

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>14 May 2019</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/0270
Planning proposal:	Construction of a log cabin to rear of dwellinghouse (retrospective)

## 1 Summary application information

Application type:	Householder
Applicant:	Mr Alex Bird
Location:	57 Springfield Park Road Rutherglen G73 3RQ

## 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:
- ♦ Council Area/Ward: 11 Rutherglen South
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (2015)**  
Policy 4: Development Management and Placemaking  
Policy 6: General Urban Area/Settlements  
  
**Development Management, Placemaking and Design Supplementary Guidance (2015)**  
Policy DM13: Development within General Urban Area/Settlement  
  
**Proposed South Lanarkshire Local Development Plan 2**

Policy 3: General Urban Areas  
Policy 5: Development Management and  
Placemaking  
Policy DM1: New Development Design

◆ **Representation(s):**

▶	7	Objection Letters
▶	2	Support Letters
▶	0	Comment Letters

# **Planning Application Report**

## **1 Application Site**

- 1.1 The application site relates to the garden area of an upper storey flat at 57 Springfield Park Road in Rutherglen. It is situated at the junction of Springhill Park Road and Southhill Road. The garden area lies to the side of the building and is separated from Southhill Road by a 2.5m boundary wall. The site lies within an established residential area. The property is bounded to the north and east by residential properties, to the south by Southhill Road beyond which lies a terrace of residential properties. A large retail store and carpark lie to the west of application site.

## **2 Proposal(s)**

- 2.1 The applicant seeks retrospective planning consent for erection of a single storey outbuilding to the rear of the dwellinghouse. The outbuilding is constructed from timber with a low pitched roof and consists of 3 windows and a door on the main elevation. This elevation faces onto the rear garden of other properties within the building. The interior of the building consists of a small kitchen area and storage area and a living space. There are no toilet facilities within the building. The overall height of the outbuilding is approx 2.8m and the footprint measures 6.5m in length and 4.0m in width. There is a 1m overhang at the front elevation.

## **3 Background**

### **3.1 Local Plan Status**

- 3.1.1 In determining this planning application, the Council must assess the proposed development against the policies contained within both the South Lanarkshire Local Development Plan (2015) and Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 In land use terms, the application site is identified within the SLLDP as being within a general residential area. Policy 6 (General Urban Area/Settlements) is applicable and states that residential developments and those of an ancillary nature may be acceptable within urban areas and settlements, provided they do not have a significant adverse effect on the amenity and character of the area. Developments that will be detrimental to residential amenity will not be permitted.
- 3.1.3 Policy 4 (Development Management and Place Making) of the SLLDP is also considered to be relevant and requires all development proposals to take account of, and be integrated with, the local context and built form.
- 3.1.4 Policy DM13 (Development within General Urban Area/Settlement) is contained within the Development Management, Place Making and Design Supplementary Guidance, and is also relevant to this proposal. This policy states that proposals for the urban area will be considered favourably where they comply with set criteria. This includes the requirement for the siting, form, scale, massing and materials to respect the character of the adjacent surrounding development.

3.1.5 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan.

### 3.2 **Relevant Government Advice/Policy**

3.2.1 Given the nature of the proposal, there is no specific government guidance relative to the determination of this application.

### 3.3 **Planning Background**

3.3.1 There is no site history pertaining to the application site.

## 4 **Consultation(s)**

4.1 No consultations were required in respect of this application.

## 5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken. Seven letters of objection and 2 letters of support have been received from neighbouring proprietors, the points of which are summarised below:

a) **The siting of the outbuilding will infringe on my privacy.**

**Response:** The rear gardens of properties in Springfield Park Road are mostly separated by small fences approx 1.0m-1.2m in height and, therefore, privacy is already limited. This situation includes the boundary between the site and the garden area of the lower floor flat such that views between the garden areas are available unrestricted. The main elevation of the cabin contains windows which overlook the adjoining garden. The applicant intends to address this by erecting a 1.8m fence that will prevent mutual overlooking.

b) **The design and appearance of the building is out of character with surrounding buildings**

**Response:** The outbuilding is located at the rear of the garden and screened from the streetscene by a boundary wall so that only a small portion of the shallow pitched roof is visible from the public road. The design, scale and materials are appropriate for an outbuilding at the rear of the property. It also has the backdrop of the wall. In addition the proposed screen fence will significantly reduce visibility of the cabin from adjoining properties.

