

EAST RENFREWSHIRE COUNCILLOCAL REVIEW BODY7 June 2023Report by Director of Business Operations and PartnershipsREVIEW OF CASE - REVIEW/2023/03ALTERATIONS AND INCREASE OF HEIGHT OF ROOF TO FORM GABLE END;
INSTALLATION OF SIDE DORMER WINDOWS; FORMATION OF PITCHED ROOF OVER
EXISTING FRONT DORMER**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: Further application (Ref No:- 2022/0687/TP).
- Applicant: Mr David Grant
- Proposal: Alterations and increase of height of roof to form gable end; installation of side dormer windows; formation of pitched roof over existing front dormer.
- Location: 57 Netherhill Avenue, Netherlee, G44 3XF.
- Council Area/Ward: Clarkston, Netherlee and Williamwood (Ward 4).

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 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, 7 June 2023 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 – Appendix 1
- (b) Report of Handling by the planning officer under the Scheme of Delegation - Appendix 2
- (c) Decision notice and reasons for refusal – Appendix 3
- (f) A copy of the applicant’s Notice of Review and Statement of Reasons including appeal statement - Appendix 4

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

RECOMMENDATIONS

16. The Local Review Body is asked to:-

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

Director – Louise Pringle, Director of Business Operations and Partnerships

John Burke, Committee Services Officer
e-mail: john.burke@eastrenfrewshire.gov.uk
Tel: 0141 577 3026

Date:- 31 May 2023

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APPLICATION FOR PLANNING PERMISSION

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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 100398265-008

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)

Rear property extension with dormer windows to side of property. Dormer to front also enlarged

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:	The Home Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Colin	Building Name:	REDWOOD HOUSE
Last Name: *	Kennedy	Building Number:	5
Telephone Number: *	07403 232228	Address 1 (Street): *	REDWOOD CRESCENT
Extension Number:		Address 2:	East kilbride
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	South Lanarkshire
		Postcode: *	G74 5PA
Email Address: *	colin@thehomearchitect.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	David	Building Number:	57
Last Name: *	Grant	Address 1 (Street): *	Netherhill Avenue
Company/Organisation		Address 2:	Netherlee
Telephone Number: *		Town/City: *	GIFFNOCK
Extension Number:		Country: *	SCOTLAND
Mobile Number:		Postcode: *	G44 3XF
Fax Number:			
Email Address: *	colin@thehomearchitect.co.uk		

Site Address Details

Planning Authority:

East Renfrewshire Council

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

Address 1:

57 NETHERHILL AVENUE

Address 2:

NETHERLEE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GLASGOW

Post Code:

G44 3XF

Please identify/describe the location of the site or sites

Northing

658425

Easting

258154

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

The proposal was originally refused on the basis the dormer windows were too large. We reduced the size of the dormers and then the proposal was refused on the basis of the rear extension. We tried to appeal this but were told we had followed the wrong procedure even though we were advised by the planner to follow this line of appeal

Title:

Mr

Other title:

First Name:

Ian

Last Name:

Walker

Correspondence Reference Number:

2021/0338/TP

Date (dd/mm/yyyy):

17/12/2021

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Trees

Are there any trees on 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: Colin Kennedy

On behalf of: Mr David Grant

Date: 22/11/2022

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 Colin Kennedy

Declaration Date: 22/11/2022

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REPORT OF HANDLING

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REPORT OF HANDLING

Reference: 2022/0687/TP

Date Registered: 2nd December 2022

Application Type: Full Planning Permission

This application is a Local Development

Ward: 4 -Clarkston, Netherlee And Williamwood

Co-ordinates: 258154/:658425

Applicant/Agent:

Applicant:

Mr David Grant

57 Netherhill Avenue

Netherlee

Giffnock

Scotland

G44 3XF

Agent:

Colin Kennedy

Redwood House

5 Redwood Crescent

East Kilbride

Glasgow

South Lanarkshire

G74 5PA

Proposal: Alterations and increase of height of roof to form gable end; installation of side dormer windows; formation of pitched roof over existing front dormer.

Location: 57 Netherhill Avenue
Netherlee
East Renfrewshire
G44 3XF

CONSULTATIONS/COMMENTS: None.

PUBLICITY: None.

SITE NOTICES: None.

SITE HISTORY:

2021/0338/TP	Alterations and increase of height of roof to form gable end; installation of side dormer windows; formation of pitched roof over existing front dormer	Refused	13.12.2021
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REPRESENTATIONS: No representations have been received.

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

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

ASSESSMENT:

Planning permission is sought for alterations to a detached house in a residential area of Netherlee. The house is a pyramidal roofed bungalow and currently extends to 3 apartments on the ground floor. The upper floor has been altered to provide two bedrooms served by front and rear dormer windows.

