

Report

Report to:	Hamilton Area Committee
Date of Meeting:	14 May 2008
Report by:	Executive Director (Enterprise Resources)

Application No	HM/08/0014
Planning Proposal:	Amendment To Consent HM/06/378 In Respect Of The Installation Of 2 Velux Windows, 5 Timber 'Tilt and Turn' Windows And The Erection Of Timber Decking (Retrospective Application) at 1 Lanark Road, Rosebank, Carluke

1. Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mrs Monica Lennon
- Location : 1 Lanark Road
Rosebank
Carluke

2. Recommendation(s)

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

- (1) Grant Detailed Planning Permission based on Conditions Listed Overleaf.

2.2. Other Actions/Notes

- (1) The Area Committee has delegated powers to determine this application

3. Other Information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **Hamilton District Local Plan**
Policy EN2 – Village Envelopes
Policy EN4 – Conservation Areas
Policy EN25 – Heritage Preservation
Policy DC1 - Development Control General
South Lanarkshire Planning Policies
SLP6 – Development Control – General
Finalised South Lanarkshire Local Plan
(after modifications)
Policy RES6 – Residential Land Use Policy
Policy ENV24 – Conservation Areas Policy
Policy EN23 – Listed Buildings Policy

Policy ENV4 –Protection of Natural and Built
Environment
Policy DM1 – Development Management Policy
Policy DM4 – House Extensions and Alterations

- ◆ Representation(s):
 - ▶ 1 Objection Letter

- ◆ Consultation(s):
 - Conservation Officer

Planning Application Report

1. Application Site

- 1.1. The application relates to an extended single storey semi-detached sandstone cottage which sits immediately adjacent to the main Lanark Road in Rosebank. The site forms part of a long narrow plot bounded to the north by land owned by the Popinjay Hotel and to the west by a Public Park. Residential properties are located to the east and south of the application site, which is located within the Rosebank Conservation Area.
- 1.2. The house is a Category C(S) listed building built in the mid 19th Century with later additions in the form of a modern brick built lean-to extension to the rear, and the more recent rear extension which has been constructed over two levels which was approved by the Hamilton Area Committee on the 28th November 2006 under planning reference HM/06/0378. The main building comprises of sandstone walls, slated roof and traditional timber sliding sash and casement windows (in part).

2. Proposal(s)

- 2.1. This proposal is retrospective in nature as the works have already been undertaken. The applicant now seeks to regularise the position in respect of these minor amendments which have been carried out to the recently approved rear extension which are not in accordance with the approved plans. The applicant seeks consent in respect of the installation of two additional timber velux windows into the roofplane of the proposed extension the installation of five timber 'tilt and turn' windows as opposed to sash and case and the erection of timber decking along the rear elevation of the extension.
- 2.2. One velux window is located on the roofplane of the east elevation of the rear extension whilst the other one is located on the roofplane of the west elevation. The velux windows are conservation timber styled velux windows which each measure 560mmx410mm. The velux windows have been installed to provide a source of natural light to the applicant's kitchen and living room. Internally the velux windows are located within the ceiling of the kitchen and living room and as such create no concerns in respect of overlooking or impact on privacy.
- 2.3. In addition the applicant seeks to alter the opening mechanism of five of the approved timber windows from 'sash and case' to 'tilt and turn'. Three of these windows are located on the northern rear elevation of the property and two on the western elevation. All five windows are therefore to the rear of the house.
- 2.4. The decking which is set back approximately 1.0 metre from the eastern boundary adjoining the neighbouring property measures approximately 3.6m by 6.2m. with a finished floor level approximately 425 mm at its highest point off ground level. The decking is enclosed by a 1m high timber balustrade.
- 2.5. After discussions with the Planning Service the applicant has agreed to erect a 2m high screen along the eastern boundary of the decking in order to ensure that the privacy of the adjoining resident is maintained.
- 2.6. As the proposal is related to a Class C(S) Listed Building this application must also be considered in conjunction with the Listed Building application which has been submitted which seeks Listed Building Consent for the same alterations as this proposal (Planning Reference HM/07/0872). The Listed Building application has

also been put forward to this Committee for consideration and will assess the proposal's impact on the setting and character of the Listed Building

