenue
 Newton Mearns
 G77 6FS

Title
 Section A-A'
 as existing

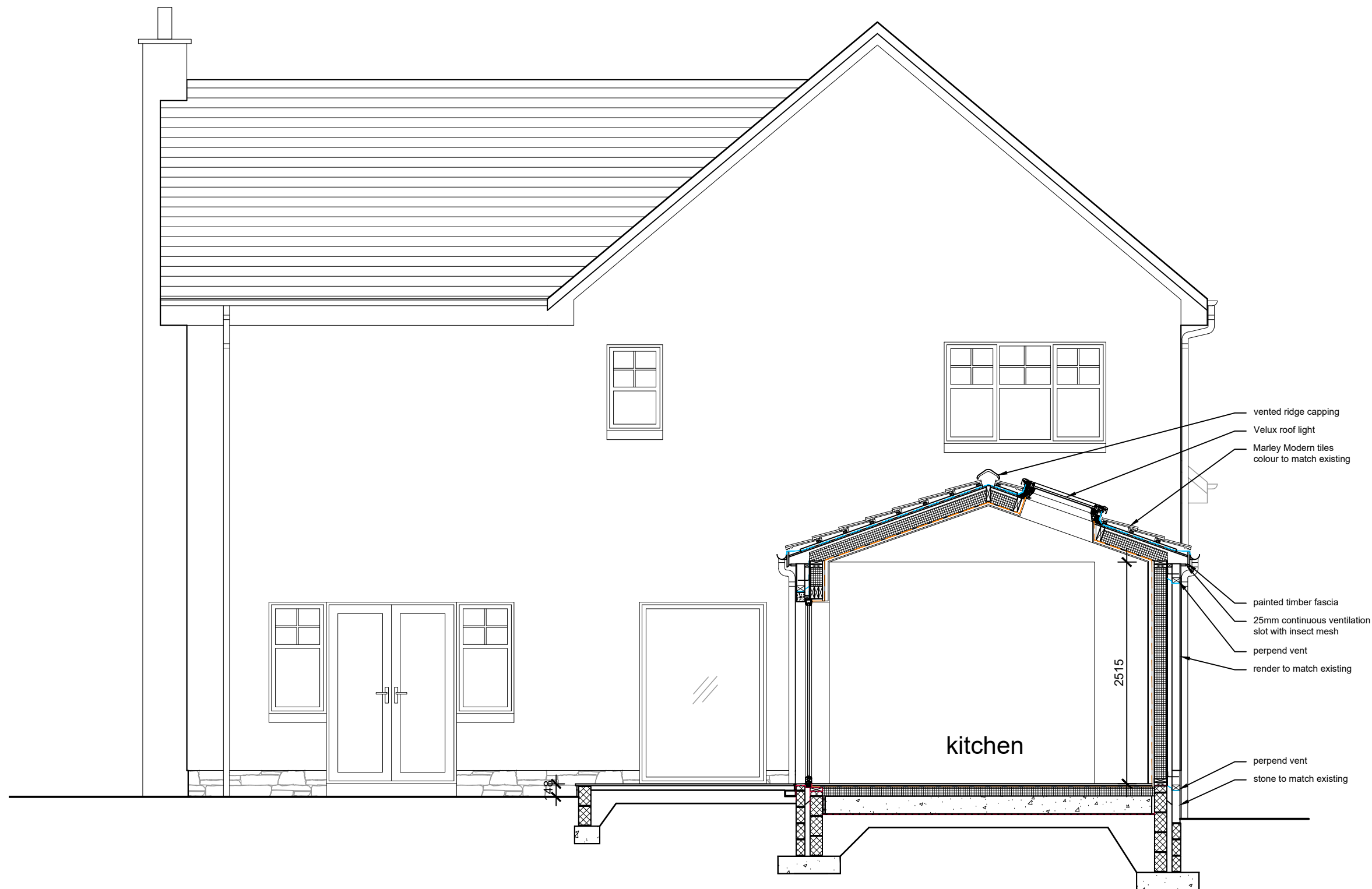
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Client
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Project
**58 Primrose Avenue
 Newton Mearns
 G77 6FS**

Title
**Section B-B'
 as proposed**

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Client
Carol Heaton

Project
**58 Primrose Avenue
 Newton Mearns
 G77 6FS**

Title
**South-East elevation
 as proposed**

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21018	02-007	-

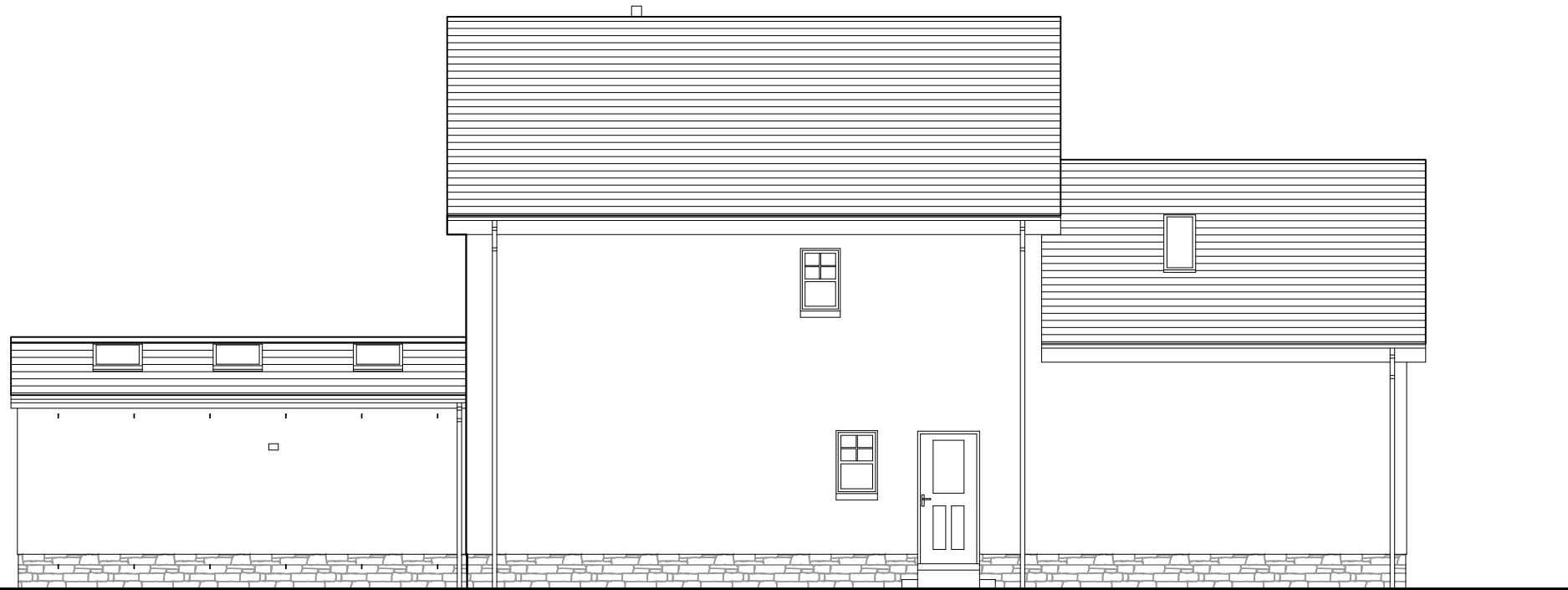


01 South-East elevation as proposed
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01 South-West elevation as proposed
 1:50 @ A3



02 North-East elevation as proposed
 1:50 @ A3

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 Client
 Carol Heaton
 Project
 58 Primrose Avenue
 Newton Mearns
 G77 6FS
 Title
 South-West and North-East elevation
 overviews as proposed

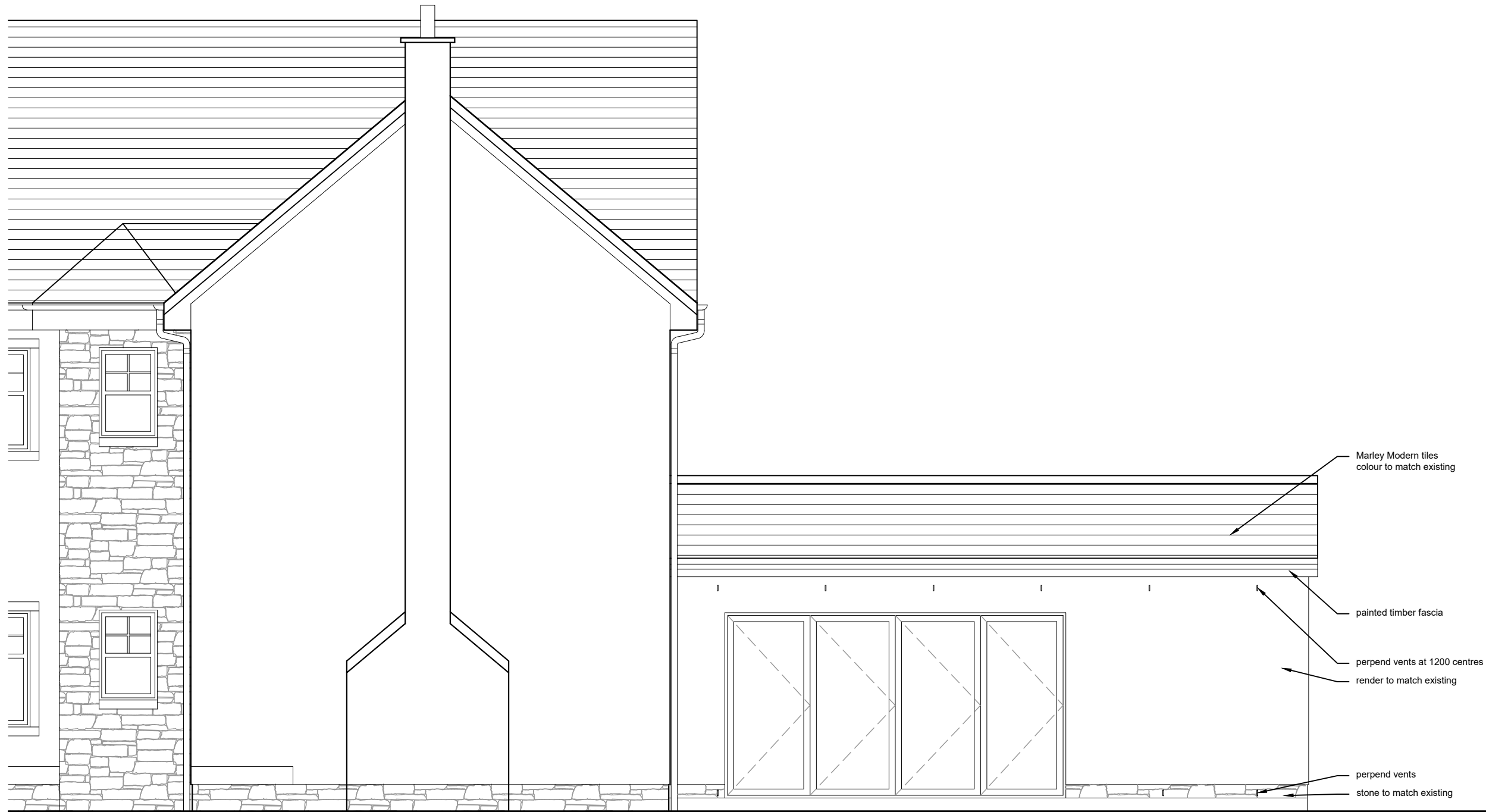
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Project 58 Primrose Avenue Newton Mearns G77 6FS				
Title South-West elevation as proposed				
Scale	Size	Date	Drawn	Checked
1:50	A3	28.05.21	SW	SA