The area is dominated by detached bungalows like the application property or semi-detached examples. A number of them have been subject to alteration, including attic conversions.

The works proposed in this application involve raising the roof structure slightly and the extension of the side roof planes to the rear to form a rear facing gable end. Two, new, side dormer windows are also proposed. These dormers are large, both 5.6m wide and 2.7m tall with vertical front face/wall of 1.8m. These will accommodate a substantially enlarged bedroom and a further bedroom. Both these dormers are detailed with two side facing windows.

A new bathroom will be accommodated at the rear with a window in the new rear gable.

It is also proposed to construct a pitched roof over the retained front dormer window.

It should be noted that this application is the same proposal that was considered under planning application 2021/0338/TP. This 2021 application was refused in December 2021 on the basis that the:

'design and scale of the proposal (in particular with regard to the proposed dormer windows) would be detrimental to the character of the existing dwelling, its neighbours privacy, and the amenity of the surrounding area.'

The proposal requires to be assessed against the Development Plan which in this instance mainly involves the adopted East Renfrewshire Local Development Plan 2; Policies D1 and D1.1.

These two policies are criteria based but given the scope of this proposal it is considered that the most pertinent advice is that proposals:

- should not result in a significant loss of character or amenity of the area
- should complement the scale and character of the existing building and neighbouring properties respecting local architecture building form and design
- the amenity of neighbouring properties should not be adversely affected by loss of sunlight or privacy
- the size scale and height of any development must be appropriate to and not adversely impact or dominate the existing building

In assessing the proposal in the round it is considered that this planning application raises the same concerns as the last one. Again, the proposed side dormers can only be supported by the extension to the existing roof. The formation of the rear gable end in itself is not considered to be complimentary to these house types. There are some streets in the Council area that have a significant incidence of such extensions, principally due to historic developments. There is however no significant incidence of that form of extension in this area. In terms of the dormer windows, their massing (width and depth) are such that they will dominate the house on its front and sides, resulting in a distinctly heavy and disruptive impact on the existing character of the house and indeed on the amenity of the area.

It is noted and accepted that Netherhill Avenue and surrounding streets are dominated by similar hipped roof bungalows. Many of these are also characterised by dormer windows. These dormers vary in size but with the exception of some wrap around examples they are proportionate to the scale of the subject houses and do not as a feature dominate them in what is considered a detrimental manner.

In addition, it is considered that the aspect from the windows is such that they will impact unduly on the privacy of the neighbouring properties directly, contrary to the terms of policy D1.

Additional advice on dormer windows is provided by Supplementary Planning Guidance: Householder Design Guide (SPG) 2015 and Draft Supplementary Guidance (SG) Householder Design Guide 2022.

The 2015 SPG confirms that extensions, dormer windows ... should respect the character of the original house and the surrounding area in terms of design, scale and materials.

Extensions should not dominate or overwhelm the original form or appearance of the house and be subordinate in scale and appearance to the original house;

Direct overlooking of neighbouring properties should be avoided.

Extensions to bungalows should have the same roof design as the house and not form a gable end;

More specific information on dormer windows is provided across a number of criteria. The side dormer windows meet some of the criteria and fail others. However, it is considered by reason of scale and massing that they simply dominate the roof.

The 2022 SG supports policy D1.1 of LDP2 and refers to a retention of a roof design that compliments the existing building. It advises that 'extensions, dormer windowsshould respect the character of the original house and the surrounding area in terms of design, scale and materials. In this instance, the formation of the gable end is considered to be contrary to this provision.

The SP offers further advice on dormer windows, itemising particular criteria. Certain criteria are met or not infringed significantly, however it is considered that the dormer windows as proposed, principally due to their massing are simply overlarge for the extended roof. The low proportion of glazing relative to vertical tiling on the front face of the dormers (contrary to the SPG) adds to this impact. The dormer windows would dominate the roof and thus the house itself.

In conclusion, whilst the proposed new roof atop the existing front dormer window is acceptable, the other elements, particularly due to a combination of scale, massing and siting of the side dormer windows, results in an incongruous addition that will have a dominant and detrimental impact on the appearance of the original house, the privacy of the neighbouring properties and the immediate area

It is considered that the proposal is unacceptable in policy terms and that there are no material considerations that outweigh the adopted Local Development Plan or proposed Local Development Plan 2.

On 11 January 2023, the Scottish Parliament voted to approve National Planning Framework 4 (NPF4) meaning that although it has not yet been formally adopted it is now a significant material consideration in the assessment of planning applications. The weight to be given to it prior to its adoption is a matter for the decision maker. In the case of this application, given the assessment

above, the proposal is considered to be contrary to Policy 16 of the revised NPF4 (dated 8 November 2022).

PLANNING OBLIGATIONS: None.

