



**IMPORTANT – THIS COMMUNICATION AFFECTS THIS PROPERTY.
FAILURE TO COMPLY WITH THE REQUIREMENTS OF THE NOTICE
MAY RESULT IN PROSECUTION**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)**

ENFORCEMENT NOTICE

REFERENCE NUMBER: ED2022/0071/ENF

ISSUED BY: East Dunbartonshire Council

ISSUED TO: Owner of the Land:

- 1. Gordon Maxwell
52 Duncryne Place
Bishopbriggs
East Dunbartonshire
G64 2DP**
- 2. Katie Shui-Mee Maxwell
52 Duncryne Place
Bishopbriggs
East Dunbartonshire
G64 2DP**

ISSUED TO: Occupier of the Land:

- 1. Gordon Maxwell
52 Duncryne Place
Bishopbriggs
East Dunbartonshire
G64 2DP**
- 2. Katie Shui-Mee Maxwell
52 Duncryne Place
Bishopbriggs
East Dunbartonshire
G64 2DP**

1. **THIS IS A FORMAL NOTICE** issued under the provisions of section 127(1) of the Town and Country Planning (Scotland) Act 1997, as amended (hereinafter referred to as “the Act”) by East Dunbartonshire Council (hereinafter referred to as “the Council”) as Planning Authority in terms of section 1 of the Act because it is considered by the Council that there has been a breach of planning control, as defined by Section 123(1)(a) of the Act at the land described below.

The Council believes it is expedient to issue this Notice, having regard to the provisions of the Development Plan and to other material planning considerations.

2. **THE LAND AFFECTED BY THIS NOTICE**

The land (hereinafter referred to as “the Site”) to which this Notice relates comprises of the dwellinghouse and associated garden ground at 52 Duncryne Place, Bishopbriggs, East Dunbartonshire, G64 2DP all as identified and outlined in red on the attached location plan (“the Location Plan”).

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, the erection of a two-storey extension and single storey extension to the rear of the dwellinghouse at the Site as shown on the ‘as-built’ drawings forming **Appendix 2** annexed to this Notice. (“the Development”).

4. **REASONS FOR ISSUING THIS NOTICE**

The Council as Planning Authority considers it expedient to issue this Enforcement Notice for the following reasons:

- (a) The erection of the two-storey extension to the rear of the dwellinghouse at the site as described in paragraph 3 of this Notice constitutes development as defined by section 26 of the Act. The Development does not benefit from permitted development rights in terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and does not benefit from express planning permission and in the absence of valid planning permission the Development is unauthorised and is in breach of planning control.
- (b) By virtue of section 128 (4)(a) of the Act, the Council is entitled to require the remediation of the injury to amenity which has been caused by the breach.
- (c) The Development as built is not acceptable in terms of the current development plan. Specifically, the Development is contrary to Policy 10 – Design and Placemaking of the East Dunbartonshire Local Development Plan 2 – 2022, formerly Policy 2 – Design and Placemaking of the East Dunbartonshire Local Development Plan (2017). This forms the reasons for refusal of planning permission referred to in paragraph (d) below which forms **Appendix 3** annexed to this Notice.

The Development is also contrary to Policies 14 c) and 16 g) of the National Planning Framework 4 which now forms part of the East Dunbartonshire Local Development Plan 2 – 2022. An explanation of National Planning Framework 4 together with assessment forms **Appendix 4** annexed to this Notice.

- (d) Planning permission was previously refused by the Council on 28 May 2018 under application reference TP/ED/18/0253 for the construction of a two-storey side extension and a single storey rear extension to the dwellinghouse at the site with the reasons for the refusal listed on the copy of the decision notice forming **Appendix 3** annexed to this Notice.

There was no subsequent request for the Council’s Local Review Body to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997.

- (e) Planning permission was then granted on 25 September 2018 under application reference TP/ED/18/0528 (“Planning Permission TP/ED/18/0528”) for the construction of a two-storey side extension and a single storey rear extension to the dwellinghouse at the site. This design omitted the two-storey rear extension which has now been constructed on site as part of the Development. A copy of the Planning Permission TP/ED/18/0528 forms **Appendix 1** annexed to this Notice.
- (f) The Development, as built, does not comply with the plans listed in Planning Permission TP/ED/18/0528. The ‘as-built’ Development reflects:
 - 1. The construction of a two-storey extension to the rear of the dwellinghouse which is of a similar design and scale to that previously refused by the Council under planning application reference TP/ED/18/0253.
 - 2. The reduction in size of the single storey extension to the rear of the dwellinghouse and the change in the roof design of this aspect of the Development from a mono-pitch to a lean-to construction as compared with Planning Permission TP/ED/18/0528.
- (g) The Council considers that it is expedient that the breach of planning control is remedied by making the Development comply with the terms of Planning Permission TP/ED/18/0528 and the approved plans under that permission.
- (h) The Council believes that the breach of planning control described herein has occurred within the last 4 years.
- (i) Service Standard 6 of the Council’s Planning Enforcement Charter (March 2023) states that ‘Where a breach of planning control cannot be resolved and action is justified, a formal notice will be served...’ The Council made multiple requests to the landowner/occupier to resolve the breach of planning control and is of the view that it has afforded the landowner/occupier every opportunity to retrospectively resolve the identified breach of planning control.

5. **WHAT YOU ARE REQUIRED TO DO**

You shall secure compliance with the plans listed in Planning Permission TP/ED/18/0528 in respect of the Site. The works that the Council considers necessary to fulfil this requirement comprise of the following steps:

Step 1. Remove the entire unauthorised two-storey extension including the attached single storey ‘external store’ structure as shown outlined and hatched in red in full accordance with the drawings identified and described in **Appendix 2** annexed to this Notice.

Time Period for Compliance: Within **40 weeks** from the date the notice takes effect.

Step 2. Remove the unauthorised roof structure from the two-storey side extension as shown coloured yellow in full accordance with the drawings identified and described in **Appendix 2** annexed to this Notice.

Time Period for Compliance: Within **40 weeks** from the date the notice takes effect.

Step 3. Alter and complete the roof of the two-storey side extension to form the hipped roof design in full accordance with the drawings identified and described in **Appendix 1** annexed to this Notice.

Time Period for Compliance: Within **40 weeks** from the date the notice takes effect.

Step 4. Enclose the rear elevation of the two-storey side extension by building an external leaf of masonry brickwork/concrete block incorporating window openings and windows in full accordance with the drawings identified and described in **Appendix 1** annexed to this Notice.

Time Period for Compliance: Within **40 weeks** from the date the notice takes effect.

Step 5. Permanently remove from the site all associated surplus salvageable materials, arising from compliance with each of the requirements identified in Steps 1. to 4. above.

Time Period for Compliance: Within **40 weeks** from the date the notice takes effect.

Step 6. Permanently remove from the site to an authorised place of disposal all associated debris, and rubble arising from compliance with each of the requirements identified in Steps 1. to 4. above.

Time Period for Compliance: Within **40 weeks** from the date the notice takes effect.

Step 7. Restore the land to its condition before the breach took place by levelling the ground and reseeding with grass.

Time Period for Compliance: Within **40 weeks** from the date the notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **Monday 8 April 2024** unless an appeal is made to the Scottish Ministers before the date this Notice takes effect.

7. YOUR RIGHT OF APPEAL

You can appeal against this Notice. Your appeal must be received, or posted in time for receipt, by the Scottish Ministers before this Notice takes effect i.e., before **Monday 8 April 2024**.

Schedule 1, annexed to this Notice contains explanatory notes for those in receipt of an Enforcement Notice. The Schedule contains information on your right of appeal.

Schedule 2, annexed to this Notice contains extracts of relevant legislation. It is reproduced to assist you. It is your responsibility to check the legislation that you consider to be relevant to this Notice and, if you wish, seek legal or other professional advice on your right of appeal.

8. WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this notice, it will take effect on **Monday 8 April 2024** and you must then ensure that the required steps for complying with it, for which you are held responsible, are taken within the time periods, as specified in the notice. Failure to comply with the requirements of this Notice can result in prosecution and/or remedial action by the Council.

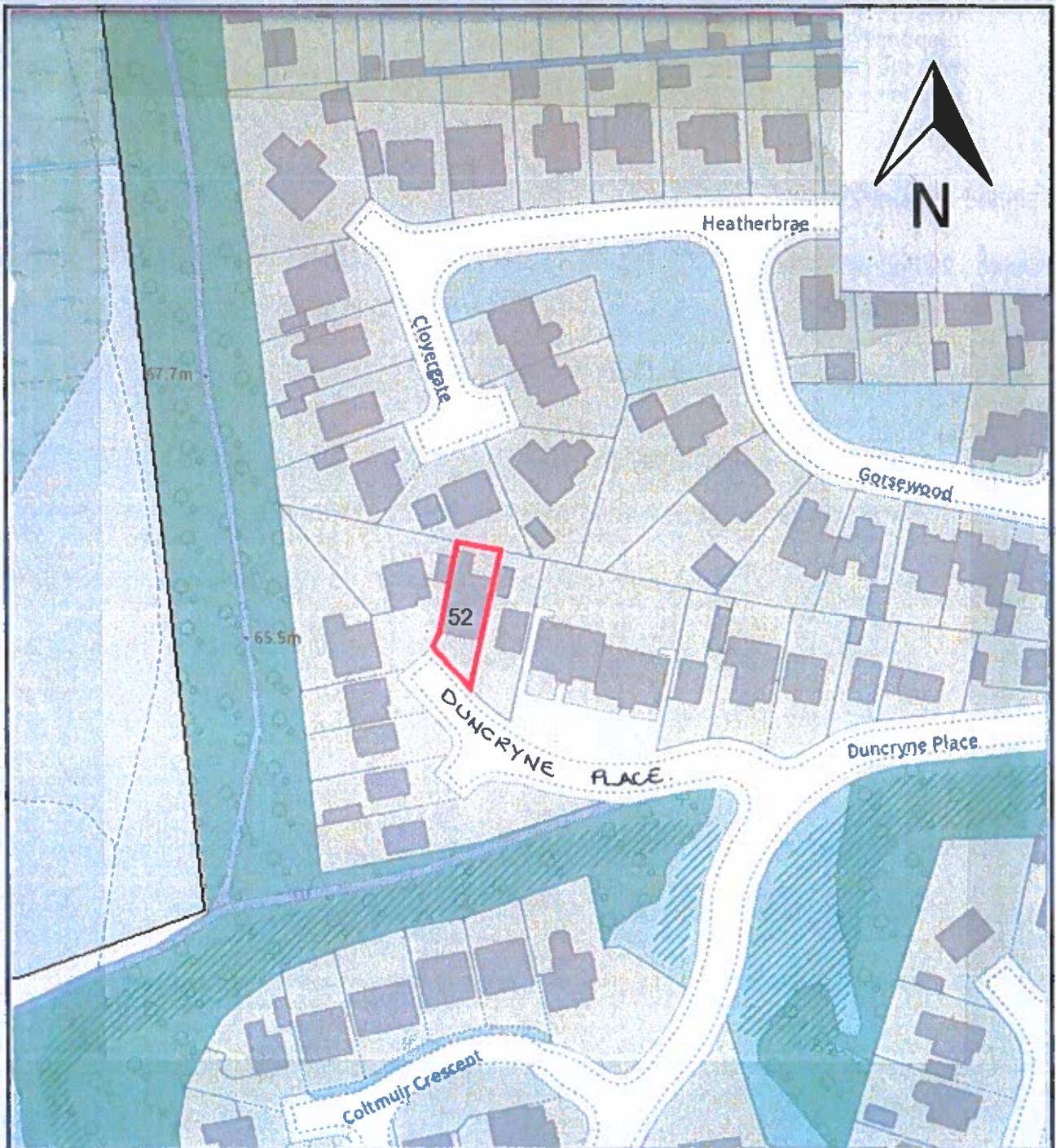
Signed: *Heather Holland*

Dated: 29 February 2024

Heather Holland
Executive Officer – Land Planning & Development

On behalf of: **East Dunbartonshire Council**
Land Planning and Development
Southbank House
Strathkelvin Place
Kirkintilloch
G66 1XQ