01 South-West elevation as proposed
 1:50 @ A3



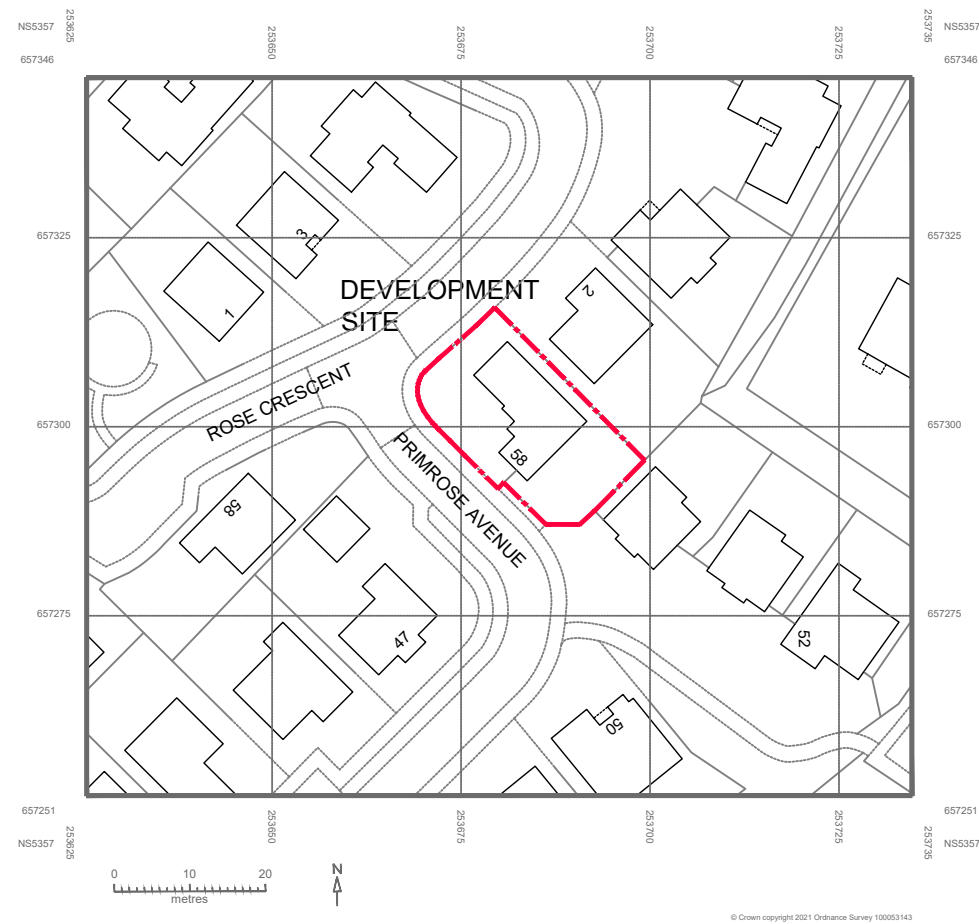
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Client
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Project
**58 Durward Avenue
 Newton Mearns
 G77 6FS**

Title
Location plan

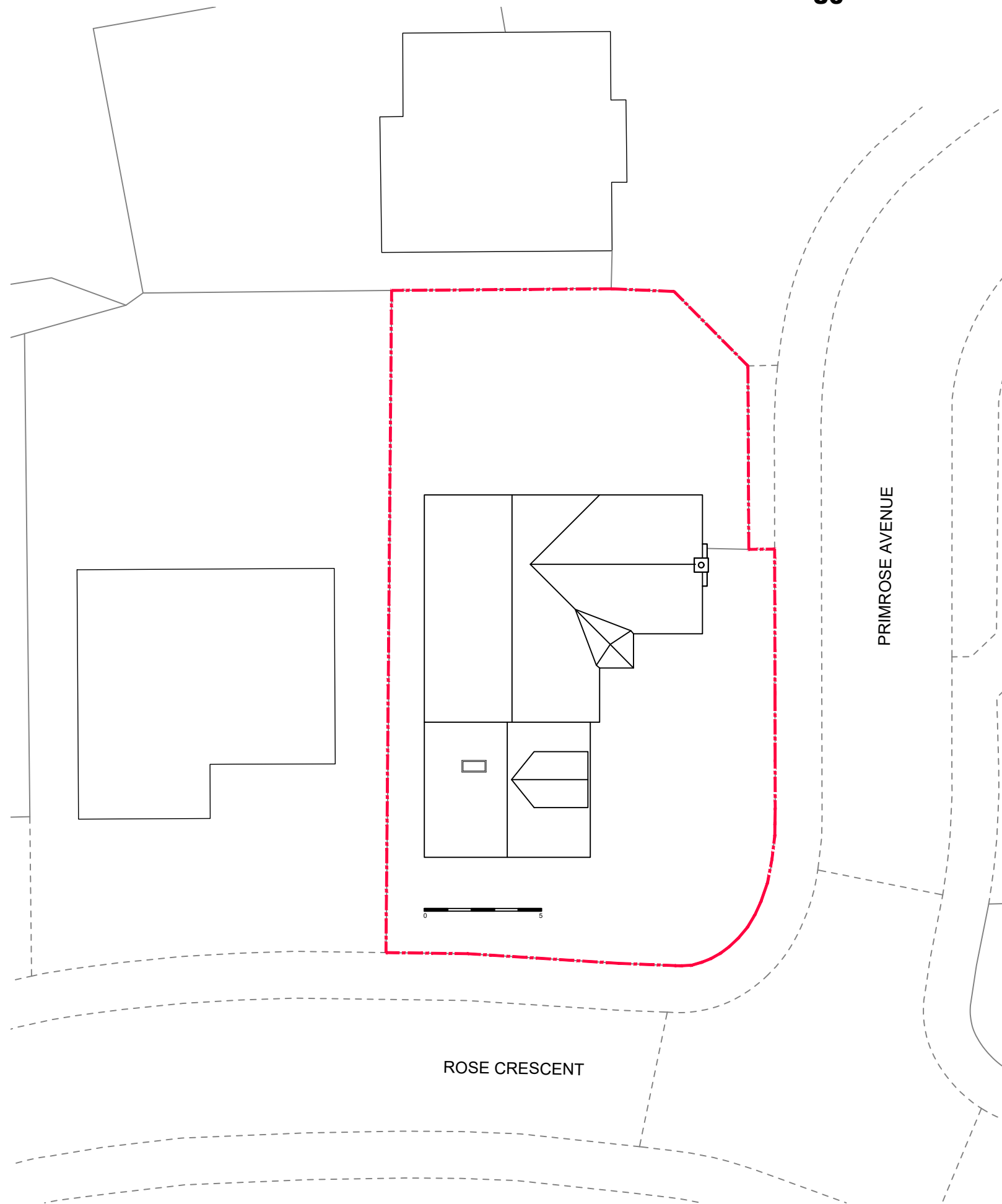
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01 Block plan as existing
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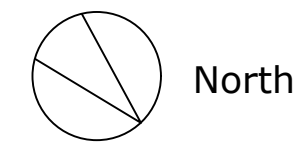
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Client	Carol Heaton			
Project	58 Primrose Avenue Newton Mearns G77 6FS			
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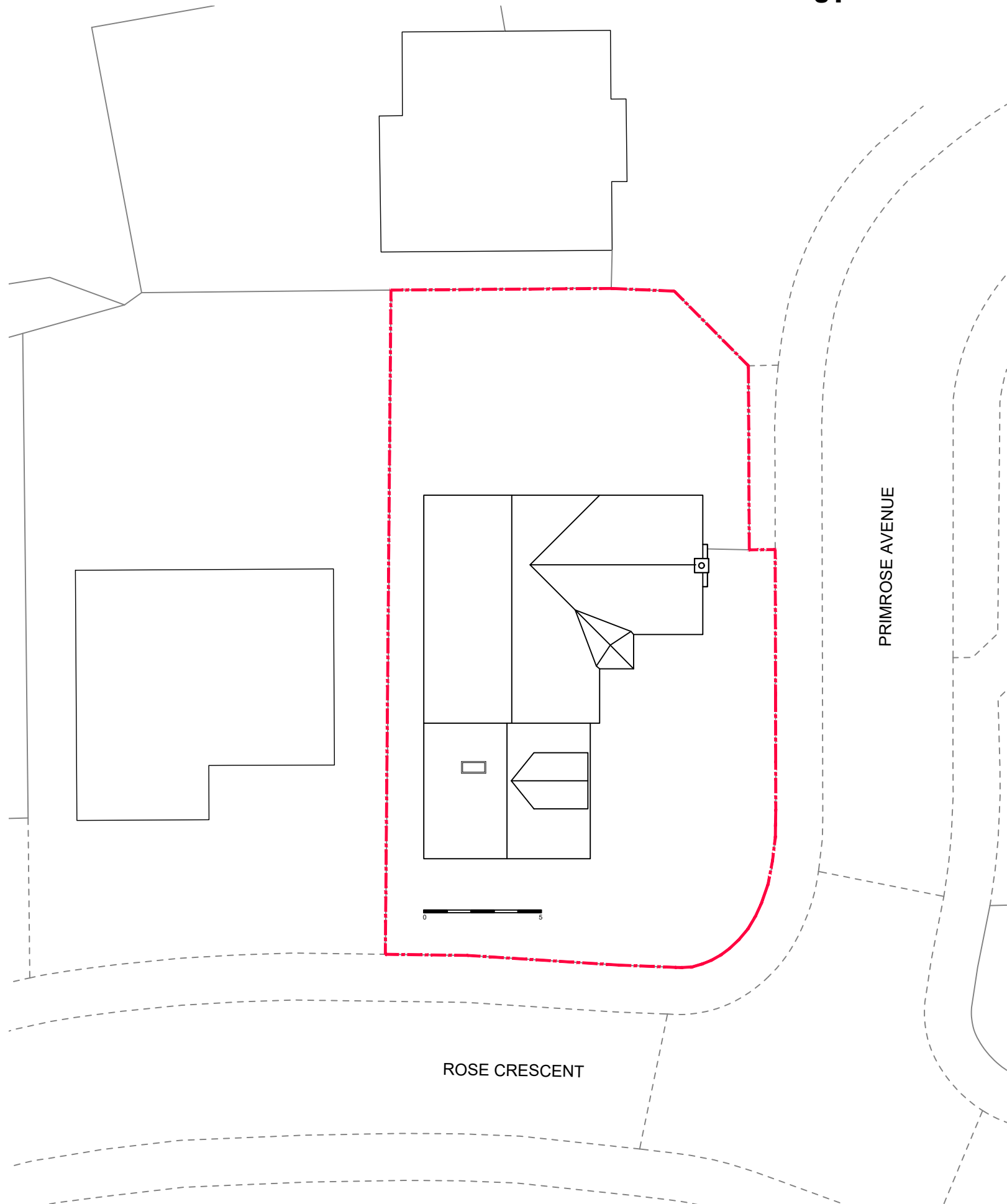
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Project
58 Primrose Avenue
Newton Mearns
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Title
Block plan
as existing

