

# Report

Report to:	<b>Cambuslang/Rutherglen Area Committee</b>
Date of Meeting:	<b>25 September 2007</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CR/06/0388
Planning Proposal:	Amendment to Previous Consent CR/05/0065 (Erection of Two Storey Side Extension etc) in Respect of Various External Departures From Approved Drawings Including Tiles on Gable Wall, Fascia Board on Gable Wall, etc (in Retrospect)

## 1 Summary Application Information

- Application Type : Detailed Planning Application (Amend)
- Applicant : Mr & Mrs G Connor
- Location : 22 Waverley Drive  
Rutherglen

## 2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission  
(Subject to a condition – based on the condition listed)

### 2.2 Other Actions/Notes

- (1) The Area Committee has delegated powers to determine this application.
- (2) Authority is also sought to issue an Enforcement Notice to rectify the uneven, irregular and unsightly tiles that have been attached to the side elevation (at first floor level) of the two storey extension.

## 3 Other Information

- ◆ Applicant's Agent: Cambus Construction Services
- ◆ Council Area/Ward: 12 Rutherglen Central and North
- ◆ Policy Reference(s): Cambuslang/Rutherglen Local Plan 2002, policies RES9 (Residential Land Use Area); DC1 and SLP6 (Development Control General) applicable along with associated guidance note regarding house extension, two storey extensions and dormer extensions. In addition policy DM4 (House Extensions and Alterations) with guidance note of the Finalised South Lanarkshire Local Plan (After Modification) is also a material consideration.

◆ Representation(s):

▶	3	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

Building Standards Services (Cam/Ruth Area)

## **Planning Application Report**

### **1 Application Site**

- 1.1 On the west side of 22 Waverley Drive, between Woodside Avenue and Dunbar Avenue, Rutherglen, the application site extends to 450 square metres or thereby and contains the house and curtilage of an extended two storey semi detached property. In this regard the original house has been increased in size primarily by a two storey side extension with car port at street level, two rear dormer windows and a single storey rear extension (planning consent CR/05/0065) which has only been completed in the last twelve or so months. Prior to the two storey side extension etc being erected, the property had a rear extension with mono pitched roof that spanned the full length of the rear elevation.
- 1.2 The garden area associated with the house is, in terms of the surrounding gardens, of irregular shape. The front garden area is mono blocked to provide off-street parking whilst the rear garden area is relatively narrow (approximately 6 metres wide) and runs at a slight angle away from the house. As a result of this garden shape, the rear extension in one location is approximately two metres from the mutual boundary with an adjoining property of Woodside Avenue, this mutual boundary being established by a brick wall with lattice fencing above (total height approximately two metres) which is “overgrown” with vegetation.
- 1.3 The narrow rear garden area is at elevated level (approximately 750 mm to one metre higher) than the rest of the garden and is enclosed by timber fencing and hedging. A shed is located at the rear of this area. Immediately outside the ‘original’ single storey rear extension an area of timber decking has been formed and is separated from the adjoining house at 24 Waverley Drive by means of a 2.5 metre high solid timber fence.
- 1.4 To the north and south of the site, there are houses which were originally of similar style and appearance to the applicants. Like the applicants property however both of the immediate neighbours (Nos. 20 and 24 Waverley Drive) have been extended: No. 20 has a recently constructed single storey side extension (with two velux roof lights) that extends beyond the rear elevation of the house whilst No.24 has a two storey side extension along with an extension at the rear and a rear dormer window, the latter extension being of similar nature to the applicants.
- 1.5 In terms of ground levels, the property at no. 20 sits at a slightly lower level (on average 400 mm) than the application site, and has a side window (hallway) at first floor level. In addition, the rear garden area associated with this house is in terms of square metres, relatively small when compared with others near-by. The mutual boundary between the houses is, at the front, the original cast iron railings which changes to a low timber fence between the existing extensions. The rear garden boundary is established by a small length of wall with vegetation above.
- 1.6 The houses opposite the site are semi-detached bungalows.

