

Report

Report to:	Hamilton Area Committee
Date of Meeting:	14 May 2008
Report by:	Executive Director (Enterprise Resources)

Application No	HM/08/0036
Planning Proposal:	Erection of a house at 29 Birdsfield Drive, Blantyre

1. Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mrs Margaret Stewart
- Location : 29 Birdsfield Drive
Blantyre

2. Recommendation(s)

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

- (1) Grant detailed planning permission (subject to conditions – based on conditions attached)

2.2. Other Actions/Notes

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

3. Other Information

- ◆ Applicant's Agent: Cullen Lochhead & Brown
- ◆ Council Area/Ward: 15 Blantyre
- ◆ Policy Reference(s): **Hamilton District Local Plan**
Policy RES1 - Residential Areas – General
Policy DC1 – Development Control – General
Policy DC2 - New Residential Development
South Lanarkshire Planning Policies
Policy SLP6 – Development Control General
Finalised South Lanarkshire Local Plan
(After Modifications)
Policy RES6 – Residential Land Use Policy
Policy ENV30 – New Housing Development
Policy DM1 – Development Management Policy
Policy DM5 – Sub-Division of Garden Ground
Residential Development Guide

- ◆ Representation(s):
 - ▶ 9 Objection Letters including a Petition with 20 signatures
- ◆ Consultation(s):

Roads and Transportation Services (Hamilton Area)

Planning Application Report

1. Application Site

- 1.1. The application site relates to a section of the rear garden area of an existing house at 29 Birdsfield Drive, Blantyre. Birdsfield Drive is located within an established pre war local authority residential area featuring timber chalet style semi-detached and terraced properties close to Blantyre town centre.
- 1.2. The existing property is on a large rectangular corner site. The ground is level across the site and measures approximately 0.03 hectares in size.

2. Proposal(s)

- 2.1. The applicant seeks planning permission to erect a one and a half storey house, positioned to the rear of the existing garden ground. To allow a driveway and parking for the proposed dwelling the existing site will be split to form 2 'L' shape sites. The new dwelling will be positioned at 90° to the existing house, therefore forming a new vehicular access around the corner from the existing house, facing 7 Birdsfield Drive.
- 2.2. The proposed dwelling will consist of 3 bedrooms and will be finished externally in materials utilizing timber which will complement the surrounding residential properties. Adequate garden ground and parking for three cars have been provided within the site.

3. Background

3.1. Local Plan Status

- 3.1.1. The application site is identified as being within a general residential area under Policy RES1 of the adopted Hamilton District Local Plan. This policy states that within areas identified primarily for residential use, the Council will oppose the loss of houses to other uses and resist any development which will be detrimental to the amenity of these areas.
- 3.1.2. In addition to this, Policies DC1 – Development Control – General and DC2 – New Residential Development of the adopted Hamilton District Local Plan also apply. Policy DC1 – Development Control General states that all planning applications shall fully take into account the local context and built form - i.e. development should not take place in isolation and must take cognisance of scale, position and materials of adjacent buildings and surrounding street scale. Thereby in determining applications for development, the Council will have regard to:
 - (a) The local context.
 - (b) Accessibility.
 - (c) Safety and security.
 - (d) Layout and form.
 - (e) Exterior elevations.
 - (f) Landscape Treatment
 - (g) Environmental impact.
 - (h) Any extant design guidance prepared by the Council.
- 3.1.3. Policy DC2 – New Residential Development also stipulates that there will be a presumption against sub-division, tandem or backland development of house plots where these:

- (a) Are of an inappropriate scale, design or orientation.
- (b) Result in inadequate space between neighbours, adversely affecting residential amenity.
- (c) Result in loss of significant trees.
- (d) Create substandard access arrangements or do not have a proper road frontage.