LOCATION PLAN



This is the Location Plan referred to in the foregoing Enforcement Notice in accordance with the terms of Section 127 of the Town and Country Planning (Scotland) Act 1997 (as amended) relating to the land and premises as shown outlined in red at 52 Duncryne Place, Bishopbriggs, G64 2DP.

Signed: *Heather Holland*

Dated: 29 February 2024

Heather Holland, Executive Officer – Land Planning & Development, on behalf of East Dunbartonshire Council, Land Planning and Development, Southbank House, Strathkelvin Place, Kirkintilloch, G66 1XQ

SCHEDULE 1

EXPLANATORY NOTE FOR THOSE IN RECEIPT OF AN ENFORCEMENT NOTICE

Right of Appeal

If you wish to appeal against this Enforcement Notice, you should write to the Planning and Environmental Appeals Division, Hadrian House, Callendar Business Park, Falkirk, FK1 1XR. Alternatively, you may submit your appeal by e-mail to dpea@gov.scot. Appeal forms and guidance notes for a planning enforcement notice appeal can be found online at <https://www.gov.scot/publications/planning-enforcement-notice-appeals-form-guidance/>. The appeal must be received, or posted in time for receipt, by the Planning and Environmental Appeals Division before the date on which this Notice takes effect. The Planning and Environmental Appeals Division acts on behalf of Scottish Ministers and has no power to consider an appeal that is not submitted on time.

The appeal, which must be made in writing, must be based on one or more of the grounds set out in Section 130(1) subsections (b) to (g) of the Act, and you should state the facts on which you propose to rely in support of each of the grounds of the appeal. The grounds of appeal and the statement of facts must be submitted with your appeal or within 14 days of your being required to do so by the Scottish Ministers.

If you lodge an appeal, the Enforcement Notice will be suspended and will not take effect until such time as the appeal is withdrawn or dismissed.

Penalties for Non-Compliance with an Enforcement Notice

In terms of section 136 of the Act, where an enforcement notice requires the discontinuance of a use of land or compliance, in respect of a use of land or the carrying out of operations, with any conditions or limitations, then any person who, without the grant of planning permission uses the land or causes or permits it to be used, or carries out those operations or causes or permits them to be carried out, is guilty of an offence and liable on summary conviction to **a fine not exceeding £50,000, or on conviction on indictment to an unlimited fine**. Furthermore, if the use is continued after conviction the person may be convicted of a second or subsequent offence.

Fixed Penalty Notices

Alternatively, in terms of section 136A of the Act, the Council may serve a fixed penalty notice offering you the opportunity to discharge any liability for conviction. The payment required under the terms of such a notice would be £2,000 if paid within 30 days from the day following the date of service of the notice (reduced to £1,500 if paid within 15 days). There is no right of appeal against a fixed penalty notice.

A fixed penalty notice can be served in respect of a failure to comply with each step required to be taken by the Enforcement Notice or each activity the Enforcement Notice requires to be ceased. Consequently, several fixed penalty notices could be issued.

Direct Action for Non-compliance with an Enforcement Notice

If the steps required by an Enforcement Notice are not taken within the specified period(s), the Council may enter the land and take Direct Action under Section 135 of the Act, to meet those requirements. Please note that it is an offence for any person to wilfully obstruct a person acting in the exercise of such Direct Action. Furthermore, all reasonable costs incurred by the Council during this process, including administration expenses, will be recovered from the owner, or lessee of the land.

If a fixed penalty is paid, the Council retains the power to take direct action to remedy the breach and recover any associated costs.

Further Offences

Compliance with the terms of an enforcement notice does not discharge the notice. It will continue in effect and any repetition of the breach of control may incur further penalties or may result in direct action by the Council.

SCHEDULE 2

**EXTRACTS OF RELEVANT LEGISLATION FOR THOSE IN RECEIPT OF
AN
ENFORCEMENT NOTICE**

Relevant Legislation

A copy of Sections 123, 124, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136 and 136A of the Town and Country Planning (Scotland) Act 1997 (as amended) is below.

Section 123. Expressions used in connection with enforcement.

- (1) For the purposes of this Act -
 - (a) carrying out development without the required planning permission, or
 - (b) failing to comply with any condition or limitation subject to which planning permission has been granted, or
 - (c) initiating development without giving notice in accordance with section 27A(1) of this Act, or
 - (d) carrying out development without displaying a notice in accordance with section 27C(1) of this Act, constitutes a breach of planning control.
- (2) For the purposes of this Act -
 - (a) the issue of an enforcement notice, or
 - (b) the service of a breach of condition notice, under this Part constitutes taking enforcement action as does the issuing of a notice under section 33A.
- (3) In this Part “planning permission” includes planning permission under Part III of the 1947 Act and Part III of the 1972 Act.

Section 124. Time limits.

- (1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining, or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of 4 years beginning with the date on which the operations were substantially completed.
- (2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of 4 years beginning with the date of the breach.
- (3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach.
- (4) Subsections (1) to (3) do not prevent—
 - (a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect, or
 - (b) taking further enforcement action in respect of any breach of planning control if, during the period of 4 years ending with that action being taken, the planning authority have taken or purported to take enforcement action in respect of that breach.

Section 127. Issue of enforcement notice

- (1) The planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where it appears to them -
 - (a) that there has been a breach of planning control, and
 - (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- (2) A copy of an enforcement notice shall be served -
 - (a) on the owner and on the occupier of the land to which it relates, and
 - (b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by this notice.
- (3) The service of the notice shall take place -
 - (a) not more than 28 days after its day of issue, and
 - (b) not less than 28 days before the date specified in it as the date on which it is to take effect.

Section 128. Contents and effect of notice.

- (1) An enforcement notice shall state -
 - (a) the matters which appear to the planning authority to constitute the breach of planning control, and
 - (b) the paragraph of section 123(1) within which, in the opinion of the authority, the breach falls.
- (2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.
- (3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.
- (4) Those purposes are -
 - (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
 - (b) remedying any injury to amenity which has been caused by the breach.
- (5) An enforcement notice may, for example, require -
 - (a) the alteration or removal of any buildings or works,
 - (b) the carrying out of any building or other operations,
 - (c) any activity on the land not to be carried on except to the extent specified in the notice, or
 - (d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.
- (6) An enforcement notice issued in respect of a breach of planning control consisting of demolition of a building may require the construction of a building (in this section referred to as a “replacement building”) which, subject to subsection (7), is as similar as possible to the demolished building.
- (7) A replacement building -
 - (a) must comply with any requirement imposed by or under any enactment applicable to the construction of buildings,
 - (b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control, and
 - (c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b) of this subsection).

- (8) An enforcement notice shall specify the date on which it is to take effect and, subject to section 131(3), shall take effect on that date.
- (9) An enforcement notice shall specify the period for compliance with the notice at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities.
- (10) Where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.
- (11) An enforcement notice shall specify such additional matters as may be prescribed.
- (12) Regulations may require every copy of an enforcement notice served under section 127 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 130.
- (13) Where -
 - (a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so, and
 - (b) all the requirements of the notice have been complied with, then, so far as the notice did not so require, planning permission shall be treated as having been granted under section 33 in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.
- (14) Where -
 - (a) an enforcement notice requires the construction of a replacement building, and
 - (b) all the requirements of the notice with respect to that construction have been complied with, planning permission shall be treated as having been granted under section 33 in respect of development consisting of that construction.

Section 129. Variation and withdrawal of enforcement notice.

- (1) The planning authority may -
 - (a) withdraw an enforcement notice issued by them, or
 - (b) waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 128(9).
- (2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.
- (3) The planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were reissued, be served with a copy of it.
- (4) The withdrawal of an enforcement notice does not affect the power of the planning authority to issue a further enforcement notice.

Section 130. Appeal against enforcement notice.

- (1) A person on whom an enforcement notice is served or any other person having an interest in the land may, at any time before the date specified in the notice as the date on which it is to take effect, appeal to the Secretary of State against the notice on any of the following grounds:
 - (a) [...]
 - (b) that the matters which, by virtue of section 128(1)(a) have been stated in the notice, have not occurred.
 - (c) that those matters (if they occurred) do not constitute a breach of planning control.
 - (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
 - (e) that copies of the enforcement notice were not served as required by section 127.
 - (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
 - (g) that any period specified in the notice in accordance with section 128(9) falls short of what should reasonably be allowed.
- (2) An appeal under this section shall be made -
 - (a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect.
 - (b) by sending such notice to him in a properly addressed and prepaid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date; or
 - (c) by sending such notice to them using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to them before that date.
- (3) A person who gives notice under subsection (2) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing -
 - (a) specifying the grounds on which he is appealing against the enforcement notice, and
 - (b) giving such further information as may be prescribed.

Section 136. Offence where enforcement notice not complied with.

- (1) Where, at any time after the end of the compliance period in respect of an enforcement notice, any step required by the notice to be taken has not been taken or any activity required by the notice to cease is being carried on, the person who is then the owner of the land is in breach of the notice.
- (2) Where the owner of the land is in breach of the notice, he shall be guilty of an offence.
- (3) In proceedings against any person for an offence under subsection (2), it shall be a defence for him to show that he did everything he could be expected to do to secure compliance with the notice.
- (4) A person who has control of or an interest in the land to which an enforcement notice relates (other than the owner) must not carry on any activity which is required by the notice to cease or cause or permit such an activity to be carried on.
- (5) A person who, at any time after the end of the period for compliance with the notice, contravenes subsection (4) shall be guilty of an offence.
- (6) An offence under subsection (2) or (5) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under the subsection in question by reference to any period of time following the preceding conviction for such an offence.