### **2 Proposal(s)**

- 2.1 Retrospective consent is now sought for a number of departures from the drawings approved under consent CR/05/0065. In detail the changes/departures can be summarised as:

- ◆ The hanging of uneven and irregular tiles at first floor level in the side elevation of the two storey extension.
- ◆ An increased depth of fascia board at the side elevation of the extension.
- ◆ The installation of a dormer window (the northernmost one) with a skewed, unbalanced and asymmetrical roofline.
- ◆ The attachment of white uPVC corner angles to the face of both dormer windows.
- ◆ The erection of a wider supporting pillar for the side extension such that it projects beyond the rear of the extension, the projecting part of which has been capped with lead.
- ◆ The erection of a small length of timber fencing along part of the common boundary with No. 24 Waverley Drive, this fence being immediately adjacent to the rear of the house and being of close boarded construction and approximately 2500 mm high.
- ◆ The finishing of the face of the extension's supporting columns nearest to number 20 Waverley Drive with smooth render painted white instead of roughcast.

## 2.2 Justification for the above departures has been based on:

- ◆ The neighbour at No. 20 Waverley Drive refused access to their ground to facilitate the erection of the extension (this intention to refuse access was communicated to the Council after the issue of consent CR/05/0065.) Nevertheless the builder was of the view that they could still undertake the development in accordance with the planning consent that was issued and to this end they pre-erected and tiled the side elevation and used a crane to hoist the completed side into position; unfortunately it would appear that during this operation a number of the tile battens have either twisted, snapped or slipped the result being the uneven, irregular tiled side elevation.
- ◆ The deeper fascia board has been used to 'anchor' the top row of tiles in position.
- ◆ The approved drawings did indicate that one dormer was slightly 'skewed' – the dormer, however, when being installed very significantly from the drawings (the roof of the dormer projected beyond and above the plane of the main side roof) and this was brought to the attention of the builder. Unfortunately however in order to rectify this aspect the builder only lowered one side of the dormer roof and hence it is very unbalanced in appearance. In addition it is clear that the approved drawings indicate that the top of the window would be above eaves/gutter level at both sides of the dormers roof and it is clear that it has not been constructed like this.
- ◆ The corners of the dormers have been finished with white uPVC in order to 'seal' them from adverse weather.
- ◆ No explanation has been provided for the larger supporting pillar but it is reasonable to surmise that it was due to error.
- ◆ The fence was erected without knowledge that all fences above two metres in height required planning consent.
- ◆ Due to the denial of access it was not possible to roughcast the side of the supporting columns adjacent to the common boundary with number 20 Waverley Drive (a smooth render painted white has however been applied).

- 2.3 Prior to the lodging of this application the various departures were submitted with the view to obtaining a non material variation to consent. During the erection of the extension however a number of third parties had passed comment on the development and numerous site visits were undertaken by representatives of both Planning and Building Standards Services. Given this interest and the correspondence received it was not possible to accept the revised drawings as a minor amendment to consent CR/05/0065 and hence the present application.

### **3. Background**

- 3.1 The site is within a Residential Land Use Policy Area in terms of the Cambuslang/Rutherglen Local Plan 2002, Policy RES 9 being applicable. In addition, Policies DC1 and SLP6 "Development Control General along with associated guidance notes regarding house extensions, dormer extensions and two storey extensions is also applicable, each aspect of the policy having a number of criteria which the proposal should comply with.
- 3.2 The Finalised South Lanarkshire Local Plan (After Modification) is also a material consideration to the assessment and determination of this application. In general terms however the applicable policies (DM 1 - Development Management Policy and DM 4 - House Extensions and Alterations Policy) have similar aims and objectives to the adopted Local Plan.

### **3.3 Planning Background**

Two previous applications for the site, namely:

CR/99/0065 -Erection of single storey extension to rear of dwellinghouse. Approved April 1999

CR/05/0065 – Erection of two storey side extension and installation of rear dormer windows. Approved June 2005.

The two storey side extension at 24 Waverley Drive received consent in March 2002 (CR/02/0011) and the single storey side extension at 20 Waverley Drive received consent in April 2004 (CR/04/0058).

