#### EAST RENFREWSHIRE COUNCIL

#### **LOCAL REVIEW BODY**

#### 2 April 2025

#### Report by Director of Business Operations and Partnerships

#### REVIEW OF CASE - REVIEW/2025/03

#### ATTIC CONVERSION INCORPORATING A REAR DORMER WINDOW AND A ROOFLIGHT

#### **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:- 2024/0452/TP).

Applicant: Mr Stephen Christie

Proposal: Attic conversion incorporating a rear dormer window and a

rooflight

Location: 98 East Kilbride Road, Busby, G76 8JF

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 with came into effect on 3 August 2009 all appeals against decisions made in respect of local developments under delegated powers would be heard by a Local Review Body. The Local Review Body would also deal with cases where the appointed officer had failed to determine an application within two months from the date it was lodged.

#### NOTICE OF REVIEW - STATEMENT OF REASONS FOR REQUIRING THE REVIEW

- **8.** The applicant in submitting the review has stated the reasons for requiring the review of the determination of the application. A copy of the applicant's Notice of Review and Statement of Reasons including appeal statement is attached in the appendices to the report.
- **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, 2 April 2025 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 (Pages 55 62);
  - (b) Objections Appendix 2 (Pages 63 64);
  - (c) Report of Handling by the planning officer under the Scheme of Delegation Appendix 3 (Pages 65 76);
  - (d) Decision notice and reasons for refusal Appendix 4 (Pages 77 80); and
  - (d) A copy of the applicant's Notice of Review and Statement of Reasons Appendix 5 (Pages 81 90).
- **15.** The applicant has also submitted the drawings listed below and these are attached as Appendix 6 (Pages 91 102).
  - (a) Location Plan as Existing;
  - (b) Plans as Existing (AL\_0\_002);
  - (c) Plans as Existing (AL 0 003);
  - (d) Elevations as Existing;
  - (e) Sections as Existing;
  - (f) Site as Proposed;
  - (g) Plans as Proposed (AL 0 010);
  - (h) Plans as Proposed (AL 0 011);
  - (i) Elevations as Proposed; and
  - (j) Sections as Proposed.
- **16.** All the documents referred to in this report can be viewed online on the Council's website at <a href="https://www.eastrenfrewshire.gov.uk">www.eastrenfrewshire.gov.uk</a>.

#### **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: John Burke

Director – Louise Pringle, Director of Business Operations and Partnerships

John Burke, Democratic Services Officer e-mail: john.burke@eastrenfrewshire.gov.uk

Tel: 0141 577 3026

Date: - 25 March 2025

## **APPLICATION FOR PLANNING PERMISSION**



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

100685223-001

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)				
Attic conversion incorporating a rear dormer widow and a rooflight				
Has the work already been started and/ or completed? *  X 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			

<b>Agent Details</b>			
Please enter Agent details	S		
Company/Organisation:	dam architects south		
Ref. Number:		You must enter a Bui	lding Name or Number, or both: *
First Name: *	Fiona	Building Name:	
Last Name: *	Dempsey	Building Number:	36
Telephone Number: *	07718 233738	Address 1 (Street): *	Stamperland Crescent
Extension Number:		Address 2:	Clarkston
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G76 8LH
Email Address: *	fiona@damarchitects-south.co.uk		
Is the applicant an individual or an organisation/corporate entity? *  Individual  Organisation/Corporate entity			
Applicant Det			
Please enter Applicant de Title:	Mr	You must enter a Bui	lding Name or Number, or both: *
Other Title:		Building Name:	
First Name: *	Stephen	Building Number:	98
Last Name: *	Christie	Address 1 (Street): *	East Kilbride Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Busby
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G76 8JF
Fax Number:			
Email Address: *	StephenChristie@lookers.com		

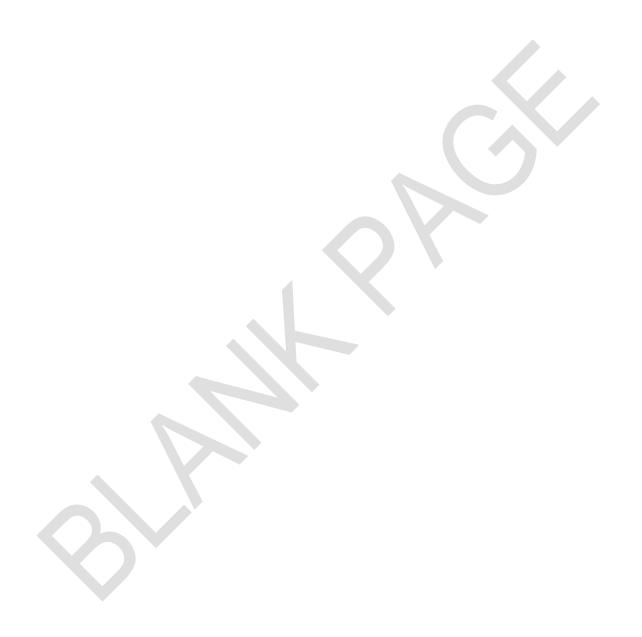
Site Address	Details		
Planning Authority:	East Renfrewshire Council		
Full postal address of th	e site (including postcode where available	le):	_
Address 1:	98 EAST KILBRIDE ROAD		
Address 2:	BUSBY		
Address 3:			
Address 4:			
Address 5:			
Town/City/Settlement:	GLASGOW		
Post Code:	G76 8JF		
Please identify/describe	the location of the site or sites		
Northing	656236	Easting	258657
<b>Pre-Applicat</b>	ion Discussion		
Have you discussed you	ur proposal with the planning authority? *		☐ Yes ☒ No
Trees			
Are there any trees on or adjacent to the application site? *			
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? *			
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? *			