- (7) Where -
- (a) a person charged with an offence under this section has not been served with a copy of the enforcement notice, and
 - (b) the notice is not contained in the appropriate register kept under section 147; it shall be a defence for him to show that he was not aware of the existence of the notice.
- (8) A person guilty of an offence under this section shall be liable -
- (a) on summary conviction, to a fine not exceeding £50,000, and
 - (b) on conviction on indictment, to a fine.
- (9) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.

Section 136A. Fixed penalty notice where enforcement notice not complied with.

- (1) Where a planning authority have reason to believe that, by virtue of subsection (1) of section 136, a person is in breach of an enforcement notice they may, provided that the conditions mentioned in subsection (7) are satisfied, serve on him a fixed penalty notice as respects that breach.
- (2) The fixed penalty notice is to specify -
- (a) the step specified, under subsection (3) of section 128, in the enforcement notice which has not been taken, or
 - (b) the activity so specified which has not ceased.
- (3) It is not competent to serve more than one fixed penalty notice in relation to a particular step or activity.
- (4) For the purposes of this section, a “fixed penalty notice” is a notice offering the person the opportunity of discharging, by paying to the planning authority, within the period of 30 days which immediately follows the day on which that notice is served, a penalty of an amount (being a prescribed amount) specified in the notice, any liability to conviction for an offence under section 136 as respects the breach of the enforcement notice.
- (5) But if payment is made within the first 15 days of the period mentioned in subsection (4) the amount payable is reduced by 25%.
- (6) The fixed penalty notice is to identify the period mentioned in subsection (4) and is also to state that if payment is made within the first 15 days of that period the amount payable is reduced by 25%.
- (7) The conditions are that the fixed penalty notice -
- (a) is served within the period of 6 months which immediately follows the compliance period in relation to the enforcement notice, and
 - (b) is not served after the person has been charged with an offence under section 136 as respects the breach of the enforcement notice.
- (8) During the period mentioned in subsection (4) it is not competent to commence proceedings against the person for an offence under section 136 as respects that breach.
- (9) If the amount (or as the case may be the reduced amount) is timeously paid it is not competent to commence proceedings against the person for an offence under section 136 as respects that breach.
- (10) A penalty received by a planning authority by virtue of subsection (4) is to accrue to that authority.

- (11) In prescribing an amount for the purposes of subsection (4), the Scottish Ministers may make different provision for different cases or for different classes of case.

The Town and Country Planning (Appeals) (Scotland) Regulations 2013

Part 4 of the Town and Country Planning (Appeals) (Scotland) Regulations 2013 provides (under regulations 14-16) some detailed procedural requirements for appeals against enforcement notices (**section 130** of the Town and Country Planning (Scotland) Act 1997).

A copy of regulations 14, 15 and 16 of the Town and Country Planning (Appeals) (Scotland) Regulations 2013 is below.

Statement of appeal

14.— (1) The appellant must at the same time as giving notice of appeal to the Scottish Ministers under section 130(2), 169(2) or 180(2) of the Act or section 35(2) of the Listed Buildings Act, as the case may be, submit a statement (“statement of appeal”) on a form obtained from the Scottish Ministers.

- (2) The statement of appeal, in addition to specifying the grounds of appeal as required by section 130(3)(a) (and as applied by section 180(3)) or 169(3) of the Act or section 35(4)(a) of the Listed Buildings Act, as the case may be, is to give the information specified in paragraph (3).
- (3) The information is—
- (a) all matters which the appellant intends to raise in the appeal.
 - (b) the name and address of the appellant.
 - (c) a copy of the notice against which the appeal is made.
 - (d) the name and address of the representative of the appellant (if any) and whether any notice or other correspondence which is required by these Regulations to be sent to the appellant should be sent to the representative instead of the appellant; and
 - (e) a note of the matters which the appellant considers require determination and by what, if any, procedure (or combination of procedures) mentioned in regulation 9(4) the appellant considers the appeal should be determined.
- (4) The statement of appeal is to be accompanied by copies of all documents, materials and evidence which the appellant intends to rely on in the appeal.
- (5) In addition to matters set out in the statement of appeal and the documents accompanying the statement of appeal, the appellant may raise matters only in accordance with and to the extent permitted by regulations 11 and 15, the Hearing Session Rules and the Inquiry Session Rules.
- (6) The following provisions apply in relation to appeals under sections 130, 169 and 180 of the Act and an appeal under section 35 of the Listed Buildings Act—
- (a) this Part and Parts 1, 3, 9 (other than regulation 29) and 10; and
 - (b) the Hearing Session Rules and the Inquiry Session Rules.

- (7) These Regulations apply to an appeal under section 130 as applied by regulation 25 of the 1984 Regulations as they apply to an appeal under section 130 of the Act as if references to an enforcement notice were references to an enforcement notice served under regulation 24 of the 1984 Regulations.

Intimation of appeal to planning authority and planning authority's response

15.— (1) The appellant must at the same time as giving the notice of appeal to the Scottish Ministers send to the planning authority a copy of—

- (a) the notice of appeal.
- (b) the statement of appeal; and
- (c) all documents, materials, and evidence which the appellant intends to rely on in the appeal and which accompanied the statement of appeal in accordance with regulation 14(4).

(2) The planning authority must, not later than 21 days beginning with the date of receipt of notification of an appeal under paragraph (1), send to the Scottish Ministers and the appellant—

- (a) a statement (“the planning authority’s response”) incorporating a response to each ground of appeal and stating the matters which the planning authority consider require determination and by what, if any, procedure (or combination of procedures) mentioned in regulation 9(4) the planning authority wish the appeal to be conducted; and
- (b) copies of documents which were before the planning authority, and which were taken into account in reaching its decision to issue the notice which is the subject of the appeal.

(3) The appellant may, within 14 days beginning with the date of receipt of the planning authority’s response, send to the Scottish Ministers and the planning authority comments on any matters raised in the planning authority’s response.

(4) The planning authority must until such time as the appeal is determined make copies of—

- (a) the notice of appeal.
- (b) the statement of appeal.
- (c) the planning authority’s response and any comments made under paragraph (3); and
- (d) documents which accompanied the statement of appeal, or which were sent with the planning authority’s response,

available for inspection at an office of the planning authority and to afford any interested party who so requests an opportunity to inspect and, where practicable, to take copies of any such documents (or any part thereof).

Notification to other parties

16.— (1) The planning authority must not later than 14 days following notification of the appeal under regulation 14 give notice of the appeal to each person (other than the appellant) on whom the enforcement notice, listed building enforcement notice or the notice under section 168 or 179 of the Act, as the case may be, was served.

(2) Notice under paragraph (1) is to—

- (a) state the name of the appellant and the address of the land to which the appeal relates.

- (b) describe the steps required by the notice to which the appeal relates.
 - (c) state that representations may be made to the Scottish Ministers and provide information as to how and by when such representations may be made.
 - (d) state where a copy of the notice of appeal, the statement of appeal and the planning authority's response may be inspected.
- (3) The period allowed for making representations is to be no less than 14 days from the date on which notice is given under paragraph (1).

ENFORCEMENT NOTICE UNDER REFERENCE ED2022/0071/ENF

APPENDIX 1.

PLANNING PERMISSION GRANTED UNDER TP/ED/18/0528.

Planning Permission granted on 25 September 2018 under application reference TP/ED/18/0528 for the construction of a two-storey side extension and a single storey rear extension to the dwellinghouse at 52 Duncryne Place, Bishopbriggs, G64 2DP.

1. Planning Permission Decision Notice – TP/ED/18/0528
2. Report of Handling

Plans detailing the proposed development as listed and identified by the Council as:

3. **PL7 REVISED PROPOSED FLOOR PLANS** (GM Civil and Structural Consulting Engineers Ltd., Drawing Number: PL4 - 'Proposed Ground & First Floor Layouts' - Revision 'A'),
4. **PL8 REVISED PROPOSED ELEVATIONS** (GM Civil and Structural Consulting Engineers Ltd., Drawing Number: PL6 - 'Proposed Elevations' - Revision 'A'), and
5. **PL9 REVISED BLOCK PLAN** (GM Civil and Structural Consulting Engineers Ltd., Drawing Number: PL2 - 'Proposed Block Plan & Location Plan' - Revision 'B'),

**FULL PLANNING PERMISSION CONSENT
NOTICE NO. TP/ED/18/0528**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC. (SCOTLAND) ACT 2006**

Applicant

Mr & Mrs G Maxwell
52 Duncryne Place
Bishopbriggs
UK
G64 2DP

Agent (if applicable)

Colin Hardie
Hardie Associates Ltd
78 Hopetoun Street
Bathgate
West Lothian
EH484PD

With reference to your application dated 23 July 2018 for consent to the following;

two storey and single storey rear and side extension

52 Duncryne Place, Bishopbriggs, East Dunbartonshire, G64 2DP

The East Dunbartonshire Council in exercise of their powers under the Acts and Orders hereby grant planning permission for the said development in accordance with the plan(s) listed below and the particulars given in the application

1. Having taken account of all material considerations the proposal is considered to be acceptable in meeting the Development Plan. The proposal is compatible with its surrounds in terms of land use, design and scale and will not cause any unacceptable impact to surrounding properties.

Advisory Notes(s):

1. That the development hereby consented shall not start until a Notice of Initiation has been submitted to the Planning Authority. A copy can be obtained from <https://www.eastdunbarton.gov.uk/residents/planning-and-building-standards/planning-applications/after-decisions-what-do-next>.
2. On completion of the development, you are also required to submit written notification to this Council by completing and returning a Notice of Completion. A copy can be obtained from <https://www.eastdunbarton.gov.uk/residents/planning-and-building-standards/planning-applications/after-decisions-what-do-next>.
3. The development to which this permission relates must begin no later than 3 years from the date of this permission.
4. This permission does not exempt you from obtaining a Building Warrant under the Building (Scotland) Acts. For further information, please contact Building Standards (0141) 578 8600.

The following documents make up the decided application and can be found by searching for TP/ED/18/0528 on the council's Search Planning Application page (<http://planning.eastdunbarton.gov.uk/online-applications>):

| | |
|-----|-------------------------------------|
| PL1 | APPLICATION |
| PL3 | EXISTING FLOOR PLANS AND ELEVATIONS |
| PL5 | 3DIMAGES |
| PL? | REVISED PROPOSED FLOOR PLANS |

Submit via our Track Planning Applications at

PLB
PL9

REVISED PROPOSED ELEVATIONS
REVISED BLOCK PLAN

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments.

