

Report

Report to: **East Kilbride Area Committee**
Date of Meeting: **30 January 2019**
Report by: **Executive Director (Community and Enterprise Resources)**

Application no. P/18/1565
Planning proposal: Erection of Fencing (Retrospective) at 253 Glen More, East Kilbride

1 Summary application information

Application type: Householder
Applicant: Mr J McBride
Location: 253 Glen More
East Kilbride
G74 2AR

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 East Kilbride Area Committee has delegated powers to determine this application.

3 Other information

- ♦ Applicant's Agent:
- ♦ Council Area/Ward: 08 East Kilbride Central North
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (2015)**

Policy 4 Development Management and Placemaking
Policy 6 General Urban Area/Settlements

Supplementary Guidance 3: Development Management, Placemaking and Design Policy

DM13 Development within General Urban Area/Settlement

Proposed South Lanarkshire Local Development Plan 2

Policy 3 General Urban Areas and Settlements
Policy 5 Development Management and
Placemaking

◆ Representation(s):

▶	7	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ Consultation(s):

None required

Planning Application Report

1 Application Site

- 1.1 The application site relates to a two storey terraced dwellinghouse at 253 Glen More in the St Leonards area of East Kilbride. The site lies within an established residential area. The property is bounded to the south by two terraced houses and to the north and east by an end terraced house. A public road, Blacklaw Drive lies to the east of the application site with a triangular area of open plan space between the site and the road.

2 Proposal(s)

- 2.1 The applicant seeks retrospective detailed planning permission for the erection of fencing. One section of the fence is 1.8m in height for a length of 2.1m from the front of the house and then drops to 1m in height for a further 3.7m in length. This fence has been erected along the dividing boundary between the front gardens of 253 and 255 Glen More. A 1m high timber fence has also been erected along the dividing boundary of 251 and 253 Glen More.

3 Background

3.1 Local Plan Status

- 3.1.1 In determining this planning application the Council must assess the proposed development against the policies contained within both the adopted South Lanarkshire Local Development Plan (SLLDP) (2015) and associated Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 In land use terms, the application site is identified within the SLLDP as being within a general residential area. Policy 6 (General Urban Area/Settlements) is applicable and states that residential developments and those of an ancillary nature may be acceptable, provided they do not have a significant adverse effect on the amenity and character of the area. Developments that will be detrimental to residential amenity will not be permitted.
- 3.1.3 Policy 4 (Development Management and Placemaking) of the SLLDP is also considered to be relevant and requires all development proposals to take account of, and be integrated with, the local context and built form.
- 3.1.4 Policy DM13 (Development within General Urban Area/Settlements) of the Development Management, Placemaking and Design Supplementary Guidance, is also relevant to this proposal. This policy states that proposals must relate satisfactorily to the adjacent and surrounding area in terms of scale, massing and materials used.
- 3.1.5 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new Plan builds on the policies and proposals contained in the adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 3 and 5 are relevant.

3.2 **Planning Background**

3.2.1 There is no recent planning history pertaining to the application site.

4 **Consultation(s)**

4.1 No consultations were required in respect of this application.

5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken. Seven letters of objection were received. The issues raised are summarised below:-

- a) **The erected fence shades light into the garden and front living room of 255 Glen More from mid-morning onwards. The loss of light will be detrimental to the health and well-being of the occupants of the property and will block their line of sight from their garden.**

Response: A daylight/shadowing assessment was carried out by the Planning Service to investigate the effect the development had on sunlight on the neighbouring property. This section of fence is located to the south of 255 Glen More. Measurements were taken for different periods within the year (March, June, September and December) with and without the fence. However, given the positioning of the proposed development to 255 Glen More, the proposal would not have a substantial impact on the existing level of sunlight presently enjoyed by these properties in March, June or September. Whilst it was noted that the proposed development would have an impact through shadowing in December, this impact is not considered sufficient to justify refusal of this planning application. Good practice guidance from the British Research Establishment states that as long as at least half the garden receives at least two hours sunlight on 21 March there is adequate sunlight. The proposed development would not adversely affect existing levels of sunlight for any adjoining dwellinghouse in March. The right to a view is not a material planning consideration.