3.1.4. South Lanarkshire Planning Policies provides additional guidance on development control criteria that will be applied to proposals for housing and under SLP6 – Development Control General there will be a presumption against development of new houses within the curtilage of an existing dwelling unless all of the following criteria set out in the guidance notes can be met:

- (a) The proposed house plot(s) and that remaining to the existing house are comparable with those nearby in terms of size, shape, and amenity (i.e. the proposal accords with the established pattern of development in the surrounding area).
- (b) The proposed house(s) will have a proper road frontage of comparable size with those of surrounding curtilages.
- (c) The proposed vehicular access is of an adequate standard and will not have adverse implications for traffic safety or amenity (in terms of potential noise or privacy problems).
- (d) The proposed development will not cause an unacceptable reduction in privacy to existing houses and will, itself, enjoy a degree of privacy comparable with surrounding dwellings.
- (e) All existing features such as trees, hedges, walls, fences and buildings that contribute to the character of the area will be retained and not adversely affected by the development.
- (f) 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.
- (g) The proposed house(s) must be of a scale and massing sympathetic to the character and pattern of the development in the area and must not result in a development that appears cramped, squeezed in or visually intrusive.
- (h) The proposal must not jeopardise or be prejudicial to any further desirable development in the vicinity.

3.1.5. Within the Finalised South Lanarkshire Local Plan (After Modification) the site is affected by a number of policies and Policies RES6, ENV30, DM1 and DM5 are applicable. Policy RES6 – Residential Land Use states that within areas identified for primarily residential use, the Council will oppose the loss of houses to other uses and will resist any developments which will be detrimental to the amenity of these areas. In addition, any development proposed must satisfy the following criteria. The development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking or visual intrusion.

3.1.6. Policy ENV30 – New Housing Development seeks to promote quality housing design and criteria are required to be met in the consideration of any new housing.

3.1.7. Policy DM1 – Development Management Policy requires all planning applications to take account of the local context and built form and that they should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing,

design, external materials and impact on amenity. Developments will require to enhance the quality and appearance of the local environment.

3.1.8. Policy DM5 - Sub-Division of Garden Ground reflects the presumption against the development of a new house (or houses) within the curtilage of an existing house unless certain criteria can be met. These criteria support the criteria contained within SLP6 of the South Lanarkshire Planning Policies detailed above in paragraph 3.1.4.

3.1.9. The Council's Residential Development Guide must also be taken into consideration. This document provides guidance on the key development standards that applicants will require to meet in submissions for new housing development. This guidance requires that plot ratios of smaller residential developments should stand at 70:30 garden to building ratio. A private garden area of 70m² is required for family sized detached and semi-detached properties including a minimum rear garden depth of 10m. Window to window distances are to be no less than 20m between habitable rooms and no upper floor side windows to be permitted if they overlook adjacent properties (unless they are non habitable rooms). The parking requirement for the proposed property would be for two parking spaces.

3.2. **Relevant Government Guidance/Advice**

3.2.1. Scottish Planning Policy 3: Planning for Housing does not preclude backland sites from development opportunities and supports the development of infill sites subject to the assessment of all other relevant material considerations.

3.3. **Planning Background**

3.3.1. A previous planning application on this site for the erection of two houses was withdrawn on 17 December 2007 under planning reference HM/07/0674. The proposal was considered to be overdevelopment of the site and the applicant withdrew the application.

4. **Consultation(s)**

4.1. **Roads and Transportation Services** – Raise no objections to the proposal. Roads and Transportation Services are satisfied that a suitable access can be provided to serve the site and that an adequate visibility splay can be preserved in respect of access onto Birdsfield Drive. The parking requirement for the proposal is 3 spaces.
Response: Noted. All the criteria can be met and if planning permission is granted appropriate conditions shall be imposed.

5. **Representation(s)**

5.1. Statutory neighbour notification was undertaken and nine letters of representation were received including one petition with 20 signatures.

5.2. The grounds of objection can be summarised as follows:

a) **The appearance, design, scale and materials for the proposed house are not in keeping with the timber style of the rest of the estate.**

Response: The applicant has ensured that the new house will be as similar to those nearby as possible. The new house has been designed to mimic existing dwellings within the street and will be clad in timber so that the materials fit in with the rest of the estate. However the proposal's impact on the local context will be assessed in more detail in the Assessment and Conclusions section of the report.

