

Report

Report to: **Cambuslang/Rutherglen Area Committee**
 Date of Meeting: **23 February 2010**
Executive Director (Enterprise Resources)

Application No CR/09/0119
 Planning Proposal: Erection of raised timber decking area and additional perimeter fencing (retrospective)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Donna McKinnon
- Location : 8 Rannoch Wynd
Rutherglen

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

Grant Detailed Planning Permission (Subject to Conditions – Based on Conditions Listed)

2.2 Other Actions/Notes

- (i) The Area Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 11 Rutherglen South
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted) 2009**
 Policy RES6 – Residential Land Use
 Policy DM1 – Development Management
 Policy DM4 – House Extensions and Alterations

◆ Representation(s):

- ▶ 8 Objection Letters and two petitions containing three signatures
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Building Standards Services

Planning Application Report

1 Application Site

- 1.1 The site, which extends to some 0.2 hectares, is formed by the residential dwelling at 8 Rannoch Wynd which is located within the Cathkin area at the south east corner of Rutherglen, close to Cathkin Road. The development is located within the rear garden area of the property immediately adjacent to the rear wall of the dwelling. The site is bounded to the north by residential properties at Trossachs Road, to the west by the grounds of Cathkin House and to the south and east by the neighbouring dwellinghouses of Rannoch Wynd.

2 Proposal(s)

- 2.1 This retrospective planning application is for the erection of an area of timber decking adjoining the rear wall of the applicant's dwelling house and is for the sole use of the householder. The development also includes some additional boundary fencing to replace existing fencing on the northern boundary of the property. The decking and fencing will be constructed in stained timber. The proposed decking extends to approximately 225 square metres and includes a 1.8 metre high screen fence around the deck which is in the style of a close board slatted fence which completely encloses the decking area.
- 2.2 The applicant originally sought consent for a terrace of decks with associated staircases but after discussion with the Planning Service reduced the scheme to a single screened deck sitting at the level of the rear access to the house.

3 Background

3.1. Local Plan Status

- 3.1.1 The adopted South Lanarkshire Local Plan 2009 (SLLP) provides the development plan context for this application. The application site lies within an area covered by SLLP Policies, RES6 – Residential Land Use, DM1 – Development Management and DM4 – House Extensions and Alterations.

3.2 Relevant Government Advice Policy

- 3.2.1 None

3.3 Planning Background

- 3.3.1 **CR/99/0217** – Erection of 9 dwellinghouses, formation of access road and associated landscaping (Rannoch Wynd development); granted detailed planning consent, 8 December 2000
- 3.3.2 **CR/08/0056** – Erection of rear extension and conversion of integral double garage to habitable accommodation; granted detailed planning permission, 30 May 2008.

4 Consultation(s)

- 4.1 **Building Standards Services** – have advised that a building warrant has been submitted and is being assessed.
Response: Noted.

5 Representation(s)

- 5.1 Following statutory neighbour notification of the application seven letters of objection were received. Following the submission of amended plans a further three letters of objection, including two petitions containing three signatures, from the original objectors, were received. The grounds of objection can be summarised as follows.

(a) The decking has been built without planning consent.

Response: Noted. The applicant has submitted a retrospective planning application.

- (b) **The height of the decking will have an unacceptable impact on the privacy of the neighbouring properties.**

Response: Due to differences in ground levels at this location the rear gardens of the properties at Rannoch Wynd do sit above the neighbouring properties at Trossachs Road. Whilst the proposed decking may encourage more use of the garden, the proposed development includes a 1.8 metre high screen fence which totally encloses the deck and restricts any views from the deck to the neighbouring houses.

- (c) **The height of the decking above the neighbouring properties is so great that it physically overdominates the adjacent dwellings.**

Response: Whilst it is clear that the supporting platform and screen fence around the proposed decking is clearly visible from the rear of properties in Trossachs Road, the closest dwelling to the proposed decking is approximately 26 metres away. It is therefore considered that the proposed development would not be over dominant given the separation distance, particularly given the rear elevation of the proposed decking is at an oblique angle to these properties.