Scale	Size	Date	Drawn	Checked
1:200	A3	28.05.21	SW	SA

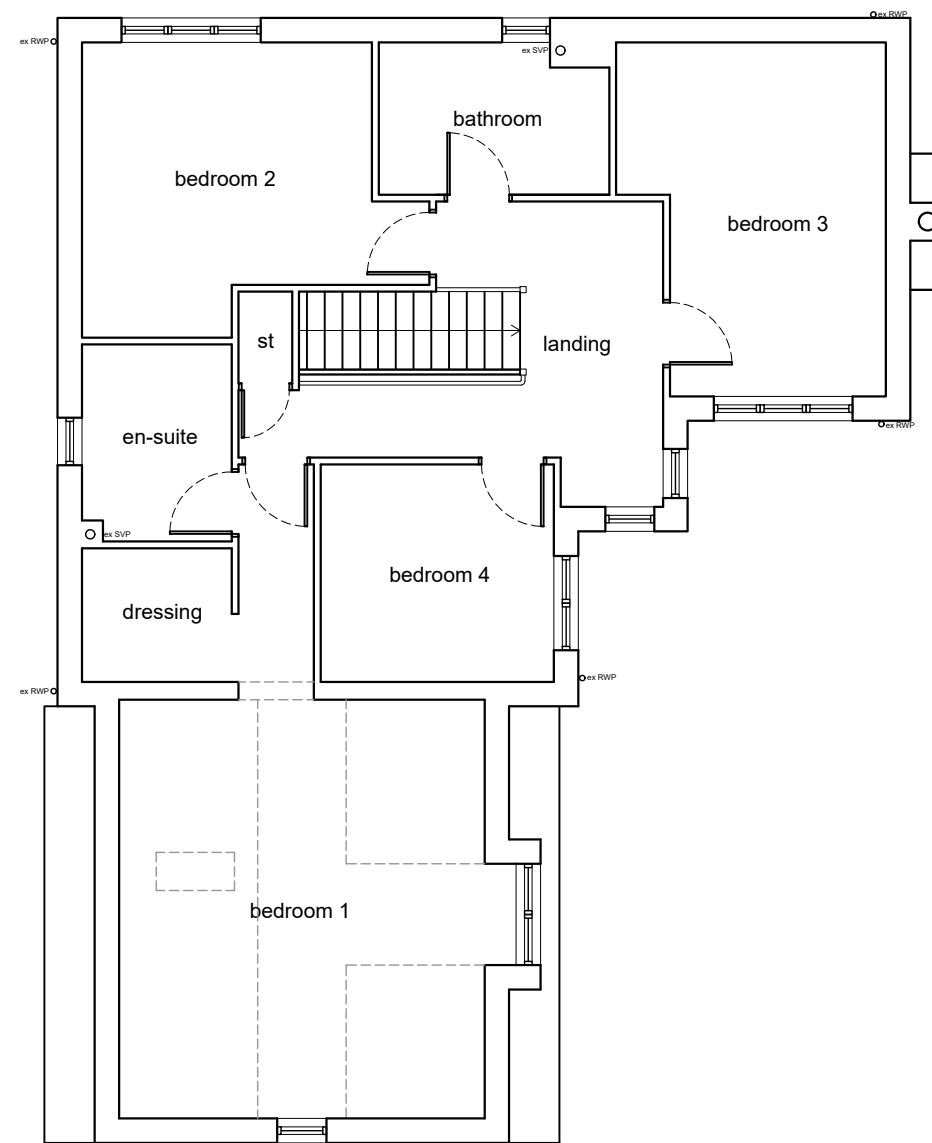
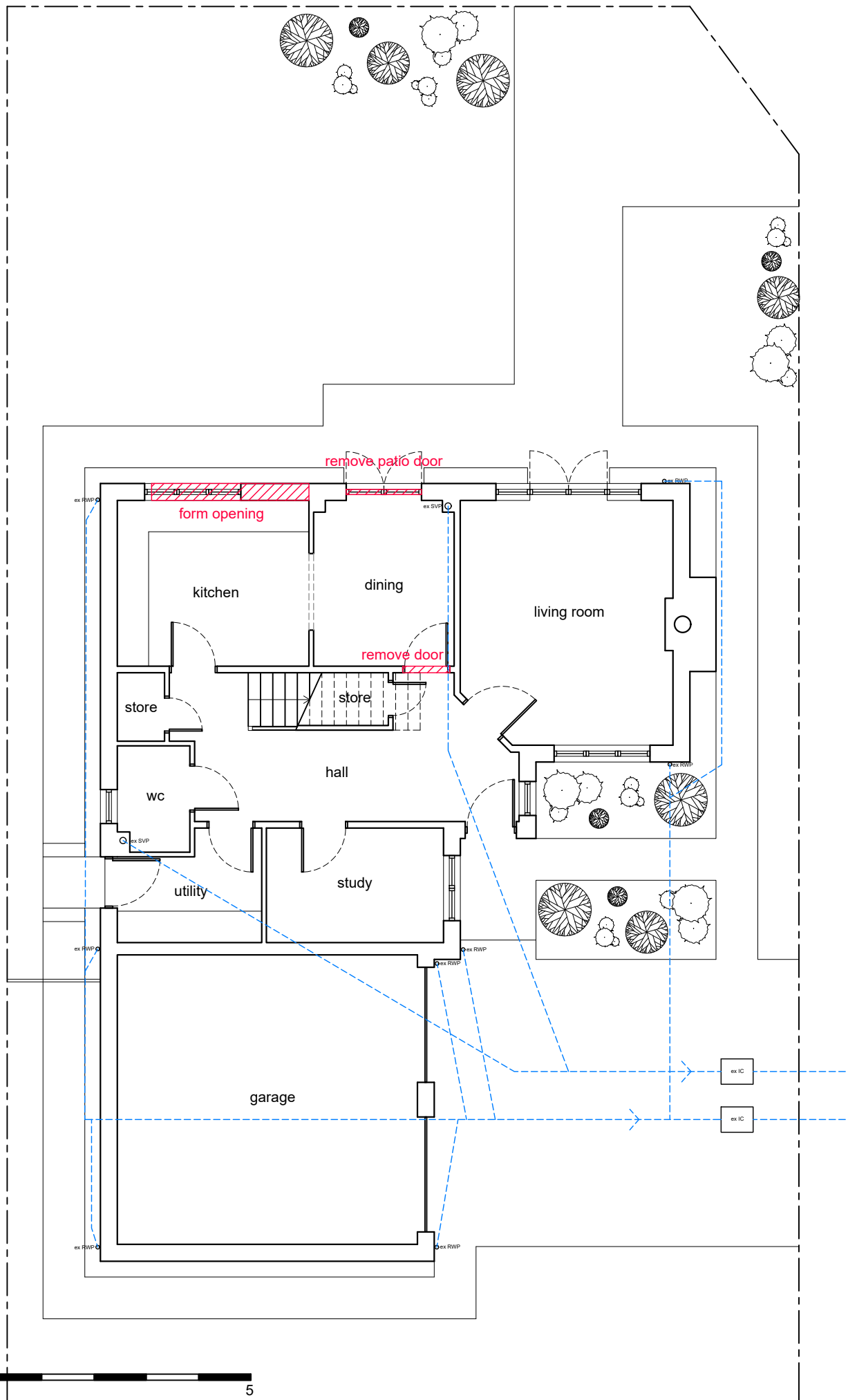


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01 Ground floor plan as existing
 1:100 @ A3

02 First floor plan as existing
 1:100 @ A3



Revisions
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PLANNING / BUILDING WARRANT