RECOMMENDATION: Refuse

REASON(S):

1. The proposal is contrary to Policies D1 and D1.1 of the East Renfrewshire Local Development Plan 2 as the design and scale of the proposal (in particular with regard to the proposed dormer windows) would be detrimental to the character of the existing dwelling, its neighbours privacy, and the amenity of the surrounding area. The proposal is also contrary to Policy 16 of NPF4 (Revised Draft Nov 2022).

ADDITIONAL NOTES: None

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Ian Walker on 0141 577 3001.

Ref. No.: 2022/0687/TP
(IAWA)

DATE: 26th January 2023

DIRECTOR OF ENVIRONMENT

Reference: 2022/0687/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

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

Adopted East Renfrewshire 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 and layout 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 and setting, 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. Unless justified, there will be a general presumption against 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 26/01/2023 CMc(6)

DECISION NOTICE

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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. **2022/0687/TP**

Applicant:

Mr David Grant
57 Netherhill Avenue
Netherlee
Giffnock
Scotland
G44 3XF

Agent:

Colin Kennedy
Redwood House
5 Redwood Crescent
East Kilbride
Glasgow
South Lanarkshire
G74 5PA

With reference to your application which was registered on 2nd December 2022 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

Alterations and increase of height of roof to form gable end; installation of side dormer windows; formation of pitched roof over existing front dormer.

at: 57 Netherhill Avenue Netherlee East Renfrewshire G44 3XF

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

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

1. The proposal is contrary to Policies D1 and D1.1 of the East Renfrewshire Local Development Plan 2 as the design and scale of the proposal (in particular with regard to the proposed dormer windows) would be detrimental to the character of the existing dwelling, its neighbours privacy, and the amenity of the surrounding area. The proposal is also contrary to Policy 16 of NPF4 (Revised Draft Nov 2022).

Dated 26th January 2023

C. McAuley

Head of Environment
East Renfrewshire Council
2 Spiersbridge Way,
Spiersbridge Business Park,
Thornliebank,
G46 8NG
Tel. No. 0141 577 3001

The following drawings/plans have been refused

Plan Description	Drawing Number	Drawing Version	Date on Plan
Location Plan	AL(00)001	C	
Elevations Proposed	AL(00)011	A	
Elevations Proposed	AL(00)012	A	
Elevations Proposed	AL(00)013	A	
Elevations Proposed	AL(00)014	A	
Section Details	AL(00)015	A	
Roof Plan Proposed	AL(00)016	A	
Proposed floor plans	AL(00)009	A	
Proposed floor plans	AL(00)010	A	
Block Plan	AL(00)018		

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 3001
Email planning@eastrenfrewshire.gov.uk**

NOTICE OF REVIEW

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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 100398265-010

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="The Home Architect"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Colin"/>	Building Name:	<input type="text" value="REDWOOD HOUSE"/>
Last Name: *	<input type="text" value="Kennedy"/>	Building Number:	<input type="text" value="5"/>
Telephone Number: *	<input type="text" value="07403 232228"/>	Address 1 (Street): *	<input type="text" value="REDWOOD CRESCENT"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="East kilbride"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="South Lanarkshire"/>
		Postcode: *	<input type="text" value="G74 5PA"/>
Email Address: *	<input type="text" value="colin@thehomearchitect.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="Mr"/>	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="DAVID"/>	Building Number:	<input type="text" value="57"/>
Last Name: *	<input type="text" value="GRANT"/>	Address 1 (Street): *	<input type="text" value="Netherhill Avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Netherlee"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G44 3XF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="colin@thehomearchitect.co.uk"/>		

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="57 NETHERHILL AVENUE"/>
Address 2:	<input type="text" value="NETHERLEE"/>
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="G44 3XF"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="658425"/>	Easting	<input type="text" value="258154"/>
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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)

Alterations and increase of height of roof to form gable end; installation of side dormer windows; formation of pitched roof over existing front dormer

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.

The application has been made twice and due to errors from this planning department causing long delay and inconvenience to our client. A large percentage of the properties in the area have carried out similar works of a similar proportion. We have many photographs to evidence this. Whilst we understand planning policy has changed, we are aware that a similar proposal was permitted following review, under the same planning guidance. The owner being a friend of the client

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)

Photographs

Application Details

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

2022/0687/TP

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

02/12/2022

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

26/01/2023

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 Colin Kennedy

Declaration Date: 31/03/2023

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From: Walker, Ian <Ian.Walker@eastrenfrewshire.gov.uk>

Sent: 03 Feb 2023 09:49:50

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To: myemails@eastrenfrewshire.gov.uk

Cc:

Subject: Fw: FAO - SHARON MCINTYRE - 2022/0687/TP: 57 Netherhill Avenue, Netherlee, East Renfrewshire, G44 3XF.