c) **The purpose of the building is for the applicant's wife's child minding business. This would lead to excessive noise in the garden in an area where mostly elderly people reside. It would also lead to increased level of traffic.**

**Response:** The applicant has submitted a statement advising that the childminding business has been run from the property since October 2016. The business involves a maximum of four children and they are not always present at the same time. The children are picked up/dropped off at different times, according to parent commitments and schedules. The garden forms part of the applicant's curtilage and is already used by the children. There have been no complaints to the Planning Service regarding the childminding business. The applicant has advised that the primary use of the building is for personal space but that it may be used occasionally as part of the business. The cabin forms part of the outdoor space where children are already active and, therefore, there would not be a reduction in amenity.

The business, as it is presently run, has been assessed against criteria used to determine if a material change of use has occurred and it is concluded that they have not been breached. It has been confirmed that there are no plans to increase scale of the childminding services. Any change to the way the business operates from that described would be investigated to determine if planning permission is required.

- d) **The excessive noise may adversely affect the value of surrounding properties.**

**Response:** The value of the surrounding properties does not constitute a material planning consideration in the assessment of a planning application.

- e) **The outbuilding is positioned so that the canopy is only 1m from the boundary and the windows and doors are 2m away and overlook my patio and drying area.**

**Response:** At present the outbuilding is positioned so that the closest part (ie the overhang) is 1m from the boundary. The applicant intends to erect a screen fence which will reduce the visual impact of the cabin and prevent overlooking. In addition, it is evident that overlooking between the garden areas was possible before the construction of the outbuilding. Therefore, the erection of the building has not increased the level of overlooking.

- f) **The outbuilding does not meet the requirements of Policy DM13 and therefore should be refused.**

**Response:** Policy DM13 provides guidance on proposals for development within General Urban Areas and Settlements. The aim of the policy is to protect residential amenity and the character of an area by avoiding inappropriate design, the loss of open space and overdevelopment. An assessment of the proposals against this policy is set out in section 6 of the report.

- g) **The applicant has not stated in the application what the building is used for.**

**Response:** The applicant has stated in a supporting statement that the building is to provide additional living accommodation and will be predominantly for their personal use. They have advised that it will, on occasion, be used in connection with the childminding business.

- h) **The outbuilding has three rooms, running water, and open plan kitchen with a full size kitchen sink. It is close to looking like a self-contained unit.**

**Response:** The building contains a small kitchen area, a storage area and an open living space. However, there are no toilet facilities and, therefore, it is considered this claim is not substantiated. If consent is granted to retain the building planning permission would be required to use it as self contained accommodation.

- i) **To allow planning consent for this outbuilding would set a precedent form others to build the same.**

**Response:** Each planning application is decided on its own merits.

- j) **The outbuilding does not conform to Policy DM5 – Extended Family Accommodation.**

**Response:** Policy DM5 is not relevant in this application as the outbuilding would not be used for extended family accommodation.

5.2 Following the carrying out of statutory neighbour notification, two letters of support have been received. The comments are summarised as follows:

- a) **As a neighbour to the applicant I have no objection to the outbuilding. It does not block any light or cause any obstruction to my property. It does not detract my view and is a nice addition to the garden area**

**Response:** Noted.

5.3 These letters have been copied and is/are available for inspection in the usual manner and on the planning portal.

## **6 Assessment and Conclusions**

6.1 The applicant seeks retrospective planning consent for erection of a single storey outbuilding to the rear of the dwellinghouse at 57 Springfield Park Road in Rutherglen. The main planning considerations in determining the application are whether the proposal complies with the development and the impact on the residential amenity and character of the area.

6.2 In determining this planning application, the Council must assess the proposed development against the policies contained within both the South Lanarkshire Local Development Plan (2015) and Supplementary Guidance (SG) produced in support of the SLLDP. Policies 4 and 6 of the Local Development Plan and Policy DM13 of the Development Management, Placemaking and Design Supplementary Guidance require all development proposals to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the amenity of the area. These requirements must also be met within Policies 3 and 5 of the proposed South Lanarkshire Local Development Plan 2. The outbuilding is constructed from timber with a low pitched roof and consists of 3 windows and a door on the main elevation that faces onto the rear garden of other properties within the street. The overall height of the outbuilding is approximately 2.8m and the floor area measures 6.5m in length and 4.0m in width. There is a 1m overhang at the front elevation.