## **4 Representation(s)**

- 4.1 Statutory neighbour notification was undertaken and all the interested third parties that had previously expressed interest in the development were contacted by letter and advised of this submission. Following this publicity, three letters of representation have been received, two of which are similar in content with the other being from a husband and wife. The issues raised can be summarised as:

**a) Profound misgivings over the entire project, in terms of basic construction standards or sympathetic, harmonious or appropriate design in keeping with the street.**

**Response:** The acceptability of the original proposal and its impact on neighbours in particular and the locality in general was given due consideration by the Cambuslang/Rutherglen Area Committee in June 2005 prior to the determination of application CR/05/0065. In this respect therefore I do not agree that the principle or the design of the extension is injurious or incongruous to the built environment; indeed I am confident that such extensions when built correctly and with due regard to the external appearance of the original house do not have an adverse effect on the street scene. I do accept however that for various reasons the external finish of

the development at 22 Waverley has deviated from that expected when consent was issued.

**b) Refusal to grant access for construction was known and the deliverability of the development, or lack of it, was sidelined by the Council.**

**Response:** It is erroneous to claim that the denial of access was sidelined by the Council. In amplification of this the neighbours first advised the Council that they would exercise their legal right to deny the builder access to construct the extension by letter received approximately five weeks after the issue of consent CR/05/0065. That was acknowledged the following day and the builder advised on site also. By this time however the builder was aware that access had been denied as I understand that a solicitor's letter advising them of same had been received.

**c) Development entirely inappropriate**

**Response:** Again the appropriateness or otherwise of the development was considered when application CR/05/0065 was determined in June 2005 and I remain convinced that the issue of consent was properly justified given all material planning considerations. In this connection I am aware that consent for numerous other two storey side extensions in similar circumstances has been issued and they have been erected without the later difficulties that the extension at 22 Waverley Drive has generated.

**d) Tiles on the side elevation are plainly off level and in some cases, missing.**

**Response:** It is factual correct that the tiles on the upper level (side) of the extension are irregular and uneven and I accept that this external finish detracts substantially from the appearance of the extension and to an extent has an adverse impact on the amenity of the locality. Indeed when consent was issued it was expected that these tile would be hung uniformly in rows replicating the side finish of the house prior to the extension. The appearance of the tiles has been discussed with the applicant who has confirmed that he also wishes to see the appearance of the tiles rectified. In this regard unique constructional techniques have been engaged to replace missing tiles whilst addressing the appearance of the many uneven ones but this has had limited success. Clearly in order to rectify this departure from the original consent (CR/05/0065) it would appear that access to the neighbours ground/air space is necessary and until this is granted a 'stalemate' situation remains. Furthermore from a constructional aspect the applicant has also provided a letter from a Chartered Engineer confirming that "whilst the tiles are somewhat uneven I confirm that their structural fixing is adequate and will not compromise the integrity of the tiling works."

**e) White uPVC has been used as a corner feature, rather than tiles matching in terms colour and texture, and looks most peculiar.**

**Response:** The use of white uPVC was never indicated on the drawings that received consent. In this regard it is Council policy to ensure that dormers are finished externally with material to match the roof and in this connection the face and checks of the dormers do comply with this requirement.

**f) Additional brick pier is poorly finished, unnecessary and its top projects beyond what it is supposed to support.**

**Response:** The pier has been built bigger than indicated on the approved drawings presumably as a result of human error. In the context however of the scale and mass of the extension and the location of the pier this error is relatively minor in scale and its impact on visual amenity is, in my opinion, neither significant or material.

**g) Dormer windows do not comply with the consent that was issued; they are palpably 'off' to the eye and they have a uPVC finish.**

**Response:** I accept that the visual impact of one of the dormers due to its lop sided nature is eye catching and I am also confident that consent for a dormer with such a substantial skew would not have been issued. In this respect the issue of design has in recent years assumed greater importance in planning terms with the Scottish Executive issuing publications on design matters and confirming that design is a material consideration which can be justified as a reason for refusing consent. The position regarding the uPVC finish is referred to above.

**h) Due to poor workmanship, safety concerns remain.**

**Response:** Ultimately the quality of build is a private matter between the client and the contractor. Building Standard Services, however, have on a number of occasions responded to enquires with regards to the safety and integrity of the external building envelope and following visits to the site there has been no requirement to undertake any action to address safety concerns and a completion certificate has been issued for the works. I understand however that following concerns from a neighbour the Health and Safety Executive were also been involved during the construction process.