Client
Carol Heaton

Project
**58 Primrose Avenue
 Newton Mearns
 G77 6FS**

Title
**Floor plans
 as existing**

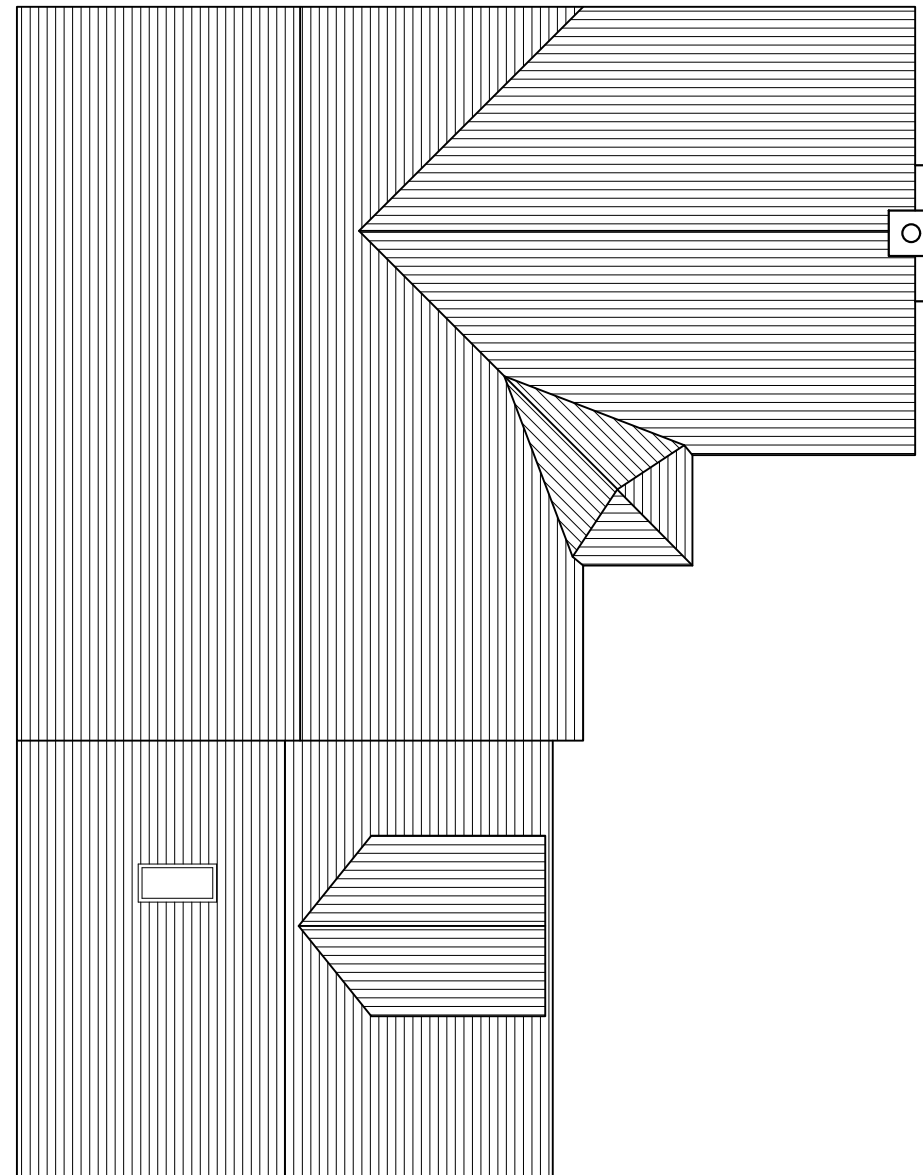
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1:100	A3	28.05.21	SW	SA



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Project No.	Drawing No.	Rev.
21018	01-001	-

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Revisions
Status
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Client
Carol Heaton
Project
58 Primrose Avenue
Newton Mearns
G77 6FS
Title
Roof plan
as existing

Scale	Size	Date	Drawn	Checked
1:100	A3	28.05.21	SW	SA

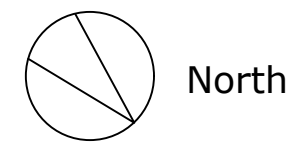


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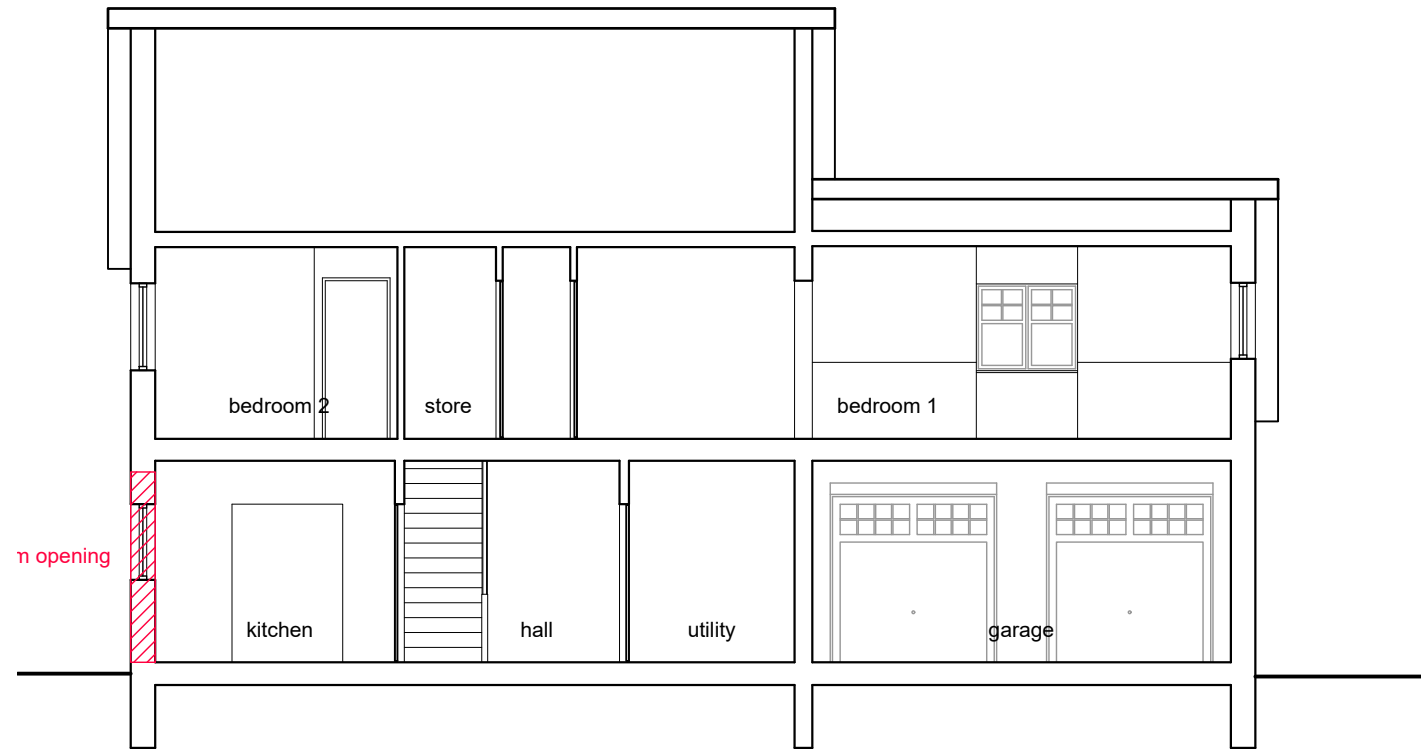
Project No.	Drawing No.	Rev.
21018	01-002	-



01 Roof plan as existing
1:100 @ A3



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01 Section A-A' as existing
 1:100 @ A3

Revisions

Status
 PLANNING / BUILDING WARRANT

Client
 Carol Heaton

Project
 58 Primrose Avenue
 Newton Mearns
 G77 6FS

Title
 Section A-A'
 as existing

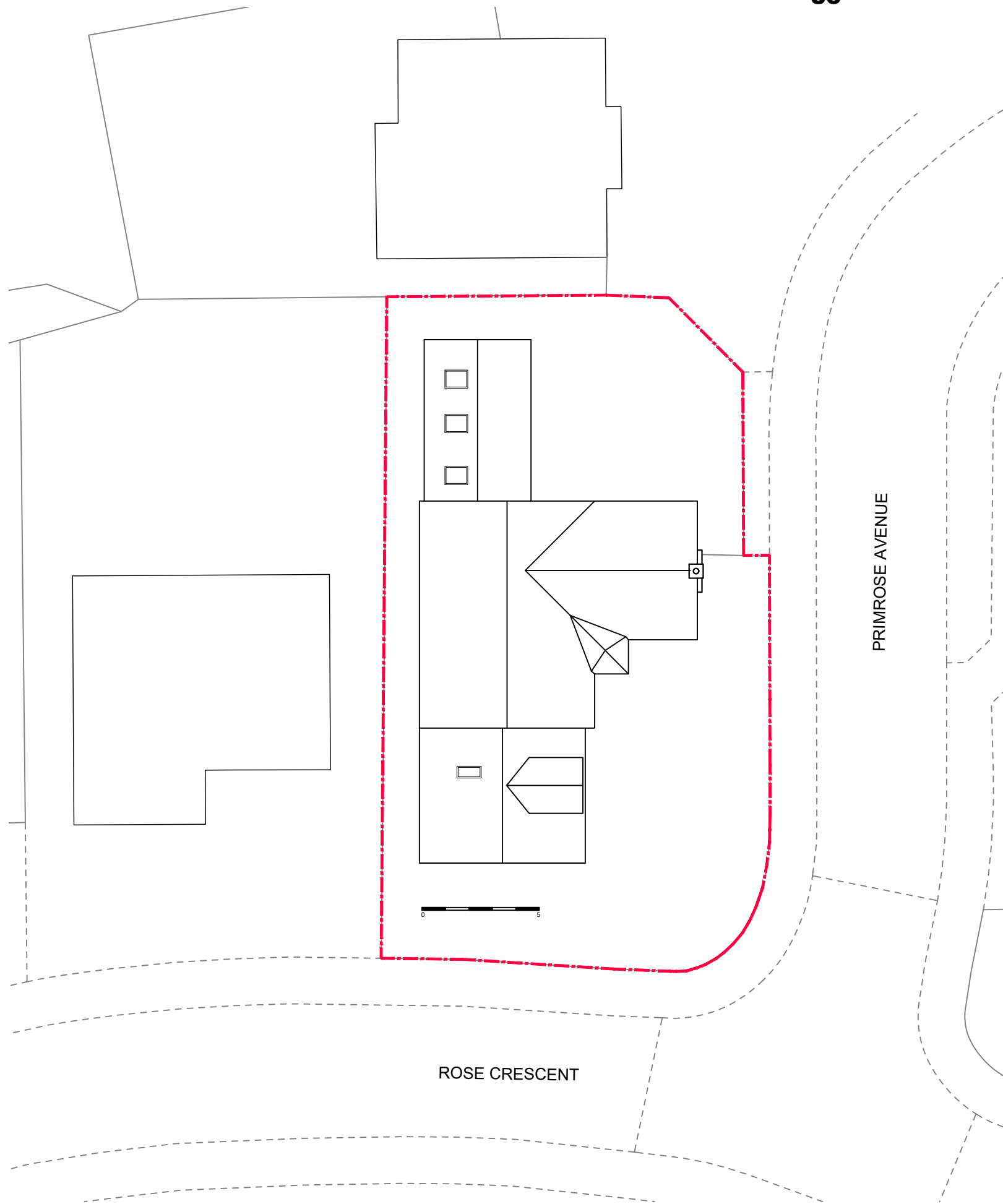
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21018	01-004	-

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01 Block plan as proposed
1:200 @ A3