Checklist – App	lication 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 writte	n description of the development to which it relates?. *	🛛 Yes 🗌	No	
b) Have you provided the pos has no postal address, a desc	tal address of the land to which the development relates, or if the land in question cription of the location of the land? $^{\star}$	🛛 Yes 🗌	No	
c) Have you provided the nam applicant, the name and address	ne and address of the applicant and, where an agent is acting on behalf of the ess of that agent.? *	🛛 Yes 🗌	No	
d) Have you provided a locative land in relation to the locality and be drawn to an identified	on plan sufficient to identify the land to which it relates showing the situation of the and in particular in relation to neighbouring land? *. This should have a north point scale.	Yes 🗌	No	
e) Have you provided a certific	cate of ownership? *	🛛 Yes 🗌	No	
f) Have you provided the fee p	payable under the Fees Regulations? *	🛛 Yes 🗌	No	
g) Have you provided any oth	er plans as necessary? *	🛛 Yes 🗌	No	
Continued on the next page				
A copy of the other plans and (two must be selected). *	drawings or information necessary to describe the proposals			
You can attach these electron	nic documents later in the process.			
X Existing and Proposed el	levations.			
■ Existing and proposed flo	por plans.			
☐ Cross sections.				
Site layout plan/Block pla	ans (including access).			
X Roof plan.				
Photographs and/or phot	tomontages.			
	about the structural condition of the existing house or outbuilding.	☐ Yes 🏻	No	
	may wish to provide additional background information or justification for your and you should provide this in a single statement. This can be combined with a *	☐ Yes 🏻	No	
You must submit a fee with yo Received by the planning auth	our application. Your application will not be able to be validated until the appropriation hority.	e fee has bee	en	
Declare – For H	ouseholder Application			
I, the applicant/agent certify the Plans/drawings and additional	nat this is an application for planning permission as described in this form and the I information.	accompanyinç	9	
Declaration Name:	Ms Fiona Dempsey			
Declaration Date:	12/09/2024			

# **Payment Details**

Online payment: ZZ0100003773 Payment date: 12/09/2024 13:20:00

Created: 12/09/2024 13:20



## **OBJECTIONS/REPRESENTATIONS**

## **Comments for Planning Application 2024/0452/TP**

#### **Application Summary**

Application Number: 2024/0452/TP

Address: 98 East Kilbride Road Busby East Renfrewshire G76 8JF Proposal: Installation of rear dormer window and front rooflight window

Case Officer: Mr Garry Dimeck

#### **Customer Details**

Name: Mr John Seenan

Address: 3 Kippen Drive Busby East Renfrewshire G76 8JG

#### **Comment Details**

Commenter Type: Rec'd NeighbourNotification from Council

Stance: Customer made comments neither objecting to or supporting the Planning Application

**Comment Reasons:** 

Comment:My property is adjacent to the subject property in this application. Owing to the angle at which the rear gardens were initially laid out, the rear of my property is arguably the one most affected by this application. In principle I have no objection to the proposed structure. I am however concerned that the privacy afforded by the mature trees between my property and the applicant's, which for years have concealed the respective windows of each property, are retained. Of particular note the applicant states in the application form that there are no trees to be considered. I would strongly disagree with that statement. There are several mature trees between the applicant's property and mine which may not be on the applicant's ground but their retention is critical to the maintenance of my privacy. I wish this to be taken account of and that the retention of the trees be a condition the process of this application being given approval.

## **REPORT OF HANDLING**

### REPORT OF HANDLING

Reference: 2024/0452/TP Date Registered: 12th September 2024

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

Ward: 4 -Clarkston, Netherlee And Williamwood

Co-ordinates: 258657/:656236

Applicant/Agent: Applicant: Agent:

Mr Stephen Christie Fiona Dempsey

98 East Kilbride Road 36 Stamperland Crescent

Busby Clarkston Scotland Glasgow G76 8JF Scotland

G76 8LH

Proposal: Installation of rear dormer window and front rooflight window

Location: 98 East Kilbride Road

Busby

East Renfrewshire

G76 8JF

CONSULTATIONS/COMMENTS: None.

**PUBLICITY:** 

04.10.2024 Evening Times Expiry date 25.10.2024

**SITE NOTICES:** 

Development within a

Date posted 04.10.2024 Expiry date 25.10.2024

**Conservation Area** 

SITE HISTORY: None.

**REPRESENTATIONS:** 1 representation has been received and can be summarised as follows:

No objections to the proposal are raised. The respondent would welcome assurance that trees within the garden of the adjoining property will be retained as an important local amenity and to safeguard privacy.

**DEVELOPMENT PLAN & GOVERNMENT GUIDANCE:** See Appendix 1

**SUPPORTING REPORTS:** None.

ASSESSMENT:

This proposal has been considered against the Development Plan which consists of the National Planning Framework 4 (NPF4) and East Renfrewshire Council Local Development Plan 2 (LDP2). Due to the scale and nature of the proposal, and its siting, Policies 7, 14 and 16 of the

NPF4, and Policies D1, D1.1, D14, D15 and D16 of the LDP2 are considered to be the most relevant.

Policy 7 of NPF 4 states that LDPs should support the sustainable management of the historic environment. The policy aims to protect and enhance historic environments, assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policies 14 and 16 of NPF4 include, inter alia, that proposals should not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials or have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policies D1 and D1.1 of LDP2 include, inter alia, that the proposal should not result in a significant loss of character or amenity to the surrounding area, should complement the scale and character of the existing building and neighbouring properties and their setting in terms of style, form and materials.

In terms of LDP2 Policy D16, the design, materials, scale and siting of any development in a conservation area is required to be appropriate to its character and setting.

#### **CONSIDERATIONS**

#### **Character of Property:**

No 98 East Kilbride Road is a modern, late 20th Century semi-detached dwellinghouse located within the Busby Conservation Area. The boundary of that designated area of historic and architectural importance runs along the rear garden of properties which front the south side of East Kilbride Road

The application property is 2 storied with a pitched roof over. Finishing materials comprise render, brick and concrete roof tiles, and currently the building has no roof openings or extensions. It is one of number of dwellings of similar age, form, scale and appearance which front both sides of this part of East Kilbride Road (Nos 84-102).

The application was initially submitted proposing a large, flat roofed dormer to the rear roofslope, set centrally within the roof, below the ridge and away from eaves, all consistent with general principles set out in the Council's Householder Design Guide.

However, that guidance also makes clear that dormers should not detract from the character of the surrounding area; and consideration is required to be given to cumulative detrimental impacts on the wider area which could arise from poorly designed extensions and alterations.

Having regard to the particular qualities of this site; and in particular its setting within a designated area of historic importance, Officer concerns were relayed to the applicants. These related to the scale, form and likely visual prominence of the proposal, together with the horizontal alignment of new roof window on the front elevation.