- (d) **The development will increase noise to the detriment of the neighbouring properties.**

Response: The applicant could already use her rear garden area prior to this proposal. It is not considered that this proposed development would be significantly detrimental to the area's amenity in terms of noise.

- (e) **The proposed development will adversely affect the value of the neighbouring properties.**

Response: This is not a valid planning consideration.

- (f) **The amended plans still show a gate in the rear elevation of the screen fence.**

Response: There is no access to the rear garden from the rear elevation of the proposed decking.

These letters have been copied and are available for inspection in the usual manner.

6 Assessment and Conclusions

6.1 As with all applications this proposal has to be assessed against the development plan for the area and any other significant material considerations. In this case the relevant development plan is the adopted South Lanarkshire Local Plan 2009 from which Policies, RES6 – Residential Land Use, DM1 – Development Management and DM4 – House Extensions and Alterations will apply for this development.

6.2 Policy RES6 aims to protect the character and amenity of residential areas while supporting, in principle, compatible uses. The policy, therefore, is aimed at resisting proposals which will detract from the character and amenity of the area while supporting development which satisfies the following criteria:

- (a) The proposed development relates satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use;
- (b) The character and amenity of the area is not impaired by reason of traffic generation, parking, visual intrusion, noise, emission of gases and particles;

- (c) There is no resultant loss or damage to spaces, trees, bushes or hedgerows that made a significant contribution to the character or amenity of the area;
- (d) The development is adequately services in terms of cycle, pedestrian and vehicular access, parking and accessibility to public transport.
- (e) There is no detrimental effect on public safety.

- 6.3 As the proposed development is for a residential use in a residential area it is considered that it generally accords with this policy. However it has to be assessed against the relevant criteria outlined above, which in this instance are criteria (a) and (b) as the others do not apply to the proposed development.
- 6.4 In terms of criteria (a) the proposed decking is relatively large however the plans have been amended and have reduced the extent of the decked area, leaving an area of garden undeveloped. The scale and massing of the development is in keeping with properties in Rannoch Wynd and it sits easily within this property's rear garden. Although the neighbouring properties on Trossachs Road are smaller and sit below the houses in Rannoch Wynd, these properties are some distance from the proposed decking, with the closest dwelling being approximately 26 metres away. Given the proposed decking would be screened and the considerable distance between these houses it is considered that the proposal satisfies this criteria.
- 6.5 With respect to criteria (b), again it is acknowledged that from the Trossachs Road properties the proposed development will sit above these properties. However all of the Rannoch Wynd development sits above these houses and although the most visible element of the decking is the screen fencing it is there to protect the privacy of the adjoining neighbours and is a minimum of 26 metres away from the closest dwelling. For these reasons it is considered that the visual impact of the decking is acceptable. With respect to noise it is noted that the applicants could just as easily use their back garden for outdoor recreation and while the decking may increase the likelihood of this, it is not considered to be a significant reason to refuse the application. Furthermore the screen fencing should help minimise any noise and there are other avenues to deal with noise should it become excessive and unreasonable. For these reasons it is concluded that the development also satisfies criteria (b) and therefore accords with Policy RES6.
- 6.6 Policy DM1 – Development Management Policy states that in general all planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Development will require to have no significant adverse impact on the local environment and to enhance its quality and appearance. It also identifies various criteria to be considered by the Council when assessing applications. Given the explanation outlined above I am satisfied that the proposed development will satisfy these requirements and accord with this policy.
- 6.7 Policy DM4 - House Extensions and Alterations Policy provides specific policy requirements and guidance for house extensions and alterations, including timber decking. The Council considers that it is important that extensions or external alterations are in keeping with both the original house and the context of the local area. Poor house extensions and alterations can have a detrimental effect on the visual appearance of an area and on the residential amenity of neighbours and the policy provides a number of criteria which applications for extensions and alterations including timber decking should meet. Six criteria are identified however only three apply in this instance, namely

(a) 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;

(b) it does not dominate or overwhelm the existing dwelling, neighbouring properties or streetscene in terms of size, scale or height;

(c) it does not significantly adversely affect adjacent properties in terms of overlooking or loss of privacy, daylight or sunlight.

