

Planning Local Review Body

Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)

PLRB Reference NOR/EK/20/001

- ◆ Site address: Land at Tigh-Na-Bruaich, Braehead Road, Thorntonhall G74 5AQ
- ◆ Application for review by Mr T Swanson of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application P/19/0873
- ◆ Application P/19/0873 for sub-division of garden ground and the erection of a one and a half storey detached house and formation of a new vehicular access
- ◆ Application Drawings: L(0-) 01 REV A LOCATION PLAN, L(0-) 02 REV A PROPOSED SITE PLAN PLOT, L(2-) 01 PROPOSED GROUND FLOOR PLAN PLOT 2, L(2-) 02 PROPOSED FIRST FLOOR PLAN, L(2-) 03 PROPOSED ELEVATIONS PLOT 2, L(0-) 10 SITE SECTIONS.

Decision

The PLRB upholds the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/0873 for the reasons detailed in the Council's decision notice dated 8 November 2019.


Geraldine McCann

Head of Administration and Legal Services

Date of Decision Notice: 23. 06. 2020

1. Background

- 1.1 This Notice constitutes the formal decision notice of the Planning Local Review Body (PLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the PLRB at its meeting on 1 June 2020. The PLRB was attended by Councillors Maureen Devlin, Isobel Dorman (Chair), Mark Horsham (Depute), Ann Le Blond, Davie McLachlan, Lynne Nailon, Graham Scott and Jim Wardhaugh.

2. Proposal

- 2.1 The proposal is for the sub-division of garden ground and the erection of a one and a half storey detached house and formation of a new vehicular access.
- 2.2 The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.

3. Determining Issues

- 3.1 The determining issues in this review were:-

- ◆ the proposal's compliance with the Adopted South Lanarkshire Local Development Plan (SLLDP) and Supplementary Guidance (SG).
- ◆ impact on the amenity and character of the surrounding residential area

- 3.2 The PLRB established that, in terms of the Adopted South Lanarkshire Local Development Plan, the site was located within an area designated for residential land use. The following policies applied to the application site:-

- ◆ Policy 4 – development management and place making
- ◆ Development Management, Placemaking and Design Supplementary Guidance – Policies DM1 (design) and DM3 (sub-division of garden ground)

- 3.3 The Proposed South Lanarkshire Local Development Plan 2, approved on 29 May 2018, was also a material consideration in determining the application. The following policies applied to the application site:-

- ◆ Policy 5 – development management and place making
- ◆ Policy DM1 – design
- ◆ Policy DM3 – sub-division of garden ground

- 3.4 Policy 4 of the Adopted South Lanarkshire Local Development Plan states that all planning applications will require to take account of and be integrated with the local context and built form. When assessing development proposals, this will include ensuring that:-

- ◆ there is no significant adverse impact on buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity
- ◆ there is no significant adverse impact on landscape character, built heritage, habitats or species including Natura 2000 sites, biodiversity and protected species nor on amenity as a result of light, noise, odours, dust or particulates

- 3.5 Policy DM1 states that the design and layout of new development must meet the appropriate criteria within the local development plan and supplementary guidance.

- 3.6 Policy DM3 states that the development of a new house (or houses) within the curtilage of an existing house will be considered favourably where it can be demonstrated that the proposal can meet the required criteria including the following:-

- ◆ the proposed house is of a scale, massing, design and material sympathetic to the character and pattern of development in the area and does not result in a development that appears cramped, visually obtrusive or is of an appearance which is so out of keeping with the established character that it is harmful to the amenity of the area
- ◆ the proposed house plot(s) and that remaining to the existing house are comparable with those nearby in terms of size, shape and amenity and the proposal accords with the established pattern of development in the surrounding area
- ◆ the garden space of the proposed house and that remaining to the existing house

- ♦ should be sufficient for the recreational, amenity and drying needs of the occupants;
- ♦ the new development will not cause an unacceptable reduction in privacy to surrounding houses as well as the new house itself
- ♦ the new development will not overshadow adjacent properties to a degree which will result in loss of amenity or itself be significantly adversely affected by overshadowing

3.7 In terms of Policies 5, DM1 and DM3 of the Proposed South Lanarkshire Local Development Plan 2, these policies are broadly consistent with, and build on, the policies and proposals contained in the Adopted South Lanarkshire Local Development Plan.

3.8 In considering the case, the PLRB had regard to the applicant's submission that:-

- ♦ an adequate access would be formed with sufficient parking and turning facilities within the site
- ♦ the proposed new house would not have an adverse impact on privacy and would have a similar relationship with properties on Ardbeg Road as the existing house on the site
- ♦ the proposed development was similar to the house plot which was granted permission on the western garden area of Tigh-Na-Bruaich in 2015
- ♦ it would not be possible for the proposed house to install a raised deck or patio area more than 0.5 metres above ground level without planning permission. Therefore, overlooking issues could be controlled and prevented by the Council as Planning Authority. In addition, a condition could be used to prevent any development in the grounds of the property by removing permitted development rights
- ♦ the applicant would be willing to install a suitable landscaping scheme to maintain privacy and prevent overlooking
- ♦ the proposed plot is of a sufficient size and the house would be a suitable distance from neighbouring properties to avoid it being overly dominant
- ♦ any overshadowing that occurred would be no worse than the existing situation
- ♦ the proposal would not set an unacceptable precedent

3.9 The PLRB considered the applicant's request that it should undertake a site visit and hold a hearing prior to determining the review case, however, it took the view that neither a site visit nor a hearing was required as it had sufficient information to determine the application.

3.10 In reviewing the case, the PLRB noted that the Local Development Plan identified the site as being in an area designated for residential land use. The PLRB, however, considered that the proposal, by virtue of the difference in ground levels within the site, its scale and footprint in relation to adjacent houses and the resultant overshadowing issues would have an adverse impact on the amenity of the surrounding residential area.

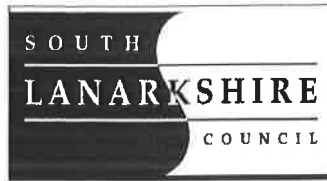
4. Conclusion

4.1 The PLRB considered a request to review the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/0873 for the sub-division of garden ground and the erection of a one and a half storey detached house and formation of a new vehicular access at land at Tigh-Na-Bruaich, Braehead Road, Thorntonhall. The PLRB concluded that the proposal would have an adverse impact on the amenity of the surrounding residential area and that it was contrary to Policy 4 of the Adopted South Lanarkshire Local Development Plan and Policies DM1 and DM3 of the Development Management Placemaking and Design Supplementary Guidance.

4.2 The PLRB, therefore, upheld the decision to refuse planning permission for planning application P/19/0873 for the reasons stated on the Council's decision notice dated 8 November 2019.

5. Accompanying Notice

- 5.1 Attached is a copy of the Notice to Accompany Refusal, etc in the terms set out in Schedule 2 to the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.



NOTICE TO ACCOMPANY REFUSAL ETC

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

