

Report to:	Planning Committee
Date of Meeting:	6 July 2010
Report by:	Executive Director (Enterprise Resources)

Application No	CR/10/0117
Planning Proposal:	Change of Use of Open Space to Garden Ground and Erection of Decking (Retrospective)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Lindsay & Diane Montgomery
- Location : 212 Landemer Drive
Rutherglen

2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission - subject to conditions (Based on Conditions Attached)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 12 Rutherglen Central and North
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Plan**
Policy RES6 – Residential Land Use
Policy ENV1 – Priority Greenspace Land Use
Policy ENV2 – Local Green Network
Policy DM1 – Development Management
Policy DM4 – House Extensions and Alterations
- ◆ Representation(s):
 - ▶ 1 Objection Letter
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters
- ◆ Consultation(s):
Estates Services

Planning Application Report

1 Application Site

- 1.1 The application site forms part of a wider area of open space surrounded by residential properties. The application site is bounded by the applicant's rear garden to the south and by the area of open space to the north, east and west. The application site rises from the south to the north and the area of open space around the site is largely covered in undergrowth to the west and trees to the north and east.
- 1.2 The site is owned by the Council and forms part of an area of open space adjacent to Watt Lowe Avenue and Cityford Drive. This area of open space is not formally used and is largely made up of scrub and woodland.

2 Proposal(s)

- 2.1 The proposal is for the retrospective permission for the change of use of a small area of open space to private garden ground and the erection of timber decking along the northern boundary of the site.
- 2.2 The applicant seeks permission to form a 5.6m x 2.75m decked platform with 1.8m high screen fence all around, including gate to fully enclose the platform and screen its use.
- 2.3 As the garden rises, steps would be formed to access the decked platform at the top of the garden area.

3 Background

3.1 Local Plan Status

- 3.1.1 Within the adopted South Lanarkshire Local Plan, the application site is covered by Policy RES6 – Residential Land Use. The policy seeks to oppose the loss of houses to other uses and resist any development that will be detrimental to the amenity of those areas.
- 3.1.2 As well as being within a residential area, the application site is also covered by Policies ENV1 - Priority Greenspace Land Use and ENV2 – Local Green Network of the adopted local plan. Policy ENV1 seeks to protect and enhance priority areas of green space and the loss of such space will not be supported. Partial loss will only be justified where it can be demonstrated that: the retention or enhancement, including positive management of the area to be retained, can be best achieved by the redevelopment of part of the site which would not affect its recreational, amenity or biodiversity value; and compensatory provision of at least equal area, quality and accessibility is provided in the locality.
- 3.1.3 Policy ENV2 seeks to protect and support actions to enhance the Local Green Network. Development which is likely to have an adverse effect on its connectivity or its value for biodiversity or its amenity will not be supported. Loss of an area in whole or part will only be permitted where it can be demonstrated that development will enhance the existing situation in respect of wildlife, biodiversity, townscape quality and character, amenity and access.
- 3.1.4 In addition, Policies DM1 – Development Management and DM4 – House Extensions and Alterations are also relevant. Policy DM1 requires all planning applications to take account of the local context and built form and all development should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Policy DM4 provides further criteria in which to assess planning applications of this type.

- 3.1.5 In accordance with the Planning etc (Scotland) Act 2006, this application is required to be determined at Committee as the land involved in the proposal is within the Council's ownership. Notwithstanding, as the proposal has received one letter of objection and is contrary to the development plan it is excluded from the scheme of delegation.

4 Consultation(s)

- 4.1 **Estate Services** – have offered no objection to the proposal and are in discussion with the applicant regarding the sale of the site.
Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was carried out and the application was advertised as Development Contrary to the Development Plan and for non-notification of owners and neighbours of the site. One letter of objection has been received. The grounds of which have been summarised below:

- a) **There may be an increase in noise level.**

Response: The proposed development is largely an extension to the applicant's garden area. On this basis it is not considered that the proposal would have a significant impact in terms of noise to that of existing noise levels in the area.

- b) **This may affect the privacy of the occupants of 208 Landemer Drive.**

Response: The decked platform would have 1.8m high screen fence around all four sides including that of the gate to the platform. Therefore it is not considered that the proposed development would have a significant impact on privacy.

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

6 Assessment and Conclusions

- 6.1 The application is for the change of use of open space to private garden ground and the erection of timber decking along the northern boundary of the site. The main determining issues in consideration of this application are its compliance with Local Plan policy and in particular, its impact on the amenity of the surrounding area and adjacent residential properties.
- 6.2 When assessing the proposal in relation to Policy RES6, it is considered that its impact upon residential amenity would be limited. Garden ground is a characteristic feature of residential areas and therefore the principle of the proposed use is considered to be acceptable. However the impact of the proposed decking on the residential amenity of the area requires to be assessed and this will be done through the consideration of Policies DM1 and DM4 of the adopted local plan.
- 6.3 In addition to Policy RES6, the application site is also affected by Policies ENV1 and ENV2 of the adopted local plan. The proposed development would lead to the partial loss of an area of informal open space which is contrary to the terms of Policy ENV1. However the loss is only approximately 50m² and it forms part of a much greater area of open space between existing housing that feeds in to Bankhead Public Park which has an area of approximately 2.5 hectares. It is therefore considered that the removal of less than 1% of this ground would not be significant or affect its recreational, amenity or biodiversity value and in this instance is acceptable.

