



Item 6

4th February 2025

Planning Services 231 George Street GLASGOW G1 1RX Tel: 0141 287 8555 Email: onlineplanning@glasgow.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100689163-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	bennett Developments and Consulting		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Don	Building Name:	
Last Name: *	Bennett	Building Number:	10
Telephone Number: *		Address 1 (Street): *	Park Court
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	UK
		Postcode: *	G46 7PB
Email Address: *			

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Amit"/>	Building Number:	<input type="text" value="118"/>
Last Name: *	<input type="text" value="Sachdeva"/>	Address 1 (Street): *	<input type="text" value="Blackhill DRive"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Park Court"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="G23 5NN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:	<input type="text" value="Glasgow City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="118 BLACKHILL DRIVE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GLASGOW"/>
Post Code:	<input type="text" value="G23 5NN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="670556"/>	Easting	<input type="text" value="257427"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of fence to side of dwellinghouse

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Failure on part of planning service to properly assess the proposal

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

☐ Yes ☒ No

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

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

Statement of appeal, Decision Notice, Report of Handling, Application Form, Drawings, Photos, Extract of policy fig3.2.

Application Details

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

24/01514/FUL

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

10/06/2024

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

10/08/2024

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Don Bennett

Declaration Date: 20/10/2024

bennett *Developments and Consulting,*

10 Park Court,

Glasgow G46 7PB

don@bennettgroup.co.uk

STATEMENT OF APPEAL

17.10.2024

118 BLACKHILL DRIVE, GLASGOW G53 5NN

**APPEAL TO GLASGOW CITY COUNCIL LOCAL REVIEW COMMITTEE AGAINST THE REFUSAL OF
PLANNING PERMISSION FOR WORKS AT THE ABOVE ADDRESS.**

APPLICATION REF:24/01514/FUL(RETROSPECTIVE)

01 Background:

The property at 118 Blackhill Drive is located within a modern development of detached and semi detached houses in the north east of the city.

As is often the case in developments of this sort, a number of properties are located at the junction of two roads which invariably results in these properties being more open to the public with no defined back garden, or limited back garden as in this case. While this may produce a more pleasing aspect it fails to address the needs of residents particularly those with young children where privacy and security is paramount.

To address this situation the appellant erected a new timber fence which provided the privacy and security desired at the same time making the garden slightly larger by erecting the fence on his side boundary, in the process removing a small area of shrubbery. Unwittingly the appellant was not aware that planning permission was necessary, so the subsequent application was retrospective.

To regularize the situation on 10/6/24, an application was lodged to cover the works already implemented with the reasonable expectation that it would be approved. However on 10/8/24, the application was refused.

02 Reasons for Refusal:

In refusing the application the reasons given were:

01 The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.

02 The proposal is refused in that it exceeds the 600mm height as is stipulated in the Residential Design Guide thereby constituting a hazard to vehicle and pedestrian visibility.

03 The proposal fails to comply with Supplementary Guidance 1: The Placemaking Principle of the City Development Plan in that the fence is considered to be incongruent with the general provision of perimeter fencing within the estate and is therefore detrimental to the visual amenity of the area and the character of the street scene.

03 Response to Reasons for Refusal:

In determining an application the planning officer is obliged to assess the proposal in the context of the latest approved and adopted Local Development Plan and any other relevant documents in particular the National Planning Framework in this case NPF4. They are required to produce a Report of Handling (ROH) which should explain the reasons for the determination to refuse. It should contain the reasoning and justification for the decision with reference to the appropriate policies within the aforementioned documents.

It follows therefore that it is necessary to critically assess the ROH and to establish the validity or otherwise of the justification and explanation which resulted in the decision to refuse.

From the reasons given for the refusal and the content of the ROH it is readily apparent that the main if not the sole reason was the height and position of the fence, so it is necessary to consider further these aspects.

The Reasons for the refusal as specified in **Reason 02** and **Reason 03**, refer to two specific policies, namely, the **Residential Design Guide**, and **Supplementary Guidance 1: The Placemaking Principle**.