6.8 These criteria are supported by specific guidance on timber decking which states that the extension or formation of timber decking should not result in a significant loss of privacy to adjoining/neighbouring houses or garden ground, particularly where the extension or decking occupies an elevated position which overlooks adjacent properties. The minimum distance between windows of directly facing habitable rooms (i.e. living rooms, dining rooms and bedrooms) should be no less than 20 m. This distance may be relaxed where windows are at an angle.

6.9 With respect to criteria (a) and (b) it is considered that these matters have been addressed in paragraphs 6.4 and 6.5 above in consideration of Policy RES6 and it is concluded that the proposal meets these criteria.

6.10 The issues raised by criteria (c) and the additional guidance on decking require to be considered in greater depth. The main issue is the assessment of the impact of the development on the privacy of the residents of the neighbouring properties on Trossachs Road which sit below the site. Given the topography, the applicant has reduced her original plans for a terrace of decks with associated staircases to a single screened deck sitting at the level of the rear access of the existing dwellinghouse. After this amendment the corner of the deck closest to the neighbouring houses sits some 26 metres from the nearest house. The proposed development is therefore over twenty metres away from any habitable window, is fully screened and would not raise any privacy or sunlight/daylight issues. It is therefore considered that the proposal would meet the criteria and that of further guidance contained within the adopted local plan. Thus it is concluded that the development accords with this policy.

6.11 It is acknowledged that the representations from the adjoining neighbours have raised genuine and material planning concerns however it is believed that these have been addressed in the consideration of the policies outlined above and it is considered that it would not have a significant adverse impact on the neighbouring properties.

6.12 Having regard to all of the above I am satisfied that the proposal is an acceptable development which accords with the relevant local plan policies. It is therefore recommended that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

7.1 The proposal has no significant adverse impact on the residential amenity of the area and complies with Policies RES6, DM1 and DM4 of the adopted South Lanarkshire Local Plan.

Colin McDowall

Executive Director (Enterprise Resources)

08 February 2010

Previous References

- ◆ CR/99/0217 – Erection of nine dwelling houses, formation of access road and associated landscaping; Granted detailed planning consent 08/12/2000
- ◆ CR/08/0056 – Erection of rear extension and conversion of integral double garage to habitable accommodation at 8 Rannoch Wynd; Granted detailed planning consent 30/05/2008

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Neighbour notification certificate dated 28 May 2009
- ▶ South Lanarkshire Local Plan (adopted) 2009

- ▶ Consultations
 - Building Standards Services (Cam/Ruth Area) 04/06/2009

- ▶ Representations
 - Representation from : Thomas Patterson, 151 Trossachs Road
Rutherglen G73 5PB, DATED 09/06/2009

 - Representation from : Mrs M Hollinger, 157 Trossachs Road
Rutherglen G73 5PB, DATED 09/06/2009

 - Representation from : Mr and Mrs J Sneddon, 161 Trossachs Road
Rutherglen G73 5PB, DATED 09/06/2009

 - Representation from : Mr and Mrs Rankin, 159 Trossachs Road
Rutherglen G73 5PB, DATED 09/06/2009

 - Representation from : Mr and Mrs John Davidson, 167 Trossachs Road
Rutherglen G73 5PB, DATED 09/06/2009

 - Representation from : Janet Duffy, 165 Trossachs Road
Rutherglen G73 5PB, DATED 09/06/2009

 - Representation from : Mrs G MacRae, 163 Trossachs Road
Rutherglen G73 5PB, DATED 09/06/2009

 - Representation from : Thomas Patterson, 151 Trossachs Road
Rutherglen G73 5PB, DATED 15/09/2009

 - Representation from : Janet Duffy, 165 Trossachs Road
Rutherglen G73 5PB, DATED 15/09/2009

 - Representation from : Mrs M Hollinger, 157 Trossachs Road
Rutherglen G73 5PB, DATED 15/09/2009

Contact for Further Information

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

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Detailed Planning Application

PAPER APART – APPLICATION NUMBER: CR/09/0119

CONDITIONS

- 1 This decision relates to drawing numbers: 000, 001 & 002.
- 2 The development hereby permitted shall be started within three years of the date of this permission.
- 3 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.