The applicants requested the opportunity to address those concerns and this was provided. Revised plans have now been submitted which propose:

- a flat roofed dormer of reduced width to the rear roof;
- the addition of a new rooflight to the rear roof;

• replacement of the rooflight on the front elevation with a more appropriate size.

The dormer is no longer central within the roof but is smaller and positioned in an off-set manner. It remains set below the ridge and away from the eaves.

Whilst a flat roofed dormer may be a common, functional approach to enlarging a modern dwelling, it is rarely the only way of achieving additional accommodation. The original, uninterrupted roof of the dwelling, lacking extension, is a notable and positive element, which serves to diminish the modern intrusion of the building into the Conservation Area. Given the prominence of the rear roofslope, and the sensitive setting, it is considered that the proposed dormer would be a harmful change to the appearance and character of the building.

#### Character of street scene:

98 East Kilbride Road is located at the eastern edge of the Busby Conservation Area and is one of a number of modern estate houses of similar age, scale and appearance which have been laid out fronting East Kilbride Road.

Whilst traditional finishing materials and architectural detailing, are most typical of the older housing in this part of the Conservation Area, these modern infill dwellings have a simple gabled form, respect the building line of the street, are consistent with the scale of surrounding buildings, have dark coloured roofs, and incorporate established planting to front gardens. All are qualities which help to assimilate the dwellings within a historic townscape, and minimise visual intrusion.

On the south side of East Kilbride Road, this line of modern housing is broken by the entrance to Kippen Drive, a residential estate of similar estate housing which lies adjacent to, but outside of the Busby Conservation Area.

From Kippen Drive itself public views towards the Conservation Area, and the rear of the application property, and Nos 84-102 East Kilbride Road are afforded. The roofs of those houses are prominent visual features.

Given its size and design, even as amended, the rear dormer would adversely affect the appearance of the property, diluting the simple form of the house, reinforcing its modern appearance and introducing an incongruous addition to this part of the Busby Conservation Area. It would be visible from the public realm, and would have a significantly adverse impact on the street scene, and the approach to the Conservation Area.

#### Character of Landscape:

Trees close to the rear boundary of the application site are located on third-party land, not owned or controlled by the applicant. Those trees are not impacted by the proposed development. No trees or hedgerows would be lost or disturbed as a consequence of the proposed works. Accordingly, there would be no significant adverse impact on the character of the landscape.

Relationship to Neighbours including physical impact, overlooking and overshadowing: The rear of the property faces gardens to houses in Kippen Drive. Windows on the rear of the building already look towards neighbouring gardens. The dormer and roof window (to a bedroom and en-suite) would not give rise to any material loss of privacy to third-party properties through overlooking; and the structure is sufficiently distant to avoid any material overshadowing or overbearing impacts.

#### Any Other Material considerations:

#### Conservation Area Impacts:

The Council has a statutory duty as Planning Authority under Section 64(1) of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, to have special regard to the

desirability of preserving the character and appearance of a Conservation Area, and its setting. 'Preserving' means preservation in its existing state; or subject only to such alterations as can be carried out without serious detriment to its character.

For the reasons set out above, the proposed dormer would not preserve the character and appearance of the Busby Conservation Area.

#### Cumulative Impacts:

This proposal would introduce the first dormer to the rear of very similar dwellings fronting East Kilbride Road (Nos84 - 102). The roofs to those properties are equally visible when viewed from the public realm. Whilst each case must be considered on its own individual merits, a consent granted for the current proposals would provide neighbouring householders within the Conservation Area with a reasonable expectation of securing planning permission for identical/similar dormer additions. The cumulative impacts arising from roof extensions/alterations which are unsympathetic, and which do not reflect historic traditions, would cause further serious detriment to the Busby Conservation Area

#### **Conclusion**:

The proposals would cause visual harm to the Busby Conservation Area by introducing an incongruous addition to the building, which reinforces its modern appearance in a prominent position. Accordingly, the proposed dormer and rooflight would neither preserve nor enhance the character and appearance of that historic environment.

PLANNING OBLIGATIONS: None.

**RECOMMENDATION:** Refuse

#### **REASONS FOR REFUSAL:**

1. The proposals, by virtue of the form, design and prominent siting of roof dormer, would fail to improve the quality of the area, neither preserving nor enhancing the appearance and character of the Busby Conservation Area, but would cause harm to that designated area of historic importance. Accordingly, the proposals fail to accord with the Development Plan and in particular Policies NPF4 7 & 14, and East Renfrewshire LDP2 D1, D1.1 and D16

#### **ADDITIONAL NOTES:**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also 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 Garry Dimeck on 0141 577 3001.

Ref. No.: 2024/0452/TP

(GADI)

DATE: 13th January 2025

#### **DIRECTOR OF ENVIRONMENT**

Reference: 2024/0452/TP - Appendix 1

#### **DEVELOPMENT PLAN:**

#### Adopted East Renfrewshire Local Development Plan 2

#### 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.

#### Policy D16

**Conservation Areas** 

Development and demolition within a conservation area as listed in Schedule 10 or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area.

The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the planning authority to contribute to character and appearance shall be retained.

When considering the demolition of any unlisted building, within a conservation area, no building should be demolished unless it can be clearly demonstrated that:

The building is of little townscape value and does not contribute to the character of the conservation area; or

The repair of the building is not economically viable; or

The form or location of the building makes its re-use extremely difficult; and

The replacement scheme will preserve and enhance the special character of the conservation area.

A detailed planning application for the replacement scheme would require to be submitted. Demolition shall not begin until evidence is given of contracts let for an approved replacement development.