- b) **The construction of a house will cause chaos, noise and disruption to the area.**
Response: Construction works are temporary in nature and this is not considered to be a valid reason to justify refusal of this application.
- c) **The applicant does not live at the site address and should not be allowed to build a house as it is only for his own financial gain.**
Response: This is not a material planning consideration.
- d) **The proposal would set an undesirable precedent that other residents in the area may wish to copy.**
Response: All applications are considered on their own merits and would be subject to the same process of evaluation as the existing application and would only be granted consent if they were deemed to be appropriate in terms of current policy.
- e) **This is a pre war estate and the street structure should not be disturbed after so many years as such changes would be injurious to the amenity of the area. There would be an overprovision of houses.**
Response: While the house will sit forward of the building line between 27 and 29 Birdsfield Drive, the house has been designed so that it is positioned in a similar position to the existing house across the street at 7 Birdsfield Drive. As such it is not considered that the proposal would be injurious to the visual amenity of the area. However the proposal's impact on the local context will be assessed in more detail in the Assessment and Conclusions section of the report.
- f) **Construction traffic would cause a road safety hazard for children who play in the street.**
Response: After consultation Roads and Transportation Services are satisfied that the proposed development would not be detrimental to road safety.
- g) **The house will overlook and reduce the privacy of neighbouring residents' houses and rear gardens.**
Response: The proposed dwelling has been designed to ensure that there are no habitable windows within the 20 metre window to window distance required within the Council's Residential Development Guide, sufficient rear garden space has been provided and a 2 metre high timber screen fence will be conditioned to ensure that all habitable rooms on the ground floor will have adequate privacy.
- h) **An additional house would reduce parking as existing residents would not be able to park in the street where the new driveway would be formed and this would cause double parking and problems for neighbours getting in and out of existing driveways.**
Response: The proposal will have sufficient off street parking for 4 cars and after consultation Roads and Transportation Services were satisfied that the proposed development would not generate any parking or road safety issues.
- i) **The introduction of a new house in the estate would increase traffic flow which cannot be accommodated within the small cul-de-sac.**
Response: After consultation Roads and Transportation Services were satisfied that the proposed development would not generate any road safety issues.

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

6. Assessment and Conclusions

- 6.1. This planning application relates to the erection of a detached one and a half storey dwelling within the curtilage of the existing dwelling. The application site is located on Birdsfield Drive, an established residential area featuring one, one and a half and two storey, semi-detached and terraced properties. The main determining factors in assessing the planning application relate to national planning guidance, the proposal's ability to comply with relevant local plan policy, site history and the proposal's impact upon the character and amenity of the surrounding area.
- 6.2. Scottish Planning Policy 3: Planning for Housing does not preclude backland sites from development opportunities and supports the development of infill sites subject to the assessment of all other relevant material considerations.
- 6.3. In terms of the adopted Hamilton District Local Plan and the Finalised South Lanarkshire Local Plan (After Modification) the site is affected by Policy RES1 - Residential Areas – General and Policy RES6 – Residential Land Use as such the principle of the landuse is considered to be acceptable.
- 6.4. In terms of planning history of the site, a previous planning application for the erection of two dwellings was withdrawn on 17 December 2007 under planning reference HM/07/0674. The proposed development did not take into account the layout and form of the area and would result in overdevelopment of the site to the detriment of the residential amenity of the locality and furthermore extant guidance prepared by the Council had not been adhered to. It was therefore considered to be contrary to Local Plan Policies and the applicant was advised to withdraw the application.
- 6.5. Following discussions with the Planning Service the proposal has been reduced to one house and the siting of the house has been amended to ensure that it is now in accordance with Local Plan Policies and the Council's Residential Development Guide.
- 6.6. In terms of Policy DC2 – New Residential Development of the adopted Hamilton District Local Plan and Policy ENV30 – New Housing Development of the Finalised South Lanarkshire Local Plan (As Modified) the proposed development has been assessed below in terms of the criteria in paragraph 3.1.3 above and it is considered that the policy satisfies these criteria in that:
 - a) The proposed dwelling is similar to that on the surrounding plots and others in the area and the proposal is of an appropriate scale, design and orientation.
 - b) There will be no adverse effect upon residential amenity as the plot size proposed is of an adequate size to provide the required garden size, parking requirements and space between the properties to comply with the content of the Council's Residential Development Guide.
 - c) No significant trees would be lost.
 - d) The proposed access arrangement raised no objection from the Roads and Transportation Service after consultation.
- 6.7. Policy SLP6 – Development Control General of the South Lanarkshire Planning Policies states that there will be a presumption against the development of a new

