

26.03.2020

Dear Sir/Madam

Local Review Body – Comments Made on Behalf of Applicant Regarding Representations

Case: Planning Reference, P/19/0873 - Subdivision of garden ground and the erection of a one and a half storey detached dwelling house and the retention and improvement of the existing vehicular access at the residential Property known as Tigh Na Bruaich, Braehead Road, Thorntonhall, G74 5AQ.

Once again, we are attempting to keep this analysis simple and (in part) looking to other examples recently granted planning permission for some guidance on what is acceptable in planning terms.

It is not our desire to be repetitious. However, some important points must be made.

The Planning Authority principally appear to have concerns regarding the level differences between the proposed plot and the houses in Ardbeg Lane.

They have submitted their shadow test diagram which the Planning Authority say proves that there will be overshadowing of the houses in Ardbeg Lane.

They believe that there will be privacy implications for the residents in Ardbeg Lane.

The Planning Authority believe that the proposed house will be overly dominant in relation to the houses in Ardbeg Lane.

They also believe that the loss of a roadside hedge is of such significance that it would be undesirable in amenity terms and (in part) justifies refusal of the application.

Comments:

Appendix 1 (attached) shows the Council's shadow test diagram and then on the next page is shown the applicant's Proposed Site Plan. The applicant has not seen the shadow test diagram before and quite simply has not been afforded the time by the Planning Authority to have their own test undertaken. There is no technical data or software package information provided to support the shadow test results which is unacceptable and the legitimacy of this test and the diagram attached as a material consideration is very much in doubt. It should be noted that it was requested that the applicant be furnished with a copy of this shadow test including all relevant technical background information, in order that its veracity can be considered by the applicant's agents and that the applicant is given the opportunity to make comment prior to the Review.

What is apparent from the Proposed Site Plan attached, is that given the location and scale of the other two dwellings to the west including the original house (Tigh Na Bruaich), they



should also have been shadow tested for comparison and the results displayed. It appears highly likely that some overshadowing would result from those properties which has been deemed acceptable already by the Planning Authority.

The next photograph within Appendix 1 shows the recently laid foundations and the garden level of the new house under construction to the West. There is a significant level difference between that plot and the houses in Ardbeg Lane. Only the rooftops of adjacent houses in Ardbeg Lane are visible in the photograph, highlighting the sharp and significant drop in levels from that plot to the rear gardens of those properties. That has been deemed acceptable by the Planning Authority. It is arguably more notable than the level difference exhibited by the proposed plot to the east, which the Planning Authority considers unacceptable. Indeed, when on site the proposed plot does not feel to have quite the same overbearing potential as the house being constructed to the west. In that regard, if it is possible, a site meeting is advisable to appreciate this fully.

Please note that this level difference has relevance to shadow tests properly undertaken. A great many Planning Authorities do not properly consider the significant impact that retaining walls can have on daylight when programming software related to overshadowing tests. In this case it is obvious that properties in Ardbeg Lane will already be overshadowed by the very high (almost roof height) retaining wall which runs along their rear garden boundaries.

The last photograph in Appendix 1 shows the existing house (Tigh Na Bruaich) and part of the proposed house plot to the east. It also shows part of the hedgerow mentioned by the Planning Authority. Regarding the loss of the hedgerow along the roadside, that hedge can in no way be characterised as locally significant in amenity terms. The loss of any remaining hedge or shrubs will not adversely affect the local environment such that the possibility of their removal should form any part of a reason for refusal of the application. At the end of the day the Planning Authority are aware that the site lies within the settlement boundary. All residents within Thorntonhall and any other settlement in South Lanarkshire can cut, remove, plant etc hedges and shrubs within their gardens as they see fit (bird nesting seasons allowing).

Conclusion:

The applicant has demonstrated that the proposed dwelling is acceptable in planning terms and accords with the Council's planning policy. Therefore, planning consent must be granted.

In this regard, the application site lies within the settlement boundary area where housing is the most appropriate and acceptable land use. The scale, size, massing, plot/garden size and external appearance of the proposal is such that it will have no adverse impact on the setting of the surrounding area and will preserve the character of the area.

There will be no negative impact on streetscape. Built heritage will not be adversely affected and there will be no significant negative impact on the natural environment. There are no ecological constraints (flora or fauna) and no flood risk derives from the proposal.



The density of development is similar to nearby properties/developments. There is no overlooking, over shadowing or other impact on amenity for any property that merits refusal. Indeed, there have been approvals by the Planning Authority of proposals exhibiting similar characteristics.

Accordingly, the proposal accords with Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (Adopted) and the associated Supplementary Guidance and accords with Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2.

The applicant respectfully requests that Members grant planning permission subject to appropriate conditions. In this regard the applicant will accept removal of the permitted development rights permitting the formation of raised decking within the rear garden or any other form of development and will agree to the implementation of an approved landscaping scheme if Members consider either of these necessary.