- b) **What methods and materials will the applicant use to preserve the timber from elements of decay? Given the surrounding area it will not take long for the fence to be affected with green algae and mildew.**

Response: The method or materials for preserving timber is not a material planning consideration.

- c) **Planning permission was only applied for the day after the fence was erected.**

Response: The applicant was unaware that planning permission was required for a fence. On being advised that planning consent was required for this structure a planning application was made.

- d) **Although the fence is within the applicant's boundary, the posts have been concreted into part of the garden of 255 Glen More. The applicant will have to source an alternative support structure on his own boundary.**

Response: The land ownership certificate within the planning application form has been signed by the applicant that no person other than himself/the applicant was an owner of any part of the land to which the planning application relates. The planning application relates to the structure of the fence above the ground and it is clear that it has been erected along the dividing boundary between the two properties. The concrete supports for the fence posts below the ground are

not subject to control by planning and therefore do not form part of the assessment of the planning application. This is instead a legal matter that requires to be resolved between the parties involved.

- e) **What would happen if the garden ground level of 255 Glen More was lowered thus making the fence higher than 1.8m?**

Response: The height of a fence is measured from the lowest part of the ground immediately adjacent to the fence. The height of the fence would therefore be measured from the level of the ground on which the fence sits and it would be measured from the applicant's garden. However, in any event, the proposals have been determined on the basis of the situation at present.

- f) **The fence is setting a precedent for others. None of the other local properties have a similar boundary fence. Blacklaw Drive is otherwise open plan.**

Response: There are many examples of garden enclosure within the general area, including a 1.8m high hedge (approximately) that is part of the objector's front garden at 255 Glen More. Many of these enclosures are formed by bushes or small walls but there are also examples of fences to delineate individual gardens, together with steps and handrails.

- g) **I was discouraged from erecting a fence in front of my garden as I was told it would probably be rejected as the council do not promote enclosed gardens.**

Response: The Council does not have a specific policy promoting open front gardens within residential developments. Each planning application is decided on its own merits.

- h) **The fence does not keep anything in or out as it is open in the front. The highest part looks odd and the fence serves no purpose. It looks out of character. The 1.8m section of the fence should be reduced to 1m in height in line with the rest of the fence. There are no immediate plans at 255 Glen More to start works on the approved extension.**

Response: Planning consent (Planning Application EK/17/0165) for the erection of a single storey front extension at 255 Glen More is still live. When constructed, it will project 2m from the front elevation of the property. The character of the streetscene would therefore be altered significantly. The applicant has explained in his application form that, due to the re-location of the front door at 255 Glen More as part of this consent, the higher part of the fence has been erected to preserve privacy for both parties. It is considered that in the interests of amenity, that the retrospective fencing should be stained in an appropriate dark wood stain.

- i) **The only reason this section of fencing has been made higher is to make it difficult to build the front extension that has been approved at 255 Glen More.**

Response: This is a matter that requires to be resolved between the parties involved. The grant of planning permission does not grant any right of access over any adjoining property or land required for the purpose of constructing or maintaining an approved development. The consent of the appropriate land owner is required to carry out building work or future maintenance that requires access to a neighbour's ground. Any disputes which arise over access or

boundaries are not a planning matter. These are civil matters to be resolved between the parties involved.