**i) Request Site visit by Committee**

**Response:** Site visits can be undertaken by the Area Committee but certain criteria must be complied with, namely;

- ◆ Request must be made in writing by a member and received a minimum of two days prior to Committee and two of the following requirements must be met:
- ◆ The majority of members present agree to the site inspection
- ◆ Application raises policy issues where approval would be contrary to Local Plan policy and standards
- ◆ Where in the view of the Committee Chair a substantial body of objection has been received and the officer's recommendation is to issue consent or
- ◆ In the view of the Committee Chair a site visit is required to assess the proposal in greater depth or detail than immediately available.

**J) Due to appearance of dormer and poor quality of workmanship property values will be affected.**

**Response:** It is well established that financial matters such as property value is not a material planning consideration. This concern therefore should not influence the determination and assessment of this application.

**6 Assessment and Conclusions**

- 6.1 The approved extension at 22 Waverley Drive has resulted in strong feelings amongst neighbours and was under construction for over a year due to various circumstances. As a householder development it has generated a significant involvement of both Planning and Building Standards officials.
- 6.2 It is not unusual for developments to change from the approved planning consents and/or Building Warrant drawings as the design stage of proposals evolve or works commence on site and the applicable legislation does allow for this. The fact therefore that amendments to the approved drawings have occurred is itself not an issue of concern.
- 6.3 Clearly the extension at 22 Waverley Drive displays a number of departures from the approved drawings and given third party interest in the development and the magnitude of some of the changes; it was not possible to process the revisions as non material alterations.

- 6.4 A number of the departures are relatively small scale and either individually or collectively have little or no impact on the amenity of neighbours or the locality. In particular the application of a smooth render finish to the pillars or the increased size or number of pillars are in my opinion not significant, detrimental or generate negative or adverse conditions for the adjoining proprietor. In planning terms therefore there are no adverse comments to offer regarding these particular changes to the approved drawings.
- 6.5 The uneven and unsightly finish to the tiles on the side elevation does however give concern. These tiles are unsightly and do not make a positive contribution to the aesthetics of the extension or the street scene in general. The regularisation of these tiles would therefore make a significant contribution to the visual amenity of the area whilst enhancing the appearance of the extension and this is acknowledged by the applicant who has indicated that he would also like to see the appearance of the tiles improved. The fact remains however that access is required to the neighbouring property to carry out satisfactory remedial works.
- 6.6 The refusal to provide access is a private legal matter between the parties involved. Nevertheless should this situation resolve itself in due course and to ensure that the appearance of the tiles are improved in a visually satisfactory manner it would be prudent to establish the Council's position by issuing an Enforcement Notice requiring the side elevation of the upper floor of the extension to be tiled in accordance with the originally approved drawings which indicated that they would be hung in a manner identical to those at the front of the house. Such a Notice could be complied with, by the applicant, if access was possible. Consequently, if circumstances changed the Notice would ensure that the applicant or successors would have a legal obligation and requirement to rectify the unsightly side elevation. In a similar manner the opportunity would also be available to replace the fascia board with one that in terms of depth, matches those at the front and rear of the house.
- 6.7 The northernmost rear dormer has not been built in accordance with the approved drawings and has resulted in a dormer that is so asymmetrical and unbalanced that in appearance terms it does not accord with any found in the Cambuslang/Rutherglen area. The dormer is to the rear of the property which does help reduce its visible prominence but due to its elevated level it can be seen from a neighbouring road.
- 6.8 The issue of design in the assessment and determination of planning applications has assumed greater importance in recent years and is an important consideration when planning applications are being processed. Design however is to a certain extent and degree a subjective judgment but with regards to the dormer, I am convinced that its physical impact on the amenity of the locality is not positive and that it detracts from the roofscape of the urban environment. In addition the approval of the dormer as built would establish an undesirable precedent which if repeated elsewhere would be aesthetically detrimental. It is therefore not possible from a planning point of view to support the dormer as built.
- 6.9 Discussions regarding the dormer have taken place with the applicant who is reluctant to alter the structure due to the associated cost, disturbance and inconvenience that would result. Whilst I acknowledge this the fact remains that the appearance of the dormer is not beneficial to the residential amenity of the area. Remedial action to address the unsatisfactory appearance of the dormer is justified and in this regard a condition requiring appropriate improvements within a reasonable time scale would be a satisfactory solution to addressing this departure



from consent. At the same time the attached uPVC corners which were not indicated on the approved drawings can be removed and replaced with corner tiles.

