



Floor 6, Council Offices Almada Street Hamilton ML3 0AA Tel: 0303 123 1015 Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100623725-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Andrew Megginson Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	Andrew Megginson Architecture
Last Name: *	Megginson	Building Number:	
Telephone Number: *	0131 557 9129	Address 1 (Street): *	128 Dundas Street
Extension Number:		Address 2:	New Town
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH3 5DQ
Email Address: *	andrew@andrewmegginsonarchitecture.com		

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr./ Mrs."/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="/"/>	Building Number:	<input type="text" value="67"/>
Last Name: *	<input type="text" value="Kirkeiner"/>	Address 1 (Street): *	<input type="text" value="School Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Sandford"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="ML10 6BF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="South Lanarkshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="67 SCHOOL ROAD"/>
Address 2:	<input type="text" value="SANDFORD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="STRATHAVEN"/>
Post Code:	<input type="text" value="ML10 6BF"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="642993"/>	Easting	<input type="text" value="272235"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Ancillary accommodation to rear garden

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See LRB statement.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

App form, decision notice, report of handling, location plan, proposed plans, proposed site plan, LRB statement.

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

P/23/0413

What date was the application submitted to the planning authority? \*

31/03/2023

What date was the decision issued by the planning authority? \*

04/07/2023

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Andrew Megginson

Declaration Date: 28/07/2023





Floor 6, Council Offices Almada Street Hamilton ML3 0AA Tel: 0303 123 1015 Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100623725-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Ancillary accommodation to rear garden

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) \*

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Andrew Megginson Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	Andrew Megginson Architecture
Last Name: *	Megginson	Building Number:	
Telephone Number: *	0131 557 9129	Address 1 (Street): *	128 Dundas Street
Extension Number:		Address 2:	New Town
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH3 5DQ
Email Address: *	andrew@andrewmegginsonarchitecture.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr/ Mrs	Building Name:	
First Name: *	/	Building Number:	67
Last Name: *	Kirkeiner	Address 1 (Street): *	School Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Sandford
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	ML10 6BF
Fax Number:			
Email Address: *			



## Site Address Details

Planning Authority:

South Lanarkshire Council

Full postal address of the site (including postcode where available):

Address 1:

67 SCHOOL ROAD

Address 2:

SANDFORD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

STRATHAVEN

Post Code:

ML10 6BF

Please identify/describe the location of the site or sites

Northing

642993

Easting

272235

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

351.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Residential

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">2</div>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">2</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input checked="" type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input checked="" type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	

If Yes or No, please provide further details: \* (Max 500 characters)

Provision as existing

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☐ Yes ☒ No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Andrew Megginson

On behalf of: Mr/ Mrs / Kirkeiner

Date: 31/03/2023

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☐ Cross sections.
- ☒ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Andrew Megginson

Declaration Date: 31/03/2023

## Payment Details

Online payment: IDOX00011794

Payment date: 31/03/2023 14:48:00

Created: 31/03/2023 14:48





**Community And Enterprise Resources**  
Executive Director **David Booth**  
**Planning And Regulatory Services**

Andrew Megginson  
Andrew Megginson Architecture  
Andrew Megginson Architecture  
128 Dundas Street  
New Town  
Edinburgh  
EH3 5DQ

Our Ref: P/23/0413  
Your Ref:  
If calling ask for: Stuart Connolly  
Date: 4 July 2023

Dear Sir/Madam

**Proposal:** Ancillary accommodation to rear garden  
**Site address:** 67 School Road, Sandford, Strathaven, ML10 6BF,  
**Application no:** P/23/0413

I would advise you that the above application was refused by the Council and I enclose the decision notice which sets out the reasons for refusal. Please note that the Council does not issue paper plans with the decision notice. The application is refused in accordance with the plans and any other documentation listed in the reasons for refusal imposed on the accompanying decision notice and which can be viewed using the Council's online planning application search at <https://publicaccess.southlanarkshire.gov.uk/online-applications/>

If you consider that you can overcome the reasons for refusal and that it is not the principle of the development that is unacceptable, you may submit an amended application. If you do amend your proposals and re-apply within one year of this refusal, then you will not have to pay a fee, provided the proposal is of the same character or description as the application which has just been refused.

As your application has been refused, you may appeal against the decision within 3 months of the date of the decision notice. The attached notes explain how you may appeal.

Should you have any enquiries relating to the refusal of your application or a potential amended submission, please contact Stuart Connolly on 07385516139

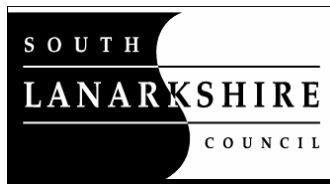
Yours faithfully

**Head of Planning and Regulatory Services**

Enc:

Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA  
Email [stuart.connolly@southlanarkshire.gov.uk](mailto:stuart.connolly@southlanarkshire.gov.uk) Phone: 07385516139





Application no.  
P/23/0413

## Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006

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To: **Mr And Mrs Kirkeiner**

Per: **Andrew Megginson**

**67 School Road, Sandford,  
Strathaven, ML10 6BF,**

**Andrew Megginson  
Architecture, 128 Dundas  
Street, New Town,  
Edinburgh, EH3 5DQ,**

With reference to your application received on **31.03.2023** for planning permission under the above mentioned Act:

**Description of proposed development:**

**Ancillary accommodation to rear garden**

**Site location:**

**67 School Road, Sandford, Strathaven, ML10 6BF,**

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SOUTH LANARKSHIRE COUNCIL in exercise of their powers under the above mentioned Act hereby:

### **REFUSE PLANNING PERMISSION**

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, for the reason(s) listed overleaf in the paper apart.

