

# Report

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Report to:	<b>Hamilton Area Committee</b>
Date of Meeting:	<b>14 February 2007</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	HM/06/0489
Planning Proposal:	Erection Of Double Garage And Associated Fencing

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Gordon Mack
- Location : 1 Gibb Court  
Stonehouse

## 2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to the following conditions)

### 2.2 Other Actions/Notes

The Area Committee has delegated powers to determine this application.

## 3 Other Information

- ◆ Applicant's Agent: CP Design
- ◆ Council Area/Ward: 55 Stonehouse
- ◆ Policy Reference(s): **Hamilton District Local Plan**  
Policy RES1 – Residential Areas – General  
Policy DC1 - Development Control – General  
**South Lanarkshire Planning Policies**  
SLP6 – Development Control – General  
**South Lanarkshire Local Plan (Finalised)**  
Policy RES 6 – Residential Land Use  
Policy DM1 - Development Management  
Policy DM4 – House Extension and Alterations  
**Residential Development Guide**

- ◆ Representation(s):  
▶ 5 Objection Letters

- ◆ Consultation(s):

Roads and Transportation Services (Hamilton Area)

# Planning Application Report

## 1 Application Site

- 1.1 The application site is located within a residential area of Stonehouse. The site currently accommodates a house, three off-street car parking spaces and a rear garden. The house plot is set within a small cul-de-sac accommodating five other houses.

## 2 Proposal

- 2.1 The applicant seeks detailed planning permission for the erection of a single storey double garage and two small sections of fencing, constructed in timber between the garage and the dividing boundary to Gemmell Way and metal (including gate) between the garage and the applicants' house. The fencing would be 1.8 metres in height.
- 2.2 The garage will be 5.1m in height, 8.0m in length by 6.6m in width. It is proposed to construct the garage with red facing brick and yellow quoins to match the existing house. The garage will be accessed via a double roller shutter door and will have a 0.8m wide door on the side elevation. It is proposed to locate the garage, fence and gate at the end of the turning head.

## 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 a general residential area (as defined in Policy RES 1). Through this policy the Council seeks to resist any developments detrimental to the amenity of these areas. Policy DC1 – Development Control General, requires that all planning applications should take fully into account the local context and built form. All new developments should aim to enhance the quality and appearance of the local environment.
- 3.1.2 In terms of the content of the Finalised South Lanarkshire Local Plan, the site is affected by Policy RES6 – Residential Land Use Policy. This policy states that within areas identified for primarily residential use, the Council will oppose the loss of houses to other uses and resist any developments which will be detrimental to the amenity of these areas. In addition, any development proposed must satisfy the following criteria. The development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking or visual intrusion.
- 3.1.3 Policy DM1 - Development Control General – should also be referred to. This policy states that all planning applications should take fully in to account the local context and built form i.e. development should be compatible in terms of scale, massing and external materials and of adjacent buildings and streetscape. All development should aim to enhance the quality and appearance of the local environment with regard to the local context, layout, form, design and use of materials.

3.1.4 Policy DM4 of the South Lanarkshire Local Plan (Finalised) provides criteria with respect to house extensions and alterations. Proposals should have respect to the character of existing dwellings and the wider area in terms of their scale, design and materials. Proposals should not dominate or overwhelm the existing dwelling or neighbouring dwellings and should not adversely affect neighbouring properties in terms of privacy, sunlight or daylight. Houses should retain adequate off street car parking and useable garden ground. Policy DM4 provides particular guidance with regards to Garages and Car Ports. Garages should, when located on a main frontage or prominent location, be designed to respect the shape and form of the existing house. Ideally the garage should be set back from the front elevation of the house and should not obscure or over-dominate it. Single garages should have minimum dimensions of 6m in length by 3m in width. Garages should also be set back from the heel of the kerb by 6m to ensure cars can be parked in the driveway without overhanging the pavement. Policy SLP6 of the South Lanarkshire Planning Policies reiterates these guidelines.

3.1.5 The South Lanarkshire Council Residential Development Guide provides detailed guidance relating to residential developments. The guide sets out criteria relating to matters such as window to window distances, minimum areas and depths of rear garden ground, parking requirements and distances between properties.

### 3.2 Relevant Government Advice/Guidance

3.2.1 There is no specific government guidance relative to the determination of this application.

### 3.3 Planning Background

3.3.1 Planning permission was granted for the erection of the applicants' house in June 2003 (Planning Application No. HM/03/0223). In addition the applicant has previously applied for planning permission for a large two storey double garage within the rear garden ground of the house (HM/06/0283). The application was however withdrawn by the applicant, following comments from the Planning Service, due to inappropriate location and size.