3. Background

3.1. Local Plan Status

- 3.1.1. In terms of the adopted Hamilton District Local Plan the site is identified as being within the village envelope of Rosebank and the proposal requires to be assessed against Policy EN2 – Village Envelope. Policy EN2 states that the Council will seek to maintain and improve the character and amenity of each settlement and that residential development is acceptable in principle subject to a satisfactory design.
- 3.1.2. In addition to this policy, Policy EN4 – Conservation Areas is also applicable and the Council will seek to ensure that an environment of high quality is delivered within the area.
- 3.1.3. Policy EN25 – Heritage Preservation is also applicable whereby the Council will operate a general presumption against development that would destroy, adversely impinge or significantly damage any heritage feature; including ancient monuments, listed buildings, conservation areas, historic gardens, designed landscapes and ancient woodlands etc. This policy will be fully assessed in relation to the Listed Building application (HM/07/0872) submitted in conjunction with this detailed planning application which is also being reported to this Committee.
- 3.1.4. Policy DC1 – Development Control – General however also requires to be taken into consideration in the assessment of this application. Policy DC1 states that all planning applications should take fully into account the local context and built form – i.e. development should not take place in isolation and must take cognizance of scale, position and materials of adjacent buildings and surrounding streetscape. Proposals should also aim for the best possible quality of external materials. In particular, type of material chosen, colour and texture are crucial when choosing external finishes especially for brick, stone and roofing.
- 3.1.5. In terms of the Finalised South Lanarkshire Local Plan (after modifications) the proposal requires to be assessed against Policy RES6 - Residential Land Use, Policy ENV24 – Conservation Areas, Policy EN23 – Listed Buildings, Policy ENV4 – Protection of the Natural and Built Environment, Policy DM1 – Development Management and Policy DM4 – House Extensions and Alterations.
- 3.1.6. In respect of Policy RES6, this policy seeks to resist any developments detrimental to the amenity of residential areas.
- 3.1.7. With regard to Policies ENV4 and EN24 both policies seek to preserve and enhance the character of the conservation area.
- 3.1.8. Policy ENV23 states that development affecting a listed building or its setting should preserve the building or its setting, or any features of special architectural or historic interest which it has. In addition, the layout, design, materials, scale and siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting. This policy will be fully assessed in relation to the Listed Building application (HM/07/0872) submitted in conjunction with this detailed planning application which is also being reported to this Committee.

- 3.1.9. The proposal also requires to be assessed against Policy DM 1 – Development Management, DM4 – House Extensions and Alterations and SLP6 of the South Lanarkshire Planning Policies. These policies support the content of Policy DC1 as detailed above in paragraph 3.1.4

3.2. Planning History

- 3.2.1. There have been 3 previous applications relating to this site. These are:
- a) HM/06/0378 – Erection of extension to rear of dwelling and erection of garden store. This application was approved on the 28th November 2006 by the Hamilton Area Committee
 - b) HM/06/0379 – Erection of extension to rear of dwelling and erection of garden store. (Listed Building Consent) This application was approved on the 28th November 2006 by the Hamilton Area Committee
 - c) HM/07/0087 – Amendment to Garden Store (Amendment to HM/06/0378). This application was approved on the 26th March 2007 under the Council's delegated powers.

3.3. Relevant Government Guidance

- 3.3.1. Government guidance on proposals which may have an affect on the character of a listed building or a Conservation Area are set out within Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas. The proposal must therefore be assessed against this guidance which aims to protect and enhance the built heritage.

4. Consultation(s)

- 4.1. **The Council's Conservation Officer** - was consulted in respect of this proposal and has no objection to the installation of the 2 conservation style timber velux windows or decked area. However during the site inspection the Conservation Officer noted that the applicant had installed timber tilt and turn windows on the proposed extension rather than timber sash and case as per the approved drawings.
- Response:** The Council's Conservation Officer's comments in respect of the installation of timber tilt and turn windows have been investigated and this alteration also forms part of the proposed scheme to be assessed. Within the general area there are a number of UPVC windows of ranging styles all located in the Rosebank Conservation Area and on listed buildings within close proximity of the application site. Therefore although the opening mechanism of five of the approved windows has been altered given these windows have still been formed in timber and are all located to the rear of the property, it is not considered that the existing character and amenity of the Conservation Area has been detrimentally affected.

5. Representation(s)

- 5.1. Statutory neighbour notification was undertaken and one letter of objection has been received in respect of the proposals. The grounds of objection can be summarised as follows:

(a) The objector wishes it to be noted that the works have already been undertaken which is in breach of Condition 2 of their consent.