- 5.2 These letters have been copied and are available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks retrospective detailed planning permission for the erection of fencing. One section of the fence is 1.8m in height for a length of 2.1m from the principal elevation of the house and then drops to 1m in height for a further 3.7m in length. This fence has been erected along the dividing boundary between the front gardens of 253 and 255 Glen More. A 1m high timber fence has also been erected along the dividing boundary of 251 and 253 Glen More.
- 6.2 In assessing the application, consideration must be given to the policies and guidance within the adopted South Lanarkshire Local Development Plan: Policy 4 - Development Management and Placemaking, Policy 6 - General Urban Area/Settlements and within the associated Development Management, Placemaking and Design Supplementary Guidance: Policy DM13 – Development with General Urban Area/Settlements. In addition, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration and Policy 3 – General Urban Areas and Settlements and Policy 5 – Development Management and Placemaking are also required to be considered.
- 6.3 Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan and Policy DM13 of the Development Management, Placemaking and Design Supplementary Guidance require all development proposals to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the amenity of the area. These requirements must also be met within Policies 3 and 5 of the proposed South Lanarkshire Local Development Plan. In assessment of these policies and the criteria applied, it is noted that there is no significant adverse impact on adjacent buildings in terms of massing, design and external materials or any loss of open space or damage to hedges or bushes. A daylight/shadowing assessment was also carried out by the Planning Service to investigate the effect the development had on sunlight. Measurements were taken for different periods within the year (March, June, September and December). However, the proposal would not have a significant adverse impact on the existing level of sunlight presently enjoyed by adjoining properties in March, June or September. Whilst it was noted that the proposed development would have an impact on sunlight to 255 Glen More in December, this is not considered sufficient reason to justify refusal of this planning application. Good practice guidance from the British Research Establishment states that as long as at least half the garden receives at least two hours sunlight on March 21 there is adequate sunlight. The proposed development would not adversely affect existing levels of sunlight for any adjoining dwellinghouse in March. The proposed development is therefore considered to be in accordance with Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan and Policy DM13 of the Development Management, Placemaking and Design Supplementary Guidance and Policies 5 and 6 of the proposed South Lanarkshire Local Development Plan 2.

- 6.4 Whilst it is noted that 7 letters of objection have been received in relation to this planning application, it is considered that the concerns raised, either individually or collectively, are not of sufficient weight or merit from a planning perspective that could justify the refusal of consent. It is not considered that any of the neighbouring properties would be adversely affected in terms of overshadowing/loss of daylight or that the general amenity of these properties or that of the surrounding area would be adversely affected by the proposed development. The retrospective fencing can be stained and there are existing examples of garden enclosure within the general area. In addition, the streetscene will be altered once the extension at the front of 255 Glen More, that has planning consent, is erected.
- 6.5 On the basis of the above, it is recommended that planning permission be granted subject to a condition to stain the fencing in a dark wood stain.

7 Reasons for Decision

- 7.1 The proposal does not have an adverse impact on residential or visual amenity. It complies with Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan and Policy 13 of the associated Supplementary Guidance:3: Development Management, Placemaking and Design and Policies 3 and 5 of the proposed South Lanarkshire Council Development Plan 2. There are no other additional material considerations which would justify refusing to grant planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

15 January 2019

Previous references

- ◆ EK/17/0165 – 255 Glen More, East Kilbride

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 9 November 2018
- ▶ Representations

Dated:

Mrs Lawra Doig, 31 Glen Arroch, East Kilbride, G74 2BP 14.11.2018

Robin Ellerington, 255 Glen More, St Leonards, East Kilbride, G74 2AR 02.12.2018

Mr Robin Ellerington, 255 Glen More, East Kilbride, Glasgow, South Lanarkshire, G74 2AR 09.11.2018

Mrs Lesley Davidson, 1 Torrance Wynd, East Kilbride, Glasgow, South Lanarkshire, G75 0RY 18.11.2018

Mrs Lisa Ellerington, 255 Glen More, East Kilbride, Glasgow, 12.11.2018
South Lanarkshire, G74 2AR

Mr A. Davidson, 1 Torrance Wynd, East Kilbride, Glasgow, 24.11.2018
South Lanarkshire, G75 0RY

Mr Colin Hendry, 2 Glen Cannich, East Kilbride, G74 2BW 14.11.2018

Contact for further information

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

Mohammed Hussain, Planning Officer, Montrose House, 154 Montrose Crescent,
Hamilton, ML3 6LB