#### **National Planning Framework 4**

#### Policy 7

Historic assets and places

- a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change. Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.
- b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:
- i. building is no longer of special interest;
- ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;
- iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or
- iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.
- c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced.
  - Relevant considerations include the:
- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.
- e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.
- f) Demolition of buildings in a conservation area which make a positive contribution to

- its character will only be supported where it has been demonstrated that:
- i. reasonable efforts have been made to retain, repair and reuse the building;
- ii. the building is of little townscape value;
- iii. the structural condition of the building prevents its retention at a reasonable cost; or
- iv. the form or location of the building makes its reuse extremely difficult.
- g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- h) Development proposals affecting scheduled monuments will only be supported where:
- i. direct impacts on the scheduled monument are avoided;
- ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
- iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.
- i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
- j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.
- k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.
- I) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
- m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.
- n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:
- i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
- ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.
  - The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.

o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations. When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

#### Policy 14

Design, quality and place

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity. Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

#### Policy 16

Quality homes

- Development proposals for new homes on land allocated for housing in LDPs will be supported.
- b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed

- development to:
- i. meeting local housing requirements, including affordable homes;
- ii. providing or enhancing local infrastructure, facilities and services; and
- iii. improving the residential amenity of the surrounding area.
- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
- i. self-provided homes;
- ii. accessible, adaptable and wheelchair accessible homes;
- iii. build to rent;
- iv. affordable homes;
- v. a range of size of homes such as those for larger families;
- vi. homes for older people, including supported accommodation, care homes and sheltered housing;
- vii. homes for people undertaking further and higher education; and
- viii. homes for other specialist groups such as service personnel.
- d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.
- e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
- i. a higher contribution is justified by evidence of need, or
- ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes. The contribution is to be provided in accordance with local policy or guidance.
- f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
- i. the proposal is supported by an agreed timescale for build-out; and
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
- iii. and either:
  - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
  - the proposal is consistent with policy on rural homes; or the proposal is for smaller scale opportunities within an existing settlement

boundary; or

the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

- g) Householder development proposals will be supported where they:
- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Finalised 13th January 2025 MS(C)



# **DECISION NOTICE**

# 78 EAST RENFREWSHIRE COUNCIL

# 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. **2024/0452/TP** 

Applicant:

Mr Stephen Christie 98 East Kilbride Road

Busby Scotland G76 8JF Agent:

Fiona Dempsey

36 Stamperland Crescent

Clarkston Glasgow Scotland G76 8LH

With reference to your application which was registered on 12th September 2024 for planning permission under the abovementioned Act and Regulations for the following development, viz:-

#### Installation of rear dormer window and front rooflight window

#### at: 98 East Kilbride Road Busby East Renfrewshire G76 8JF

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 proposals, by virtue of the form, design and prominent siting of roof dormer, would fail to improve the quality of the area, neither preserving nor enhancing the appearance and character of the Busby Conservation Area, but would cause harm to that designated area of historic importance. Accordingly, the proposals fail to accord with the Development Plan and in particular Policies NPF4 7 & 14, and East Renfrewshire LDP2 D1, D1.1 and D16

Dated

13<sup>th</sup> January 2025

Head of Place

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(0)001	Rev A	
Site Plan	AL(0)009	Rev B	
Proposed floor plans	AL(0)010	Rev A	
Proposed floor plans	AL(0)011	Rev B	
Elevations Proposed	AL(0)012	В	

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Sections Proposed	I A I /O\O42	I Day D	
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# 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 <a href="www.eplanning.scotland.gov.uk">www.eplanning.scotland.gov.uk</a>. Please note that beyond the content of the appeal or review forms, <a href="you cannot normally raise new matters">you cannot normally raise new matters</a> 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**



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

100685223-004

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 Applicant				
Agent Details				
Please enter Agent details	3			
Company/Organisation:	dam architects south			
Ref. Number:		You must enter a Bu	uilding Name or Number, or both: *	
First Name: *	Fiona	Building Name:		
Last Name: *	Dempsey	Building Number:	36	
Telephone Number: *	07718 233738	Address 1 (Street): *	Stamperland Crescent	
Extension Number:		Address 2:	Clarkston	
Mobile Number:		Town/City: *	Glasgow	
Fax Number:		Country: *	Scotland	
		Postcode: *	G76 8LH	
Email Address: *	fiona@damarchitects-south.co.uk			
Is the applicant an individual or an organisation/corporate entity? *				
☑ Individual ☐ Organisation/Corporate entity				

Applicant Details			
Please enter Applicant of	letails		
Title:	Mr	You must enter a Buil	ding Name or Number, or both: *
Other Title:		Building Name:	
First Name: *	Stephen	Building Number:	98
Last Name: *	Christie	Address 1 (Street): *	East Kilbride Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Busby
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G76 8JF
Fax Number:			
Email Address: *	stephenchristie@lookers.co.uk		
Site Address	Details		
Planning Authority:	East Renfrewshire Council		
Full postal address of th	e site (including postcode where available):		
Address 1:	98 EAST KILBRIDE ROAD		
Address 2:	BUSBY		
Address 3:			
Address 4:			
Address 5:			
Town/City/Settlement:	GLASGOW		
Post Code:	G76 8JF		
Please identify/describe	the location of the site or sites		
Northing	656236	Easting	258657

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)
Installation of rear dormer window and front rooflight window
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 a 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.
See attached design statement
Have you raised any matters which were not before the appointed officer at the time the  Determination on your application was made? *
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 to rely on in support of your review. You can attach these documents electronically later in the			intend
AL(0)001 rev A Location/site plan as existing, AL(0)002 rev A Plans as existing, AL(0)003 rev A Plans as existing, AL(0)004 rev A Elevations as existing AL(0)005 rev A Sections as existing, AL(0)009 rev B Site plan as proposed, AL(0)010 rev A Plans as proposed, AL(0)011 rev B Plans as proposed AL(0)012 rev B Elevations as proposed, AL(0)013 rev B Sections as existing Design statement Jan 25			
Application Details			
Please provide the application reference no. given to you by your planning authority for your previous application.	2024/0452/TP		
What date was the application submitted to the planning authority? *	12/09/2024		
What date was the decision issued by the planning authority? * 14/01/2025			
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 \sum No			
In the event that the Local Review Body appointed to consider your application decides to in	spect the site, in your op	oinion:	
Can the site be clearly seen from a road or public land? *			
Is it possible for the site to be accessed safely and without barriers to entry? *			
If there are reasons why you think the local Review Body would be unable to undertake an unexplain here. (Max 500 characters)	naccompanied site insp	ection, please	Э
There is a gate but it can be open-end from the outside			

Checklist – Application for Notice of Review				
	g checklist to make sure you have provided all the necessary informatio may result in your appeal being deemed invalid.	n in support of your appeal. Failure		
Have you provided the name	and address of the applicant?. *	X Yes ☐ No		
Have you provided the date a review? *	and reference number of the application which is the subject of this	X Yes ☐ No		
, , , , ,	n behalf of the applicant, have you provided details of your name nether any notice or correspondence required in connection with the or the applicant? *	X Yes ☐ No ☐ N/A		
	nt setting out your reasons for requiring a review and by what procedures) you wish the review to be conducted? *	X 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.				
	cuments, material and evidence which you intend to rely on ich are now the subject of this review *	X 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	e of Review			
I/We the applicant/agent certi-	fy that this is an application for review on the grounds stated.			
Declaration Name:	Ms Fiona Dempsey			
Declaration Date:	22/01/2025			

#### JOB 0112 - 98 EAST KILBRIDE ROAD PLANNING APPLICATION REF 2024/0452/TP

No pre-application feedback was available, as this service is currently not being offered by ERC Planning for domestic extensions.

