

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>12 December 2023</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

<b>Reference no:</b>	P/22/0384
<b>Proposal:</b>	Demolition of existing detached garage and erection of replacement garage with attic room above
<b>Site Address:</b>	1 Croftbank Avenue Bothwell G71 8RT
<b>Applicant:</b>	JWR Holdings
<b>Agent:</b>	N/A
<b>Ward:</b>	12 - Bothwell and Uddingston
<b>Application Type:</b>	Full Planning Permission
<b>Advert Type:</b>	N/A
<b>Development Plan Compliance:</b>	Yes
<b>Departures:</b>	N/A
<b>Recommendation:</b>	Grant subject to conditions
<b>Legal Agreement:</b>	N/A
<b>Direction to Scottish Ministers</b>	N/A

## **1. Reason for Report**

- 1.1. This application must be presented to the Planning Committee for determination as it has received more than 5 objections, as detailed in paragraph 3.5 (b) of the approved South Lanarkshire Council Planning Application Decision Making Process April 2015.

## **2. Site Description**

- 2.1. The application site relates to a detached dwellinghouse which fronts onto Croftbank Avenue with the rear garden bound by Hamilton Drive. The site is within the general urban area, however, the land to the north and west are within Bothwell Conservation Area.

## **3. Description of Proposed Development**

- 3.1. During the handling of the application, the proposals were revised which resulted in the resubmission of plans. The proposals under consideration relate to a single storey garage with attic accommodation. The design has been altered to have the roof plane sloping away from Hamilton Drive and the gable ends to the side elevations.
- 3.2. To the rear of the proposed garage and facing into the applicant's property, a rear box dormer feature is included to provide additional head space within the attic accommodation. The proposed materials include red sandstone to the front of the proposed garage (fronting Hamilton Drive) with a white smooth render to the side and rear elevations and a slate substitute tile on the roof.

## **4. Relevant Planning History**

- 4.1. Since 2019 there has been 2 submissions proposing a rear extension to 1 Croftbank Avenue, one of which has been withdrawn (P/19/0072) and one approved (P/19/0755) and has since been constructed. An application (P/20/1813) to alter the existing double garage was submitted and later withdrawn.

## **5. Supporting Information**

- 5.1. An Arboricultural Report has been submitted to support the application. The proposed works within the report have been superseded by a further addendum to set out the proposed tree works, consisting of access facilitation pruning and a method to protect roots.

## **6. Consultations**

- 6.1. Roads and Transportation Service - No objections subject to conditions relating to a construction traffic management plan and visibility splay to the front of the site.  
Response: Noted.

## **7. Representations**

- 7.1. Following the statutory period of neighbour notification procedures which was undertaken on two occasions in April 2022 on the initial set of plans and in May 2023 on an amended set of plans, 27 representations were received (27 objections, 0 support, 0 comment). The issues raised are summarised below:-

### Impact on the conservation area

- ◆ Out of character
- ◆ On the road edge, forward of building line
- ◆ The proposal has the appearance of a dwellinghouse
- ◆ Impact on Jean Cadzow memorial

#### Impact on neighbouring properties

- ◆ Loss of light
- ◆ Overshadowing
- ◆ Overlooking
- ◆ Overdevelopment

#### Other matters

- ◆ Inconsistency on plans
- ◆ Damage to trees
- ◆ Neighbourhood notification has not been followed
- ◆ Concerns proposal shall be used as a dwelling
- ◆ Impact on neighbouring driveway

#### Non-material planning matters raised

- ◆ Title burden
- ◆ Cost of works on private road
- ◆ Site safety

- 7.2. The above issues are considered in the assessment below and full copies are available to view on the planning portal.

### **8. Development Plan**

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

#### National Planning Framework 4 Policies

- ◆ Policy 1 – Tackling the climate and nature crises
- ◆ Policy 2 – Climate mitigation and adaptation
- ◆ Policy 6 – Forestry, trees and woodland
- ◆ Policy 7 – Historic assets
- ◆ Policy 16 - Quality homes

8.3. South Lanarkshire Local Development Plan 2(2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

#### SLLDP2 Volume 1 Policies

- ◆ Policy 2 – Climate Change
- ◆ Policy 3 – General Urban Area
- ◆ Policy 5 – Development Management and Placemaking
- ◆ Policy 14 - Natural and Historic Environment

#### SLLDP2 Volume 2 Policies

- ◆ Policy DM2 - House Extensions and Alterations
- ◆ Policy NHE13 Forestry and Woodland

## **9. Guidance**

### **9.1. None relevant**

## **10. Assessment and Discussion**

### **10.1. Principle of Development**

Planning permission is sought for the demolition of an existing detached garage and erection of replacement garage with attic room above. The site is located in the general urban area of Bothwell, directly adjacent to the Conservation Area.