- 6.10 The proposed boundary fence is relatively small in length when compared with the depth of the garden. It was erected without planning consent (its height exceeds two metres) and has been the subject of comment from interested parties. Nevertheless it does complement the fencing that the adjoining neighbour has erected and therefore its impact on the immediate neighbour is negligible.
- 6.11 Finally whilst a site visit has been requested it is for the Committee to decide whether or not this is appropriate in the circumstances.

## **7. Reasons for Decision**

- 7.1 The main departures from consent – the unsightly tiled side elevation and the unbalanced dormer window – do detract from the visual quality of the residential area and have a negative impact on the amenity of the area. To sanction these departures from consent would therefore undermine the planning function as it relates to householder extensions and would weaken the Council's resolve to secure and achieve developments with a high standard of design and external finish. Indeed the new Local Plan has a chapter dedicated to design issues. Clearly therefore in order to reflect the importance of design quality the issue of consent with a condition requiring appropriate remedial action to the unsatisfactory dormer within a reasonable time period is fully justified. Furthermore the issue of an Enforcement Notice to secure improvements to the tiled elevation once the difficulty of access is resolved is justified.
- 7.2 The other departures from the approved drawings are in planning terms relatively inconspicuous in terms of the two storey side extension and generate no adverse planning considerations and can be recommended for approval.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

**17 September 2007**

## **Previous References**

- ◆ None

## List of Background Papers

- ▶ Application Form.
- ▶ Application Plans.
- ▶ Neighbour notification certificate dated 4 December 2006.
- ▶ Letter dated 4 December 2006 from agent.
- ▶ Letter dated 7 December 2006 to interested third parties.
- ▶ Letter dated 23 January 2007 from applicant.
- ▶ Letter dated 9 October 2006 from Mr. Norman MacLean, Chartered Engineer.
- ▶ Letter dated 7 March 2007 to Cambus Construction Services.
- ▶ Letter dated 9 March 2007 to applicant.
- ▶ Letters dated 16 May 2007 to Cambus Construction Services and applicant.
- ▶ Letter dated 4 June 2007 from Cambus Construction Services.
- ▶ Cambuslang/Rutherglen Local Plan 2002.
- ▶ South Lanarkshire Local Plan (Finalised Draft) 2006.
- ▶ Previous applications CR/05/0065 and all associated correspondence.
- ▶ Previous applications CR/99/0065; CR/02/0011 and CR/04/0058.
  
- ▶ Consultations
  - Building Standards Services (Cam/Ruth Area) 18/12/2006
  
- ▶ Representations
  - Representation from : Claire Burns, 20 Waverley Drive  
Rutherglen G73 3JF, DATED 19/12/2006
  
  - Representation from : James Burns, 20 Waverley Drive  
Rutherglen G73 3JF, DATED 19/12/2006
  
  - Representation from : Steven & Maria Moran, 24 Waverley Drive  
Rutherglen G73 3JF, DATED 27/12/2006

## Contact for Further Information

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

Steven Clark, Planning Officer, Royal Burgh House, 380 King Street, Rutherglen  
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## **CONDITIONS**

- 1 That within 18 months of the date of this consent the roof structure of the northernmost rear dormer window shall be altered so that the roof design is symmetrical with roof planes of equal length, a drawing indicating the revised roof design being lodged with the Council as Planning Authority for their written approval and thereafter the approved details shall be implemented within three months of the date of approval.
- 2 That for the avoidance of doubt no consent is hereby issued for the uneven and irregular tiles on the side elevation of the previously approved two storey extension.

## **REASONS**

- 1 In order to comply with appropriate Local Plan policy guidance and in the interests of the visual amenity of the house in particular and the area in general.
- 2 In the interests of amenity and in order to retain effective planning control.

For information only

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