house within the curtilage of an existing house unless a number of criteria can be met. Each criterion will be assessed in turn.

- (a) **The proposed house(s) should be comparable with those nearby in terms of size, shape, and amenity (i.e. the proposal accords with the established development pattern in the surrounding area).**

Response: It is considered that the proposed house plot is of a scale and shape that is acceptable to the development pattern which already exists within Birdsfield Drive.

- (b) **The proposed house(s) will have a proper road frontage of comparable size with those of surrounding curtilages.**

Response: It is considered that the proposed dwelling would have a similar road frontage and driveway arrangement to surrounding properties within the street.

- (c) **The proposed vehicular access will be of an adequate standard and will not have adverse implications for traffic safety or amenity (in terms of potential noise or privacy problems).**

Response: It is considered that the proposed vehicular access to the property would not affect the amenity of adjacent properties. In their consultation response the Roads and Transportation Service had no objection to the proposal.

- (d) **The proposed development will not cause an unacceptable reduction in privacy to existing houses and will, itself, enjoy a degree of privacy comparable with surrounding properties.**

Response: There are no amenity issues for surrounding properties resulting from the proposed development as the house has been specifically designed and orientated to ensure that the window to window distances achieve the 20 metre distance between habitable rooms and a 2 metre high timber screen fence will be conditioned to ensure that all habitable rooms on the ground floor will have adequate privacy. As such both existing properties and the proposed property will benefit from an acceptable degree of privacy.

- (e) **Adequate parking for the proposed building must be provided within the site and must not be harmful to the established character and amenity of the area.**

Response: As has been detailed within the Roads and Transportation Service consultation response there is sufficient parking provision within the proposed plot and the existing property. It is considered by the Service that the provision of the required parking will not be detrimental to the amenity of the surrounding residential properties as there is adequate space within each plot.

- (f) **The proposed house(s) must be of a scale and massing sympathetic to the character and pattern of development in the area and must not result in a development that appears cramped, squeezed in or visually intrusive.**

Response: It is considered that the scale of the property being, proposed, one and a half storeys in height, would reflect the scale of a number of properties located within Birdsfield Drive. The house has been set forward to mirror the position of the house opposite and fits in with the layout of the existing street. The plot size and density is such that it will not appear cramped or squeezed in.

- (g) **The proposal must not jeopardize or be prejudicial to any further desirable development in the vicinity.**

Response: The proposed development will not jeopardize or be prejudicial to any further development in the vicinity.

It is considered, therefore, that the proposals adequately comply with Policy SLP6 of the South Lanarkshire Planning Policies. This policy is supported by Policy DM5 of the Finalised South Lanarkshire Local Plan (As Modified) and the proposal is also considered to be in accordance with this policy.

