

Appendix 5

Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicants John and Anne Russell



Notice of Review Form
 For official use: NOR/ _ _ / _ _ / _ _ _ _
 Date received by PLRB: _ _ / _ _ / _ _ _ _

Notice of Review

RECEIVED:
 04 FEB 2011
 Located to: GC
 File Ref: 66353

Under Section 43A(8) of The Town and Country Planning (Scotland) Act 1997 (as amended) in respect of decisions on local developments
 The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008
 The Town and Country Planning (Appeals) (Scotland) Regulations 2008

This notice requires to be served on the Planning Authority within 3 months of the date of the decision notice or from the date of expiry of the period allowed for determining the application which is set as 2 months following the validation date of the application

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your Notice of Review.

Please complete in BLOCK CAPITALS

Applicant(s) **Agent (if any)**

Name: JOHN & ANNE RUSSELL

Name: DAVID NAPIER

Address: 14 WELLINGTON
 NEWLANDSMUIR
 EAST KILBRIDE

Address: 15 COLINHILL ROAD
 STRATHAVEN
 ML10 6EU

Postcode: G75 8RB

Postcode:

Contact Telephone 1: [REDACTED]

Contact Telephone 1: [REDACTED]

Contact Telephone 2: [REDACTED]

Contact Telephone 2: [REDACTED]

Fax No: [REDACTED]

Fax No: [REDACTED]

E-mail: [REDACTED]

E-mail: [REDACTED]

Mark this box to confirm that all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Application reference number: EK / 10 / 0309

Site address: 14 WELLINGTON NEWLANDSMUIR
 EAST KILBRIDE G75 8RB

Description of proposed development: ERECTION OF SINGLE STOREY FRONT EXTENSION

Validation date of application: 3 SEPTEMBER 2010

Date of decision (if any): 12 NOVEMBER 2010

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for requesting review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

In cases where the Planning Local Review Body considers that it has sufficient information, including the Notice of Review, the decision notice, report of handling and any further representations from interested parties, it may, under Regulation 12, proceed to determine the review. It is anticipated that the majority of cases the Planning Local Review Body deals with will fall into this category.

The Planning 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 it 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.

Please indicate what procedure (or combination of procedures) you consider most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Planning Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement of reasons for requiring the review

You must state, in full, why you are requesting a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: 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 Planning Local Review Body to consider as part of the review.

If the Planning Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your Notice of Review and all matters you wish to raise. If necessary, this statement can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

• WE BELIEVE THAT OUR PROPOSED EXTENSION WOULD NOT BE OBTRUSIVE OR OUT OF PLACE AND WOULD BE ENHANCED BY LANDSCAPING

• THERE ARE MANY EXAMPLES, WITHIN 5 MINUTES OF OUR HOME, OF EXTENSIONS AS BIG, IF NOT BIGGER, THAN OUR PROPOSED EXTENSION

• DEMOCRATICALLY, NONE OF THE 14 NEIGHBOURS NOTIFIED OBJECTED. THIS IS A NEIGHBOURLY AREA AND WE HAPPILY CO-EXIST WITH EACH OTHER.

PLEASE SEE FULL SUBMISSION AND PHOTOGRAPHIC EVIDENCE AS DETAILED OVERLEAF.

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

[Empty box for explanation]

List of documents and evidence

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.

- PLANS OF PROPOSED EXTENSION
- DELEGATED REPORT BY PLANNING OFFICER C. McTEIR — HIGHLIGHTED
- TEXT REBUTTING THE HIGHLIGHTED POINTS IN THE DELEGATED REPORT
- PHOTOS 1-24 ILLUSTRATING THE TEXT

Note: A copy of the Notice of Review, the review documents and any notice of the procedure of the review will be made available for inspection by prior appointment (Phone: 08457 406080) at the office of Planning and Building Standards Services, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB until such time as the review is determined. It may also be made available on the Council's website.

Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- 2 copies** of all documents, materials and evidence which you intend to rely on (eg planning application form, plans and drawings, decision notice or other documents) which are now the subject of this review.

Note: Where the review relates to a further application, eg 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 from that earlier consent.