The **Residential Design Guide** contains a wealth of guidance and direction across a range of subjects all relevant to new residential developments. In citing the Residential Design Guide, particular reference is made to visibility requirements as defined in Figure 3.2 Measurement of forward visibility. *(a copy of the appropriate design guide is included for information though it will be come readily apparent that it is not easily understood as, apart from the text itself being grammatically suspect there are references in the text to X and Y on the drawings, but these do not appear on the drawing so are not capable of being interpreted.* In short this is particularly confusing guidance which really should not form part of any assessment of the proposal. It appears to have been misunderstood by the planning officer which is perhaps understandable given the confusing nature of the guidance. A prime example is the requirement that “Drivers need to be able to see obstructions 2 metres high down to 600mm above the carriageway “. It is not clear what is meant or intended by this requirement. Why there is a lower level is not explained as it would seem to be irrelevant, yet it is this very fact which is cited as a reason to refuse (Reason 02)! Notwithstanding the confusing language of the policy, the proposed fence, which is recognized and accepted in the ROH is no more than 1.69 metres in height which is well within the permitted 2.0 metres. In addition, in recognition of the required visibility splay, the leading edge of the fence has been chamfered at around 30 degrees to the road so that visibility is not impugned and the presence of the fence line is softened. In addition the fence does not project beyond the front of the house and is set well back, again to aid the visibility splay.

It is noted and accepted that the fence has been brought forward on the side elevation such that it is now adjacent to the heel of the kerb and that the area of shrubs has been subsumed within the extended area. This is not disputed but is not the only example of this in the estate as illustrated in the submitted photos. It is not even certain that the loss of the shrub area is a matter on which planning can legitimately comment.

The area which is now enclosed by the new fence is all within the title of the applicant so ownership is not an issue. While great emphasis is being put on the loss of the shrub bed, it is quite conceivable that

a shrub bed could grow to a substantial height and not only obstruct sight lines but also obstruct the footpath.

It should also be noted that all of the roads within the estate were designed to a twenty mile per hour speed limit with no one road having precedence over another, so sight lines and visibility splays have been designed to that parameter.

Mindful of the safety considerations around visibility the applicant also amended the profile of the fence where it abutted the neighbour, by removing the corner detail and constructing a chamfer in the fence to improve vehicular movements in and out of the neighbours house.

Reason 03 Supplementary Guidance 1:-The Place Making Principle reflects the views of Reason 02 with the added comment that the fence is incongruent with the general provision of perimeter fencing within the estate and is therefore detrimental to the visual amenity of the area and the character of the street scene.

Were it the case that this fence was the only example within the estate then the claim might have some agency , but as there are other examples such a claim cannot be substantiated. Any reference to the character of the estate has to have regard to the fact that as there are other examples of fencing on the perimeter, the presence of such features are now a feature of the estate and accordingly part of the character of the area and part of the streetscape.

From all of the above, it is apparent that the proposed development was in compliance with the guidance and direction within the relevant policies.

04 Summary

The application for the fence which has been erected retrospectively provides additional space for the applicant and a greater degree of privacy for his family. It has been constructed in quality materials and designed to incorporate visual safety considerations. In order to have refused the application it would need to have been demonstrated that the proposed fence failed to accord with the planning policies. The liberal use of expressions such as detrimental, incongruent, over- dominant are nothing more than opinions, and while opinions may carry some persuasion, facts carry authority and the facts do not support the opinions of the planning officer.

It has been demonstrated that the highly dubious and quite unintelligible road specifications have not been understood by the planning officer as the height, length and position of the fence does not impact on visibility splays .*On this point perhaps it would be useful for this guidance to be reviewed as in its present form it's usefulness is highly questionable.* It has also been established that there are other examples of fencing in this location within the estate, so it is not alien to the character of the area as is claimed.

To conclude, the current fence is of a height which is less than the permitted height; it is constructed in quality timber; it has been designed to comply with the appropriate sightlines; and it is not the only example of this form or style of fencing in the area.

In short the application should never have been refused.

In the light of all of the foregoing, it is evident that the decision to refuse was flawed and unsafe and should be overturned and the application approved.