

Planning Local Review Body

Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)
PLRB Reference NOR/HM/21/001

- ◆ Site address: 45 Hunthill Road, Blantyre, G72 9SR
- ◆ Application for review by Mr and Mrs Duffy of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application P/20/1115
- ◆ Application P/20/1115 for the erection of a detached house
- ◆ Application Drawings:-
 - ◆ Location Plan
 - ◆ L01
 - ◆ L02
 - ◆ Floor plans
 - ◆ 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/20/1115 for the reasons detailed in the Council's decision notice dated 29 January 2021.

Susan Somerville

PP

Geraldine McCann
Head of Administration and Legal Services

Date of Decision Notice: *6 September 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 meetings on 10 May and 9 August 2021. The meeting held on 10 May 2021 was attended by Councillors Alex Allison, Maureen Devlin, Isobel Dorman (Chair), Mark Horsham (Depute), Ann Le Blond, Davie McLachlan, Graham Scott, David Shearer and Jim Wardhaugh. The meeting held on 9 August 2021 was attended by Councillors Alex Allison, Maureen Devlin, Isobel Dorman (Chair), Mark Horsham (Depute), Ann Le Blond, Davie McLachlan, Graham Scott and Jim Wardhaugh.

2. Proposal

- 2.1. The proposal is for the erection of a detached house at 45 Hunthill Road, Blantyre, G72 9SR.
- 2.2. The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under 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
 - ◆ impact on the amenity of the surrounding residential area
 - ◆ impact on pedestrian and vehicular safety
- 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 DM3 – sub-division of garden ground
- 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 DM3 states that the development of a new house (or houses) within the curtilage of an existing house will only be considered where it can be demonstrated that the proposal complies with the following criteria:-
- ◆ the proposed house(s) is of a scale, massing, design and material sympathetic to the character and pattern of development in the area and does not result in a development that appears cramped, visually obtrusive or is of an appearance which is out of keeping with the established character or is harmful to the amenity of the area
 - ◆ the proposed house plot(s) and that remaining to the existing house are comparable with those nearby in terms of size, shape, and amenity and accords with the established pattern of development in the surrounding area
 - ◆ the proposed house(s) should have a proper road frontage of comparable size and form to surrounding curtilages unless the proposal reflects the development pattern of the area
 - ◆ the proposed vehicular access is of an adequate standard and will not have adverse implications for traffic safety or adversely affect the amenity of adjacent properties by virtue of noise or loss of privacy

- ◆ the garden space allocated to the proposed house(s) and that remaining for the existing house should be sufficient for the recreational and amenity needs of the occupants
- ◆ the proposed development will not cause an unacceptable reduction in privacy to existing houses and will, itself, enjoy a level of privacy comparable with surrounding dwellings
- ◆ the proposed development will not overshadow adjacent properties to a degree which results in a significant loss of amenity for residents or is significantly adversely affected by overshadowing
- ◆ all existing features such as trees, hedges, walls, fences and buildings that contribute to the character of the area should be retained and should not be adversely affected by the development
- ◆ adequate parking for both the proposed and existing house must be provided within the site and must not be harmful to the established character and amenity of the area
- ◆ the proposal must not jeopardise or be prejudicial to any future development proposals in the vicinity

3.7. At its initial meeting to consider the review on 10 May 2021, the PLRB considered that, prior to determining the review, it wished to hear from a representative of Roads and Transportation Services in relation to safety issues in respect of the access to the development being shared by 2 properties.

3.8. At the meeting on 10 May 2021, the PLRB also noted, in terms of the statutory Hearing Session Rules, that the applicant and interested parties who had made representation on the matter specified by the PLRB had to be invited to speak at the hearing.

3.9. At its meeting on 9 August 2021, the PLRB noted the information from the following parties who spoke at the hearing:-

- ◆ the applicant, Mr Duffy
- ◆ F Jack, Team Leader, Development Management, Roads and Transportation Services

3.10. In considering the case, the PLRB also had regard to, amongst other things, the applicant's submission that:-

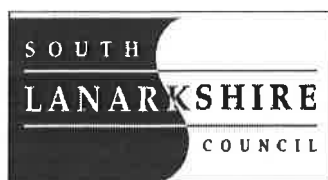
- ◆ there were several properties similar to the applicant's proposal, in particular, the property at 43 Hunthill Road, Blantyre and other properties at Hunthill Lane, Blantyre
- ◆ planning consent had been granted for a house behind the Doon Inn public house at 93 Broompark Road, Blantyre and for houses at Shott House, Hamilton Road, Blantyre, both of which gained access from B classified roads
- ◆ the proposed property at 45 Hunthill Road, Blantyre would have a narrow access which was similar to the access to the above properties, however, the access at 45 Hunthill Road has 360 degree visibility, a holding area for cars and walking space for pedestrians

3.11. 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 be detrimental to the amenity of the surrounding residential area and pedestrian and vehicular safety.

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/20/1115 for the erection of a detached house at 45 Hunthill Road, Blantyre. The PLRB concluded that the proposal would be detrimental to the amenity of the surrounding residential area and pedestrian and vehicular safety. As a result, the PLRB concluded that the proposal did not comply with Policies 3, 5 and DM3 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/20/1115 for the reasons stated on the Council's decision notice dated 29 January 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 additional traffic generated would not constitute a roads safety issue, having been defeated by 5 votes to 3.
- 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.