- 6.8. In assessment of Policy DC1 of the adopted Hamilton District Local Plan and Policy DM1 of the Finalised South Lanarkshire Local Plan (As Modified) the proposed dwelling would be one and a half storeys in height and has been positioned to ensure an optimum distance can be achieved to both side boundaries while still leaving sufficient rear garden ground and space for off street car parking. It is therefore considered that the proposal has taken into account the layout and form of the area and has been appropriately designed and orientated in order to fit into the existing streetscape and avoid any loss of privacy to adjacent properties. It is further considered that the proposed dwelling will not be materially detrimental to the residential amenity of the locality and takes into account the built form in terms of size, scale and design within the application site as well as meeting the requirements of the Council's Residential Development Guide.
- 6.9. All points contained within the letters of representation have been assessed and it is considered that no issues have been raised that would merit refusal of this application.
- 6.10. Roads and Transportation Services were the only consultees on this application. In terms of road safety they are satisfied that the proposed development is acceptable. A suitable access can be formed, parking requirements achieved and the visibility splay requirements can be met to their satisfaction
- 6.11. In view of the above I therefore recommend that planning permission be granted.

7. Reasons for Decision

- 7.1. The proposal has no adverse impact on either the residential or visual amenity and complies with Policies RES1, DC1 and DC2 of the adopted Hamilton District Local Plan and SLP6 of the South Lanarkshire Planning Policies as well as Policies RES6, ENV30, DM1 and DM5 of the Finalised South Lanarkshire Local Plan (As Modified) and the Council's Residential Development Guide.

Iain Urquhart
Executive Director (Enterprise Resources)

28 April 2008

Previous References

- ◆ HM/07/0674

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
Roads and Transportation Services (Hamilton Area) 13/03/2008
- ▶ , Representations
 - Representation from : Campbell Sievwright Solicitors, 12 Campbell Street, Hamilton, ML3 6AS, DATED 31/01/2008
 - Representation from : Elaine Curtis & Graham Hawthorne, 27 Birdsfield Drive, High Blantyre, G72 OXW, DATED 19/02/2008
 - Representation from : Mr John Bell, 22 Birdsfield Drive, Blantyre, DATED 06/02/2008
 - Representation from : Mr and Mrs Cochrane, 7 Birdsfield Dive, Blantyre, DATED 06/02/2008
 - Representation from : Mrs S McNamee, 2 Birdfield Drive, HIGH BLANTYRE, G72 OXP, DATED 21/02/2008
 - Representation from : Mrs T Dunn, 25 Birdsfield Drive, Blantyre, DATED 05/02/2008
 - Representation from : Digy Brown Cochran and Dickie, 21 Moss Street, Paisley, PA1 1BX, DATED 06/02/2008
 - Representation from : Mr and Mrs Brodie, 20 Birdsfield Drive, Blantyre, DATED 06/02/2008
 - Representation from : Mr K Weir, 13 Birdsfield Drive, High Blantyre, DATED 13/02/2008

Contact for Further Information

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

Mariona Hunter, Planning Officer, Brandon Gate
Ext 3509 (Tel :01698 453509)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 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.
- 3 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority. These materials shall match in colour and texture those of the existing adjoining houses to the site.
- 4 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no development shall take place within the curtilage of the application site other than that expressly authorised by this permission without the submission of a further planning application to the Council as Planning Authority.
- 5 That before the house hereby approved is completed or brought into use, all of the parking spaces shown in purple on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 6 That before the house hereby approved is brought into use, a dropped kerb access to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 7 That before the house hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 25 metres measured from the road channel shall be provided to the east of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 8 That before the house hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 35 metres measured from the road channel shall be provided to the west of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 9 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 10 That no house shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

- 11 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority.
- 12 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 13 That before the house is occupied, a 2 metre high close boarded screen fence shall be erected along the boundary marked blue on the approved plans.
- 14 That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 12 and 13 above, shall be erected and thereafter maintained to the satisfaction of the Council.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 To ensure the provision of adequate parking facilities within the site.
- 6 In the interest of public safety
- 7 In the interest of road safety
- 8 In the interest of road safety
- 9 In order to retain effective planning control
- 10 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 11 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 12 These details have not been submitted or approved.
- 13 In the interests of amenity and in order to retain effective planning control.
- 14 In the interests of amenity and in order to retain effective planning control.

For information only

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