The Planning application was submitted 12/09/24 and we received a registration letter on 25/09/24.

The planner carried out a site visit on 05/11/24 and my client was advised that the only comments received by ERC related to the retention of the trees in the back garden. We subsequently received an email from the allocated planner on 06/11/24 advising the following:-

"I am afraid that this application is now being progressed with a recommendation of refusal.

The reason for refusal will relate to likely adverse impacts on the Conservation Area"

When we requested clarification, we received feedback from the duty Planner on the phone and they advised that the rear dormer was 'a bit too big'.

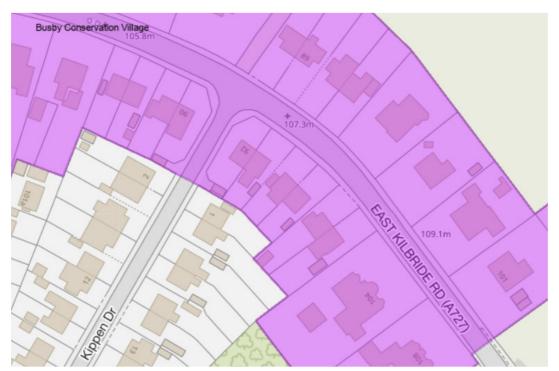
Redesign was carried out to significantly reduce the size of the rear dormer and revised drawings were submitted informally to Planning on 28/11/24, and subsequently added to the portal on 12/12/24.

A refusal notice was received on 13/01/24 as follows:-

"The proposals, by virtue of the form, design and prominent siting of roof dormer, would fail to improve the quality of the area, neither preserving nor enhancing the appearance and character of the Busby Conservation area, but would cause harm that designated area of historic importance."

We are requesting that this decision be reviewed on the following grounds.

While we appreciate that no 98 East Kilbride Road sits within the Busby Conservation Village, it is located at the very edge of the boundary. The house was erected in the 1957 and it sits within a grouping of identical house on the south side of East Kilbride Road. Numbers 87 – 93 on the north side of the road are also identical. See site plan below.





Number 98 is in middle of photo above. The proposed rear dormer will barely be visible from the south eastern approach road.



The rear dormer will also not be visible from Kippen Drive as per the photo above. This photo shows the rear elevations of numbers 92 and 94 East Kilbride Road from this approach. The proposed rear dormer will only be visible from the rear gardens of the lower odd numbers of Kippen Drive.

Number 11 Kippen Drive, which is identical to number 98, and is visible from my client's rear garden property, received consent for a much larger rear dormer in July 2024 and has recently started construction.



View looking up Kippen Drive towards number 11.

Number 98 East Kilbride Road is, with the exception of the identical neighbours noted above, surrounded by large sandstone Edwardian villas. – see photos below. We would argue that it is the character of the latter that the Conservation Village status seeks to preserve and protect. We would also contend that the insertion of a modesty sized rear dormer to the rear of this property will not have any impact at all on the character of the conservation village, and as such we would request that this appeal be upheld and the refusal overturned.

See photos below of numbers 95 – 101 and number 104 East Kilbride Road.











**APPENDIX 6** 

# **PLANS/DRAWINGS**





1:500







1:1250

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07718 233738

Mr and Mrs Christie

Project

98 East Kilbride Road Busby G76 8JF

Drawing

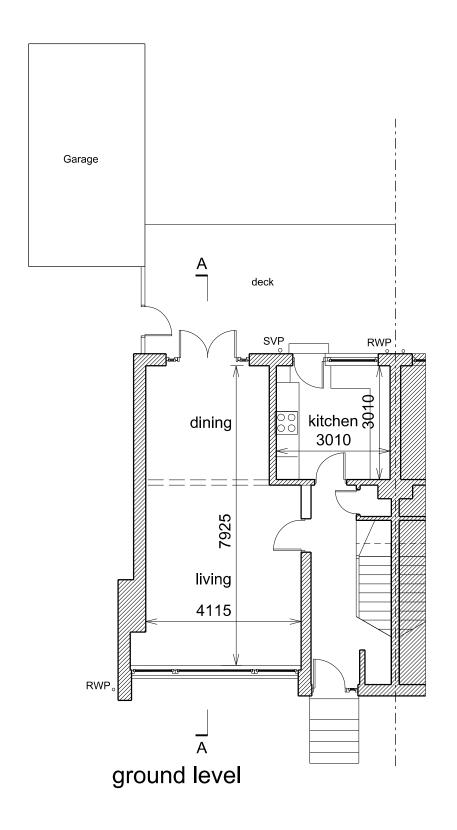
site as existing

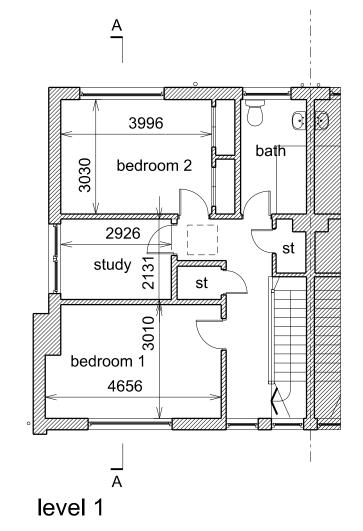
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 Status