Dated 25 September 2018

.....
Depute Chief Executive, Place Neighbourhood and Corporate Assets

CP
(SEE OVER)

DEVELOPMENT QUALITY REPORT

Application Number: TP/ED/18/0528 Application Type: Full planning permission

| | |
|--|---|
| Proposal two storey and single storey rear and side extension | Site 52 Duncryne Place Bishopbriggs East Dunbartonshire G642DP |
| Applicant Mr & Mrs G Maxwell 52 Duncryne Place Bishopbriggs UK 064 2DP | Agent Colin Hardie Hardie Associates Ltd 78 Hopetoun Street Bathgate West Lothian EH48 4PD |
| Date of Application 23 July 2018 | Date of Validation 26 July 2018 |
| Local Plan East Dunbartonshire Local Development Plan 2017 | Community Council Bishopbriggs Community Council |
| Ward Bishopbriggs South | Ad,ert |
| Recommendation Grant without conditions | Tare:et Determination Date 25 September 2018 |
| Case Officer Ms Nicola Smith 0141 578 8600 | Decision Type Delegated Decision |

DESCRIPTION

Two storey and single storey rear and side extension

SITE HISTORY

Planning Application: TP/ED/18 /0253

Description: two storey side and single storey rear extension

Status: Processing Application

Decision Date: 28/05/2018

Pre Application Enquiry: ENQ /ED/2018/00072

Description:

Status: Closed

POLICY CONTEXT

The application site lies within an area covered by the East Dunbartonshire Local Development Plan February 2017 and is covered by the following policies:

Policy 2 - Design and Placemaking

Policy 4 - Sustainable Transport

The following Council approved Guidance Notes are material policy considerations in the assessment of the application.

LDP Supplementary Guidance - Design and Placemaking

Guidance Note 18 - Road Layout and Design and Parking Standards

REPRESENTATIONS

| | |
|--|----|
| Number of Neighbours Notified: | 14 |
| Total Number of Contributors: | 0 |
| Number of Letters of Objections: | 0 |
| Number of Letters of Support: | 0 |
| Number of Letters of Representation (Neutral): | 0 |

Comments:

None received.

DISCUSSION WITH APPLICANT

Discussion was held with both the agent and applicant regarding the scale and massing of the original submission which was considered to be overdevelopment. Revised plans were submitted as requested and are the subject of this assessment.

CONSULTATION

None received.

ASSESSMENT

52 Duncryne Place, Bishopbriggs is a 2 storey detached property of simple brick design which lies within an established residential area with properties of differing types and sizes. The proposal is for a 2 storey side extension and single storey rear extension, including demolition of the existing garage.

Section 25 of the Town and Country Planning (Scotland) Act 1997 states that all planning determinations should be made in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. In this instance, the statutory development Plan consists of the Clydeplan 2017 and East Dunbartonshire Local Development Plan (February 2017) Scottish Planning Policy (SPP), the council's policy decisions and

Supplementary Planning Guidance relevant to the application site are also material considerations for this application.

The application is not of strategic significance and therefore will be assessed against the provisions of the Local Development Plan.

Policy 2 - Design and Placemaking requires that developments should be designed to ensure a positive impact on the character, function and amenity of the surrounding area. This is further addressed in the guidance notes which requires that all extensions should be designed to be visually integrated with the existing building; sympathetic to its surrounding and adjacent properties and subservient in mass, scale and form to the existing property. The aim of any design should be to allow the house to maintain its original appearance and predominance over an extension.

Design and Streetscene

The proposal includes demolition of the existing detached garage situated at the north west of the rear garden, a rear single storey extension, and a 2 storey side extension. This proposal has been reduced in scale from the original proposal whereby the side extension was to extend to the rear incorporating a first floor extension over the existing garage positioned at the rear of the house. The scale and massing of this submission was considered unacceptable and following discussions with the agent and applicant, it was agreed that a more appropriate scale of development would be submitted.

The side extension is proposed to be stepped back from the front building line of the house by 250mm, set below the ridgeline and will continue 8.4 metres to the existing rear building line of the house. The rear extension will be 4 metres in length and 7.7 metres wide. Materials of the side extension will match those of the existing dwelling with white roughcast render, facing brick and concrete roof tiles. The rear extension will be faced in black vertical weatherboard cladding and roughcast render to match existing. It will have a pitched roof at sloping from beneath the existing upper floor windows at a height of 3.6 metres upwards at 15 degrees towards the rear of the extension to a height of 4.3 metres. This more unusual style of roof is not considered to have a negative impact on the style of the original property. The proposed rear extension will not cover more than 33% of the original private garden of the property since the existing garage is to be demolished and access to the rear will be retained.

Residential Amenity

The policies and guidance notes also require that residential amenity will be strongly protected. In this instance the house is situated towards the end of a cu de sac and in a pocket of properties where private rear garden ground is relatively small. The house is situated adjacent to a bungalow which is set back from the building line of the street in a corner plot. The addition of the 2 storey extension to the side of 52 Duncryne Place will not have an impact of the residential amenity of the private garden area of the bungalow to the rear and is therefore considered acceptable.

In terms of overlooking and privacy the rear extension, the distance between the proposed windows of the rear extension will be 12 metres from the property to the rear at 8 Clovergate which meets the required minimum window to window distance for windows at an angle of 55 degrees. Potential overlooking from proposed first floor windows has been mitigated by the reduction to a single storey to the rear, and the additional window facing rear on the side extension will serve an ensuite with obscure glazing.

Conclusion

Taking the above into consideration the proposal will not have an adverse impact on the property, neighbours and wider street scene nor will it compromise local development plan policies and guidance. It is therefore recommended that planning permission be approved.

RECOMMENDATION

Grant without conditions.

Advisory Notes(s):

I. That the development hereby consented shall not start until a Notice of Initiation has been submitted to the Planning Authority. A copy can be obtained from <https://www.eastdunbarton.gov.uk/residents/planning-and-building-standards/planning-applications/after-decisions-what-do-next>.

2. On completion of the development, you are also required to submit written notification to this Council by completing and returning a Notice of Completion. A copy can be obtained from <https://www.eastdunbarton.gov.uk/residents/planning-and-building-standards/planning-applications/after-decisions-what-do-next>.

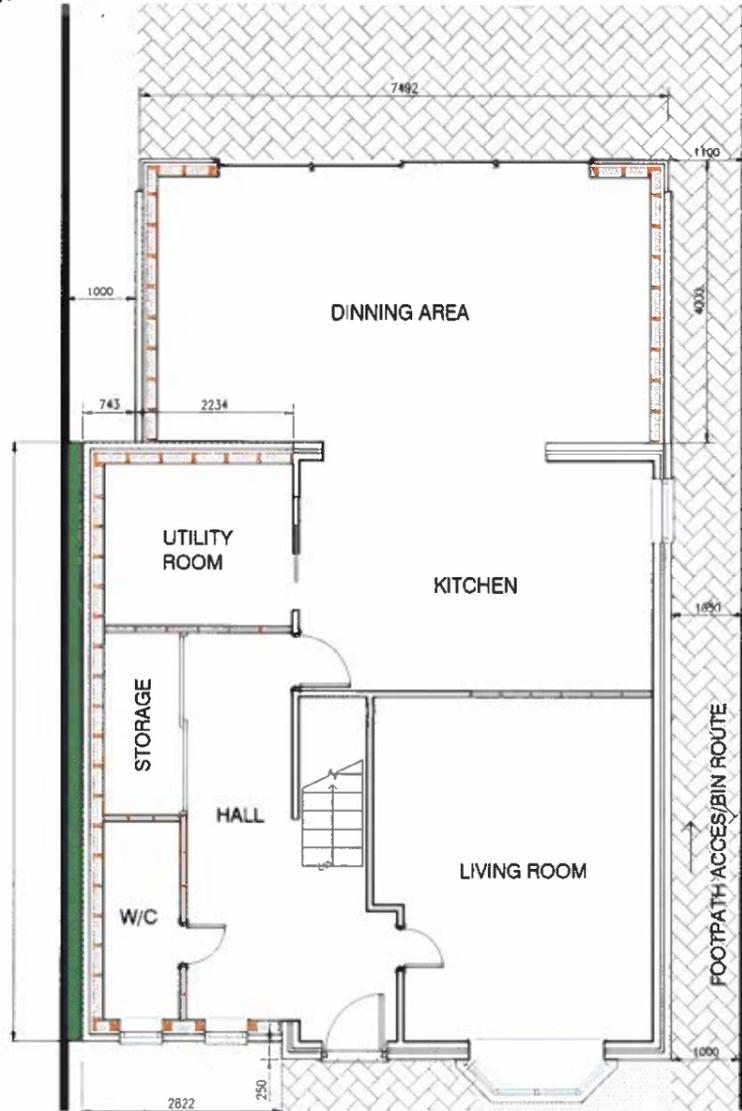
3. The development to which this permission relates must begin no later than 3 years from the date of this permission.

4. This permission does not exempt you from obtaining a Building Warrant under the Building (Scotland) Acts. For further information, please contact Building Standards (0141) 578 8600.

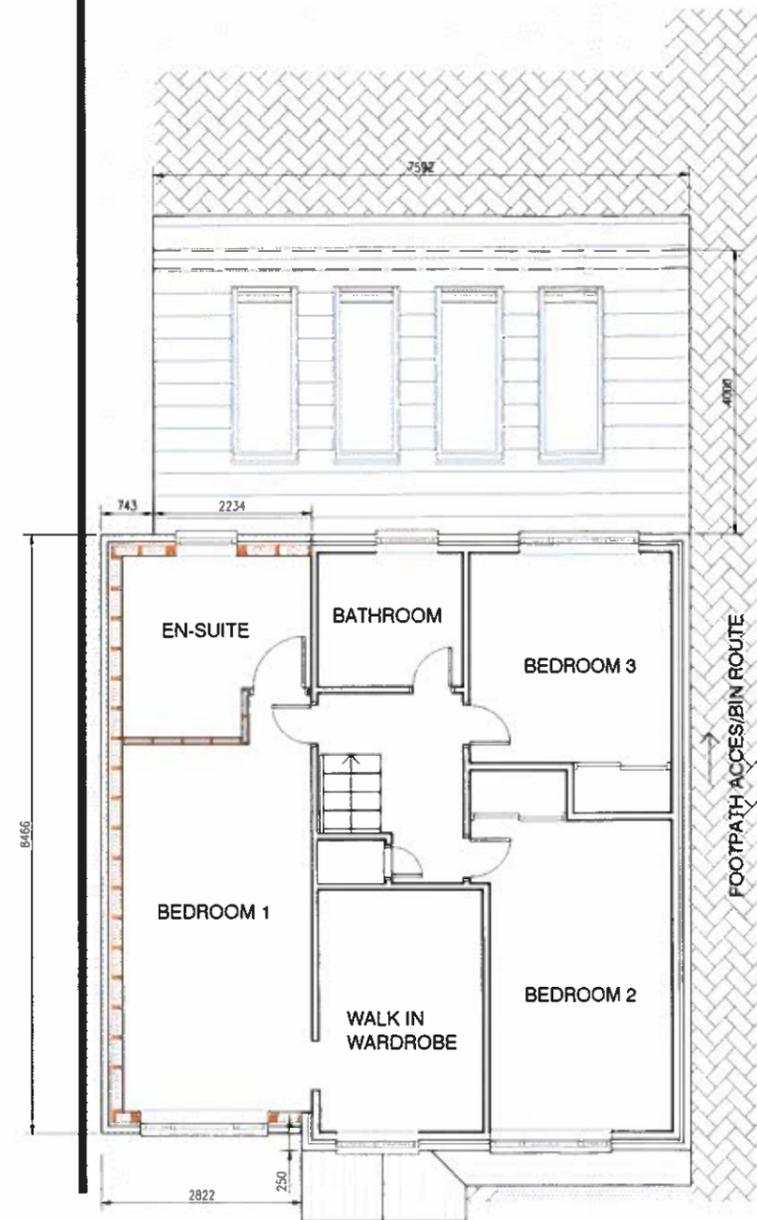
9u(};).