Declaration

I the applicant/~~agent~~ [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed:



Date:

2 February 2011

This form and 2 copies of all supporting documents should be sent to:-

**Head of Planning and Building Standards Services
Enterprise Resources, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB**

Email: enterprise.hq@southlanarkshire.gov.uk

Phone: 08457 406080

For official use

Date stamp)

For more information or if you want this information in a different format or language, please phone 01698 455379 or send email to enterprise.hq@southlanarkshire.gov.uk

Delegated Report

Report to: **Delegated Decision**
 Date of Report:
 Report by: **Area Manager (Planning & Building Control)**

Application No EK/10/0309
 Planning Proposal: Erection of single storey front extension

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr & Mrs John Russell
- Location : 14 Wellington
Newlandsmuir
East Kilbride
G75 8RB

2 Decision

2.1 Refuse Detailed Planning Permission (for reasons stated)

2.2 Other Actions/Notes

None

3 Other Information

- ◆ Applicant's Agent: David Napier
- ◆ Council Area/Ward: 07 East Kilbride Central South
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Plan (2009)**
Policy DM1 – Development Management
Policy DM4 – House Extensions and Alterations
Policy RES6 – Residential Land Use

- ◆ Representation(s):
 - ▶ 0 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters
- ◆ Consultation(s):
 - None Required

Planning Application Delegated Report

1 Material Considerations

- 1.1 The application site is a semi detached property at 14 Wellington, located in the Newlandsmuir area of East Kilbride. The site lies within an established residential area. Planning consent is sought for the erection of a single storey front extension.
- 1.2 Policy DM1 – Development Management of the Adopted South Lanarkshire Local Plan states that all planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Development should enhance the quality and appearance of the local environment and take account of environmental, accessibility and sustainability issues.
- 1.3 Policy RES6 – Residential Land Use of the Adopted Plan states that the Council will resist any development that will be detrimental to residential areas in terms of visual impact, noise, smell, air pollution, disturbance, traffic or public safety.

2 Consultation(s)

- 2.1 No consultations were required as part of this application.

3 Representation(s)

- 3.1 Following statutory neighbour notification, no letters of objections were received.

4 Assessment and Conclusions

- 4.1 The determining issues of this application are its non-compliance with local plan policy and in particular, its impact on the visual amenity of the surrounding area and adjacent properties.
- 4.2 Policy RES6 – Residential Land Use of the Adopted South Lanarkshire Local Plan states that the Council will seek to resist any development that will be detrimental to residential areas. Policy DM1 – Development Management of the Adopted Plan states that all new development should aim to enhance the quality and appearance of the local environment. Additionally, Policy DM4 – House Extensions and Alterations of the Plan states that extensions should not dominate or overwhelm the existing dwelling, neighbouring properties or streetscene in terms of size, scale or height.
- 4.3 The frontages of the houses at 2-20 Wellington have remained unaltered and therefore the formation of a single storey front extension which projects beyond the building line at this location would be an incongruous addition that would not

enhance the quality and appearance of the area placing it directly at odds with Policies DM1, DM4 and RES6 of the Adopted South Lanarkshire Local Plan which seek to retain residential and visual amenity. The projection and scale of the proposed extension would dominate the streetscene, protruding out from a uniform street frontage.

- 4.4 The guidance notes on Porches and Front Extensions contained within policy DM4 state that the porch or front extension should not project more than 2 metres beyond the front elevation of the house, and whilst it is noted that the porch protrudes 2 metres from the furthest forward point of the dwelling, the remainder of the front elevation, including the front door, is set a further 2 metres back, making the extension 4 metres deep at its deepest. It is considered that this would look out of place and the projection would form an intrusive feature in the street.
- 4.5 The Planning Service has suggested an alternative of erecting all or part of the extension to the rear of the dwelling; however the applicant's agent has indicated that this is not acceptable to the applicant as they have a large area of landscaped garden to the rear of the property.
- 4.6 In conclusion, I consider this proposal to be unacceptable at this location as it does not comply with Policies DM1, DM4 and RES6 of the Adopted South Lanarkshire Local Plan in terms of impact on the existing built form and general amenity of the surrounding area and it is therefore considered that planning permission be refused.

5 Reason for Decision

- 5.1 The proposal has a negative impact on both residential and visual amenity and does not comply with Policies DM1, DM4 and RES6 of the adopted South Lanarkshire Local Plan and the guidance notes contained therein.