3.3.2 The applicant reapplied for planning permission for the garage in an amended form. Following negotiations with the Planning Service, the size and scale of the garage has been reduced to the current proposal.

## 4 **Consultation**

4.1 **Roads and Transportation Services** - have responded to the consultation request noting that the garage will be accessed from the end of the turning head, with no driveway proposed to the front of the garage. Current development guidelines state that garages adjacent to buildings should be set back by 6m from the heel of the footway. This is not achievable in this occasion due to the confines of the site. However as the applicant currently has three off- street car parking spaces within the curtilage of the house, and the double garage counts as one space, the Roads and Transportation Services offer no objections to the proposal.

**Response:** Noted.

## 5 **Representations**

5.1 Statutory neighbour notification was undertaken in respect of the proposal. Five letters of representation were received. One of these letters includes the names of three other objectors. However there are no signatures to these names.

5.2 The grounds of objection are summarised as follows: -

- a) **The proposed garage would have an overbearing impact on our property due to the height and mass of the gable wall.**

**Response:** The initial design of the garage involved a two storey double garage, extending to a height of 6.5m. The design of the garage has now been substantially reduced, with the ridgeline of the garage now extending to 5.1m and the eaves at 2.69m. The garage is now of a reasonable size for the house plot and will not have an over bearing impact on the adjoining property.

- b) **The design of the proposed garage suggests that it will be used for commercial purposes or as a granny flat.**

**Response:** Noted. The applicant has amended the planning application, by reducing the size of the proposed garage, following comments from the Planning Service. The new design of the garage is substantially smaller than initially proposed and is not considered to be of a size or design which could provide residential accommodation in the form of a 'granny flat'. Furthermore, Condition 4 shall be attached to the planning permission, should the application be granted, ensuring no commercial activity will be carried out in the garage and the applicant's agent has confirmed this in writing.

- c) **The materials to be stored in the garage may be a fire hazard.**

**Response:** The applicant's agent has confirmed in writing that the garage will not be used for commercial activity and I am satisfied that the garage will not create a fire hazard. The garage will require to adhere to fire safety guidelines enforced by Building Standards Services.

- d) **The proposed two storey garage would be out of keeping with the residential estate.**

**Response:** Noted. The applicant has amended the planning application by reducing the size of the proposed garage, following comments from the Planning Service. The current scheme under determination proposes a garage of dimensions of an acceptable scale for the house plot and I am satisfied that the proposed garage will integrate into Gibb Court with minimal impact on amenity and on adjoining properties.

- e) **The proposed metal gates would, by virtue of design, be out of keeping with the residential estate and would create a negative impact on the residential amenity due to their industrial design and prominent location.**

**Response:** Noted. The initial proposal involved the erection of a 1.8m high galvanized steel fence across the front of the garage, between the existing house and boundary fence. The metal fence was however considered unacceptable by the Planning Service, due to its size, appearance and prominent location. Following comments by the Planning Service, the applicant has now changed the proposed fence, to involve the erection of a 1.5m wide section of timber fencing between the garage and the boundary fence, and a 2.8m wide section of metal fencing and gate between the garage and the house. I am satisfied that the proposed fence sections are of a scale

which are appropriate for the residential setting however the metal fencing is not considered to be appropriate material. It is therefore proposed to condition the consent to ensure timber fencing is used.

- f) **The proposed metal gates would have a negative impact on residential amenity due to the noise of opening and closing them.**

**Response:** The proposal has been amended from the original scheme, as detailed above. The amended scheme now involves the erection of a single pedestrian gate, as opposed to the double vehicular gate. I am satisfied that the proposed gate will not create an adverse impact on the surrounding properties in terms of noise. Furthermore a condition shall be imposed to ensure all fencing, including the gate is constructed in timber, if planning permission is granted.

- g) **The proposed garage will be located almost immediately adjacent to the pavement, rather than back by 6m which is suggest in Council Guidance.**

**Response:** The proposed garage will be located 0.6m from the heel of the kerb at the end of the turning head. SLP6 of the South Lanarkshire Planning Policies and Policy DM4 of the South Lanarkshire Local Plan (Finalised) state that there should be a minimum distance of 6m from the heel of the kerb to the front of the garage, to ensure that a car can be parked in the driveway without overhanging the pavement. However the Roads and Transportation Service noted within their consultation response that the applicant is already providing three car parking spaces within the curtilage of the house and raise no objections to the proposal. There is therefore no requirement for parking in front of the garage, as adequate off street car parking is provided to the front of the property and the 6m parking area is not therefore required.