Depute Chief Executive, Place, Neighbourhood and Corporate Assets

PL7 REVISED PROPOSED FLOOR PLANS (GM Civil and Structural Consulting Engineers Ltd., Drawing Number: PL4 - 'Proposed Ground & First Floor Layouts' - Revision 'A'),



PROPOSED GROUND FLOOR LAYOUT



PROPOSED FIRST FLOOR LAYOUT

DO NOT SCALE.

- All drawings are to be read in conjunction with the Specification and all the relevant Architects and Specialist Drawings.
- It is the Contractor's responsibility to check all dimensions on site. Dimensions MUST NOT be scaled from the drawing.
- Any discrepancies between the drawing and the actual site conditions should be reported immediately to the Engineer.

LEGEND

| | |
|--|--------------------------------|
| | Denotes Grass Soft Landscaping |
| | Denotes Footpath |

| | | | |
|---|--|----------|-------|
| A | Drawings amended in line with Planning Officers comments | 12/09/18 | GM/MC |
| | Initial Issue | 31/08/18 | MC/SW |
| | Amendments | 04/09/18 | SW/ST |

PLANNING



GM Civil and Structural Consulting Engineers Ltd
 1st Floor, Grove House
 1 Kilmartin Place
 Trenchard Business Park
 Uddingston
 G71 5PH
 Tel: 01998 816455
 Email: info@gm-cslandstructural
 Web: gm-cslandstructural.co.uk

Project No:
PROPOSED EXTENSION TO DWELLING AT 52 DUNCRYNE PLACE BISHOPBRIGGS

Client:
MR & MRS MAXWELL

Drawing No:
PROPOSED GROUND & FIRST FLOOR LAYOUTS

Scale:
 1:50 (20'0")
 Sheet Size: A1, Plot: 1:1

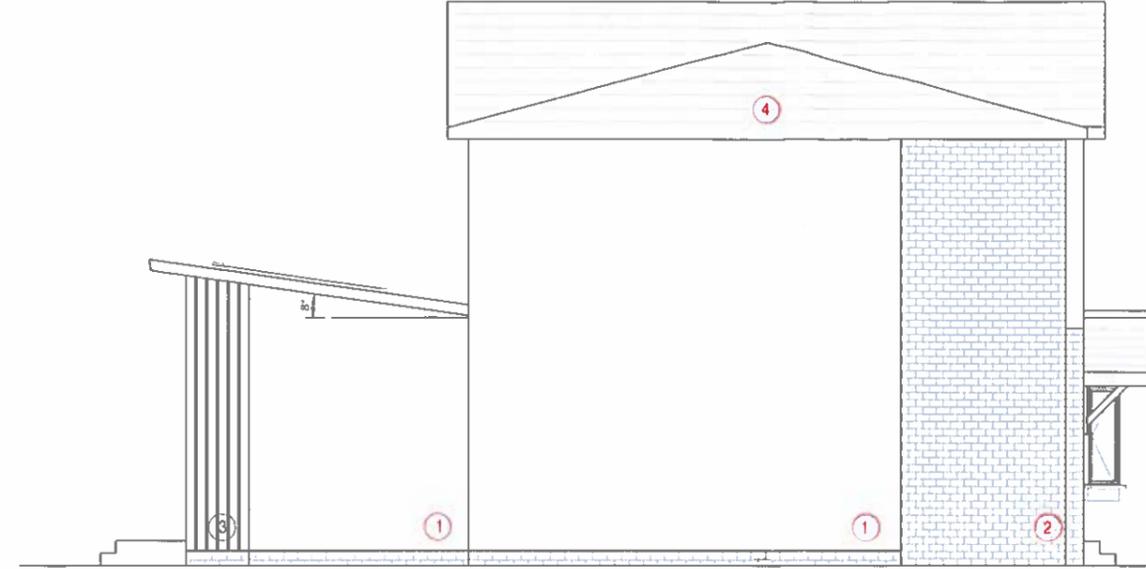
| | | |
|-------------|-------------|-----------|
| Project No: | Drawing No: | Revision: |
| 8388 | PL4 | A |



PROPOSED FRONT ELEVATION

MATERIALS LEGEND

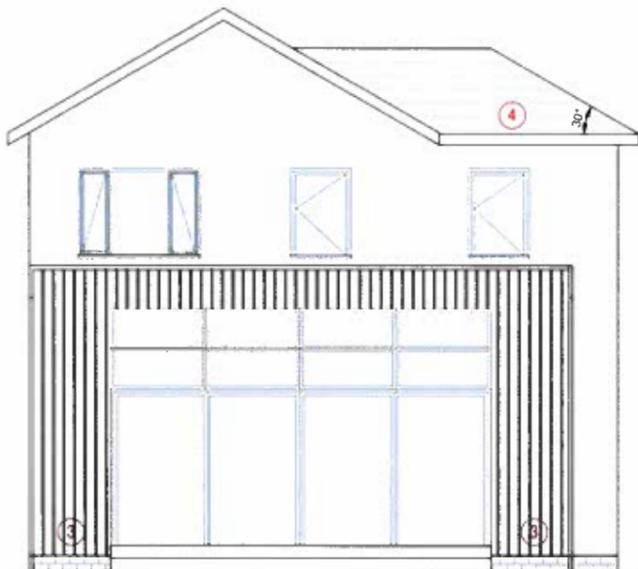
- 1 WHITE ROUGHCAST RENDER TO MATCH EXISTING
- 2 FACING BRICK TO MATCH EXISTING
- 3 BLACK VERTICAL WEATHERBOARD CLADDING
- 4 CONCRETE ROOF TILES TO MATCH EXISTING



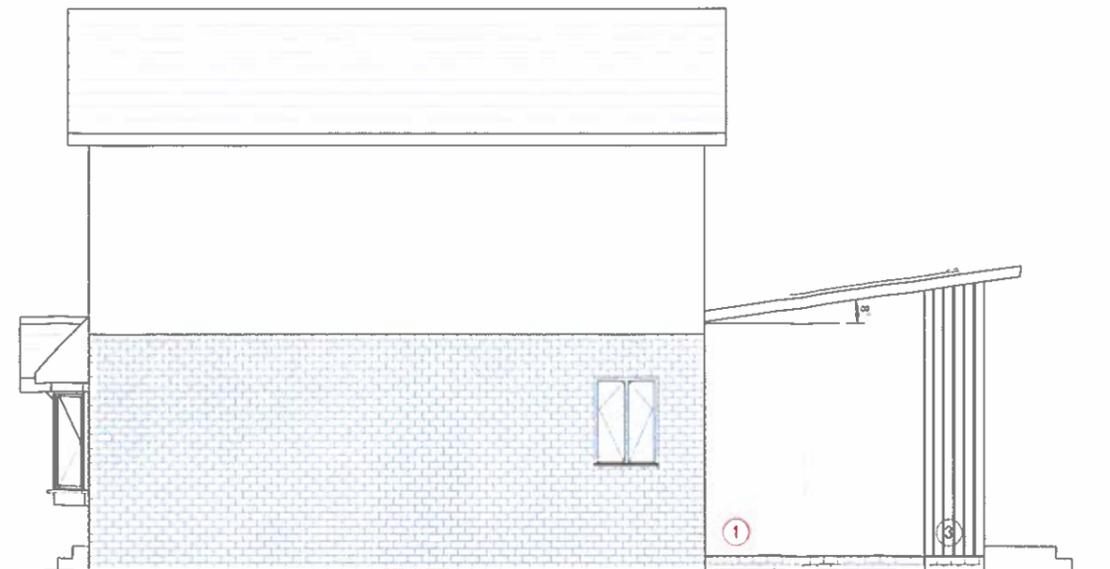
PROPOSED SIDE ELEVATION

MATERIALS LEGEND

- 1 WHITE ROUGHCAST RENDER TO MATCH EXISTING
- 2 FACING BRICK TO MATCH EXISTING
- 3 BLACK VERTICAL WEATHERBOARD CLADDING
- 4 CONCRETE ROOF TILES TO MATCH EXISTING



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

DO NOT SCALE.