Phone: 01698 455269

Email: mohammed.hussain@southlanarkshire.gov.uk

Detailed Planning Application

Paper apart – Application number: P/18/1565

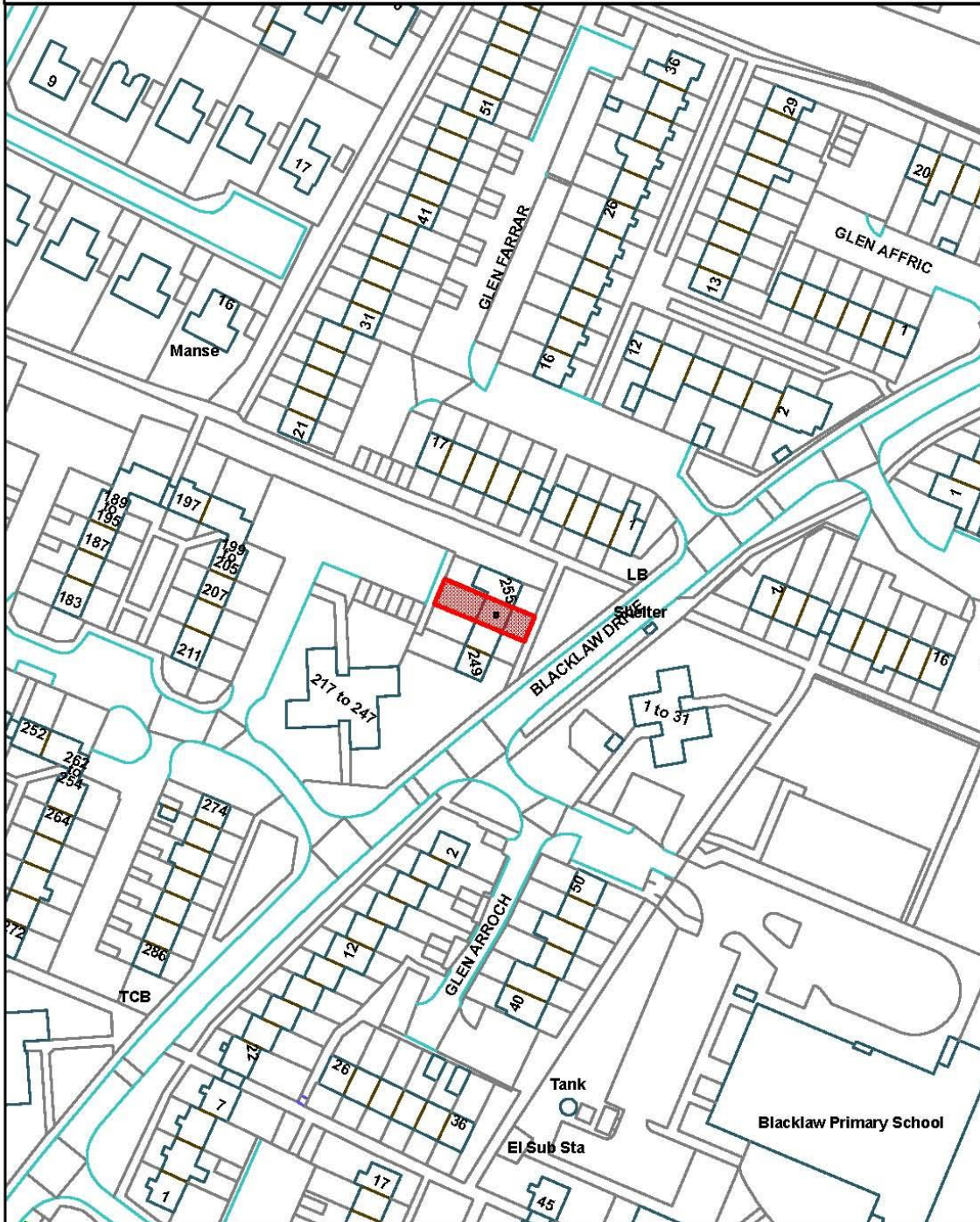
Conditions and Reasons

01. That within 1 month of the date of this consent, the applicant shall submit samples of a dark wood stain finish for consideration and approval by the Council.
Thereafter, and within 3 months of the date of this consent, the applicant shall paint the fencing using the agreed woodstain colour to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity

P/18/1565

253 Glen more, East Kilbride



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Scale:
1:1,250
Date:
14/01/2019



South Lanarkshire Council
Community and Enterprise Resources
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