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Date: 4th July 2023

**Head of Planning and Regulatory Services**

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This permission does not grant any consent for the development that may be required under other legislation, e.g. Building Warrant or Roads Construction Consent.

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



## **South Lanarkshire Council**

### **Refuse planning permission**

**Paper apart - Application number:** P/23/0413

#### **Reason(s) for refusal:**

01. The proposed extension is contrary to Policy 16 of the National Planning Framework 4 (adopted 2023) in that it does not conform to the scale, design, or character of the original building on the site or the surrounding built form and would therefore be detrimental to the amenity of the area in general.
02. The proposal is contrary to policies 3, 5, DM2 & DM5 of the South Lanarkshire Local Development Plan 2 (adopted 2021) in that it would have a detrimental impact on the amenity of neighbouring properties due to a loss of privacy.

#### **Reason(s) for decision**

The proposal conflicts with 16 of the National Planning Framework 4 (adopted 2023) and Policies 3, 5, DM2 and DM5 of the Local Development Plan 2 (adopted 2021) and will result in a detrimental impact in terms of overlooking, loss of privacy, visual and residential amenity.

## Notes to applicant

**Application number: P/23/0413**

### Important

The following notes do not form a statutory part of this decision notice. However, it is recommended that you study them closely as they contain other relevant information.

01. This decision relates to drawing numbers:

<b>Reference</b>	<b>Version No:</b>	<b>Plan Status</b>
PROPOSALS	B	Refused
LOCATION PLAN	B	Refused



## **COMMUNITY AND ENTERPRISE RESOURCES**

Executive Director **David Booth**

Planning and Economic Development

### **Important notes**

## **Town and Country Planning (Scotland) Act 1997**

### **1. Compliance with conditions**

Under the provisions of the Town and Country Planning (Scotland) Act 1997 (Section 145), failure to comply with any condition(s) imposed on any planning permission may result in the service by the Council of a "Breach of Condition Notice" requiring compliance with the said condition(s).

There is no right of appeal against such a Notice and failure to comply with the terms of the Notice within the specified time limit will constitute a summary offence, liable on summary conviction to a fine not exceeding £1000.

### **2. Procedure for appeal to the planning authority**

- (a) 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 require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997, within three months from the date of this notice. The notice of review should be addressed to:

**Executive Director (Corporate Resources)**  
**Council Headquarters**  
**Almada Street**  
**Hamilton**  
**ML3 0AA**

To obtain the appropriate forms:

Administrative Services at the above address.

Telephone: 01698 454108

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

- (b) If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, 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 incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



	<b>Delegated Report</b>	Reference no.	P/23/0413
		Date	28 June 2023

<b>Planning proposal:</b> Ancillary accommodation to rear garden <b>Location:</b> 67 School Road, Sandford, Strathaven, ML10 6BF
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**Application Type :** Detailed planning application

**Applicant :** Mr/ Mrs Kirkeiner  
**Location :** 67 School Road, Sandford, Strathaven, ML10 6BF

**Decision:** Application refused

**Other action/notes:** (1) None

**Report by:** Area Manager (Planning & Building Standards)

**Policy reference:**

**National Planning Framework 4 (adopted 2023)**

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 16: Quality Homes

**South Lanarkshire Local Development Plan 2 (adopted 2021)**

Policy 2: Climate change

Policy 3: General Urban Areas

Policy 5: Development Management and Placemaking

Policy DM2: House Extensions and Alterations

Policy DM5: Extended Family Accommodation

**Assessment**

Impact on privacy?	Yes
Impact on sunlight/daylight?	No
Impact on amenity?	Yes
Traffic issues?	No
Adheres to development plan policy?	No
Adverse comments from consultees?	No

**Consultations**

**Summary of response**

No Consultations Required

**Representation(s):**

►	0	Objection letters
►	0	Support letters
►	0	Comment letters

## **Planning Application Delegated Report**

### **1 Application Summary**

- 1.1 The applicant seeks planning permission for the erection a detached single storey ancillary dwelling in the rear garden of 67 School Road, Sandford, Strathaven. The property is an end terrace dwelling house of a three in a row Terrance and application site is located within an established residential area.
- 1.2 The proposed ancillary dwelling would provide additional domestic space for visitors to the applicant property. The use would be for visitors and not have any commercial use. The detached structure would have self-contained kitchen, WC, Living room and bedroom. The new WC will be connected to existing infrastructure supplied to the main building. The structure would measure 5m in width, 7m in length and 3.1m in height. The new roof will be flat with a slight slope to the east, 3.1m on the west elevation and 2.9m to the east.
- 1.3 The materials and structure for the detached ancillary dwelling would not be uncommon for a proposal in the rear curtilage. The walls will be lined in a grey uPVC timber panel cladding. The gutters and down pipes will be grey and the flat roof is a grey membrane with a slight angle from west to east, to allow surface water to slip off the roof. The grey aluminium windows will be located to the north elevation and the south elevation of the property. The south elevation will have approx. 2.6m wide by 2.2m double door patio entrance with one tall window either side of the door. This is to allow light into the living space. The north elevation will have two windows installed - one frosted window in the bathroom approx. 600mm wide by 900mm high - and the other window within the bedroom approx. 1m wide by 900mm high.
- 1.4 The property is in the end of a three house terrace and next to a detached house. The rear gardens of each property are approx. 6m wide by 26m in length with 1.8 high fences between the boundaries. The topography of the rear curtilage means that the backs of the gardens are raised to a considerable height. The garden slopes from south upwards to the northern end. The heights of the end of the gardens are level with the rear back windows of the neighbouring properties. This also allows sightlines over the neighbouring fences due to the change in levels.

### **2 Representation(s)**

- 2.1 Statutory neighbour notification was undertaken in respect of this application, and no letters of representation has been received because of this publicity. No formal consultation was required to be undertaken in respect of this proposal.