existing floor plans



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Mr and Mrs Christie

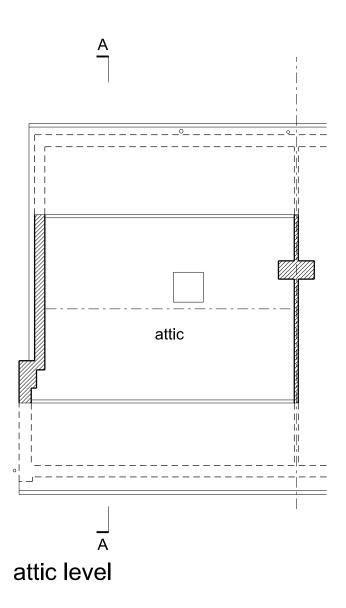
Drawing plans as existing

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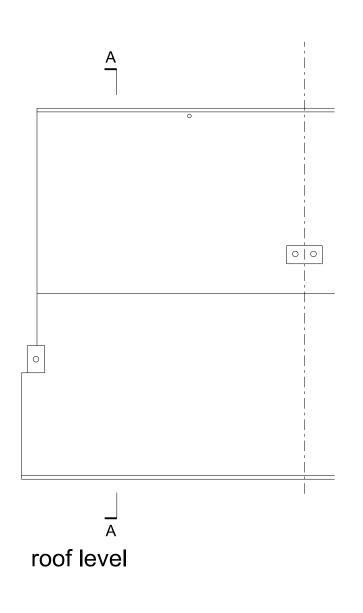
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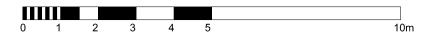
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existing floor plans



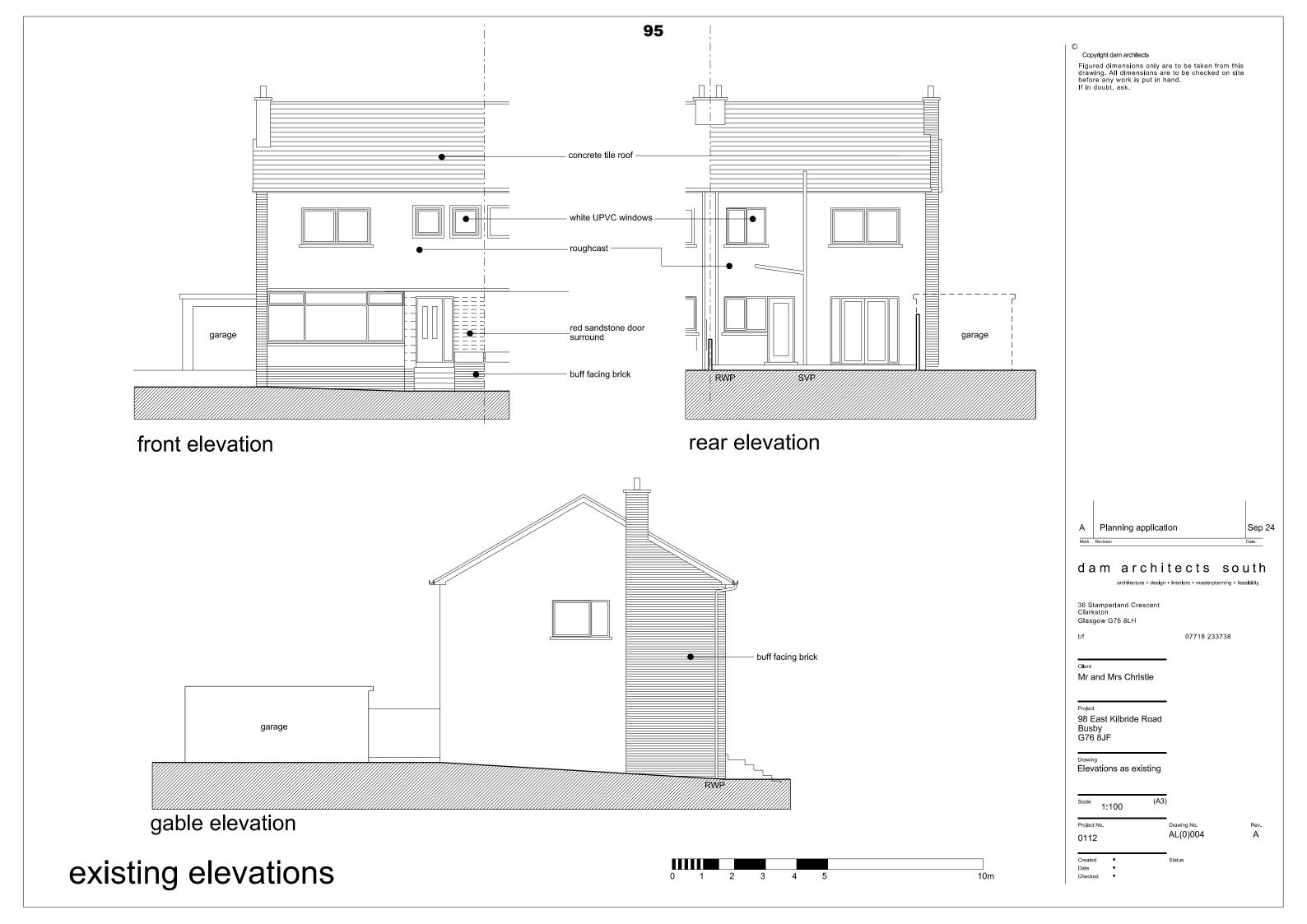


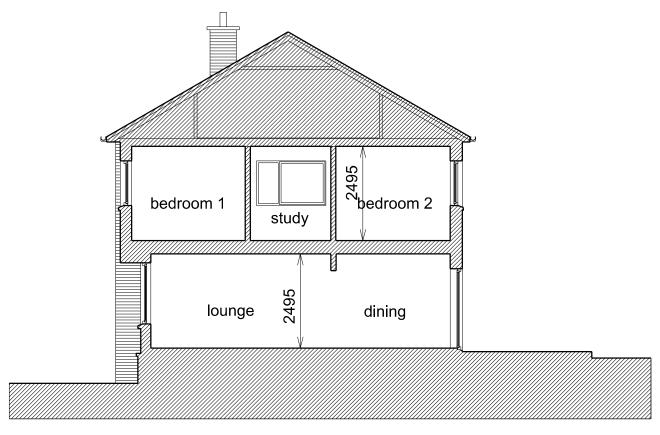
A Planning application Sep 24 dam architects south 36 Stamperland Crescent Clarkston Glasgow G76 8LH 07718 233738 Mr and Mrs Christie 98 East Kilbride Road Busby G76 8JF plans as existing Scale 1:100 Project No. AL(0)003