- 6.4 Policy ENV2 seeks to protect and enhance the local green network. Development that is likely to have an adverse effect on its connectivity or its value for biodiversity or as an amenity will not be supported. Again given the reasons stated in paragraph 6.3 above, it is also considered that the development is in accordance with this policy.
- 6.5 In relation to Policy DM1, it is noted that garden ground does accord with the context of the surrounding area. It is also considered that the area of the site, when compared with the surrounding areas of open space, is minimal and therefore its loss to private garden ground can be supported in this instance. Furthermore as it is backed by existing woodland it is shielded from view to the wider area.
- 6.6 Policy DM4 - House Extensions and Alterations provides specific policy requirements and guidance for house extensions and alterations, including timber decking. Poor house extensions and alterations can have a detrimental effect on the visual appearance of an area and on the residential amenity of neighbours and the policy provides a number of criteria which applications for extensions and alterations including timber decking should meet. Six criteria are identified however only three require to be considered in this instance:

(a) the siting, form, scale, design and materials respect the character of the existing dwelling and the wider area. Within this context, high quality, innovative design will be encouraged where it complements the character of the building and its surroundings;

Response: The proposed decking would be located at the rear of the garden and the area would be largely backed by existing woodland. The timber used to form the structure would match that already used in the applicant's garden to form existing boundary fencing and outbuildings and the wood stain used would also match. It is therefore considered that the design of the proposed development is acceptable in this instance.

(b) it does not dominate or overwhelm the existing dwelling, neighbouring properties or streetscene in terms of size, scale or height;

Response: Whilst the proposed deck area would sit at the highest point of the garden it would be over 10 metres from the rear elevation of the applicants' house and set within a woodland background that continues to rise behind the application site. Furthermore the materials used would match those already used by the applicant within their existing garden area. Therefore it is not considered that the proposal would over dominate.

(c) it does not significantly adversely affect adjacent properties in terms of overlooking or loss of privacy, daylight or sunlight.

Response: The proposed deck area including the gate to access the platform would have a 1.8m high fence all around that would effectively ensure that no overlooking could occur from this structure. Furthermore given the distance of the structure from the applicant's house and that it is located to the north of the property it is not considered that the proposal would have a significant impact on daylight or sunlight.

- 6.7 Whilst it is acknowledged that one letter of objection has been received I am of the view that the concerns raised do not justify the refusal of this planning application on the above basis.
- 6.8 In summary, although the proposed development does not comply with local plan policy, specifically in relation to Policy ENV1 of the adopted South Lanarkshire Local Plan, it is considered acceptable in this instance. The change of use and decking do

not have an adverse impact upon the established level of residential amenity and do not have a negative impact upon surrounding properties. In respect of the local green network, it is considered that the remaining amount of green space will not be significantly reduced and as such the amenity, biodiversity and connectivity of the site will not be affected to a material extent.

6.9 The proposal was advertised as Development Contrary to Development Plan in the local newspaper as it constitutes a loss of an area of protected green space designated under Policy ENV1 - Priority Greenspace Land Use of the adopted South Lanarkshire Local Plan. The proposal has been fully assessed and I would recommend that planning permission is granted contrary to the adopted local plan for the following reasons:

1. The proposal complies with Policies ENV2, DM1 and DM4 of the adopted South Lanarkshire Local Plan.
2. The proposal is not considered to affect the area's recreational, amenity or biodiversity value.
3. The residential amenity of the area can be protected.
4. There are no adverse infrastructure issues.

7 Reasons for Decision

7.1 For the reasons stated in paragraph 6.9 above.

Colin McDowall
Executive Director (Enterprise Resources)

18 June 2010

Previous References

♦ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
Estates Services

24/05/2010

- ▶ Representations

Representation from : James & Jean Ward, 208 Landemer Drive, Rutherglen
G73 2TE, DATED 11/06/2010

Contact for Further Information

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

Gwen McCracken, Planning Team Leader, 380 King Street, Rutherglen
Ext 5140, (Tel :0141 613 5140)
E-mail: Enterprise.cam-ruth@southlanarkshire.gov.uk

CONDITIONS

- 1 This decision relates to drawing numbers:
01 – Location plan.
02 – Block plan.
03 – Detailed plan.
- 2 The development hereby permitted shall be started within three years of the date of this permission.
- 3 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.
- 4 That before the development hereby approved is occupied or brought into use, a 1.8 metre high close boarded timber screen fence, stained to match the existing fencing shall be erected along the boundary marked GREEN on the approved plans and this fence shall be maintained in perpetuity to the satisfaction of the Council as Planning Authority.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of amenity.

For information only

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