### **3 Assessment and Conclusions**

- 3.1 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. The development plan comprises the South Lanarkshire Local Development Plan 2 (adopted 9th April 2021) and National Planning Framework 4 (adopted on 13th February 2023). Section 24(3) of the 1997 Act confirms that if there is an inconsistency between NPF4 policies and a Local Development Plan which was adopted before the 13th of February 2023, then the policies in NPF4 prevail.
- 3.2 The determining issues in consideration of this application are its compliance with National Planning framework 4, local development plan policy and its impact on the amenity of surrounding properties. The application site is located within a residential area where policy 16 of NPF4 and policies 3, 5 and DM2 of the SLLDP2 are applicable. These policies seek to make a positive contribution to the character and appearance of the

environment in which they are located, taking account of, and being integrated with the local context and built form.

- 3.3 Policies 1 and 2 of NPF4 identify that development shall take account of the global climate and nature crises; and that development should minimise emissions and be adapted to take account of current and future climate risks. Policy 2 of the LDP2 identifies that all developments should seek to minimise and mitigate against the effects of climate change.
- 3.4 As per the guidance detailed in the letter from the Chief Planner dated 08/02/2023, it is considered that Policy 2 of the NPF4 is not a key consideration for householder applications. As such, a quantitative assessment of emissions is not required for a planning application of this scale. We would also note that the proposed materials, and their energy performance, will in due course be considered as part of the Scottish Building Standards process. In summary, the proposed development is not considered to raise any issues with regards to Policies 1 and 2 of NPF4 and Policy 2 of South Lanarkshire LDP2.
- 3.5 Policy 16 of National Planning Framework 4 advises that householder development proposals will be supported where they;
- i. Do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
  - ii. Do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- 3.6 Policies 3, 5, DM2 and DM5 of the LDP2 together seek to ensure that all new householder developments are appropriate for the site and its setting, and would be of a high-quality design, which would not result in any adverse amenity impacts. Development at a Dwellinghouse Supporting Planning Guidance states that consideration should be given to the orientation of the structure to minimise noise disturbance and overlooking to neighbouring properties. Not adversely affect neighbours by overshadowing or overlooking their property.
- 3.7 The principal use of the proposed structure would be for a separate self-contained dwelling for visiting family members in the form of a one-bedroom unit being ancillary to the property. This could still be achieved in the form of a rear single-story extension which would not result in overlooking for the neighbouring properties. The proposal is contrary to the South Lanarkshire Local Development Plan 2 and the relevant supporting guidance - Development at a Dwellinghouse for ancillary detached buildings which states a development should not adversely affect neighbours by overlooking their property. The guidance also says extensions should not result in a significant loss of privacy to neighbouring houses or their garden ground. The distance between windows of directly facing habitable rooms should be 18 metres. In this instance, the distance between neighbouring windows will be around 17 metres.
- 3.8 In general, ancillary structures are a common form of householder development. The proposed structure is of a modern design with the proposed materials would not conflict with the existing property and surrounding built form. The extension is of a size, scale or design that would not appear out of character within the context of the dwellinghouse or wider area. Due to the elevated positioning and close proximity to the neighbouring property approx. 17m from the existing property rear wall and the neighbouring property to the front of the new structure. This would lead to a negative impact on the local amenity as the structure would adversely affect neighbours by overlooking their property. The extension level of overlooking and loss of privacy would not be unacceptable. The

windows on the south elevation would have direct sightlines into neighbouring properties rear first floor windows. This is due to the difference in levelling on site which is considerably raised above the ground level at the rear of the main property. The ground slopes upwards towards the north of the rear curtilage. The impact on privacy for residential will be greater than other structures of a similar size and style due to the nature of the use as this structure will be used as a self-contained home rather than a summer house or shed.

- 3.9 Due to the setting and design, the development would significantly adversely affect adjacent properties in terms of overlooking, loss of privacy and amenity. As a result, the proposal conflicts with policy 16 of the National Planning Framework 4 (adopted 2023) and policies 3, 5, DM2 and DM5 the Local Development Plan 2 (adopted 2021).

#### **4 Reason for decision**

- 4.1 The proposal conflicts with 16 of the National Planning Framework 4 (adopted 2023) and Policies 3, 5, DM2 and DM5 of the Local Development Plan 2 (adopted 2021) and will result in a detrimental impact on either overlooking, loss of privacy, visual or residential amenity.

**Delegating officer: Iain Morton**

**Date: 29 June 2023**

#### **Previous references**

- ◆ None

#### **List of background papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated

#### **Contact for further information**

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

Stuart Connolly, Planning officer, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA  
Phone: 07385516139  
Email: [stuart.connolly@southlanarkshire.gov.uk](mailto:stuart.connolly@southlanarkshire.gov.uk)



## Planning Application

**Application number:** P/23/0413

### Reasons for refusal

01. The proposed extension is contrary to Policy 16 of the National Planning Framework 4 (adopted 2023) in that it does not conform to the scale, design, or character of the original building on the site or the surrounding built form and would therefore be detrimental to the amenity of the area in general.
02. The proposal is contrary to policies 3, 5, DM2 & DM5 of the South Lanarkshire Local Development Plan 2 (adopted 2021) in that it would have a detrimental impact on the amenity of neighbouring properties due to a loss of privacy.

### Reason(s) for decision

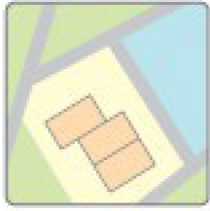
The proposal conflicts with 16 of the National Planning Framework 4 (adopted 2023) and Policies 3, 5, DM2 and DM5 of the Local Development Plan 2 (adopted 2021) and will result in a detrimental impact in terms of overlooking, loss of privacy, visual and residential amenity.