Attachments:

From: Walker, Ian <Ian.Walker@eastrenfrewshire.gov.uk>

Sent: 03 February 2023 09:49

To: EN Planning <Planning@eastrenfrewshire.gov.uk>

Subject: Re: FAO - SHARON MCINTYRE - 2022/0687/TP: 57 Netherhill Avenue, Netherlee, East Renfrewshire, G44 3XF.

Hi Carla i'll contact the agent

Regards

Ian Walker
Senior Planner
Development Management
East Renfrewshire Council.

East Renfrewshire: Your Council, Your Future

www.eastrenfrewshire.gov.uk

From: EN Planning <Planning@eastrenfrewshire.gov.uk>

Sent: 02 February 2023 15:07

To: Walker, Ian <Ian.Walker@eastrenfrewshire.gov.uk>

Subject: Fw: FAO - SHARON MCINTYRE - 2022/0687/TP: 57 Netherhill Avenue, Netherlee, East Renfrewshire, G44 3XF.

Hi Ian,

Email below came in for Sharon's attention, nit sure if it should go to you or not?

Thanks

Carla

From: Clyde, Ann <Ann.Clyde@eastrenfrewshire.gov.uk>

Sent: 02 February 2023 13:55

To: EN Planning <Planning@eastrenfrewshire.gov.uk>

Subject: Fw: FAO - SHARON MCINTYRE - 2022/0687/TP: 57 Netherhill Avenue, Netherlee, East Renfrewshire, G44 3XF.

From: colin@thehomearchitect.co.uk <colin@thehomearchitect.co.uk>

Sent: 02 February 2023 13:54

To: EN Building Standards <BuildingStandards@eastrenfrewshire.gov.uk>

Subject: FAO - SHARON MCINTYRE - 2022/0687/TP: 57 Netherhill Avenue, Netherlee, East Renfrewshire, G44 3XF.

Dear Sharon

We have received a notice of refusal for the above application and would ask, in lieu of 'previous events' and for complete clarity, how we should go about appealing this decision.

Numerous properties in the street have similar alterations already made and, in some cases, having a more detrimental impact to neighbouring properties. We are also clear that under the same guidance, a property with same modifications was passed at appeal

Kind Regards

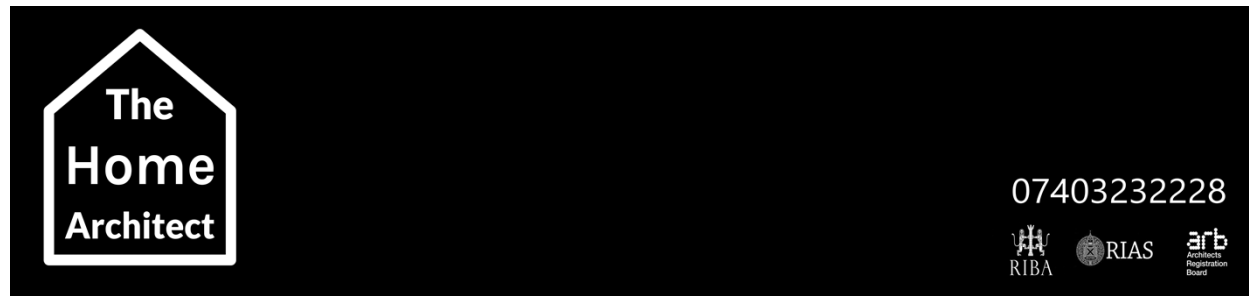
The Home Architect

Phone number: 07403 232228

Redwood House, Redwood Crescent, East Kilbride, G74 5PA

Web: www.thehomearchitect.co.uk

Email: colin@thehomearchitect.co.uk



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From: McIntyre, Sharon2 <Sharon.McIntyre@eastrenfrewshire.gov.uk>

Sent: 18 July 2022 13:06

To: colin@thehomearchitect.co.uk

Cc: Nicol, Julie <Julie.Nicol@eastrenfrewshire.gov.uk>; Pepler, Alan <Alan.Pepler@eastrenfrewshire.gov.uk>; Bennie, Andrew <Andrew.Bennie@eastrenfrewshire.gov.uk>

Subject: RE: Invalid Review - 2021/0338/TP: 57 Netherhill Avenue, Netherlee, East Renfrewshire, G44 3XF.

Dear Mr Kennedy,

Thank you for your email, whilst the Council has apologised for the handling of this case, notification from DEPA was issued on the 21 December 2021 outlining that an appeal had been submitted to Scottish Government in error and that this should be progressed as a Local Review, a Local Review submission could therefore have been made at this time. I have been advised by the planning team that a repeat application following a refusal would not incur a further fee as long as the application is lodged within 12 months of the date of the refusal of the original application, I hope that this information is of assistance.

Kind regards,

Sharon













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Netherhill Ave

Netherhill Ave

Google







