

Planning Local Review Body

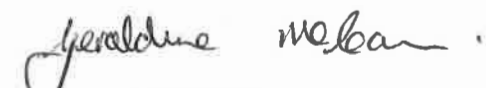
Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)
PLRB Reference NOR/EK/21/002

- ◆ Site address: 9 George Allan Place, Strathaven, ML10 6EH
- ◆ Application for review by G Hope of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application P/21/0959
- ◆ Application P/21/0959 for the erection of a front extension with associated alterations
- ◆ Application Drawings:-
 - ◆ existing location plan and site plan
 - ◆ proposed location plan and site plan
 - ◆ existing plans and elevations
 - ◆ proposed plans and elevations

Decision

The PLRB upholds the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/21/0959 for the reasons detailed in the Council's decision notice dated 1 September 2021.



Geraldine McCann
Head of Administration and Legal Services

Date of Decision Notice: 23.12.2021.

1. Background

- 1.1. This Notice constitutes the formal decision notice of the Planning Local Review Body (PLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2. The above application for planning permission was considered by the PLRB at its meeting on 13 December 2021. The PLRB was attended by Councillors Alex Allison, Maureen Devlin, Isobel Dorman (Chair), Mark Horsham (Depute), Davie McLachlan, Graham Scott and Jim Wardhaugh.

2. Proposal

- 2.1. The proposal is for the erection of a front extension with associated alterations at 9 George Allan Place, Strathaven, ML10 6EH.
- 2.2. The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.
- 2.3. The PLRB noted that a late submission providing comments on the Planning Officer's statement of observations had been received from the applicant. The reasons for the lateness of the submission were accepted and the submission was issued to members for consideration as part of the review.

3. Determining Issues

- 3.1. The determining issues in this review were:-
 - ◆ the proposal's compliance with the adopted South Lanarkshire Local Development Plan 2
 - ◆ whether the proposal would detract from the established character of the surrounding built environment and established streetscape
 - ◆ impact on visual amenity
- 3.2. The PLRB established that, in terms of the adopted South Lanarkshire Local Development Plan 2, the site was located within a residential area. The following policies applied to the application site:-
 - ◆ Policy 3 – general urban areas and settlements
 - ◆ Policy 5 – development management and placemaking
 - ◆ Policy DM1 – new development design
 - ◆ Policy DM2 – house extensions and alterations
- 3.3. Policy 3 of the adopted South Lanarkshire Local Development Plan 2 states that residential developments on appropriate sites will generally be acceptable. Particular consideration will be given to likely impacts on the amenity of the area. Developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted.
- 3.4. Policy 5 states that, in order to ensure that development takes account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Proposals should have no unacceptable significant adverse impacts on the local community and the environment.
- 3.5. Policy DM1 states that new development will require to promote quality and sustainability in its design and layout and should enhance or make a positive contribution to the character and appearance of the urban or rural environment in which it is located.
- 3.6. Policy DM2 states that house extensions and alterations will be considered favourably where it can be demonstrated that the proposal complies with the following criteria:-
 - ◆ the siting, form, scale, design and materials respect the character of the existing dwelling and the wider area. Within this context, high quality, innovative design will be encouraged where it complements the character of the building and its surroundings
 - ◆ it does not dominate or overwhelm the existing dwelling, neighbouring properties or streetscene in terms of size, scale or height
 - ◆ it does not significantly adversely affect adjacent properties in terms of overlooking or loss of privacy, daylight or sunlight
 - ◆ it retains adequate car parking, usable garden ground and bin storage within the site
 - ◆ it does not have an adverse impact on traffic or public safety

3.7. In considering the case, the PLRB had regard to the applicant's submission that:-

- ◆ full consideration of the proposal had not been undertaken
- ◆ a site visit should be undertaken to illustrate the comparison between the existing building line within the streetscape and the little impact it would have
- ◆ contrary to the statement in the report of handling that the proposed development would have "a significant adverse impact upon visual amenity in the local area", the proposed extension would not obscure the existing view of any surrounding properties on the street
- ◆ the true impact on the streetscape had not been considered accurately
- ◆ the reference to a proposed two storey extension within the reason for decision paragraph of the report of handling suggested that the drawings had not been reviewed correctly or responded to with a well-considered and measured response