### Informatives

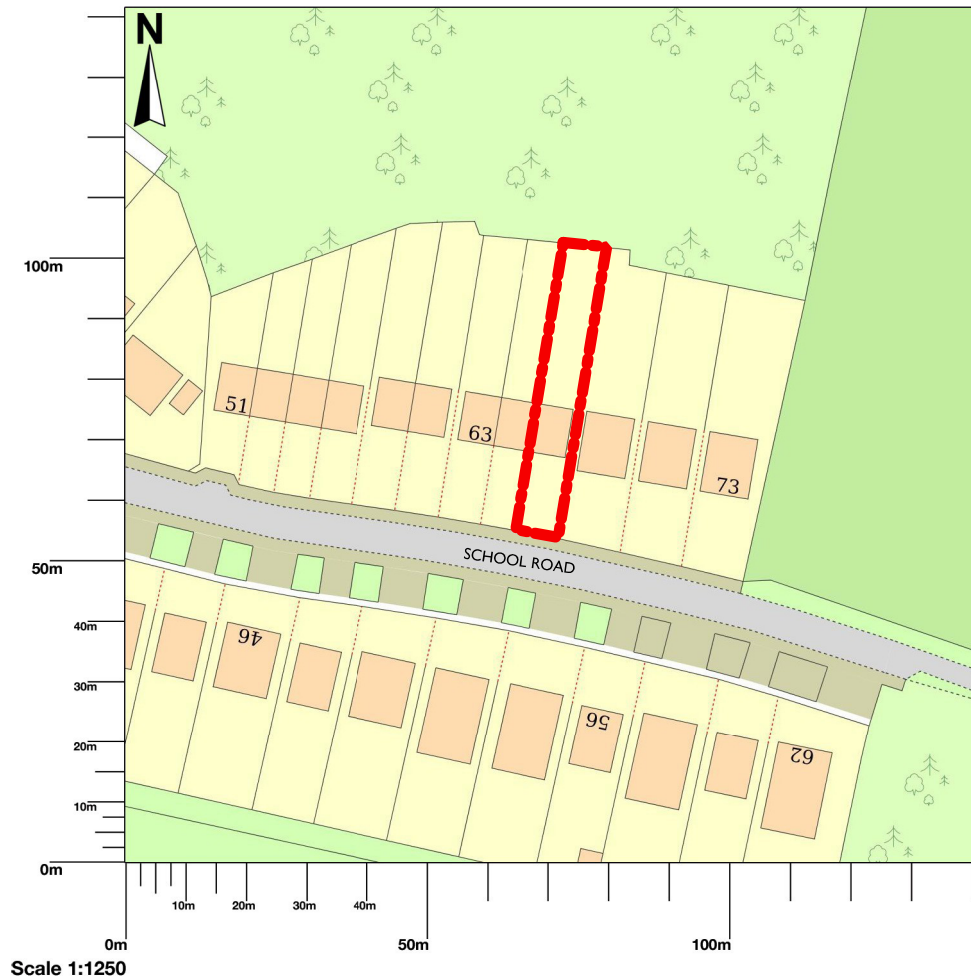
01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
PROPOSALS	B	Refused
LOCATION PLAN	B	Refused