Revisions

Status
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Client
Carol Heaton

Project
58 Primrose Avenue
Newton Mearns
G77 6FS

Title
Block plan
as proposed

Scale	Size	Date	Drawn	Checked
1:200	A3	28.05.21	SW	SA



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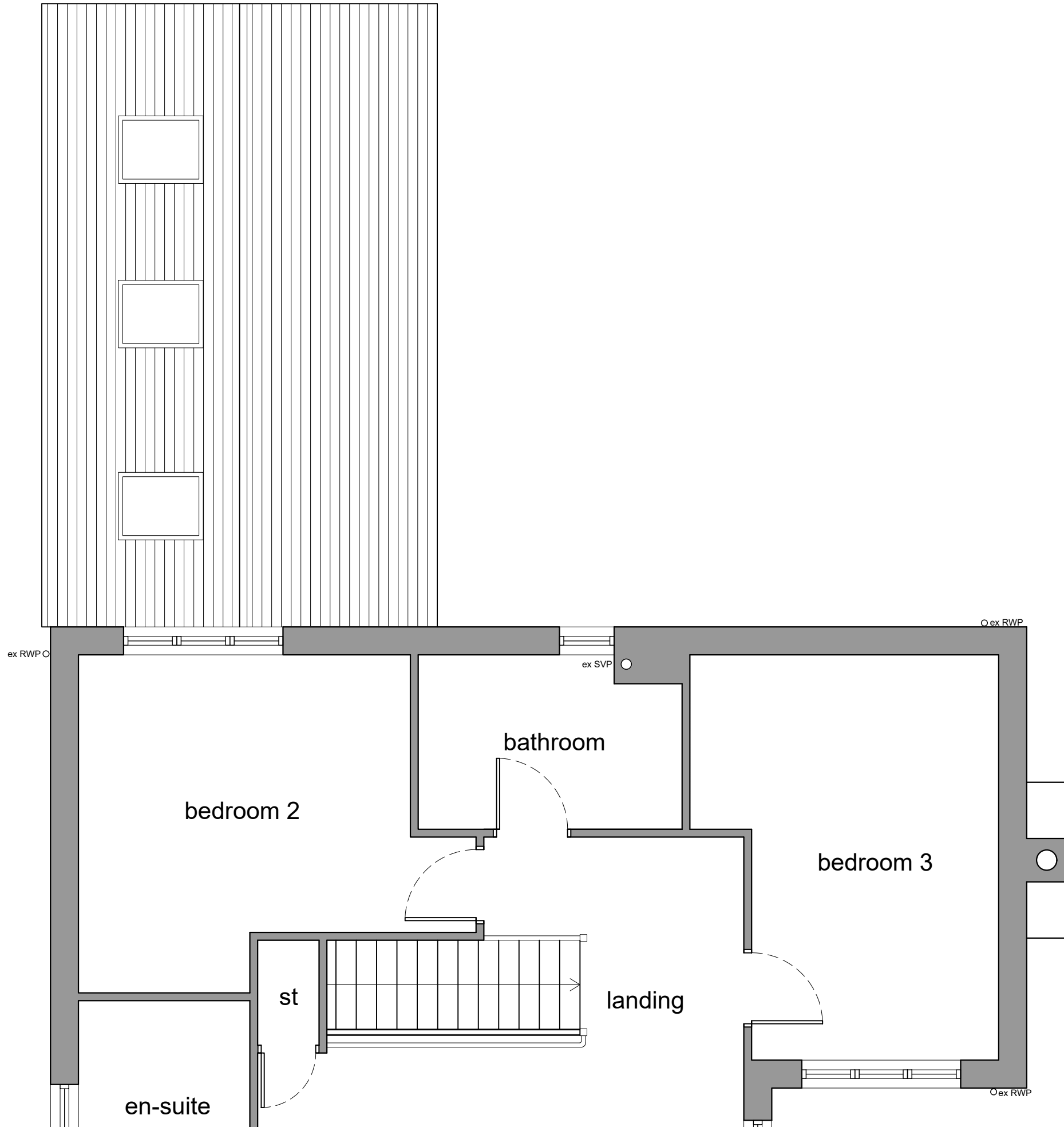
Project No.	Drawing No.	Rev.
21018	00-003	-



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01 First floor plan as proposed
 1:50 @ A3



Revisions

Status
 PLANNING / BUILDING WARRANT

Client
 Carol Heaton

Project
 58 Primrose Avenue
 Newton Mearns
 G77 6FS

Title
 First floor plan / extension roof plan
 as proposed

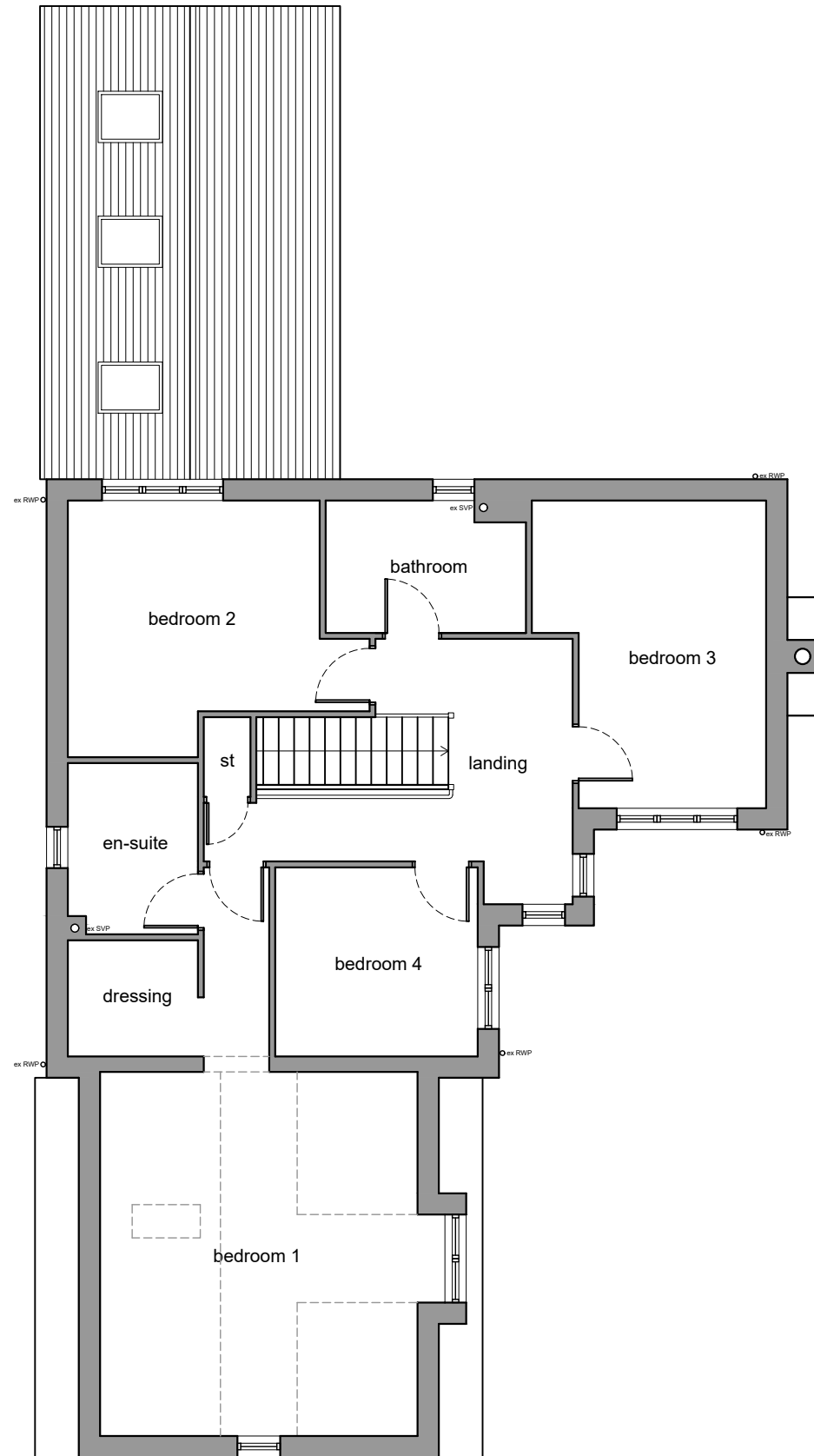
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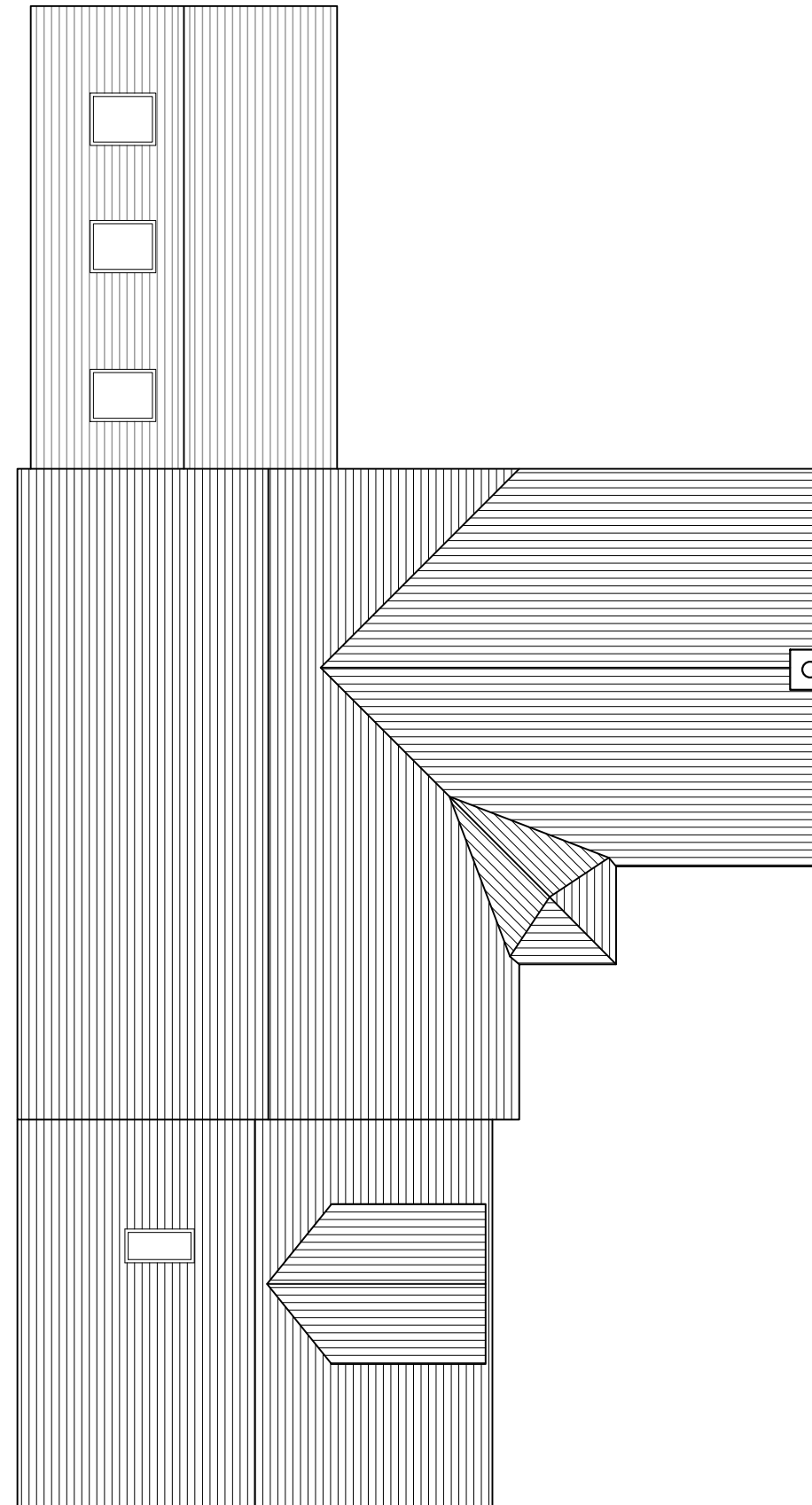
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Project No.	Drawing No.	Rev.
21018	02-004	-