3.8. The PLRB also had regard to the applicant's late submission that:-

- ◆ with reference to paragraph 2.5 of the Planning Officer's statement of observations on the notice of review:-
 - ◆ the owner/occupier of number 7 had no objections or comments in relation to the proposed extension
 - ◆ the property at number 8 was situated approximately 1.05 metres further forward of the property at number 9
 - ◆ the owner/occupier at number 8 had no objections or comments in relation to the proposed extension
 - ◆ due to the street being on an incline, the neighbouring property at number 10 was approximately 1.7 metres higher than the property at number 9, where the proposed extension was situated, and any extension to number 9 would not adversely affect the property at number 10
 - ◆ the property at number 10 was situated at an angle and the building line was approximately 4.1 metres further forward than the property at number 9
 - ◆ the owner/occupier at number 10 had no objections or comments in relation to the proposed extension
 - ◆ the foregoing demonstrated that a "sense of enclosure" would not be created with the proposed extension
 - ◆ there would be no adverse impact to any of the adjacent properties at numbers 11, 12, 13 and 14 and the owner/occupiers at those properties had made no objections or comments in relation to the proposed extension
- ◆ with reference to paragraphs 3.1(a) and 3.1(b) of the Planning Officer's statement of observations on the notice of review:-
 - ◆ the 21 existing properties in the street consisted of numerous different designs
 - ◆ the properties at numbers 3, 4, 5, 6, 7, 12, 13, 14 and 15 were of similar design
 - ◆ the properties at numbers 1, 2, 10, 11, 16, 18, 19, 20, 21 and 22 were all of individual design (there was no number 17)
 - ◆ the roof designs of the properties in the street varied in many ways and, as such, changing the roof profile would not adversely affect the streetscape and the proposal would be similar to the majority of the properties in the street
 - ◆ all of the properties had relatively short front gardens with the exception of numbers 8 and 9 which had the longest gardens in the street and allowed scope to extend. The garden at number 9 was approximately 9 metres from wall to kerb at the longest point
 - ◆ all of the properties were constructed in a similar brick and this would be adhered to
 - ◆ due to the layout of the street, the properties at numbers 1 through to 7 protruded from the neighbouring property coming up the street and the property at number 9 did not come into view until passing number 7
 - ◆ the foregoing demonstrated that the streetscape would not be adversely affected by the proposed extension

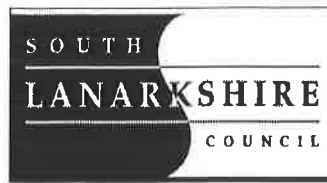
- 3.9. The PLRB requested clarification on the proposed development. The Planning Adviser to the PLRB explained that the property was single storey and the proposed development would not add an additional floor or increase the height of the property above its existing ridgeline.
- 3.10. In reviewing the case, the PLRB considered whether it should undertake a site visit and took the view that a site visit was not required as it had sufficient information and adequate plans to allow proper consideration of the proposal. It further considered that the proposal would detract from the established character of the surrounding built environment and established streetscape and would have a significant adverse impact on visual amenity.

4. Conclusion

- 4.1. The PLRB considered a request to review the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/21/0959 for the erection of a front extension with associated alterations at 9 George Allan Place, Strathaven. The PLRB concluded that the proposal would detract from the established character of the surrounding built environment and established streetscape and would have a significant adverse impact on visual amenity and that it was contrary to Policies 3, 5 and DM2 of the adopted South Lanarkshire Local Development Plan 2.
- 4.2. The PLRB, therefore, upheld the decision to refuse planning permission for planning application P/21/0959 for the reasons stated on the Council's decision notice dated 1 September 2021.
- 4.3. The PLRB was not unanimous in its decision, an amendment to reverse the decision of the appointed officer and grant planning permission for the proposal on the basis that the proposed development would not have an adverse impact on the streetscape or environment, having been defeated by 5 votes to 2.

5. Accompanying Notice

- 5.1. Attached is a copy of the Notice to Accompany Refusal, etc in the terms set out in Schedule 2 to the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.



NOTICE TO ACCOMPANY REFUSAL ETC

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