- h) **Gibb Court is a small residential area with young families who have already been put at risk through the removal of the visitor parking area at the end of the turning head. This proposal will exacerbate this risk.**

**Response:** The Roads and Transportation Service have raised no objections to the proposed garage given there is sufficient off-street parking within the application site.

- i) **The garage would result in the only parking/turning area within the cul-de-sac not being useable.**

**Response:** Again, the Roads and Transportation Service have raised no objections to the proposed garage given there is sufficient off-street parking within the application site.

- j) **The proposal is contrary to the Council's Residential Development Guide, particularly sections 5, 10 & 12.**

**Response:** Noted. This issue shall be considered in the Assessment and Conclusions section of the report.

- k) **We are concerned that our valid planning objections have been summarily dismissed, without explanation.**

**Response:** All objections submitted to the Council with regard to the planning application have been considered and detailed within this report. Each point of objection has been provided a response and an evaluation of the proposal is provided in Section 6 of the report.

- l) **The scale of the garage is excessive in that it utilises such a percentage of the plot area and no driveway can be provided in front of the garage.**  
**Response:** The issue of plot ratios is discussed in Section 6 - Assessment and Conclusions of this report. The issue regarding the lack of driveway in front of the garage is discussed in Section 5.2 (g) of this report.
- m) **The proposal will adversely affect road safety, in that it would utilise – for private purposes – part of the public road and footpath which is specifically designed as the only turning area serving the development.**  
**Response:** Roads and Transportation Services raised no objection to the proposed development. The proposal does not encroach on the public road or footpath.
- n) **As the proposed garage is located at the heel of the public footpath and adjacent road this area will be used as a driveway and is contrary to good planning principles.**  
**Response:** As discussed above, the Roads and Transportation Service have raised no objection to the proposed development. Adequate off street car parking is provided within the application site.
- o) **This development, if approved, will encourage the parking of vehicles in an area which should be free at all times to allow traffic to enter and leave the development safely.**  
**Response:** As discussed above, the Roads and Transportation Service have raised no objection to the proposed development. Adequate off street car parking is provided within the application site.

These letters have been copied and are available for inspection in the usual manner.

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks detailed planning permission for the erection of a single storey double garage and the erection of a small section of timber fencing and metal fence and gate. The determining issues in consideration of this application are its compliance with local plan policy and in particular its impact on the amenity of the adjacent properties.
- 6.2 In terms of relevant local plan policy, the application site is affected by Policy RES1 of the adopted Hamilton District Local Plan. This policy identifies the application site as being within an area designated for residential use. Policy DC1 of the adopted Hamilton District Local Plan provides specific design guidance towards applications within these areas. It is considered that the proposed garage suitably reflects the design of the existing houses within the cul-de-sac and is of an acceptable size for the house plot. The scale of the proposed garage has been significantly reduced following comments from the Planning Service to ensure that it does not represent over-development or create an overbearing impact on the street scene or neighbouring properties.
- 6.3 With regards SLP6 of the South Lanarkshire Planning Policies, the scale of the proposed garage has been significantly reduced to minimise its impact on adjacent properties and the streetscape. The garage has been designed to respect the shape, form and facing materials of the existing house on the site. The garage is set back from the front elevation of the house and will not look out-of-place in the proposed

location. Although the garage is not set back from the heel of the kerb by 6m, adequate off street car parking is provided in other areas of the application site and parking in front of the garage is not therefore a requirement. I am therefore satisfied that proposed scheme is now considered to be compliant with Policy SLP6 – Development Control General.