- 6.3 The building sits within the side garden area of the applicant's upper floor flat. There is no significant adverse visual impact on adjacent buildings in terms of massing, design and external materials or any loss of open space or damage to hedges or bushes. A daylight/shadowing assessment has been carried out to investigate the effect the development had on the adjoining garden. Measurements were taken for different periods within the year (March, June, and September). Overall, the proposal would not have a significant adverse impact on the existing level of sunlight presently enjoyed by adjoining property. Good practice guidance from the British Research Establishment states that, as long as at least half the garden receives at least two hours sunlight on March 21, there is adequate sunlight. The proposed development would not adversely affect existing levels of sunlight for any adjoining dwellinghouse in March. The building has a backdrop of an existing 2.5m high wall which effectively screens it from the streetscene. A portion of the roof does protrude above the wall but this has no adverse impact on the character of the area and indeed is in keeping with other similar features in the vicinity. The orientation of the cabin means that there would be overlooking of the adjoining garden however the applicants intend to erect a boundary fence which will prevent this. A condition will be attached to the consent, if granted, to ensure this. An adequate area of garden ground would be retained.
- 6.4 Seven letters of objection have been received in relation to this planning application. The concerns raised in relation to the impact of the outbuilding itself have been addressed above and it has been concluded that they are not of sufficient weight or merit from a planning perspective that could justify the refusal of consent. Concerns have been raised that the childminding business that is run from the property would extend into the outbuilding. As explained above, it has been determined that the business, based on its current form and scale, has not resulted in a material change of use of the property and planning permission is not required. The applicants have confirmed that they would intend to use the cabin for these purposes, on occasion, but that the main use would be as an extension to their flat as additional living accommodation. The garden area is already used in connection with the business and the general activity would not be different to the current situation. The proposed screen fence would further limit the impact on adjoining properties. Nevertheless, the applicants have been advised that any change to the way the business is run could result in the need for planning permission.
- 6.5 In conclusion, it is not considered that any of the neighbouring properties would be adversely affected in terms of overshadowing/loss of daylight or that the general amenity of these properties or that of the surrounding area would be adversely affected by the proposed development. The proposed development is, therefore, considered to be in accordance with Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan and Policy DM13 of the Development Management, Placemaking and Design Supplementary Guidance and Policies 3 and 5 of the proposed South Lanarkshire Local Development Plan 2. It is recommended that planning permission be granted.

## **7 Reasons for Decision**

- 7.1 The proposal does not have an adverse impact on residential or visual amenity. It complies with Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan and Policy 13 of the associated Supplementary Guidance.<sup>3</sup>

Development Management, Placemaking and Design and Policies 3 and 5 of the proposed South Lanarkshire Council Development Plan 2. There are no other additional material considerations which would justify refusing to grant planning permission.

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

Date: 24 April 2019

**Previous references**

- ◆ None

**List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 28 February 2019

▶ Representations	Dated:
Mr Ernest James Cameron, 49 Springfield Park Road, Rutherglen, G73 3RQ	03.03.2019
Norma Beaton, 48 St Ronans Drive, Rutherglen, G73 3SP	05.03.2019
Madeline Cameron, 49 Springfield Park Road, Burnside, G73 3RQ	28.03.2019
Cathy Dryden,	19.03.2019
Madeline Cameron, 49 Springfield Park Road, Burnside, G73 3RQ	02.04.2019
Barry Dryden, 55 Springfield Park Road, Rutherglen, Glasgow, South Lanarkshire, G73 3RQ	19.03.2019
Isobel Low, 53 Springfield Park Road, Rutherglen, Glasgow, South Lanarkshire, G73 3RQ	19.03.2019
	25.03.2019
	25.03.2019

**Contact for further information**

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

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Hamilton, ML3 6LB  
Phone: 01698 455269  
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Detailed planning application

Paper apart – Application number: P/19/0270

**Conditions and reasons**

01. That within 2 months of the date of consent a 2 metre high close boarded screen fence shall be erected along the boundary between the application site and 55 Springfield Park Road.

Reason: To protect the privacy of the adjacent property and to prevent overlooking.

P/19/0270

57 Springfield Park Road, Rutherglen



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Scale:  
1:1,250  
Date:  
16/04/19



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