## 67 School Road, Sandford, Strathaven, ML10 6BF

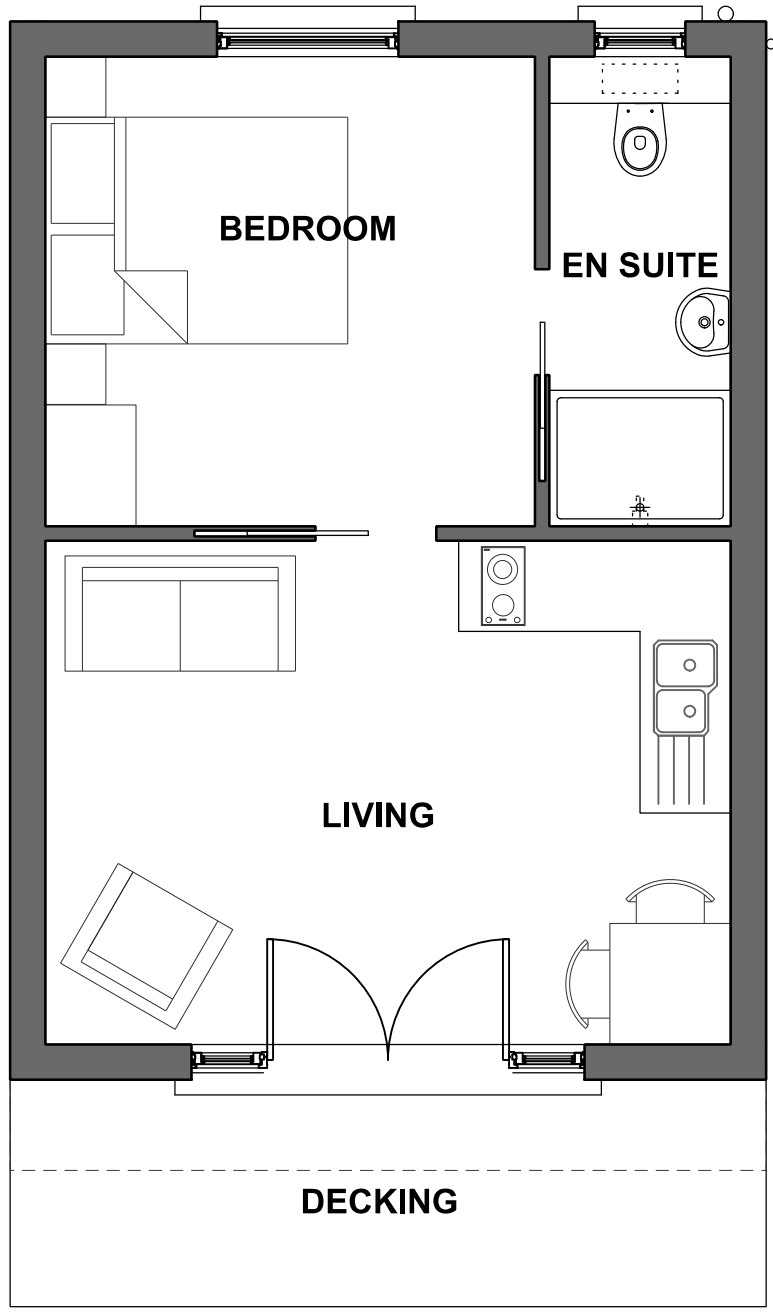




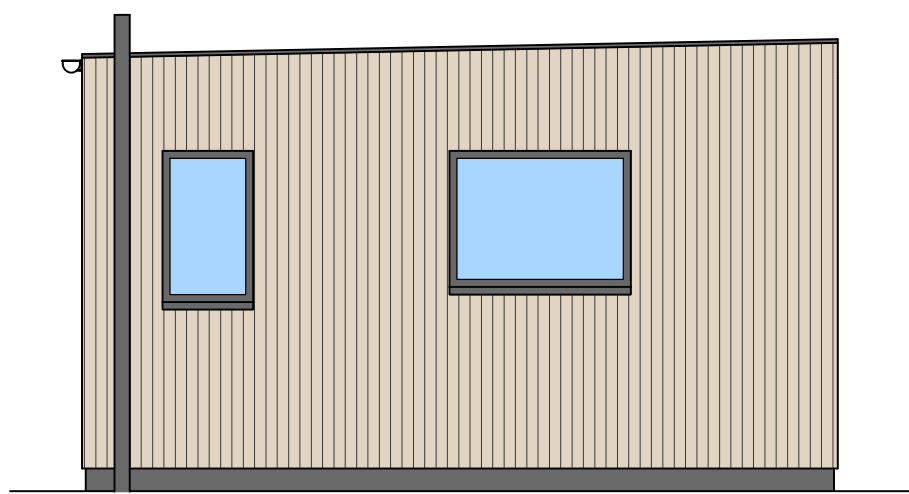
Proposed Materiality:  
Roof - Grey membrane  
Rainwater Goods - Grey uPVC  
Walls - Timber cladding  
Doors/ Windows - Grey aluminium