Signed:
(Council's authorised officer)

Date:

Previous References

◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Chris McTeir
(Tel :01355 806294)
E-mail: Enterprise.ek@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER : EK/10/0309

REASONS FOR REFUSAL

- 1 This decision relates to drawing numbers: RUSSELL/2010/01, RUSSELL/2010/02, RUSSELL/2010/03, RUSSELL/2010/04, RUSSELL/2010/05, RUSSELL/2010/06A, RUSSELL/2010/07, RUSSELL/2010/08, RUSSELL/2010/09
- 2 In the interests of amenity in that the proposed extension by virtue of its size, scale, and design in relation to its forward projection beyond the building line would be out of character with and would constitute an obtrusive and incongruous form of development within the streetscape.
- 3 The proposal is contrary to Policy DM1 of the Adopted South Lanarkshire Local Plan and its associated Guidance Notes in that the proposed extension does not conform to a scale or design in keeping with the surrounding built form and would therefore be detrimental to the amenity of the area in general.
- 4 The proposal is contrary to Policy DM4 of the Adopted South Lanarkshire Local Plan. By virtue of its siting, size, scale and design, the proposal would be out of character with surrounding residential properties and would constitute an obtrusive and incongruous development in the locality and would be detrimental to the amenity of the area in general.
- 5 The proposal is contrary to Policy RES6 of the Adopted South Lanarkshire Local Plan and owing to its scale, size and mass, the proposal would cause a detrimental visual impact on the local residential area.

**Re: Planning Application for single storey front extension
by Mr & Mrs J Russell, 14 Wellington, East Kilbride**

What we want to build:

An extension at our "front" door to contain a toilet and a room where I can do my ironing and hang up washing out of sight.

Our house does not have a downstairs toilet and subsequent to a near-fatal fall 3 years ago, my father can no longer manage our stairs to our toilet. This means he cannot visit our house. I also have 2 disabled nieces, one of whom uses a wheelchair, who cannot come to our house for the same reason. Given that, due to disability, the number of places my father and nieces can go is restricted, I would like them to be able to come to our house.

The toilet would be the minimum size to allow wheelchair access.

Why we want to build it at the "front" of the house:

The design of our house is such that our living room protrudes almost 2 metres beyond our front door, which sits in a recess. This recess is basically wasted space.

The houses in Wellington are built back to front, meaning that, for all the houses in our row, access is via a lane, where the garage is, and through the "back" garden to the "back" door. We do not have a road at the front, instead we have a wide area of grass between our row and the terraced row opposite, Coleridge 1 –13. Consequently, our front door is redundant. The only people who come to the front door are the postman and the Betterware man. None of the people living in our row of Wellington or the facing row of Coleridge bothers terribly much about their front garden, except to cut the grass, because we rarely step out of the front door. So we have plenty of space at the front, which is not used.

Why we do not want to build at the "back" of the house:

Right outside our back door, we have a manhole, which allows access to the main drain for the street. Obviously we cannot build over it. Since the manhole is so close to the house, to avoid it, any extension would be too narrow.

However, the enclosed photograph (no 1) will let you see why we do not wish to dig up our garden at all. We have lived in this house for 32 years and for 27 of those we lived with the garden design we had inherited. Five years ago we had our garden professionally designed and landscaped to give us year-round colour with minimum maintenance in our retirement. Naturally, we do not wish to tear up what has been created.

What follows is a rebuttal of the points made in the Delegated Report by Planning officer Chris McTeir, with appropriate numbering.

Why we do not agree with the planners' reasons for refusing our application

Paragraph 4.3

- **'the frontages of the houses at 2 – 20 Wellington have remained unaltered'** This statement is incorrect – there is a porch at no 4 (photo 2). Having said that, the argument is invalid because the planner is arguing that there is no precedent in our row, but there can be no precedent until someone is given permission to extend.
- **'would not enhance the quality and appearance of the area'** First, this is a subjective opinion. Second, it is our contention that our street is frankly rather boring - because we do not use our front doors, nobody bothers much about their front garden. It would be our intention, once our extension is built, to landscape the front garden as we have the back and so improve the appearance of the area.
- **'scale'** The floor area of that part of the extension which would be in front of the building line, would be less than 12% of the floor area of the house behind the building line. This does not seem unduly large when, by comparison, it is permitted to build extensions which take up to 50% of a "rear" garden.
- **'dominate the streetscene'** The distance from the front of our house to the fence opposite is 25 metres (photo 3) - we have no house facing us, just a 30 metre long fence. A projection of 2 metres into this space could hardly dominate the streetscene. In addition, photo 3 shows a number of extensions which, although in "back" gardens, are visible to us (and from the street) and are larger than ours would be.
- **'streetscene'** In the context of our houses to speak of a 'streetscene' is misleading. As we have already stated, in this area the front doors are rarely used. Indeed during the recent snow, no householder in our row, Wellington 2-20, or in Coleridge 1-13 opposite, cleared their front path, not even the people at the top who live right beside the layby on Newlands Road (photo 4). Everyone uses the back because that is where our garages are. Similarly, passing pedestrian traffic is negligible – it is an event when someone walks past our front window.