- 1 All drawings are to be read in conjunction with the Specification and all the relevant Architects and Specialist Drawings
- 2 It is the Contractor's responsibility to check all dimensions on site. Dimensions MUST NOT be scaled from the drawing
- 3 Any discrepancies between this drawing and the actual site conditions should be reported immediately to the Engineer

| No | Amendments | Date | By | Drn |
|----|--|----------|----|-----|
| A | Drawings amended in line with Planning Officers comments | 12/09/18 | GM | MC |
| | Initial Issue | 31/08/18 | MC | GM |

PLANNING



GM Civil and Structural Consulting Engineers Ltd
 1st Floor, Greve House
 1 Kilmartin Place
 Tannochside Business Park
 Ludington
 G71 5PH
 Tel: 01598 810455
 Email: info@gmcs.co.uk
 Web: gmcs.co.uk

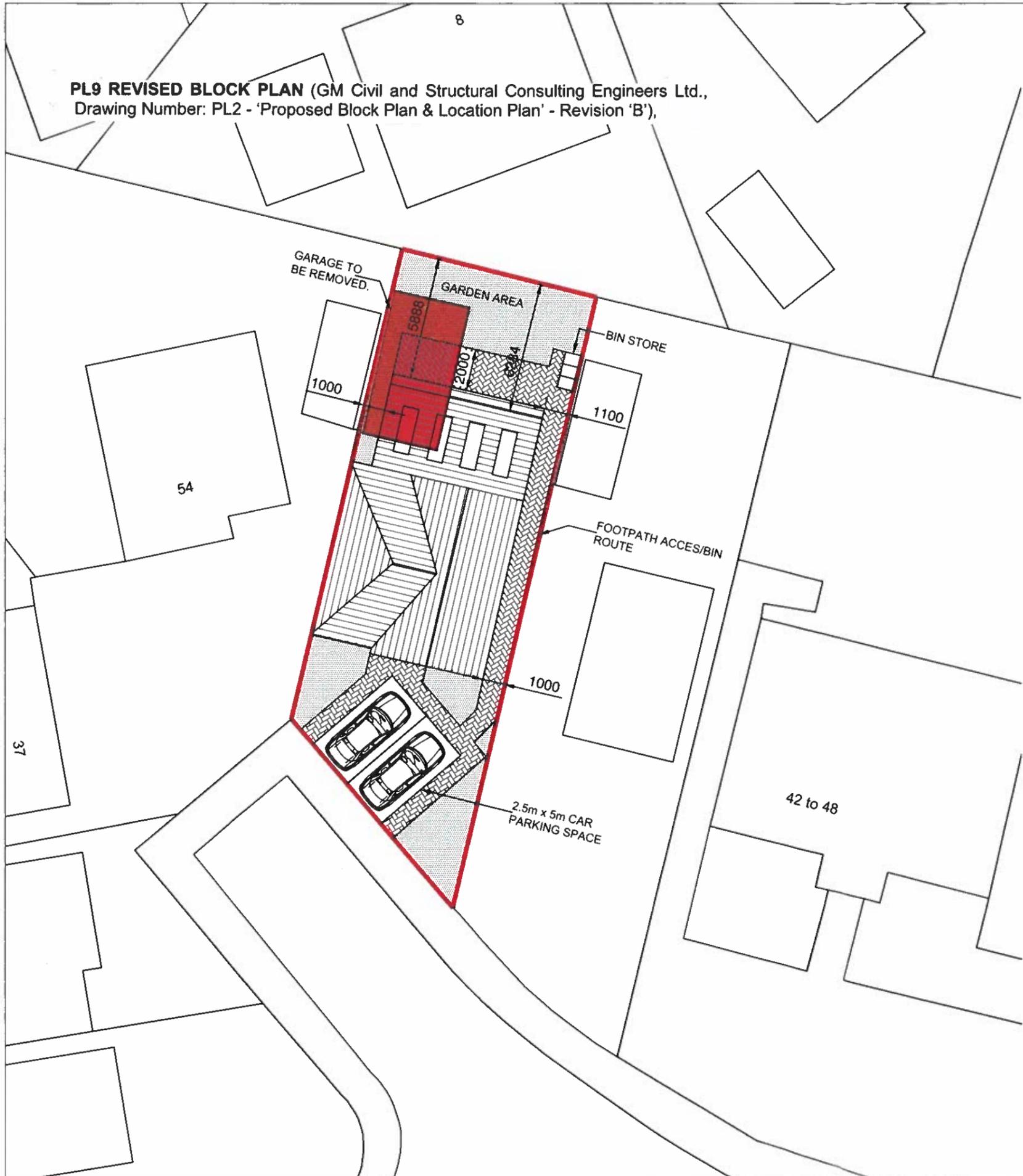
Project Title
PROPOSED EXTENSION TO DWELLING AT 52 DUNCRYNE PLACE BISHOPBRIGGS

Date
MR & MRS MAXWELL

Drawing Title
PROPOSED ELEVATIONS

| Scale | Sheet No | Total No |
|-------------|----------|----------|
| 1:50 (20:1) | A1 | 1 of 1 |
| 8388 | PL6 | A |

PL9 REVISED BLOCK PLAN (GM Civil and Structural Consulting Engineers Ltd.,
Drawing Number: PL2 - 'Proposed Block Plan & Location Plan' - Revision 'B'),



Location Plan 1:1250

DO NOT SCALE.

1. All drawings are to be read in conjunction with the Specification and all the relevant Architects and Specialists Drawings.
2. It is the Contractors responsibility to check all dimensions on site. Dimensions MUST NOT be scaled from this drawing.
3. Any discrepancies between this drawing and the actual site conditions should be reported immediately to the Engineer.

LEGEND

-  Denotes Grass/Soft Landscaping
-  Denotes Footpath

| Amendments | Date | By | CHK. |
|--|----------|-------|------|
| B | 18.09.18 | GM/MC | |
| Exist Garage added to Drawings in line with Planning Officers comments | | | |
| A | 12.09.18 | GM/MC | |
| Drawings amended in line with Planning Officers comments | | | |
| | 08.09.18 | HC | GM |
| Initial Issue | | | |

PLANNING



GM Civil and Structural Consulting Engineers Ltd
1st Floor, Grove House
1 Kilmartin Place
Tannochside Business Park
Uddingston
G71 5PH

Tel: 01698 816455
Email: info@gmcivilandstructural.co.uk
Web: gmcivilandstructural.co.uk

Project Title
**PROPOSED EXTENSION TO DWELLING
AT 52 DUNCRYNE PLACE
BISHOPBRIGGS**

Client
MR & MRS MAXWELL

Drawing Title
PROPOSED BLOCK & LOCATION PLAN

Scale
1:1250, 200

| Project No | Drawing No | Revision |
|------------|------------|----------|
| 8388 | PL2 | B |



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East Dunbartonshire Council

www.eastdunbarton.gov.uk

ENFORCEMENT NOTICE UNDER REFERENCE ED2022/0071/ENF

APPENDIX 2.

REMEDIAL REQUIREMENTS TO MAKE THE DEVELOPMENT COMPLY WITH THE TERMS OF THE PLANNING PERMISSION GRANTED UNDER TP/ED/18/0528 – REMOVAL FROM ‘AS BUILT’ DEVELOPMENT.

Those parts of the building to be removed under **Step 1.** are shown outlined and hatched in red and the alterations required under **Step 2.** are shown coloured yellow on the additional unapproved drawings supplied and identified by GM Civil and Structural Consulting Engineers Ltd as:

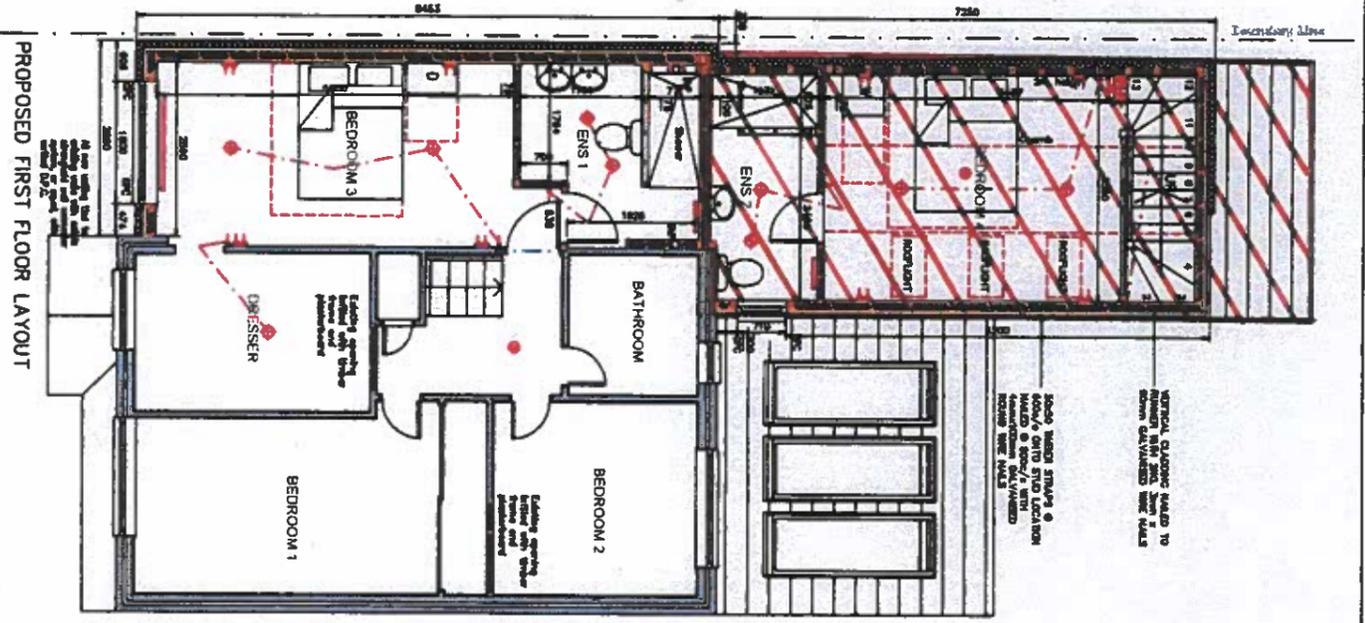
1. **A1 Revision ‘A’ – Architectural Layout, Floor Plans and Sections as Proposed,**
and
2. **A2 Revision ‘A’ – Architectural Layout, Specification and Elevations as Proposed**

Both drawings provide details of what has been built on the site.