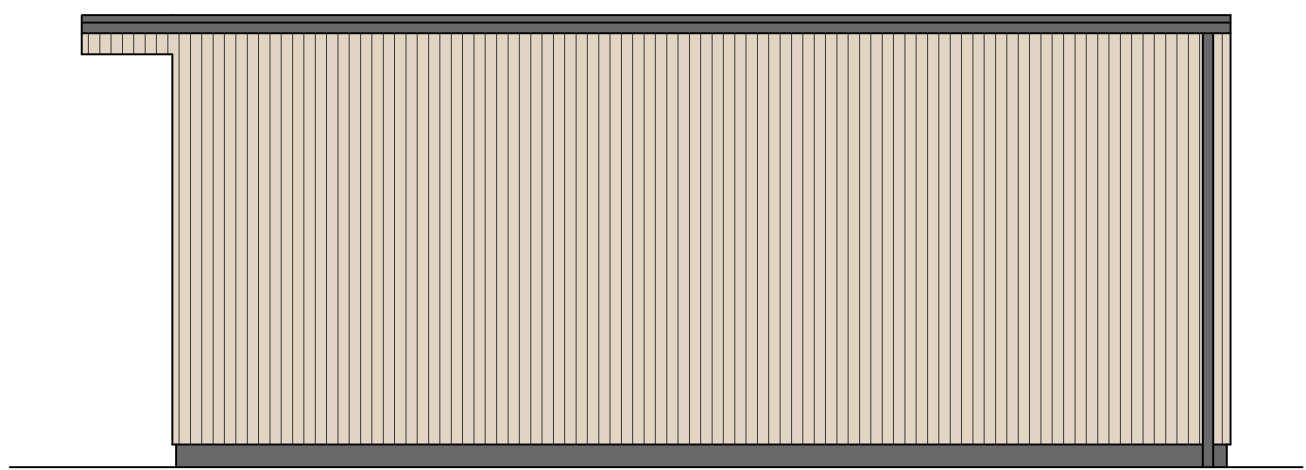
Site Plan 1:200



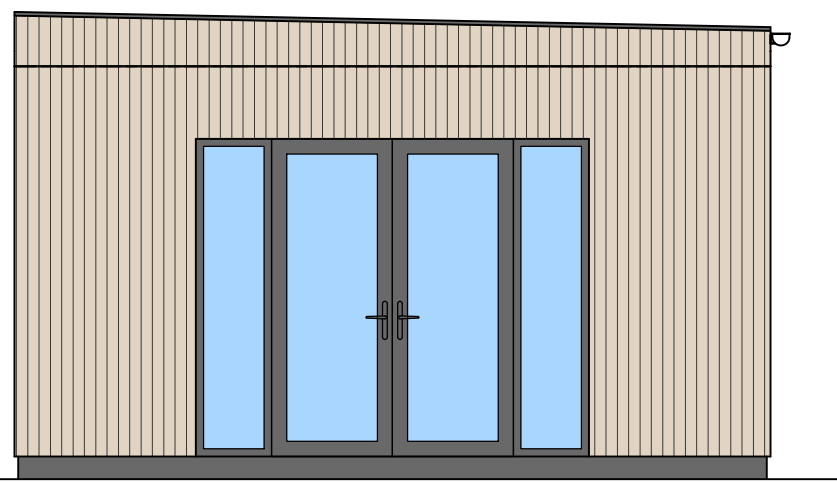
Floor Plan 1:50



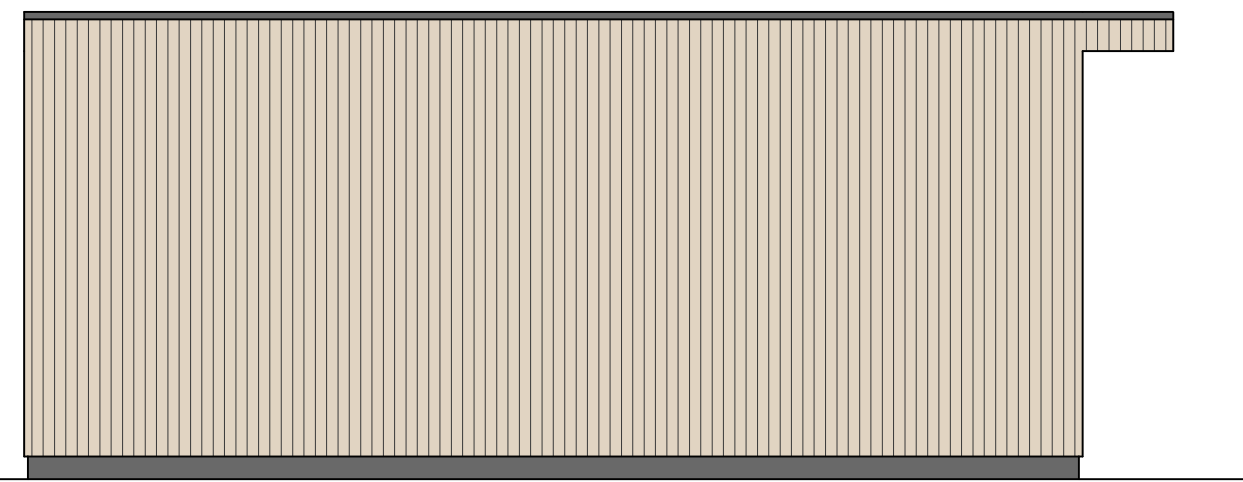
Rear Elevation 1:50



Side Elevation 1:50



Front Elevation 1:50



Side Elevation 1:50

012345

012345

1:50

012345

1:200

012345

1:50

CLIENT

Mr & Mrs Kirkelner

PROJECT

Proposed Ancillary Accommodation to 67 School Road, Strathaven

DRAWING

Proposals

STATUS

PLANNING

DATE

MAR 23

REV

1588

SCALE

1:200 95 @ A0

Andrew Megginson Architecture

128 Dundas Street

New Town

Edinburgh

EH3 5QQ

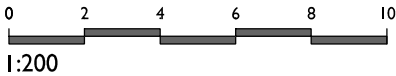
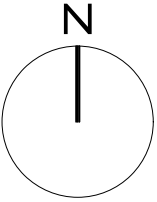
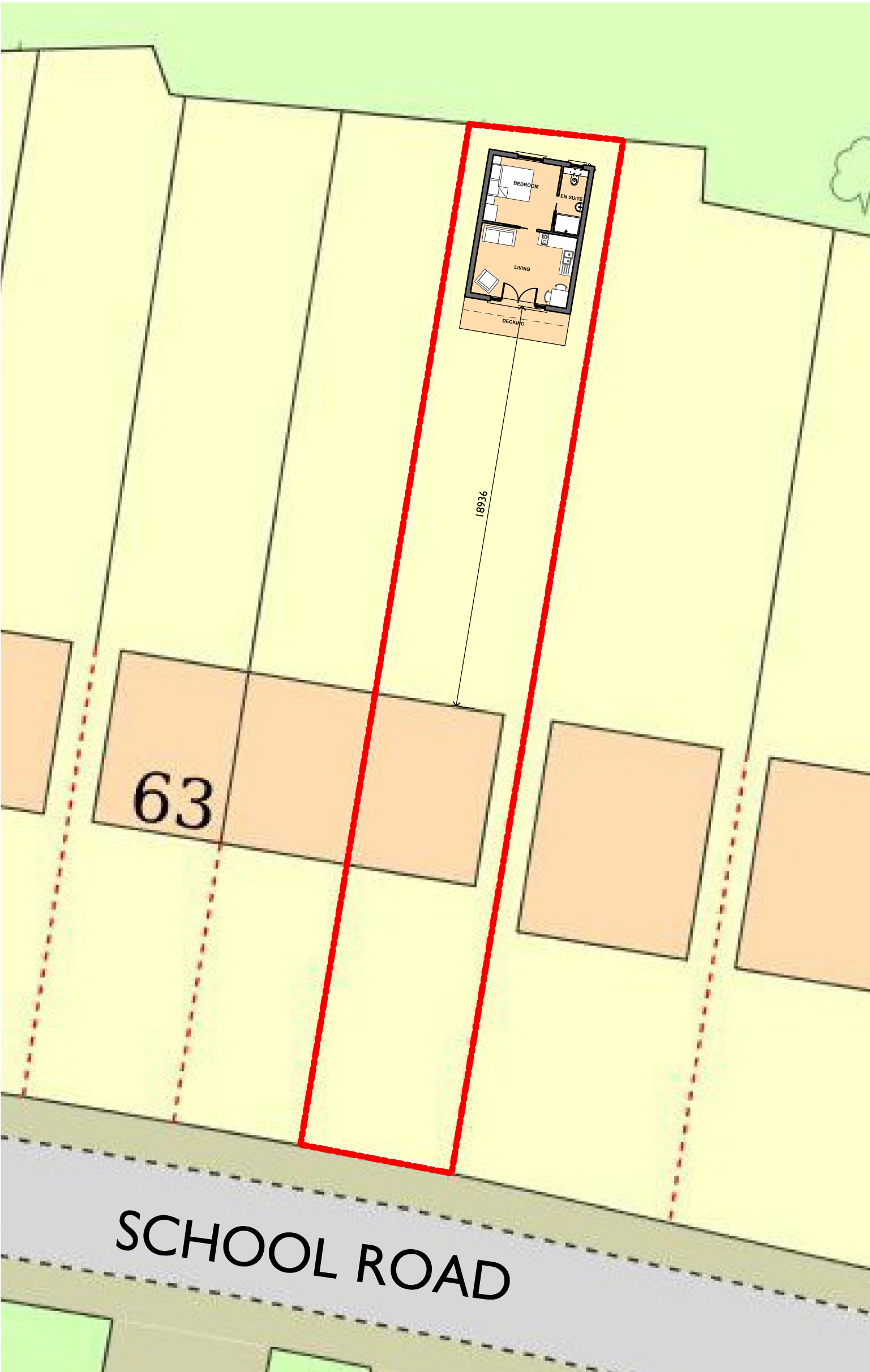
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Email: info@andrewmegginsonarchitecture.com