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01 First floor plan as proposed
 1:100 @ A3



02 Roof plan as proposed
 1:100 @ A3

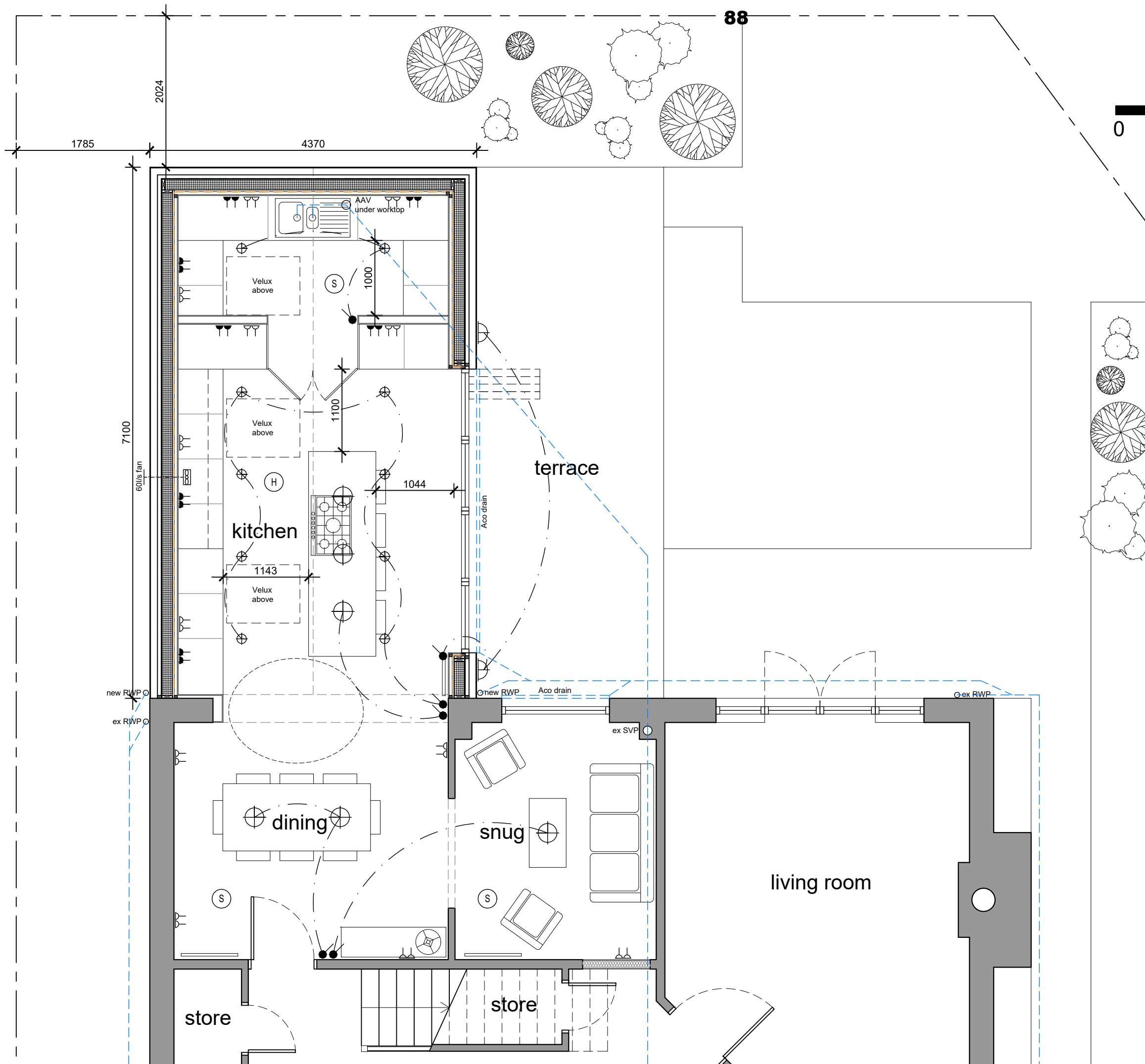
Revisions
 Status
PLANNING / BUILDING WARRANT
 Client
Carol Heaton
 Project
**58 Primrose Avenue
 Newton Mearns
 G77 6FS**
 Title
**First floor and roof plan overviews
 as proposed**

Scale	Size	Date	Drawn	Checked
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21018	02-003	-

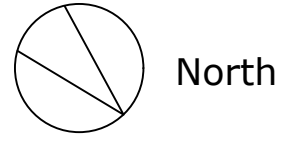


88

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01 Ground floor plan as proposed
1:50 @ A3



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Client
Carol Heaton

Project
58 Primrose Avenue
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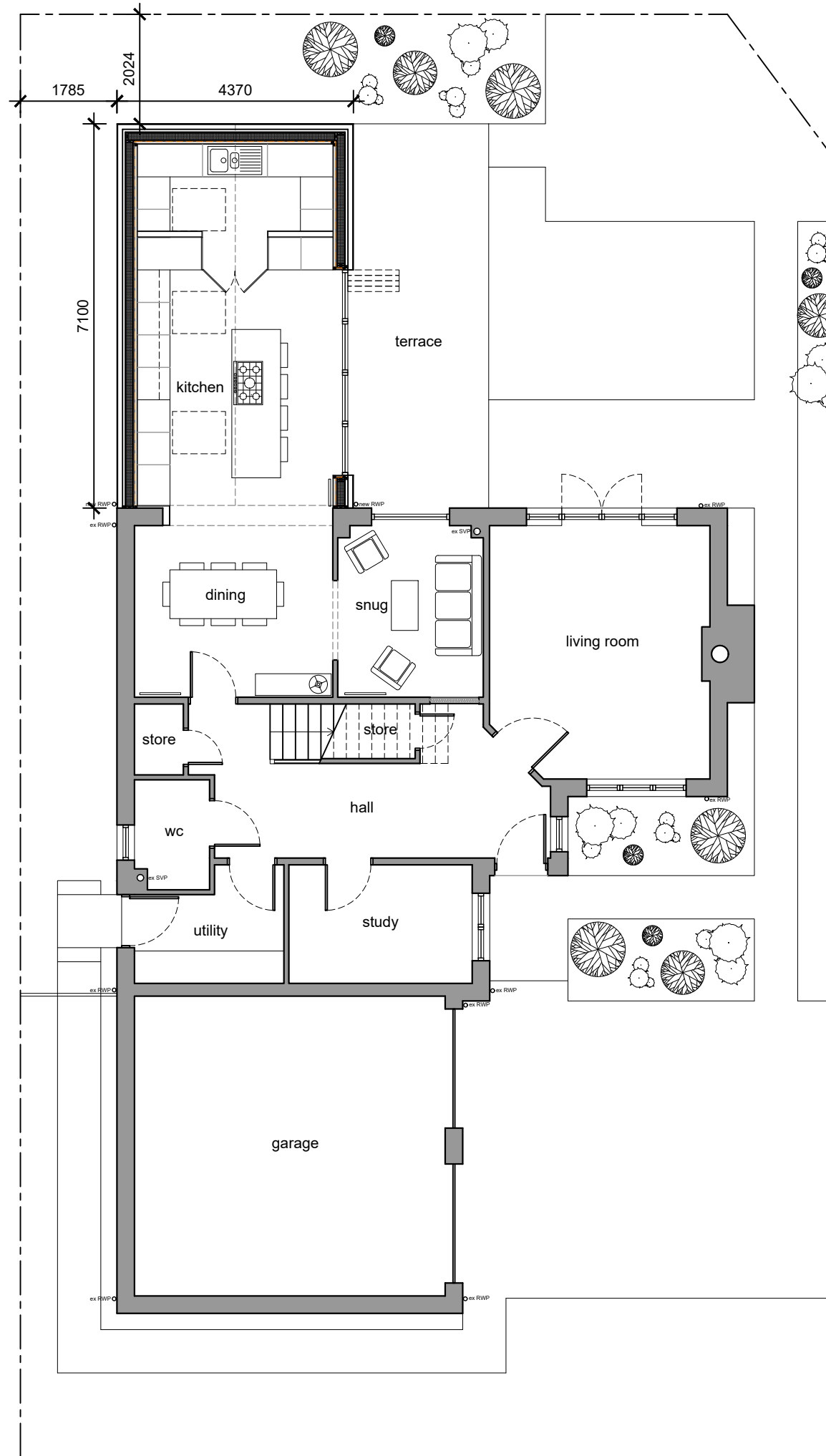
Title
Ground floor plan
as proposed

Scale	Size	Date	Drawn	Checked
1:50	A3	28.05.21	SW	SA



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21018	02-002	-



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North



01 Ground floor plan as proposed
 1:100 @ A3

Revisions
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Client
Carol Heaton