- 6.4 In terms of the content of the South Lanarkshire Local Plan (Finalised), the application site is affected by Policy RES6 – Residential Land Use. The inclusion of the application site within the general residential area of the South Lanarkshire Local Plan (Finalised) reinforces the residential setting of the area and its appropriateness for residential development. The South Lanarkshire Local Plan (Finalised) represents the most up to date statement of Council policy and provides detailed design guidance towards proposals within residential areas through Policy DM1 – Development Management. Policy DM1 states in relation to garage and house extensions that the garage should not result in a significant loss of daylight/sunlight to neighbouring properties or garden ground and should not cause overshadowing detrimental to the amenity of adjacent properties. I am satisfied that the height of the garage, in particular its eaves, will ensure that there is no significant overshadowing on adjacent properties.
- 6.5 Policy DM4 – House Extensions and Alterations of the South Lanarkshire Local Plan (Finalised) reiterates guidance contained with SLP6 when considering garages and car ports. This policy has been discussed in paragraph 6.3 above and I am satisfied that the proposed development adheres to the policy and guidance contained within Policy DM4.
- 6.6 The Council's Residential Development Guide should also be referred to when considering the application. This production requires a private garden area of 70m<sup>2</sup> to be provided for family sized detached properties including a minimum rear garden depth of 10m. The proposed garage will not impact on the approved garden depth of the rear garden ground and an area of 105m<sup>2</sup> of rear garden ground will be maintained. Section 5 requires larger scale housing developments to provide a minimum garden to building ratio of 60:40 whereas individual plotted developments should be 70:30. The existing house and proposed garage will result in a garden to building ratio of 65:35. Plot ratio's within the cul-de-sac range from approximately 78:25 to 61:39 and I am therefore satisfied that the proposed development will result in a plot ratio comparable to adjoining properties. In terms of Sections 10 and 12 of the Residential Development Guide, the Guide requires houses with 4 or more bedrooms to provide off street car parking for 3 cars. The site currently provides 3 off street parking spaces and the proposed garage will not impact on these spaces. Further guidance is given in respect of driveway dimensions and that driveways serving double garages should be at least six metres in length. However in this instance as there is sufficient off street parking elsewhere within the plot Roads and Transportation Services are satisfied that the proposed development is acceptable in this instance. I am therefore satisfied that the proposed development has achieved all relevant points raised within the Residential Development Guide.
- 6.7 Whilst five letters of objection have been received, the original submission was reduced in order to reflect the scale and massing of the existing house and neighbouring properties within the locality. The amended scheme ensures that the impact of the garage on adjacent properties and the streetscene is minimised.
- 6.8 In terms of the fencing, it is now considered to be of a scale which is appropriate for the residential area. The proposed galvanised fencing and gate is not however considered to be an appropriate material for the residential area. It is therefore

proposed to attach a condition ensuring that all fencing will be of timber construction if planning permission is granted.

- 6.8 In terms of consultation responses, the Roads and Transportation Service have advised that the off street car parking requirements are met and that the proposed development would not be detrimental to road safety.
- 6.9 I am satisfied that the proposal complies with local plan policy and the Council's approved guidelines on garages and I therefore consider that planning permission be granted.

## **7 Reasons for Decision**

- 7.1 The proposal has no adverse impact on either residential amenity or road safety and complies with Policies DC1 & RES1 of the Hamilton District Local Plan, Policies DM1, RES6 and DM4 of the South Lanarkshire Local Plan (Finalised), SLP6 contained within the South Lanarkshire Planning Policies and the Council's Residential Development Guide.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**  
**6 February 2007**

### **Previous References**

- ◆ HM/06/0287

## **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
  - Roads and Transportation Services (Hamilton Area) 25/07/2006
  - Roads and Transportation Services (Hamilton Area) 17/10/2006
- ▶ Representations
  - Representation from : Jon Grant, 3 Gibb Court, Stonehouse, ML9 3GB, DATED 21/07/2006
  - Representation from : George & Elizabeth Kerr, 1 Gemmell Way, Stonehouse, ML9 3PT, DATED 24/07/2006
  - Representation from : Steve Crosbie, 4 Gibb Court , Stonehouse, ML9 3GB, DATED 18/07/2006
  - Representation from : James Donaldson, 2 Gibb Court, Stonehouse, ML9 3GB, DATED 26/07/2006
  - Representation from : Jon Grant, 3 Gibb Court, Stonehouse, ML9 3GB, DATED 01/02/2007



**Contact for Further Information**

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

Donald Wilkins, Planning Officer, Brandon Gate, Hamilton  
Ext 3513 (Tel :01698 453513 )  
E-mail: [Enterprise.hamilton@southlanarkshire.gov.uk](mailto: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 the facing materials to be used for the external walls and roof of the garage 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.
- 4 That the use of the garage 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 garage.
- 5 The before the development hereby approved is completed or brought into use the fencing and gate shall be stained in a colour agreed in writing with the Council as Planning Authority.
- 6 That all fencing and gates hereby approved shall be constructed in timber.