Response: Noted. This is a retrospective application and the proposal is being assessed as such.

(b) The objector states that in addition to the velux windows 4 glass panes have been inserted in the roof line.

Response: Two additional conservation style velux rooflights have been fitted into the roofplane of the rear extension and each contain 2 panes of glass. After consultation the Council's Conservation Officer has no objection to the style and design of these rooflights and I am satisfied that these rooflights would not be detrimental to the privacy of the objector. A detailed site visit did not identify any other additional glass panes which have been installed.

(c) The extension approved under planning ref HM/06/0378 had no windows on the garden boundary elevation and only one rooflight which was not considered would undermine privacy, but the addition of more windows disregards this.

Response: The only additional windows proposed are two velux windows within the roofplane of the rear extension. One of the proposed velux windows is adjacent to the objector's property. However as the style of this additional window is velux it is not considered that it would have any detrimental impact on the level of privacy currently enjoyed by the objector.

(d) The timber decking has already been constructed and raised the ground level sufficiently to have an impact on the objector's privacy due to overlooking.

Response: The proposed decking is raised off the ground by less than half a metre and the applicant has agreed to erect a 2metre high screen fence from the floor level of the decking to ensure that there will be no impact on the privacy of the objector. If planning permission is approved an appropriate condition shall be imposed.

(e) This is supposed to be a Conservation Area.

Response: The property is located within Rosebank Conservation Area and after consultation the Council's Conservation Officer has no objection to the proposed decking or velux windows. With regard to his comment in respect of proposed alteration to the opening mechanism of five of the windows for the reasons detailed in my response to paragraph 4.1 above, I am satisfied that this alteration would not be detrimental to the character or amenity of the Rosebank Conservation Area.

(f) No application has been submitted for retrospective consent for the erection of the chimney within the rear extension which replaced the gable end balcony on the original proposal. This chimney is overbearing and visually dominant breaking the original ridgeline of the property thereby contravening Planning Condition no 7 of the Planning Consent.

Response: The chimney has planning consent under application HM/06/0378. It was agreed during discussions with the Planning Service and the Council's Conservation Officer during consideration of this application and the plans were amended. The Council's Conservation Officer was satisfied that this feature was appropriate to the character and amenity of the built heritage of the property and would not be detrimental to the Rosebank Conservation Area.

(g) The floor length window on the upper floor at the gable end compromises the objector's privacy.

Response: The window was granted consent as part of the original application (HM/06/0378) and as such the position of this window does not form a part of this proposal.

(h) Given that the period for objections is time restricted the timing of the application resulted in difficulty in the objector being able to obtain advice in respect of representations due to holidays and office closures.

Response: The planning application was registered on 15th January 2008 and has been considered for a period of approximately 4 months. It is therefore considered that the objector has had sufficient time to make any representations considered necessary.

(i) It should be noted that the works have been completed for at least 3 months.

Response: Noted. This is a retrospective planning application.

(j) The applicants are both Planners.

Response: The application has been lodged by a single applicant, however, it is acknowledged that the occupiers of the property are both Planners, however, that is why the application is being referred to Hamilton Area Committee. Normally minor householder applications, or amendments to previously approved schemes, are determined in accordance with the Council's Scheme of Delegation. However, applications made by members or officers (of the Planning Service), or a close family relative require to be referred to the appropriate committee for determination where objections are received. It is on this basis that the current application is on this agenda.

This letter has been copied and is available for inspection in the usual manner.

6. Assessment and Conclusions

- 6.1. The application seeks to regularize the amendments carried out during the construction of an approved extension (HM/06/0378). The applicant seeks planning permission to install 2 additional conservation style velux windows, to alter the opening mechanism of 5 timber windows to tilt and turn and to erect timber decking
- 6.2. The main determining issues in the consideration of this application relate to its ability to comply with local plan policy, its impact on the character and amenity of the Conservation Area and its impact on the amenity of neighbouring property.
- 6.3. In terms of the designation of the application site within the local plan Policies EN2 of the adopted Hamilton District Local Plan and Policy RES6 of the Finalised South Lanarkshire Local Plan (After Modifications) are applicable. Both policies consider residential development to be an appropriate use for the area and in principle the proposed development is considered to be in accordance with these policies given its residential nature.
- 6.4. The application site is also located within the Rosebank Conservation Area and Policy EN4 of the adopted local plan and Policies ENV4 and ENV24 of the finalised local plan are also relevant as they relate to the protection of the character and amenity of Conservation Areas. In terms of the proposed velux windows and decking the Council's Conservation Officer is satisfied that these amendments are acceptable and would not be detrimental to Rosebank Conservation Area. However, it was highlighted that in addition to these alterations that five of the timber windows had a 'tilt and turn' mechanism as opposed to the approved sash and case mechanism. In consideration of this alteration the windows of the surrounding area within Rosebank Conservation Area were assessed and given the number of existing