Project
**58 Primrose Avenue
 Newton Mearns
 G77 6FS**

Title
**Ground floor plan overview
 as proposed**

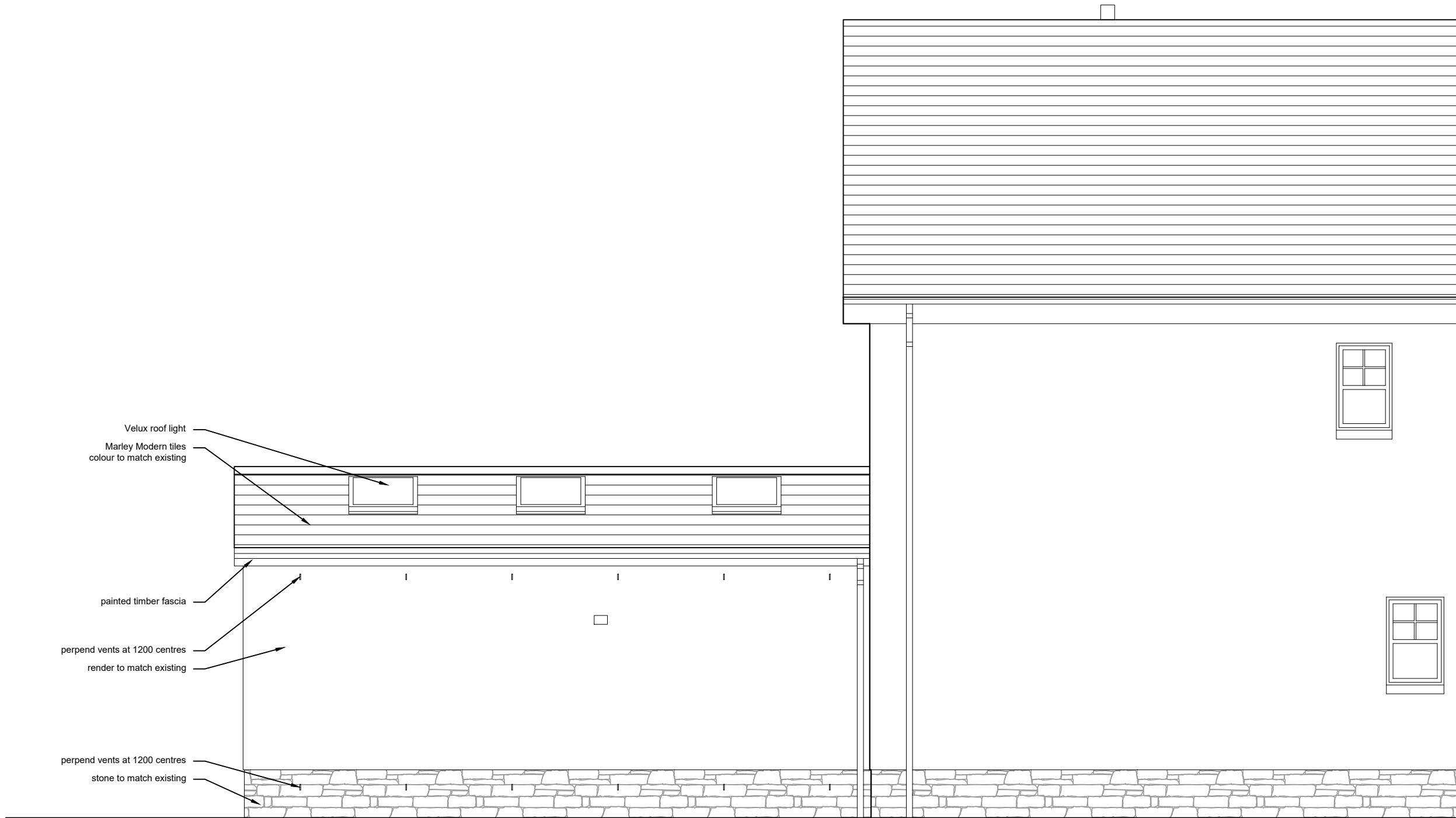
Scale	Size	Date	Drawn	Checked
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Client
Carol Heaton

Project
**58 Primrose Avenue
 Newton Mearns
 G77 6FS**

Title
**North-East elevation
 as proposed**

Scale	Size	Date	Drawn	Checked
1:50	A3	28.05.21	SW	SA



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Project No.	Drawing No.	Rev.
21018	02-008	-



01 North-East elevation as proposed
 1:50 @ A3

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Revisions
Status
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Client
Carol Heaton
Project
**58 Primrose Avenue
Newton Mearns
G77 6FS**
Title
**North-West elevation
as proposed**

Scale	Size	Date	Drawn	Checked
1:50	A3	28.05.21	SW	SA



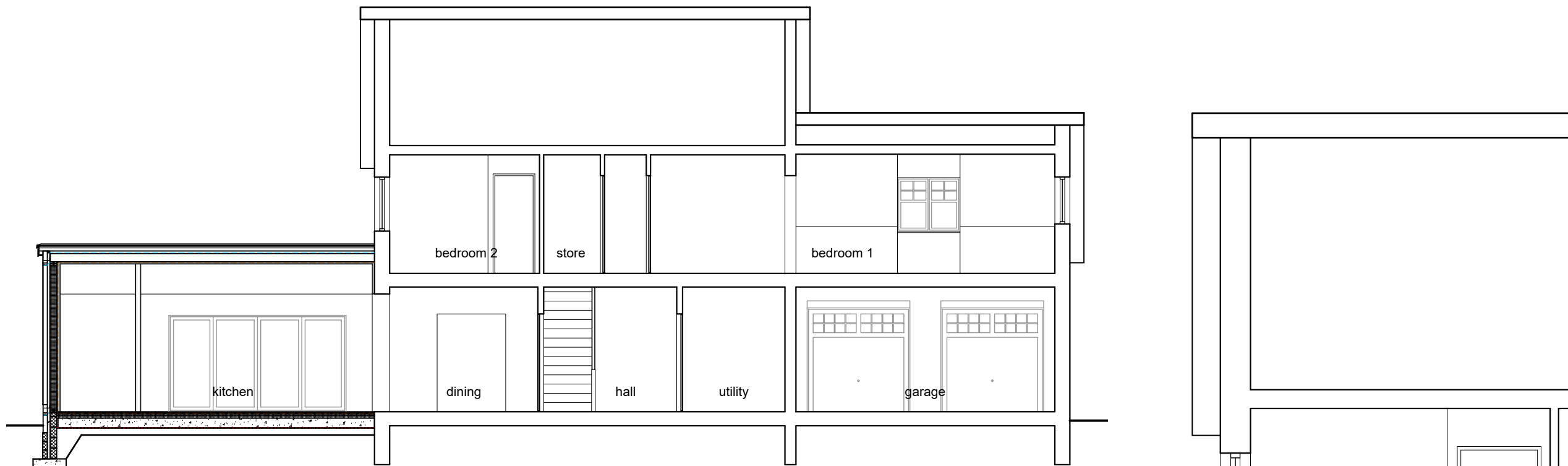
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Project No.	Drawing No.	Rev.
21018	02-005	-

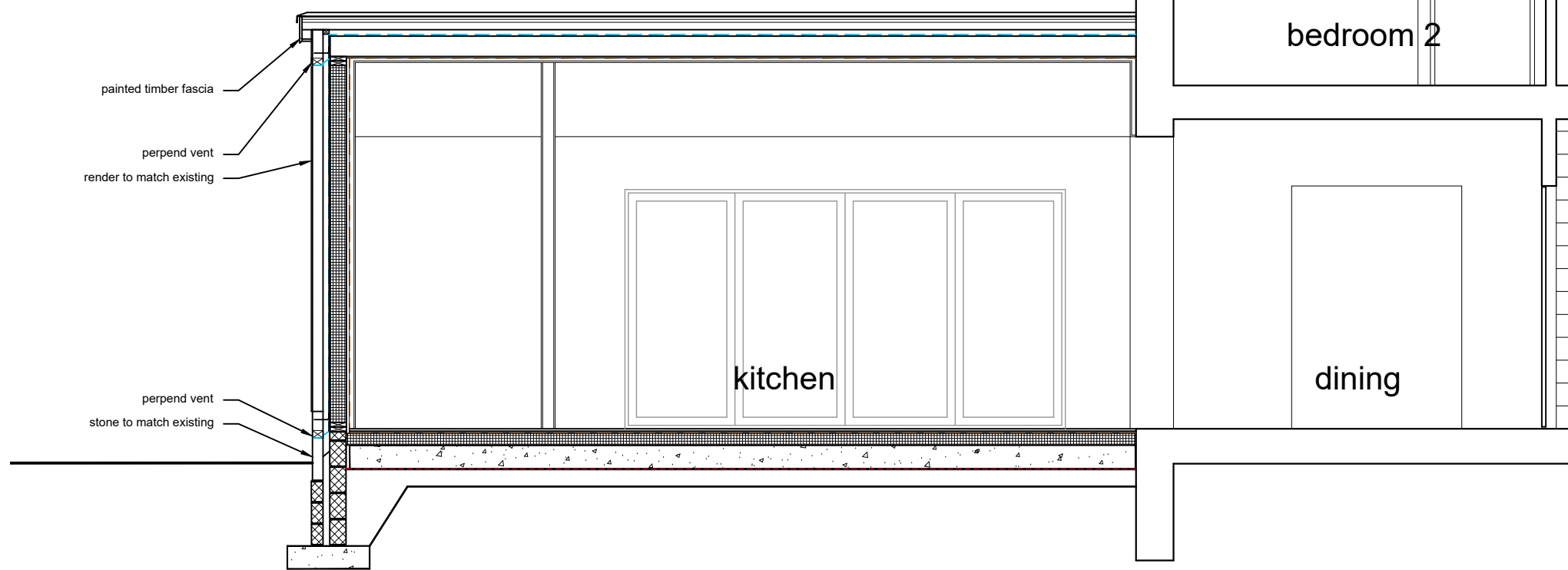


01 North-West elevation as proposed
1:50 @ A3

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01 Section A-A' as proposed
 1:100 @ A3