### **10.2. The addition of a detached garage to a house is generally acceptable provided that the garage would not result in overdevelopment of the plot and that the scale, design, and materiality of the garage is sympathetic to the house and its surroundings.**

### **10.3. Climate Change**

Policies 1 and 2 of NPF4 and Policy 2 of the SLLDP2 relate to the climate crises and identify that all development should seek to minimise and mitigate the effects of climate change. Given the scale and nature of the proposed development, it is not considered that any action is required within the context of the development management process.

### **10.4. Layout, Siting and Design**

Policies 14 and 16 of NPF4 relate to liveable places. Policy 14 sets out that all development should be designed to improve the quality of an area and be consistent with the six qualities of a successful place: healthy, pleasant, connected, distinctive, sustainable, and adaptable. Policy 16 intends to provide quality homes and identifies that householder proposals will be supported where they do not have a detrimental impact on the character of the house or the surrounding area or a detrimental effect on neighbouring amenity by way of physical impact, overlooking or overshadowing. Policies 3 and 5 of SLLDP2 have similar aims to the NPF4 policies. Policy DM2 of the SLLDP2 provides specific guidance on residential alterations and extensions, referring to Development at a Dwellinghouse SPG.

### **10.5. Firstly, in relation overlooking, the proposed garage includes upper floor windows on the northwest and southeast elevations. The northwest elevation faces onto open space, there is no issue of overlooking in this regard. The southeast elevation faces back into the rear garden and dwellinghouse of the applicant. To the west lies the side garden of no.2 Hamilton Drive. Any views from the proposed windows would be at an oblique angle. In addition, there is vegetation and trees along this boundary. There is not considered to be a detrimental impact to neighbouring properties by way of overlooking.**

### **10.6. Secondly, in relation to overshadowing, the worst impact of any overshadowing occurs to the northern side of a building. To the northwest lies the front garden of 2 Hamilton Drive. However, there are tall trees along this boundary which are likely to cause more overshadowing than the proposed garage. Additionally, the proposed garage is a sufficient distance from any properties such that no detrimental loss of light to neighbouring windows shall occur. Therefore, the proposal is not considered to pose a detrimental impact to neighbouring properties by way of overshadowing.**

- 10.7. Furthermore, in relation to physical impact of the proposal, the Development at a Dwellinghouse SPG details careful consideration should be taken in relation to garages positioned to the front of dwellinghouses. Any proposal should not appear out of place or form an intrusive feature in the street. The application site is also directly adjacent to the Conservation Area and it is, therefore, useful to consider the proposals impact given this designation.
- 10.8. Hamilton Drive is dominated by 2 storey sandstone villas, set back from the road. The application site in question already presents an anomaly in the street pattern in that the single storey flat roofed garage is set against the road, forward of the building line established by the adjacent villas. However, it is noted that this is a long-standing situation. The existing garage is well screened by adjacent trees. To the west of the site lies no. 2 Hamilton which sits in large grounds. The proposed garage would be sited adjacent to its front garden area, and the boundary contains several trees and shrubbery.
- 10.9. The position of the existing garage will not be altered and the site is well screened by adjacent trees. The main change as a result of this proposal would be that an existing flat roofed garage would be replaced by a garage with a pitched roof, with its plane sloping away from Hamilton Drive. It is not considered that the proposal results in an intrusive feature within the streetscape, nor does it pose a detrimental impact on the neighbours amenity. The red sandstone proposed on the front elevation shall match the existing on Hamilton Drive and the smooth white render on side and rear elevations, non-public facing, is appropriate. As such the residential amenity of Hamilton Drive and the wider Conservation Area will be preserved.
- 10.10. Trees  
NPF4 Policy 7 Historic assets and places in part (e), details that proposals will ensure features (such as trees) which contribute to the character of the Conservation Area and its setting are retained. SLLDP Policy 14 Natural and Historic Environment directs the reader to Policy NHE13 Forestry and Woodland. Policy NHE13 details that any impact on individual trees should be accompanied by a tree survey, which has been done in this case.
- 10.11. The application site is located directly adjacent to 5 trees. Although these trees sit just outwith the site, they are located within the Conservation Area, within adjacent owners' land and their roots and limbs enter the site. The main trees to consider are those identified as no.1(oak) and no.5 (sycamore).
- 10.12. In order to facilitate the development, minor access facilitation pruning is proposed up to 0.5 metre from the development. This work is considered to be appropriate and would not have a detrimental impact on neighbouring trees. The implementation of the works will be subject to conditions attached to any consent.
- 10.13. In relation to the below ground constraints, the consultant arboriculturist has proposed that a traditional strip foundation would be suitable if no roots more than 25mm were below the existing foundation. The Council Arboriculturist has noted the proposed alternative foundation design of screw piles and supporting ring beam is an acceptable solution. It is considered appropriate to establish the root morphology below the existing garage prior to determining the final foundation design. This can be achieved by conditions requesting a demolition arboricultural method statement.