UPVC windows of a variety of styles it is considered that as the 5 windows amended are still timber and that as they are to the rear of the property the proposed development would not be detrimental to the character or amenity of the Conservation Area.

- 6.5. In terms of the assessment of the general design of the proposal, Policy DC1 of the adopted local plan, SLP6 of the South Lanarkshire Planning Policies and Policies DM1 and DM4 of the finalised local plan require to be considered. In assessment it is considered that due regard has largely been given to the local context and built form of the area. The two additional velux windows do not generate any privacy or overlooking issues and the alterations to the other five windows only amends the opening mechanism and does not result in any increase to their size or relocation of their position.
- 6.6. With regard to the proposed decking it is considered that subject to the imposition of a condition to ensure that a 2 metre high screen fence is erected along the side boundary of the decking adjacent to the boundary of 3 Lanark Road that the adjoining residential amenity can be maintained. An appropriate condition shall therefore be imposed if planning permission is granted.
- 6.7. The development does not generate any sunlight/daylight or parking issues, the finishing materials are acceptable and a sufficient area of rear garden ground would be retained. I am therefore satisfied that subject to conditions that the proposal would be in accordance with the relevant local plan policies.
- 6.8. One objection has been received in relation to issues pertaining to privacy, non-compliance with conditions, visual appearance, timescales and overlooking. These concerns have been fully detailed and considered in Section 5 of this report. However, I am satisfied that subject to a condition requiring the erection of a 2 metre high screen fence on the side boundary of the decking that none of the issues raised justify refusal of this planning application.
- 6.9. In view of the above I therefore recommend that planning permission be granted subject to conditions.

7. Reasons for Decision

- 7.1. The proposal has no adverse impact on either residential or visual amenity or the character or amenity of the Conservation Area and complies with Policies EN2, EN4 and DC1 of the adopted Hamilton District Local Plan, and guidance on house extensions contained within the South Lanarkshire Planning Policy SLP6. It also complies with Policies RES6, ENV24, ENV4, DM 1 and DM4 of the Finalised South Lanarkshire Local Plan (after modifications).

Iain Urquhart
Executive Director (Enterprise Resources)

28 April 2008

Previous References

- ◆ HM/06/0378
- ◆ HM/06/0379

- ◆ HM/07/0087
- ◆ HM/07/0872

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
Conservation Officer DATED 24/01/08
- ▶ Representations
Representation from : Mrs S R MacDonald, 3 Lanark Road, Rosebank, ML8 5QB,
DATED 04/01/2008

Contact for Further Information

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

Christine Laird, Planning Officer, Brandon Gate
Ext 3551 (Tel :01698 453551)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That within 2 months of this application being approved a 2 metre high screen to be agreed with the Council as Planning Authority shall be erected and thereafter maintained along the boundary marked YELLOW on the approved plans .
- 4 That the facing materials to be used for the external walls and roof of the extension hereby approved shall match in colour and texture those of the existing adjoining building on the site to the satisfaction of the Council as Planning Authority.
- 5 That notwithstanding the terms of Condition 4 above and for the avoidance of doubt the roof of the extension hereby approved shall be finished in natural slate and the walls finished in wet-dash render to match the existing building on the site.
- 6 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.
- 7 All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.
- 8 That the use of the garden store hereby permitted shall be restricted to private use incidental to the enjoyment of the house on the site and no commercial activity shall be carried out in or from the garden store.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity.
- 4 To ensure satisfactory integration of the proposed extension with the existing building both in terms of design and materials.
- 5 To ensure a satisfactory integration of the proposed development with the existing building both in terms of design and materials
- 6 In the interests of amenity and in order to retain effective planning control.
- 7 In the interests of amenity and in order to retain effective planning control.
- 8 To retain effective planning control and safeguard the amenity of the area.

For information only

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