ANDREWMEGGINSONARCHITECTURE

Denotes application site





CLIENT					
Mr & Mrs Kirkeiner					
PROJECT					
Proposed Ancillary Accommodation to 67 School Road, Strathaven					
DRAWING					
Proposed Site Plan					
STATUS					
PLANNING					
DRAWN	AM	DATE	JULY 23	DRG NO.	1588-PL-02
		JOB	1588	REV	/
		SCALE	1:200 @ A2		

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ANDREWMEGGINSONARCHITECTURE

Denotes application site



# LRB Statement

Application for Planning Permission for the Erection of ancillary accommodation to the rear garden of 67 School Road, Sandford

Date: July 2023



1.1 This LRB Statement has been prepared by Andrew Megginson Architecture, on behalf of Mr & Mrs Kirkeiner, for planning permission for ancillary accommodation to garden ground at 67 School Road.

1.2 We would firstly like to draw the Review Body's attention to the following errors/inconsistencies in the planning officer's report;

- The walls will not be lined in a grey uPVC panel as noted by the planning officer but will be natural timber cladding as noted and shown in our drawing 1588-PL-01.

- The width of the applicant's rear garden is 7m as opposed to 6m noted by the planning officer.

- It is noted that the distance of windows between directly facing habitable rooms of the proposals and existing houses is less than 18m. Firstly, the ancillary accommodation windows would not be directly facing neighbouring windows as they are off at an angle and secondly this distance quoted is false with these windows being over 18m as per our drawing 1588-PL-02 and figure 1 below with the map data taken from Ordnance Survey information.

- The planning officer notes in paragraph 3.8 of their report *"In general, ancillary structures are a common form of householder development. The proposed structure is of a modern design with the proposed materials would not conflict with the existing property and surrounding built form. The extension is of a size, scale or design that would not appear out of character within the context of the dwellinghouse or wider area."*. However within one of the reasons for refusal the planning officer notes that the proposal *"does not conform to the scale, design or character of the original building on the site or the surrounding built form and would therefore be detrimental to the amenity of the area in general."*. This represents a rather large inconsistency.

1.3 It should be noted that no objections from any neighbours were received.

1.4 One of the reasons for refusal is stated below;

*The proposed extension is contrary to Policy 16 of the National Planning Framework 4 (adopted 2023) in that it does not conform to the scale, design or character of the original building on the site or the surrounding built form and would therefore be detrimental to the amenity of the area in general.*

As per the planning officer's notes in paragraph 3.8 of their report we are of the opinion that the proposals, which are a common form of householder development, do not conflict with the existing property or surrounding built form in terms of design, scale and location.