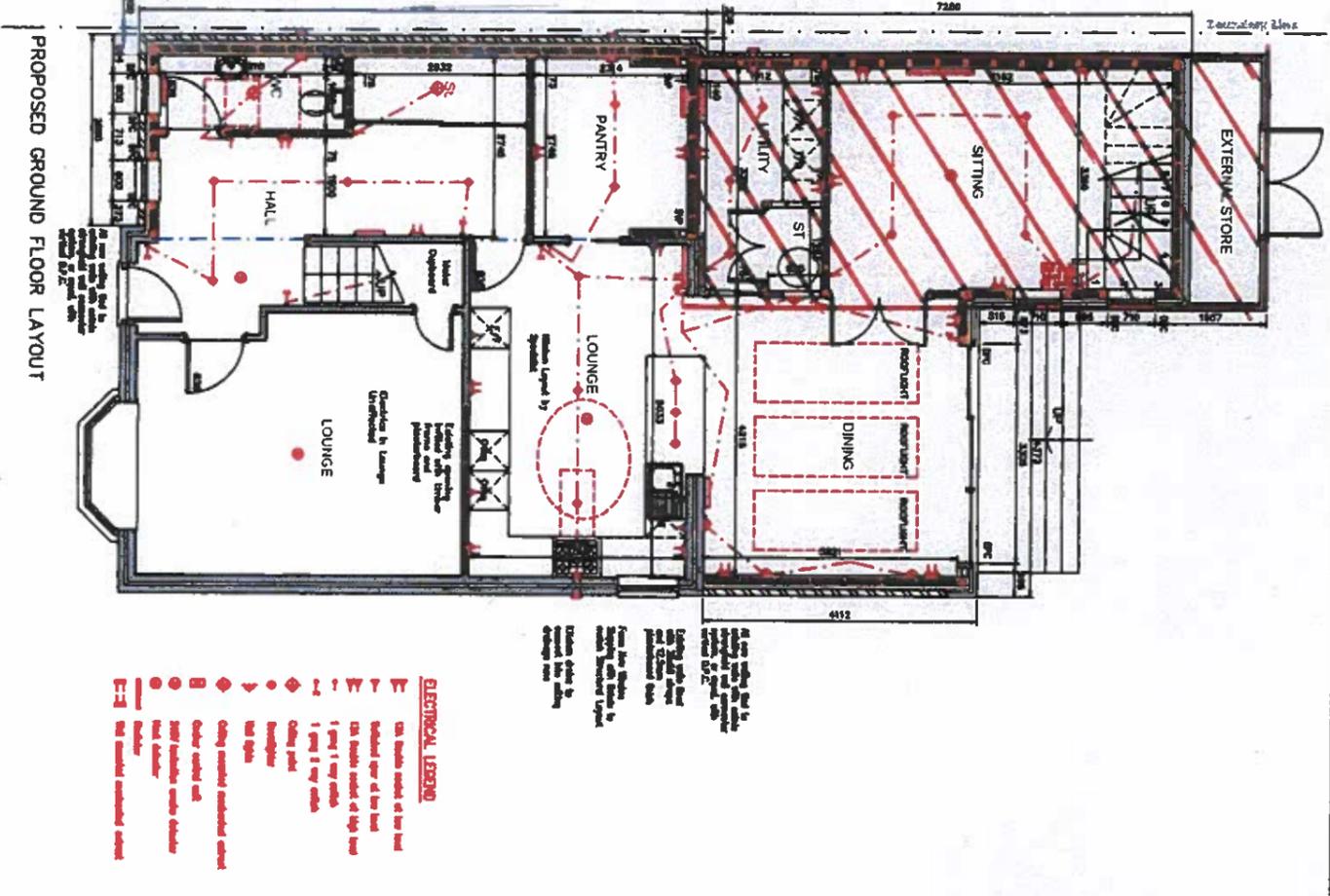
1. If the drawings are to be used for construction of the building, the contractor shall be responsible for obtaining all necessary permissions and consents from the relevant authorities. The contractor shall be responsible for ensuring that the building is constructed in accordance with the relevant building regulations and standards. The contractor shall be responsible for ensuring that the building is constructed in accordance with the relevant building regulations and standards. The contractor shall be responsible for ensuring that the building is constructed in accordance with the relevant building regulations and standards.

Step 1.
Those parts of the building to be removed under Step 1. are shown outlined and hatched in red.

Step 2.
Those parts of the building to be removed under Step 2. are shown coloured yellow.

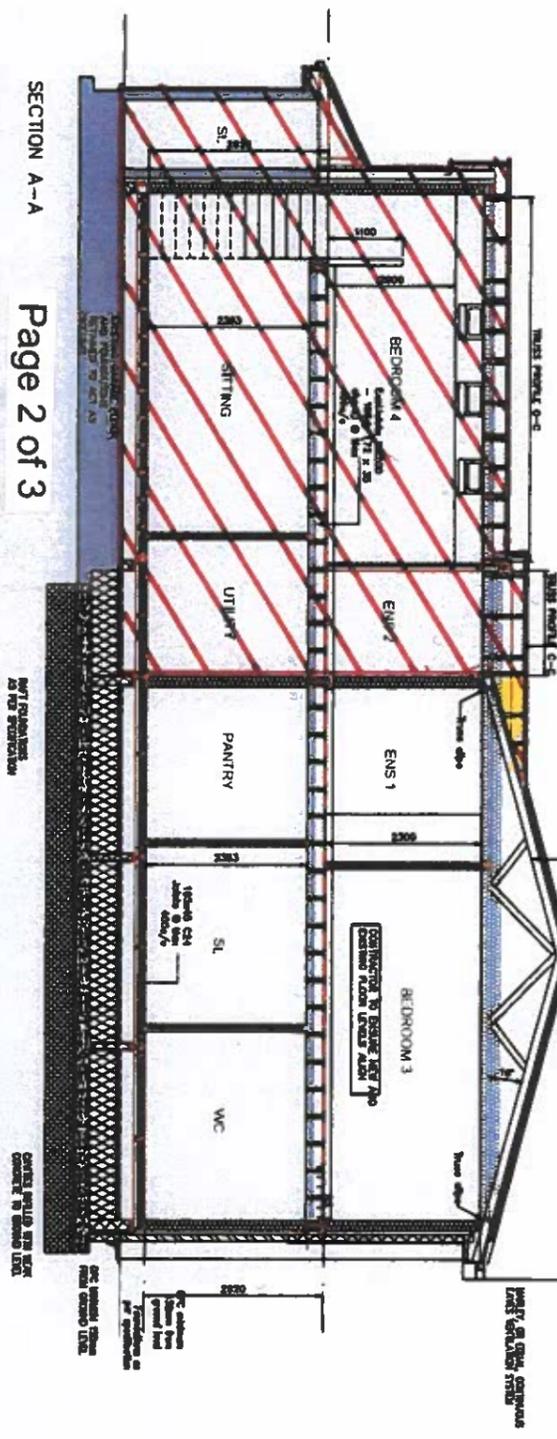


PROPOSED FIRST FLOOR LAYOUT



PROPOSED GROUND FLOOR LAYOUT

- ELECTRICAL LEGEND**
- ▶ 100mm radius of the hole
 - ▶ 150mm radius of the hole
 - ▶ 200mm radius of the hole
 - ▶ 250mm radius of the hole
 - ▶ 300mm radius of the hole
 - ▶ 350mm radius of the hole
 - ▶ 400mm radius of the hole
 - ▶ 450mm radius of the hole
 - ▶ 500mm radius of the hole
 - ▶ 550mm radius of the hole
 - ▶ 600mm radius of the hole
 - ▶ 650mm radius of the hole
 - ▶ 700mm radius of the hole
 - ▶ 750mm radius of the hole
 - ▶ 800mm radius of the hole
 - ▶ 850mm radius of the hole
 - ▶ 900mm radius of the hole
 - ▶ 950mm radius of the hole
 - ▶ 1000mm radius of the hole



SECTION A-A

PLANNING



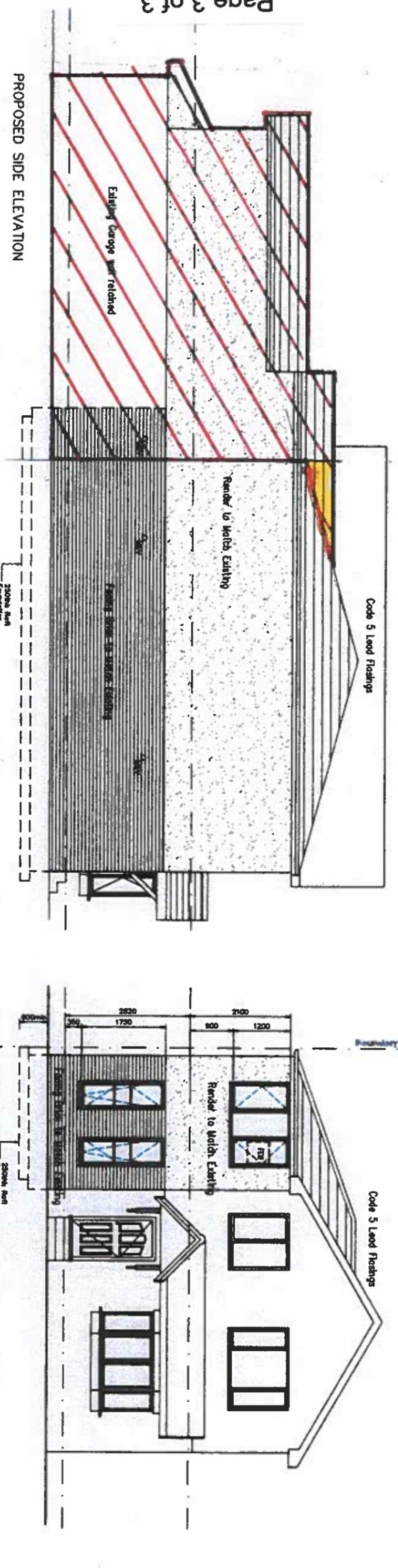
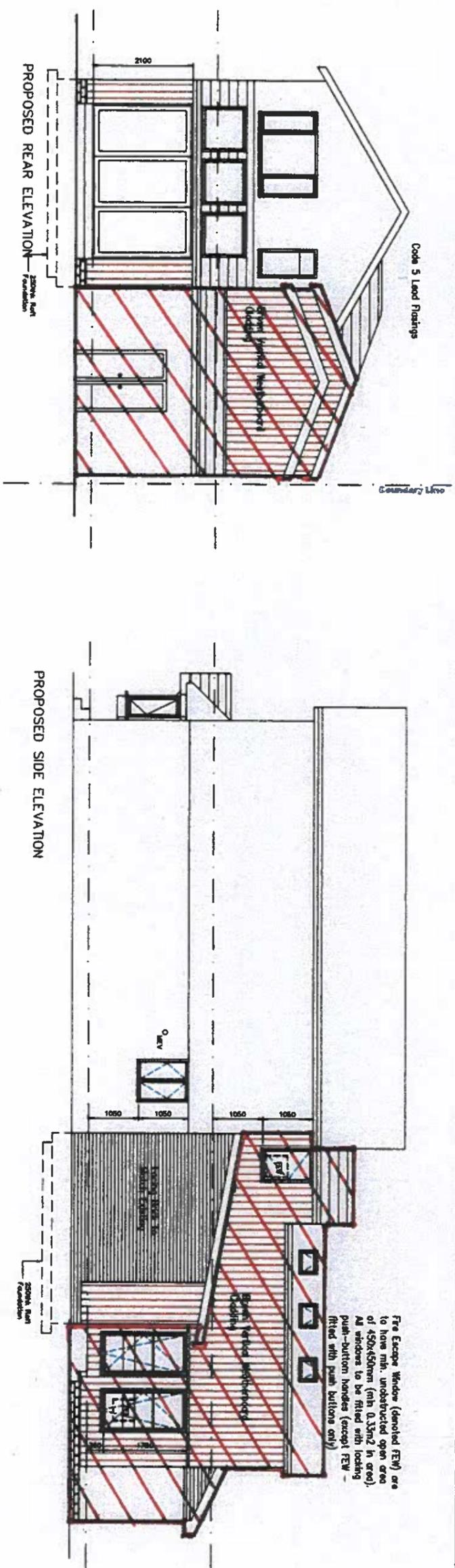
G8 and Structural
Consulting Engineers Ltd
100, The Quadrant, Bishops Cleeve, Lincolnshire, LN11 8JG
Tel: 01522 810000
Fax: 01522 810001
www.g8m8.co.uk

PROPOSED EXTENSION TO DWELLING
AT 32 DUNCRAVE PLACE
BISHOPBRIGGS

MRI & MRS MAXWELL

ARCHITECTURAL LAYOUT
FLOOR PLANS AND SECTIONS
AS PROPOSED

1. All drawings are to be read in conjunction with the Specification and all other documents referred to in the Specification.
2. It is the Contractor's responsibility to check all dimensions and quantities against the drawings and the Specification.
3. Any discrepancy between the drawings and the Specification shall be reported to the Engineer immediately.



