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16 December 2020

To. Stuart McLeod

Administration Officer
Administration and Legal Services
Floor 2 Council Offices
Almada Street, Hamilton ML3 0AA

Notice of review
Planning Application No: P/20/0469

Dear Mr McLeod.

Thank you for your letter of the 4th December advising me that the applicant for the above planning request, which was refused, was now seeking a review of that decision.

I have again read carefully the Councils Delegated Report and would make the following comments using extracts from the Report.

1. Application site.

The report clearly states in Section 1.1 that the site area of the proposed plot is 476 Sq.M. while the existing house and garden plot is approximately 1050 Sq.M. This makes the curtilage of the total site 1526 Sq.M

Since the original application was made, No.15 Dunedin drive has been sold and it appears that the garden area to the rear of the house has been decreased. This may result in an increase of the ground available for development but it means that the existing property now has a much reduced rear garden with a resultant adverse impact on amenity, recreational and drying needs of the occupants. The overall curtilage has not changed, and the original decision to refuse the application should stand.

I have included some extracts below from the Delegated Report, which I believe were key to the original application being refused and need to be recognized in any appeal process.

I look forward to the outcome of the appeal process in due course.

Yours Sincerely

Thomas Quinn

Extracts from the Delegated `report

4. Representations

- (a) The proposal is overdevelopment of the site. The resulting plots are too small and out of character with the surrounding plot sizes / plot ratios both in Dunedin Drive and Inglewood Crescent resulting in an unacceptable density.

Response: The proposed plot size for both the proposed and remaining dwelling are considerably smaller than those of the surrounding properties in the immediate area. It is therefore agreed that the proposed development does not reflect the character of the surrounding area and does not accord with the established pattern of development.

- (c) The garden area for the proposed house and that for the remaining house are too small and significantly smaller than surrounding properties.

Response: The proposed garden space for the new dwelling and particularly for the remaining dwelling are not considered to provide sufficient useable garden ground and do not reflect the character of the surrounding area.

- (k) The development would set a dangerous precedent for similar developments in the area changing the character of the area.

Response: It is agreed that the proposed development does not reflect the character of the surrounding area and does not accord with the established pattern of development.

5. Assessment and Conclusions

- 5.2 In terms of the South Lanarkshire Local Development Plan (adopted 2015), Policies 4 – Development Management, DM1 - Design and, DM3 – Sub Division of Garden Ground are applicable. Policies 4 and DM1 resist any development that would be detrimental to residential amenity and that all planning applications should take account of the local context and built form. All development should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity.

The proposed development would not make a positive contribution to the character and appearance of the environment and would not relate satisfactorily to adjacent surrounding development. As such, the proposal does not fully comply with these two policies.

- 5.3 Policy DM3 states that there will be a presumption against development within the curtilage of an existing dwelling unless certain criteria can be met. The proposal has been assessed in detail against the criteria as follows:

- (a) That the proposed house is of a scale, massing, design and material sympathetic to the character and pattern of the area and does not result in a development which appears cramped, visually obtrusive or of an appearance which is out of keeping with the established character that is harmful to the amenity of the area;

The proposed development would not make a positive contribution to the character and appearance of the environment and the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern.

- (b) The proposed house plot and that remaining to the existing house is comparable with those nearby in terms of size shape and amenity, the proposal accords with the established pattern of development in the surrounding area;

The new house plot resulting from the subdivision of the garden ground is smaller than that of the existing house and surrounding properties. The proposed house plot and that of the remaining plot for the existing house are not

considered to be compatible with the surrounding street pattern.

- (e)** The garden space of the proposed house and remaining for the existing house should be sufficient of the recreational, amenity and drying needs of the occupants;

The space required for the proposed dwelling within the existing garden results in the useable garden ground, particularly for the existing house being insufficient in terms of area and nature being made up of small areas to the rear and side of the remaining property.