REASONS

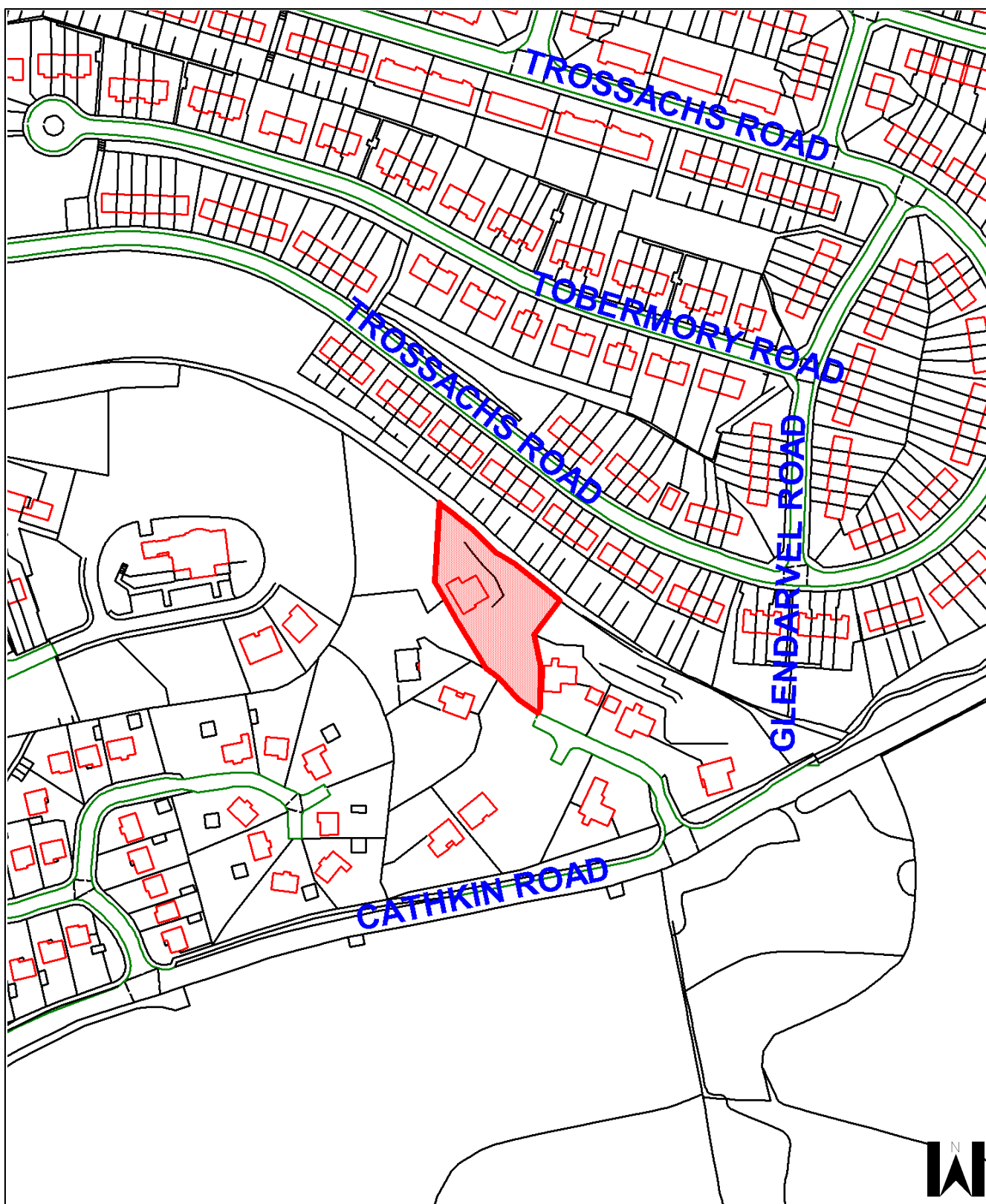
- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 In the interests of amenity and in order to retain effective planning control.

CR/09/0119

8 Rannoch Wynd, Rutherglen

Planning and Building Standards Services

Scale: 1: 2500



For information only

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