GROUND PREPARATION
At completion to be removed to give the site a level surface. To be covered with a layer of 100mm of 1/2" crushed stone. To be covered with a layer of 100mm of 1/2" crushed stone. To be covered with a layer of 100mm of 1/2" crushed stone.

DOWN TAKINGS
At completion to be removed to give the site a level surface. To be covered with a layer of 100mm of 1/2" crushed stone. To be covered with a layer of 100mm of 1/2" crushed stone. To be covered with a layer of 100mm of 1/2" crushed stone.

SOLUIMN
To be constructed in concrete. To be constructed in concrete. To be constructed in concrete.

FOUNDATIONS
To be constructed in concrete. To be constructed in concrete. To be constructed in concrete.

UNDERBUILDING
To be constructed in concrete. To be constructed in concrete. To be constructed in concrete.

GROUND FLOOR CONSTRUCTION
To be constructed in concrete. To be constructed in concrete. To be constructed in concrete.

FIRST FLOOR CONSTRUCTION
To be constructed in concrete. To be constructed in concrete. To be constructed in concrete.

VELUX
To be constructed in concrete. To be constructed in concrete. To be constructed in concrete.

EXTERNAL WALLS
To be constructed in concrete. To be constructed in concrete. To be constructed in concrete.

SMOKE ALARMS
To be constructed in concrete. To be constructed in concrete. To be constructed in concrete.

ROOF
To be constructed in concrete. To be constructed in concrete. To be constructed in concrete.

WINDOWS
To be constructed in concrete. To be constructed in concrete. To be constructed in concrete.

ELECTRICAL
To be constructed in concrete. To be constructed in concrete. To be constructed in concrete.

DECORATION
To be constructed in concrete. To be constructed in concrete. To be constructed in concrete.

CERAMIC TILING
To be constructed in concrete. To be constructed in concrete. To be constructed in concrete.

FINISHINGS
To be constructed in concrete. To be constructed in concrete. To be constructed in concrete.

Step 1.
Those parts of the building to be removed under Step 1. are shown outlined and hatched in red.

Step 2.
Those parts of the building to be removed under Step 2. are shown coloured yellow.

PLANNING

GM Civil and Structural Consulting Engineers Ltd
1st Floor, 10th Floor
10th Floor, 10th Floor
10th Floor, 10th Floor

10th Floor, 10th Floor
10th Floor, 10th Floor
10th Floor, 10th Floor

PROPOSED EXTENSION TO DWELLING
AT 52 DUMCROVIE PLACE
BISHOPBRIGGS

M/R & MRS MAXWELL

ARCHITECTURAL LAYOUT
SPECIFICATION AND ELEVATIONS
AS PROPOSED

8398 A2 A

APPENDIX 3.

**PLANNING PERMISSION REFUSED UNDER REFERENCE
TP/ED/18/0253**

Planning permission refused by the Council on 28 May 2018 under application reference TP/ED/18/0253 for the construction of a two-storey side extension and a single storey rear extension to the dwellinghouse at 52 Duncryne Place, Bishopbriggs, G64 2DP.

The reasons for the Council's decision to refuse planning permission are contained within the Decision Notice issued under planning application reference TP/ED/18/0253:



**REFUSAL OF FULL PLANNING PERMISSION CONSENT
NOTICE NO. TP/ED/18/0253**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC. (SCOTLAND) ACT 2006**

Applicant

Mr & Mrs G Maxwell
52 Duncryne Place
Bishopbriggs
UK
G64 2DP

Agent (if applicable)

Colin Hardie
Hardie Associates Ltd
78 Hopetoun Street
Bathgate
West Lothian
EH48 4PD

With reference to your application dated 9 April 2018 for consent to the following;

two storey side and single storey rear extension

52 Duncryne Place, Bishopbriggs, East Dunbartonshire, G64 2DP

The East Dunbartonshire Council in exercise of their powers under the Acts and Orders hereby refuse full planning permission for the said development.

The reasons for the Council's decision are:-

1. The proposal is considered to be contrary to Policy 2 - Design and Placemaking which requires development of all scales to "be designed to ensure a positive impact on the character, function and amenity of the surrounding area." Furthermore the proposal is also considered to be contrary to the provisions of the Design and Placemaking Supplementary Guidance which states that extensions should be "visually integrated with the existing building", "sympathetic to its surrounding and adjacent properties" and "subservient in mass, scale and form to the existing property." The aforementioned guidance also states that "rear extensions must not extend more than 4 metres down a shared boundary to the rear of the property." The development, by reason of the proposed scale, massing and extension to the rear of the property, would result in a form of building which is considered excessive, out of keeping with the character of development in the area and harmful to the visual amenities of the area.
2. In the interests of amenity, the proposed extension is considered contrary to Policy 2- Design and Placemaking and the Design and Placemaking Supplementary Guidance which states that "side and rear windows which overlook neighbouring properties, including private garden areas, will not normally be supported where they result in a loss of privacy." The development, by reason of the proposed upper floor windows on the side (east facing) elevation, would result in a loss of privacy to the amenity rear garden ground of the neighbouring dwelling.
3. In the interests of amenity, in that the proposed extension is considered contrary to Policy 2- Design and Placemaking and the Design and Placemaking Supplementary guidance in that the extension would not retain a meaningful area of private (i.e. rear) garden ground commensurate with the amenity needs of the dwellinghouse and with the character of the neighbourhood.

The following documents make up the decided application and can be found by searching for TP/ED/18/0253 on the council's Search Planning Application page (<http://planning.eastdunbarton.gov.uk/online-applications>):

PL1 APPLICATION
PL2 LOCATION PLAN
PL3 PROPOSED BLOCK PLAN



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East Dunbartonshire Council

www.eastdunbarton.gov.uk

- PL4 EXISTING FLOOR PLANS & ELEVATIONS
- PL5 PROPOSED FLOOR PLANS & ELEVATIONS
- PL6 3D IMAGES

Dated 28 May 2018

.....
Depute Chief Executive, Place, Neighbourhood and Corporate Assets

(SEE OVER)

APPENDIX 4.

NATIONAL PLANNING FRAMEWORK 4

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and now forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed.

Section 24(3) of the Act requires that in the event of any policy incompatibility between National Planning Framework 4 (NPF4) and the East Dunbartonshire Local Development Plan (2017) which has now been replaced by the East Dunbartonshire Local Development Plan 2 - 2022 (LDP2) the newer policy shall prevail. East Dunbartonshire Council is of the opinion that the policies relevant to the Development is generally in alignment with the terms of their requirements and therefore both are applicable in the assessment of applications for householder development.

The relevant NPF4 policies to be considered in terms of the erection of the two-storey extension to the rear of the dwellinghouse at the site are Policy 14 and Policy 16 together with Policy 10- Design and Placemaking.

NPF4 Policy 14 c) - Design, quality and place sets out that 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.

NPF4 Policy 16 g) - Quality Homes sets out that 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."

It is the view of the Council that the unauthorised two-storey extension to the rear of the dwellinghouse at the site is contrary to NPF4 Policy 14 c) brought about by its poor design and resulting in a detrimental effect to the amenity of the surrounding area. Specifically, the neighbouring properties at 54 Duncryne Place and 8 Clovergate, Bishopbriggs.

It is also the view of the Council that the unauthorised two-storey extension to the rear of the dwellinghouse at the site is contrary to NPF4 Policy 16 g) taking into account its detrimental impact on the character of the host property in terms of its size and design, and on the neighbouring properties at 54 Duncryne Place and 8 Clovergate, Bishopbriggs in terms of physical impact and overshadowing.

Overall, the erection of the two-storey extension to the rear of the dwellinghouse at the site fails to comply with Policies 14 c) and 16 g) of NPF4 and Policy 10 - Design and Placemaking of the East Dunbartonshire Local Development Plan 2 - 2022. For the avoidance of doubt, Policy 10 reflects the reasons for the refusal of planning permission under application reference TP/ED/18/0253 forming **Appendix 3** annexed to this notice.

Notice Supplement Sheet

Reference Number: ED2022/0071/ENF

Site Address: 52 Duncryne Place, Bishopbriggs, East Dunbartonshire, G64 2DP

Type of Notice Served: Enforcement Notice

Details of the Breach: Without planning permission, the erection of a two-storey extension and single storey extension to the rear of the dwellinghouse.

Requirements of the Notice:

- Step 1. Remove the entire unauthorised two-storey extension including the attached single storey 'external store' structure as shown outlined and hatched in red in full accordance with the drawings identified and described in Appendix 2 annexed to this Notice.
- Step 2. Remove the unauthorised roof structure from the two-storey side extension as shown coloured yellow in full accordance with the drawings identified and described in Appendix 2 annexed to this Notice.
- Step 3. Alter and complete the roof of the two-storey side extension to form the hipped roof design in full accordance with the drawings identified and described in Appendix 1 annexed to this Notice.
- Step 4. Enclose the rear elevation of the two-storey side extension by building an external leaf of masonry brickwork/concrete block incorporating window openings and windows in full accordance with the drawings identified and described in Appendix 1 annexed to this Notice.
- Step 5. Permanently remove from the site all associated surplus salvageable materials, arising from compliance with each of the requirements identified in Steps 1. to 4. above.
- Step 6. Permanently remove from the site to an authorised place of disposal all associated debris, and rubble arising from compliance with each of the requirements identified in Steps 1. to 4. above.

Step 7. Restore the land to its condition before the breach took place by levelling the ground and reseeding with grass.

Date of Service: 4 March 2024

Date the Notice Comes into Effect: 8 April 2024

Information on the Postponement Date of the Notice: Appeal lodged on 5 April 2024.

Enforcement Notice Appeal Reference: ENA-200-2011

Ground(s) of Appeal: Ground (d) of section 130(1) of the Town and Country Planning (Scotland) Act 1997, as amended.

- that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.

Appeal Decision: Appeal allowed, and the enforcement notice quashed.

Date of Appeal Decision: 18 June 2024

Date Notice Varied: N/A

Details of Variation(s): N/A

Date Notice Withdrawn: N/A

Date Requirements of Notice Fully Complied With: N/A