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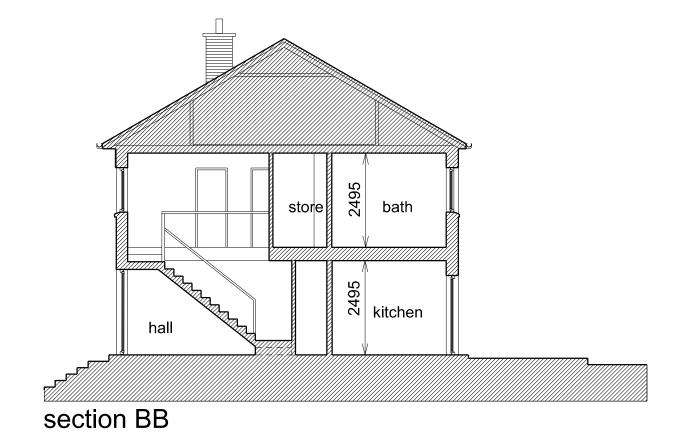
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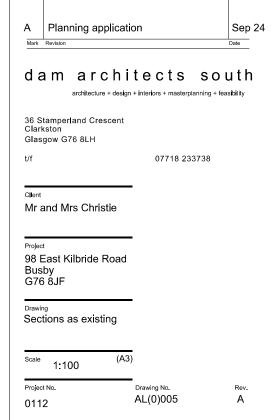
existing sections



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1:500







1:1250

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Mark		Date	4
Δ	Planning application	Sep	24
В	Scheme revised	Nov	24

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Mr and Mrs Christie

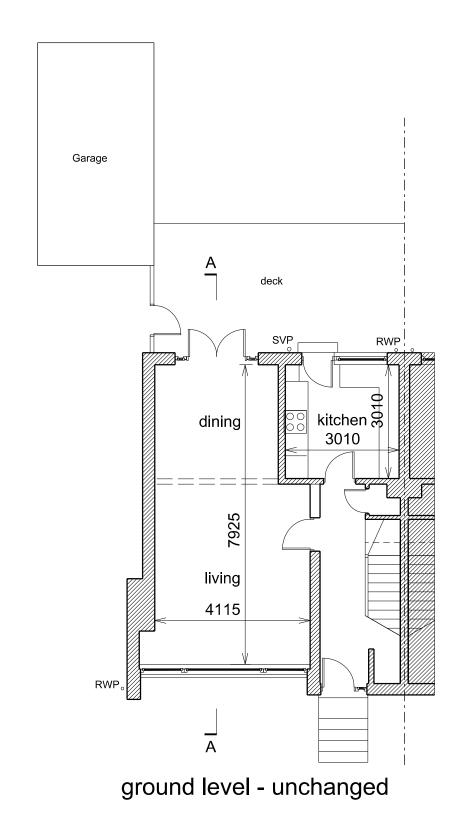
Project

98 East Kilbride Road Busby G76 8JF

Drawing

site as proposed

Scale 1:1250/1:500 (A3) Project No. AL(0)009 В 0112



3996 bedroom 2 2926 study 5 up to attic bedroom 1 4656

level 1

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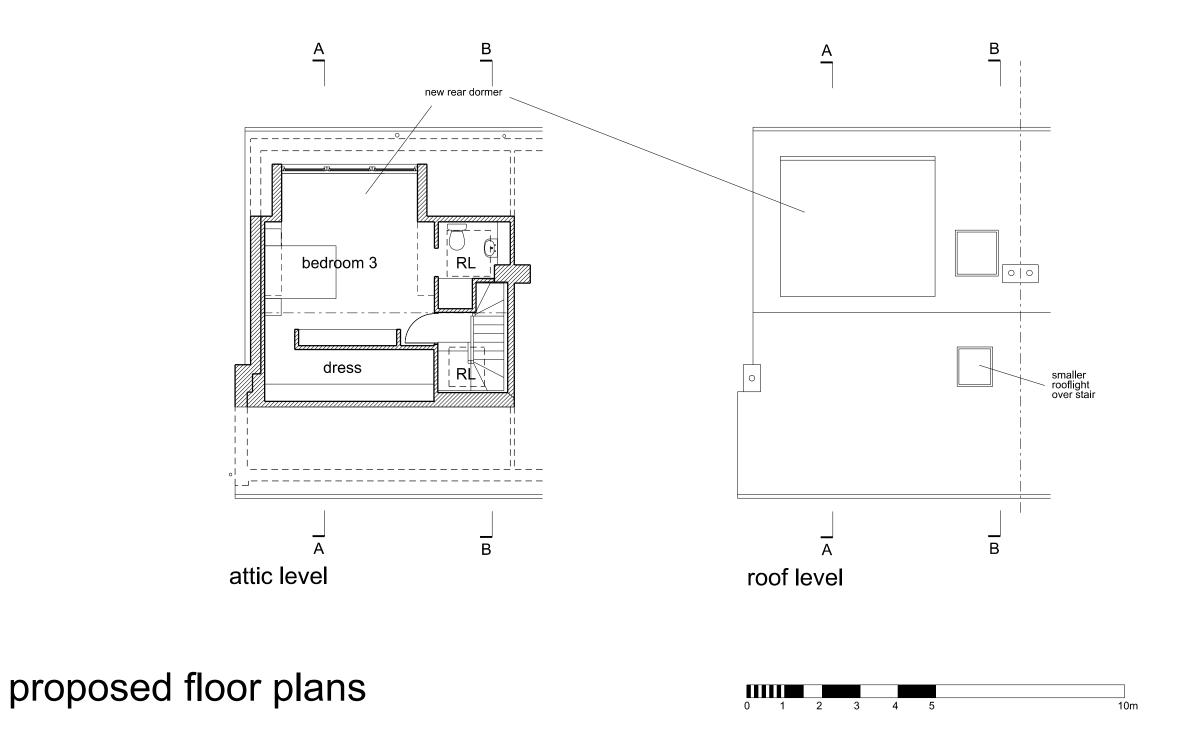
Mr and Mrs Christie