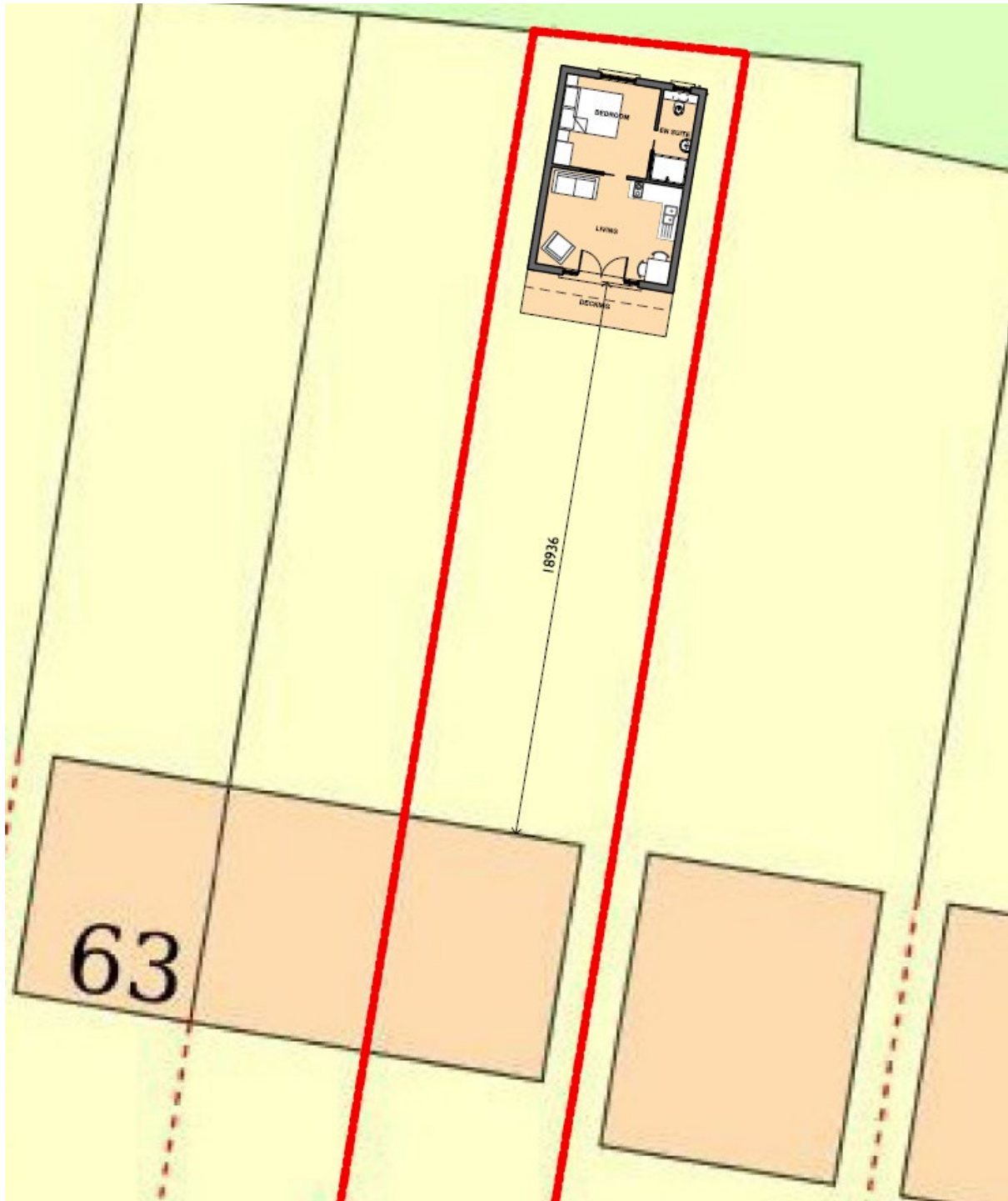


Figure 1

As can be seen in figures 2 and 3 other properties have located outbuildings such as sheds and summerhouses in similar locations at the north end of their garden to where our proposal is located resulting in a proposal that is compatible with the character of the area. Furthermore to this, the design of the development is proposed to take cognisance of the scale and materiality of these to tie in with the surrounding area.







Figures 2 & 3





The proposals are also broadly designed to be close to that of an ancillary building that would be allowed under permitted development as per the extract from permitted development guidance in figure 4 below. Unfortunately, one of the conditions for the development as a whole was that removing permitted development rights otherwise we may well have applied for a certificate of lawfulness instead.

#### Ancillary buildings including sheds, garages, greenhouses etc

##### SUMMARY

Permitted development rights allow for the provision of any building required for a purpose incidental to the enjoyment of the dwellinghouse. Typical developments include sheds, garages, sun-houses and greenhouses. In summary, the effect of the limitations is that:

- ancillary buildings are generally located to the rear
- at least half the curtilage remains undeveloped
- the **height** of the building is not higher than 4 metres and the sections within 1 metre of the boundary would be higher than 2.5 metres
- the **height** of the eaves is not higher than 3 metres

##### 4.75

In the case of dwellinghouses in a conservation area development is permitted development as long as the footprint of the ancillary building does not exceed 8 square metres (4 square metres if within the curtilage of a listed building). **Listed building consent** is required if the proposed development affects the character or setting of a **listed building**.

##### 4.75 a

Each house can also erect a single storage shed of the following maximum dimensions, in the front, side or rear garden: height 1.5 metres; depth 1.2 metres, width 2.5 metres.

Specific restrictions apply to these sheds – see Class 3AA legislation box.

##### 4.76

A building warrant from the local authority may be required for these types of developments, as explained in [Section 2](#).

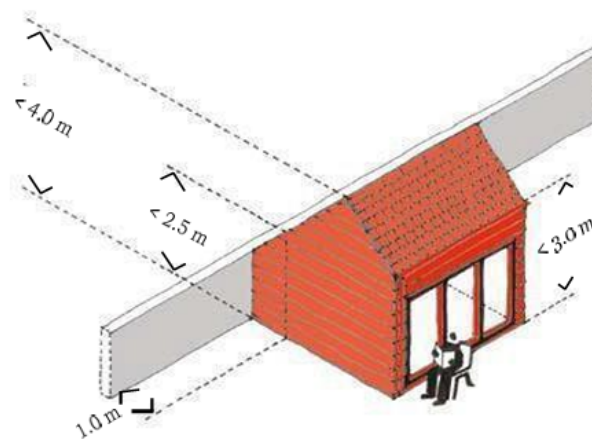


Figure 4

1.5 The second reason for refusal is noted below.

*The proposal is contrary to policies 3, 5 DM2 & DM5 of the South Lanarkshire Development Plan (adopted 2021) in that it would have a detrimental impact on the amenity of neighbouring properties due to a loss of privacy.*

As per the planning officers report, the main issue seems to be the windows facing each other. As we have shown the distance from window to window is over the required 18m quoted in South Lanarkshire's Policy. The proposed ancillary accommodation will only be for occasional habitation where the use intensity will be low, certainly much lower than that of any of the two rear bedrooms to the first floor of the existing houses which have broadly the same view of the area but looking back in the opposite direction.



1.6 Our proposals are acceptable in relation to design, scale and location within the surrounding area. Our proposals will not have a detrimental effect on neighbouring amenity or privacy. No neighbours felt this would be the case hence why no objections were received.

1.7 The application is for ancillary accommodation to garden ground at 67 School Road. With our above justification on the acceptability of the proposals we respectfully ask the Local Review Body to allow planning permission for this development.