02 Section A-A' as proposed
 1:50 @ A3

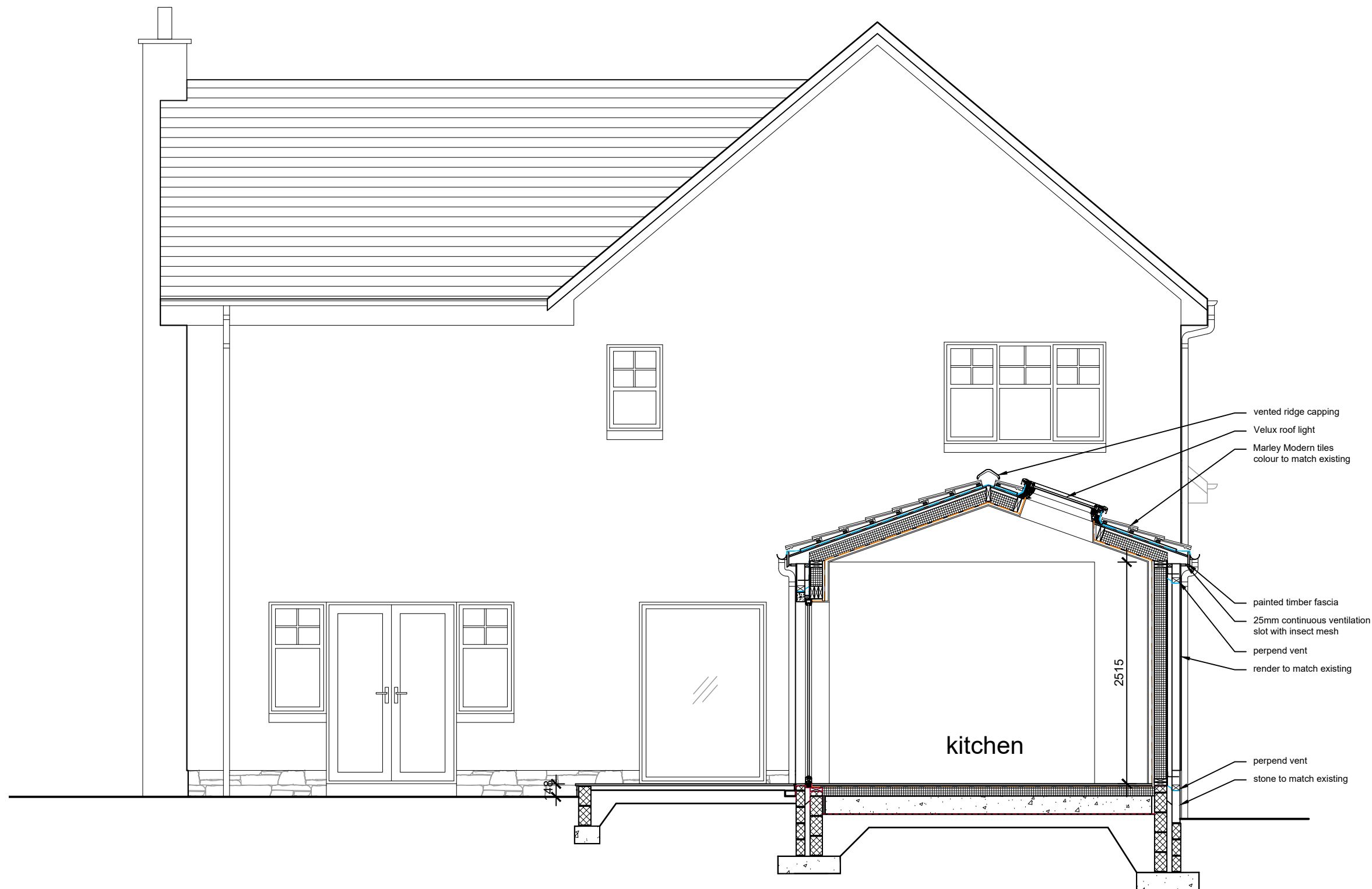
Revisions				
Status	PLANNING / BUILDING WARRANT			
Client	Carol Heaton			
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Title	Section A-A' as proposed			
Scale	Size	Date	Drawn	Checked
VAR	A3	28.05.21	SW	SA



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21018	02-010	-

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Revisions

Status
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Client
Carol Heaton

Project
**58 Primrose Avenue
 Newton Mearns
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Title
**Section B-B'
 as proposed**

Scale	Size	Date	Drawn	Checked
1:50	A3	28.05.21	SW	SA



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21018	02-011	-



01 Section B-B' as proposed
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Client Carol Heaton				
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Title South-East elevation as proposed				
Scale	Size	Date	Drawn	Checked
1:50	A3	28.05.21	SW	SA



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Project No.	Drawing No.	Rev.
21018	02-007	-

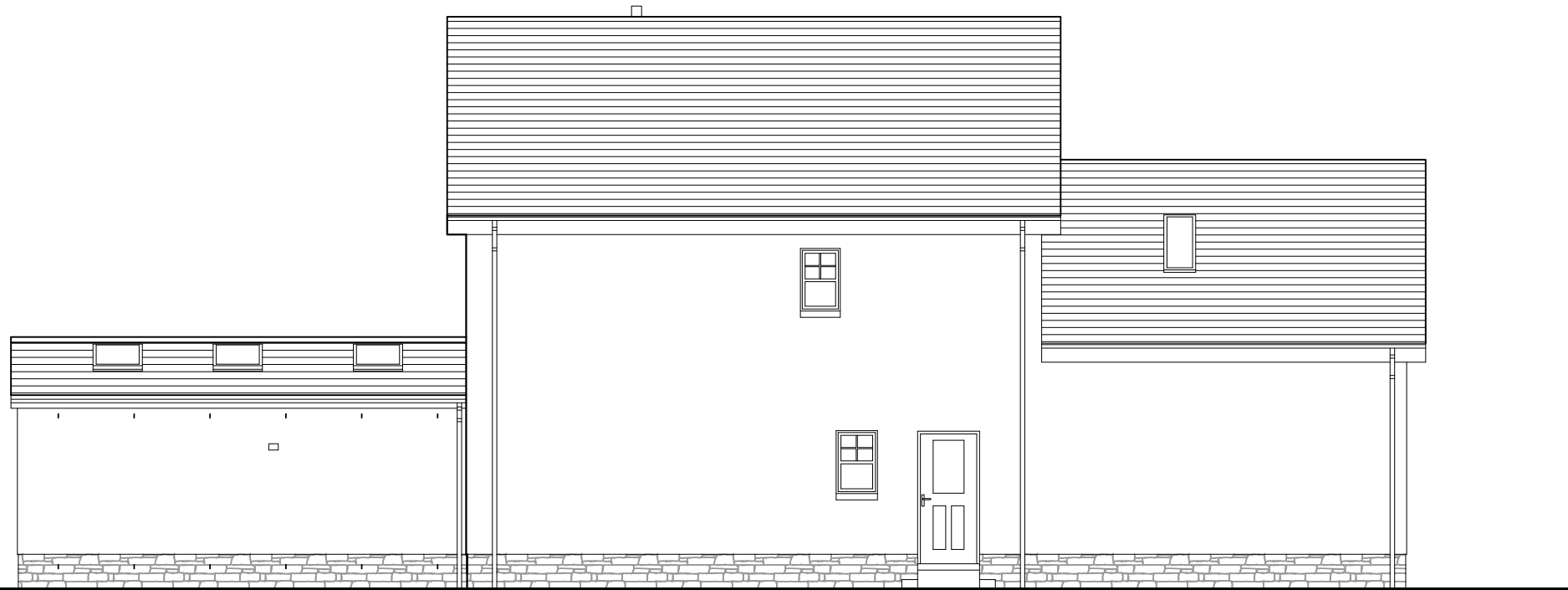


01 South-East elevation as proposed
 1:50 @ A3

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01 South-West elevation as proposed
 1:50 @ A3



02 North-East elevation as proposed
 1:50 @ A3

Revisions
 Status
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 Client
 Carol Heaton
 Project
 58 Primrose Avenue
 Newton Mearns
 G77 6FS
 Title
 South-West and North-East elevation
 overviews as proposed

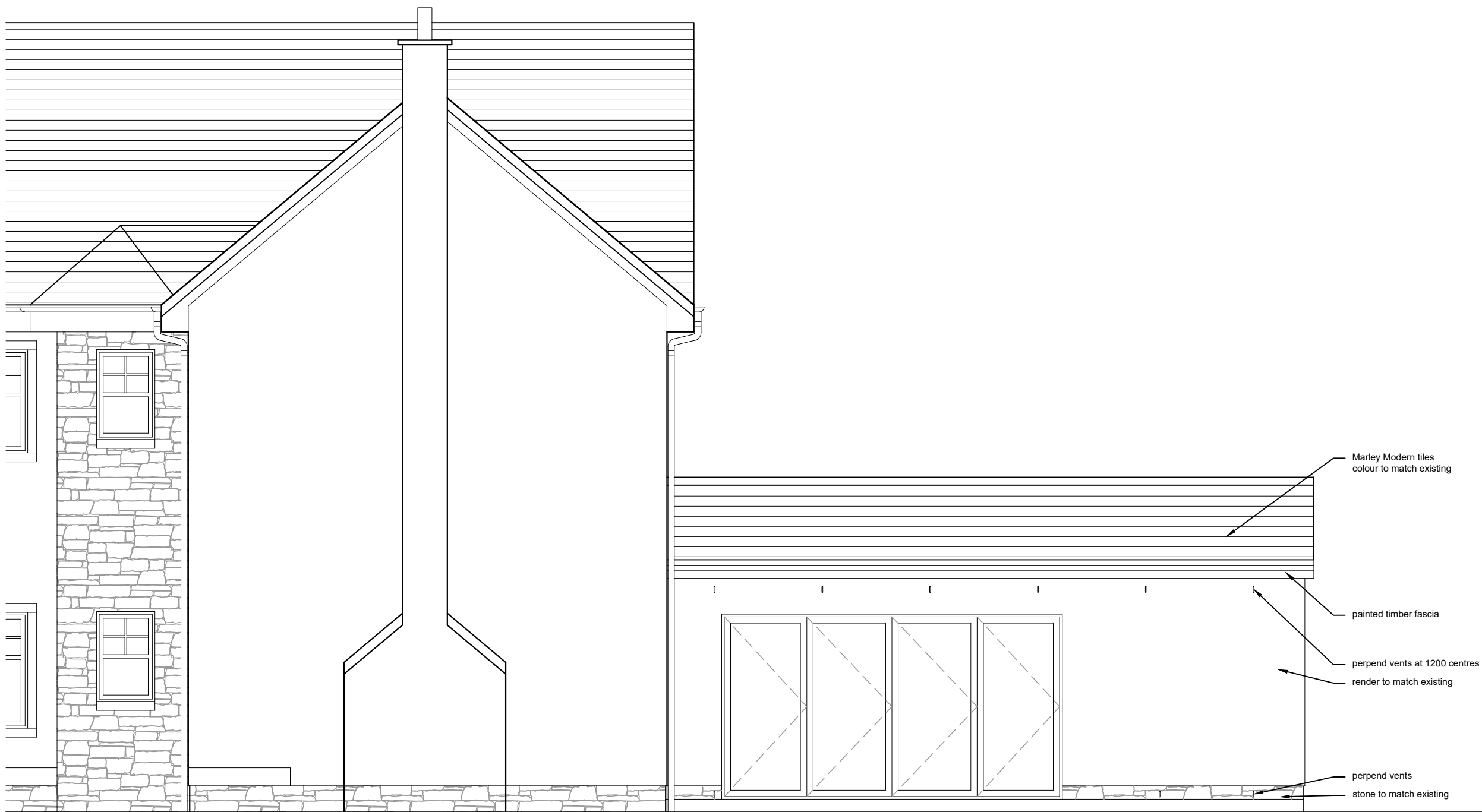
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Status PLANNING / BUILDING WARRANT				
Client Carol Heaton				
Project 58 Primrose Avenue Newton Mearns G77 6FS				
Title South-West elevation as proposed				
Scale	Size	Date	Drawn	Checked
1:50	A3	28.05.21	SW	SA



01 South-West elevation as proposed
 1:50 @ A3



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21018	02-006	-