10.14. Overall, it is considered the proposal can occur with appropriate conditions without adverse impact on the adjacent trees and Conservation Area. The proposal meets the terms of Policy 6 and 7 of NPF4 and 14 and NHE13 of SLLDP2.

10.15. Other matters

In relation to other matters raised by representations. The plans are considered accurate and sufficient for the purposes of determining the planning application. The neighbour notification procedures have been followed in both instances of the application being notified. Roads have raised no concerns with the garage sited in close proximity to Hamilton Drive. The existing garage can be used; therefore it is not considered there is unacceptable conflict with any neighbouring driveway.

10.16. Conclusion

The proposal relates to the demolition of an existing single storey garage and erection of a replacement garage with attic room above. The proposal can be accommodated within the surrounding area without a detrimental impact on the dwelling, neighbouring properties and/or adjacent trees. The proposal complies with the terms of Policies 1, 2, 14, 16 and 7 of National Planning Framework 4 (adopted 2023) and Policies 3, 5, 14 and NHE13 of SLLDP2 (adopted 2021).

**11. Recommendation and Conditions**

11.1. The Committee is asked to agree the following recommendation:-

**Grant Planning Permission Subject to the following Conditions:-**

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. 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.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

03. Prior to the commencement of the development hereby approved (including all preparatory work), details of all proposed Access Facilitation Pruning (tree pruning which is directly necessary to provide access for operations on site) shall be submitted to and approved in writing by the Council as Planning Authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010 and be limited to pruning twigs and tree branches that shall have no significant adverse effect on tree physiology or amenity (i.e. exclude limbs, stems and trunks). The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To avoid any irreversible damage to retained trees and to protect and enhance the appearance and character of the site and locality.

04. Prior to the commencement of any of the development hereby approved (including any demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and a demolition arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter the existing garage shall be demolished as per the approved details.

- a) Methods of demolition of the existing garage and foundations
- b) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

Reason: To ensure that the trees to be retained will not be damaged during demolition and to protect and enhance the appearance and character of the site and locality.

05. That following the demolition of the existing garage and prior to any commencement of works to erect the garage hereby approved, a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and a construction arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter the garage hereby approved shall be erected as per the approved details.

Specific issues to be addressed in the construction arboricultural method statement are:-

- a) Details of the root morphology.
- b) Detailed foundation design inclusive of cross sectional drawings detailing final height of garage.
- c) Methodology and detailed assessment of root pruning.
- d) Location and installation of services/ utilities/ drainage.
- e) Details of construction within the Root Protection Areas or that may impact on the retained trees.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction activities clearly identified as prohibited in this area.
- i) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- j) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- k) Reporting of inspection and supervision.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

06. That the use of the garage hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garage.

Reason: To safeguard the residential amenity of the area.

## **12. Reason for Decision**

- 12.1. It is considered that the proposed garage would not result in a significant detrimental impact on the amenity and character of the house, the streetscape, or any adjacent properties. Consequently, the proposal complies with the provisions of Policies 14 and 16 of the adopted National Planning Framework 4 and Policies 3, 5, and DM2 of the adopted Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission.