98 East Kilbride Road Busby G76 8JF

plans as proposed

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proposed floor plans

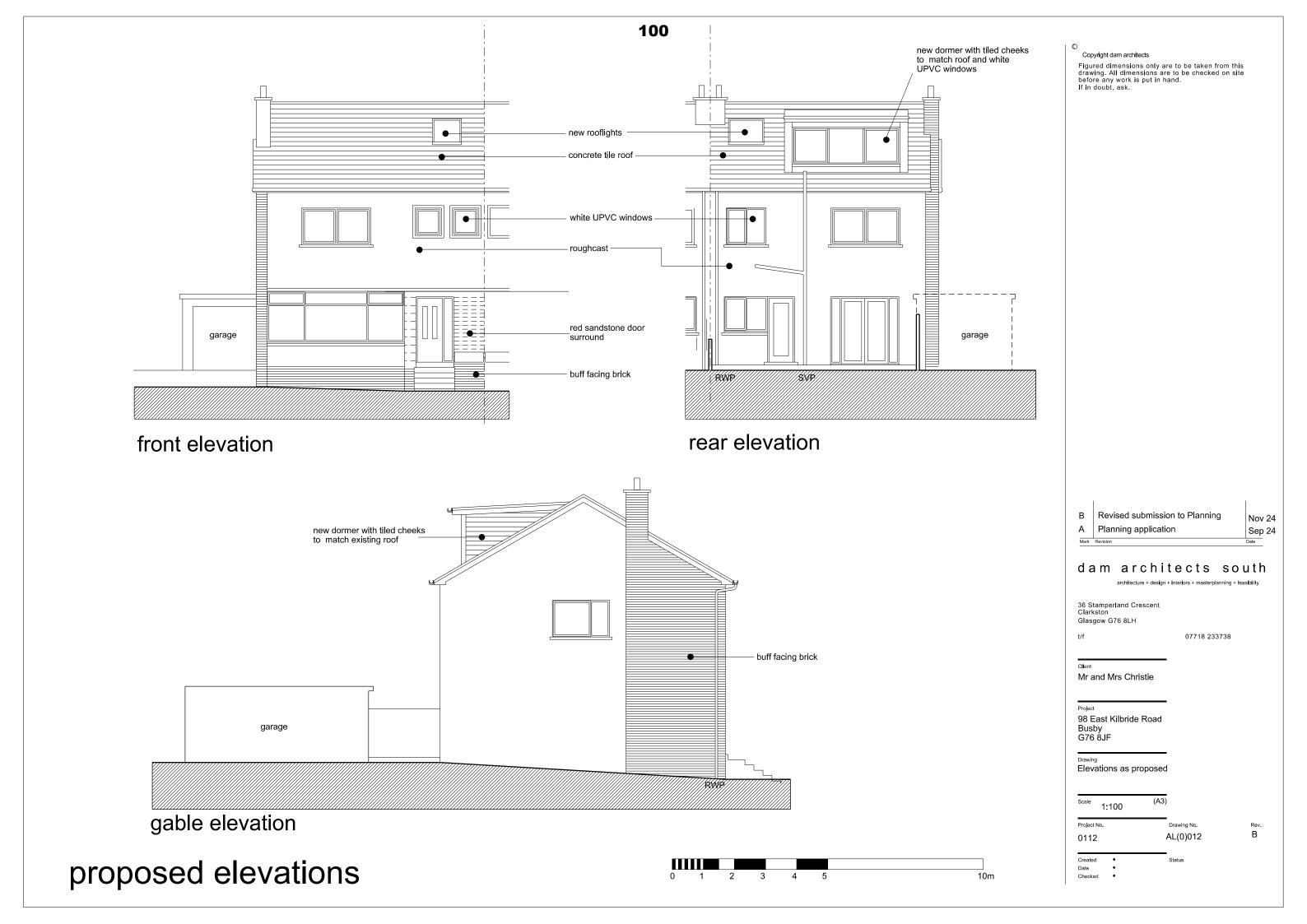


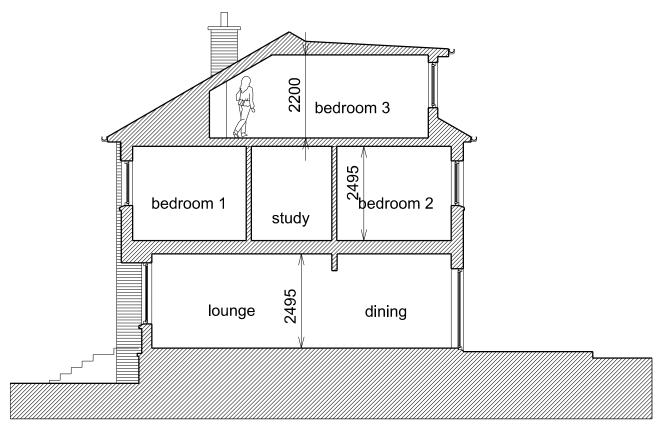
B Revised submission to Planning Nov 24 A Planning application Sep 24 dam architects south 36 Stamperland Crescent Clarkston Glasgow G76 8LH 07718 233738 Mr and Mrs Christie 98 East Kilbride Road Busby G76 8JF plans as proposed Project No. AL(0)011

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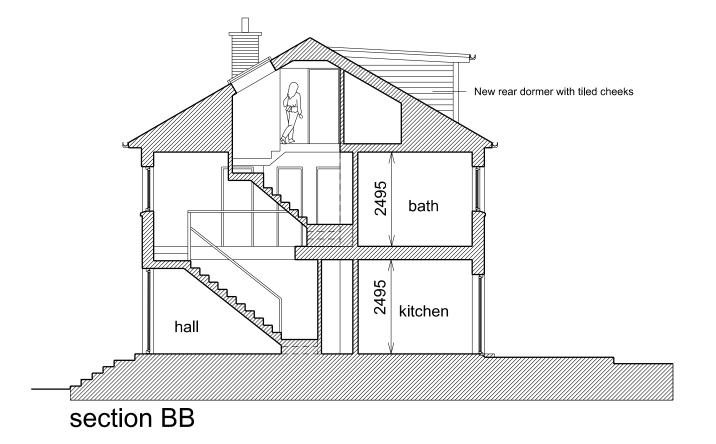
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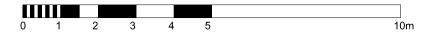








proposed sections



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B Revised submission to Planning Nov 24 A Planning application Sep 24

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Mr and Mrs Christie

98 East Kilbride Road Busby G76 8JF

Drawing
Sections as proposed

Project No. AL(0)013