- 'uniform street frontage'**. There is no uniformity in the terraced row opposite us as the enclosed photograph (no 5) shows. No1 Coleridge has a double storey infill, no 3 has a single storey infill, whereas the rest of the terrace is the original 'in and out' design.

In Wellington nos 1- 23, also terraced, there is every combination of extensions (photos 6,7), including, at no 3, the only house in the neighbourhood with an extension to the livingroom (photo 8). This extension beyond the building line sets a precedent for the area.

The same style of house as ours is found on the other side of Newlands Road, in New Plymouth. Here again the frontage is not uniform, with some recesses being filled in and some not (photo 9).

Our proposed extension would not alter the streetscene any more than those indicated in photographs 5 – 9. We would submit that there is a large number of extensions to houses like ours in the surrounding streets which have established a precedent for our application.

The idea of a 'uniform street frontage' has not been pursued elsewhere locally eg 95, 101 Chatham (photo 10). In fact, in this whole area of Newlandsmuir/Westwood, the concept of 'back' and 'front' is misleading. There are many rows of houses, built at right angles to the road, where back and front are both clearly visible eg Chatham, seen from Westwoodhill and Belmont Drive, seen from Westwood Road.

- Paragraph 4.4**

'4 metres at its deepest' is a red herring, since only 2 metres will protrude beyond the building line and the other 2 metres will be in the recess and behind our neighbour's living room when viewed from that side.

From the top of our lane we can look down Clutha Place and we see the gable end of no 76 New Plymouth. The extension at the 'back' makes a wall area much larger than ours would be (photo 11). It is also in a far more obvious position, given that it is totally visible and can be seen from Newlands Road, whereas our extension would be seen by very few people.

- 'would look out of place and the projection would form an intrusive feature in the street'**. Again, this is a subjective opinion and is rebutted in the paragraph above. One only has to take a brief walk around this area to see a large number of developments at least as significant as ours. Building work currently taking place (2 and 3 doors away) at nos 18 and 20 Wellington could be described as 'intrusive', given its size and the fact that it can be seen from Westwoodhill and Lickprivick Road. It could be described as 'out of place' because the rooflines are at odds with the original rooflines (photo 12), but these extensions have been allowed because they are at the 'back'.

The extension at no 19 Invercargill could be said to be 'out of place' but it is in place nevertheless (photos 13 & 14).

There are numerous examples, in the surrounding streets, of extensions which could be said to be 'out of place and intrusive' but would seem to have been passed because they are at the side of the houses.

- No 19 Coleridge (photo 15)
- No 37 Invercargill (photo 16)
- No 36 Invercargill (photo 17)
- No 58 New Plymouth (photo 18)

Two minutes away from here, there are extensions to nos 119 and 109 Rockhampton Avenue and no 7 Adelaide Road (photos 19,20,21). While it is true that these extensions were built onto the side of the houses, it is also true that they are clearly visible from Westwoodhill and could be felt to be 'out of place and intrusive'.

Also in Rockhampton Avenue, at no 131, it could be considered that the current building work is 'out of place and intrusive' (photos 22, 23)

In Rockhampton Avenue there is a preponderance of porches, of every size, shape and style (no 'uniform frontage' to the genuine 'streetscene' here). At no 168 there is an extension which protrudes from the front of the house by about the same distance as ours would (photo 24).

All of these examples lead us to believe that previous planning decisions have approved applications which all fall into the categories which the planners have used to object to ours. It would seem that planning decisions are fairly arbitrary and the decision to refuse our application is perverse in the light of the local (within a 5 minute walk) examples which we have given.