**David Booth**

**Executive Director (Community and Enterprise Resources)**

**Date: 1 December 2023**

## **Background Papers**

Further information relating to the application can be found online:

[P/22/0384 | Demolition of existing detached garage and erection of replacement garage with attic room above. | 1 Croftbank Avenue Bothwell G71 8RT](#)

## **Corporate Considerations**

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

## **Contact for Further Information**

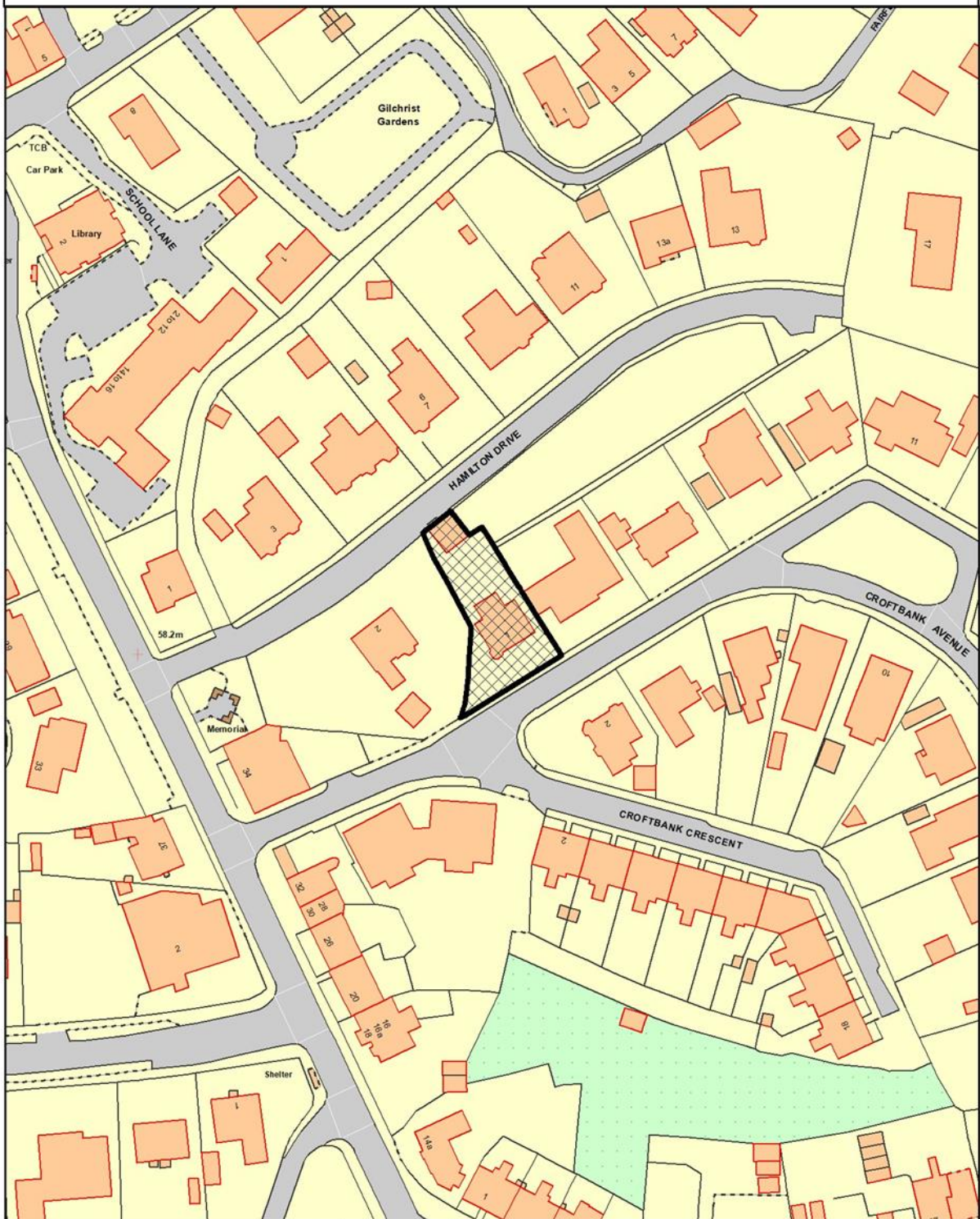
If you would like to inspect the background papers or want further information, please contact:-

Tel: 01698 454867

E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)



P/22/0384 1 Croftbank Avenue, Bothwell



© Crown copyright and database rights 2023 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:  
1:1,250  
Date:  
28/09/2023



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Regulatory Services