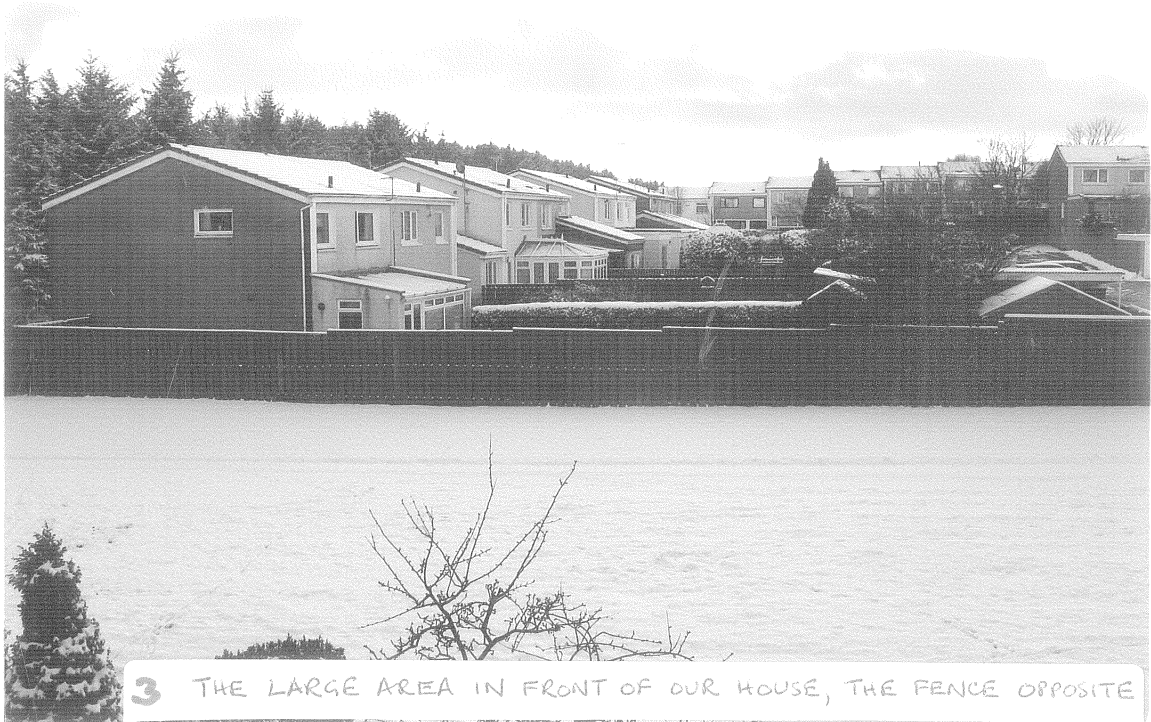
Finally, and most importantly, it was noted in paragraph 3.1 that, **'following statutory neighbour notification, no letters of objection were received.'** Fourteen neighbours were notified of our plans and none objected. Critically, from a local environment and democratic point of view, we have also spoken with neighbours on either side and no one has any objections.

For whom do the planners (not our neighbours) wish to preserve the current row of houses? Their arguments against our application are inconsistent with what has been approved before in this area and fly in the face of the opinions of the local community.

We do not object to the extensions of our neighbours. Like them, we simply wish to organise our living space to accommodate the circumstance of our lives. Surely the people who live here should be the arbiters of how the area should look?

Anne Russell
2/2/11





3 THE LARGE AREA IN FRONT OF OUR HOUSE, THE FENCE OPPOSITE



4 AFTER SEVERAL WEEKS OF SNOW, THE FRONT PATHS HAVE NOT BEEN CLEARED AT NOS 1A3 COLERIDGE



5 'UNIFORM STREET FRONTAGE'? - THE TERRACE ROW OPPOSITE US AT NOS 1,3,5 COLERIDGE : DOUBLE HEIGHT INFILL, SINGLE HEIGHT INFILL, NONE



6 'UNIFORM STREET FRONTAGE'? - NOS 15,13,11,9,7 WELLINGTON : DOUBLE HEIGHT, SINGLE HEIGHT, SINGLE HEIGHT, DOUBLE HEIGHT, NONE



7 'UNIFORM STREET FRONTAGE'? (CONTINUED FROM PHOTO 6) - WELLINGTON NOS. 5, 3
SINGLE HEIGHT INFILL, SINGLE HEIGHT INFILL + LIVING ROOM EXTENSION



8 'UNIFORM STREET FRONTAGE'? - THE LIVING ROOM OF
NO. 3 WELLINGTON IS EXTENDED BEYOND THE BUILDING LINE





11 NO. 16 NEW PLYMOUTH AS SEEN FROM NEWLANDS ROAD



12 'OUT OF PLACE' ROOF LINE ? - BUILDING WORK AT NOS. 18, 20 WELLINGTON



13 'OUT OF PLACE' ? - EXTENSION AT NO.19 INVERCARGILL



14 'OUT OF PLACE' ? - EXTENSION AT NO.19 INVERCARGILL





17 'OUT OF PLACE' ? - EXTENSION AT NO. 36 INVERCARGILL



18 'OUT OF PLACE' ? - EXTENSION AT NO. 58 NEW PLYMOUTH







23 'OUT OF PLACE'? - BUILDING WORK AT NO.131 ROCKHAMPTON AVENUE



24 THE EXTENSION AT NO.168 ROCKHAMPTON AVENUE PROTRUDES FROM THE FRONT OF THE HOUSE BY AS MUCH AS OURS WOULD