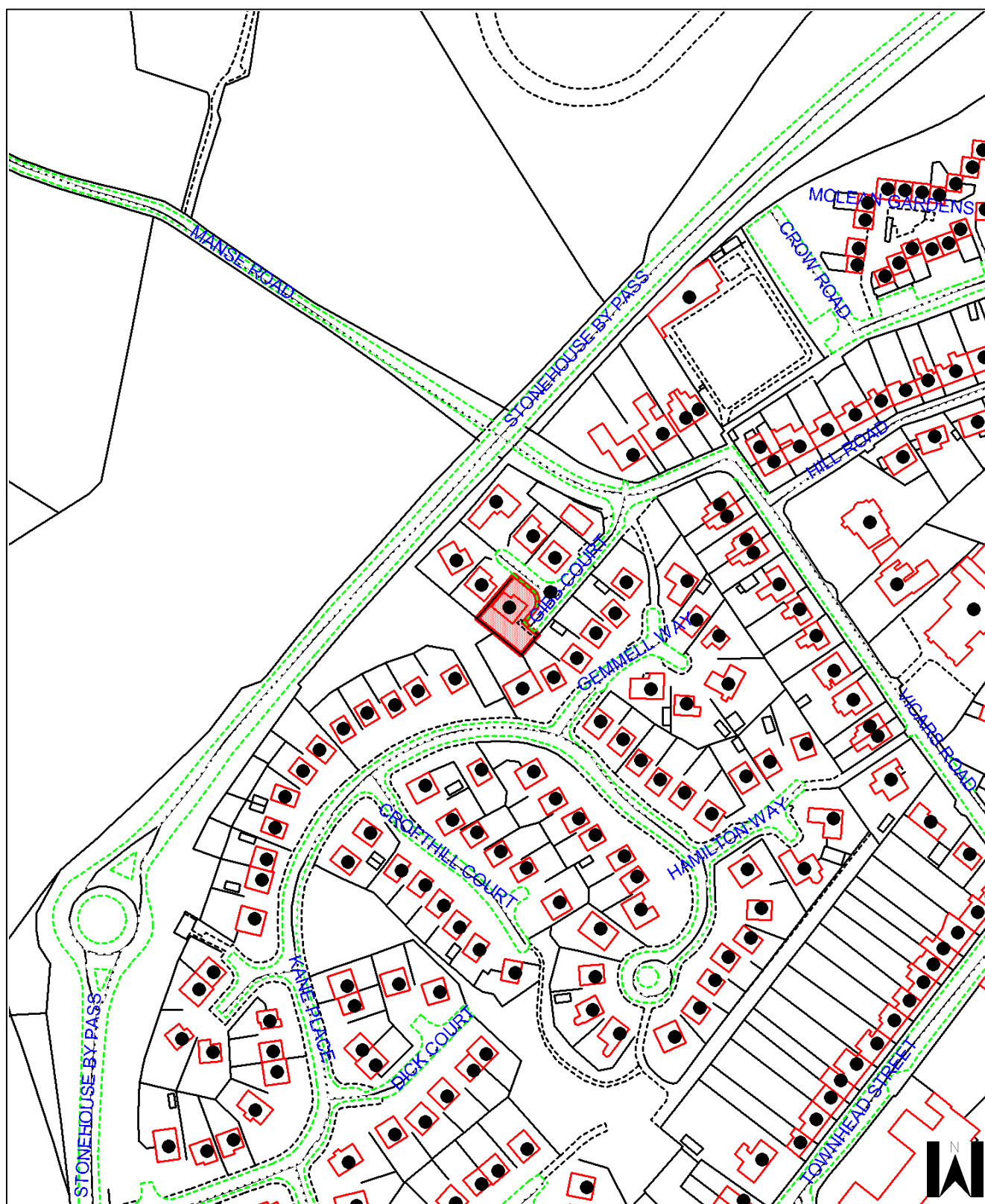
### **REASONS**

- 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 To ensure satisfactory integration of the proposed extension with the existing building both in terms of design and materials.
- 4 To retain effective planning control and safeguard the amenity of the area.
- 5 To retain effective planning control and safeguard the amenity of the area.
- 6 To retain effective planning control and safeguard the amenity of the area.

## INFORMATIVES

1	<p>This grant of planning permission does not grant any right of access over any adjoining property or land required for the purpose of constructing or maintaining the development.</p> <p>The consent of the appropriate land owner will be required in order to carry out building work or future maintenance that requires access to a neighbour's ground.</p> <p>Any disputes which arise over access or boundaries are not a planning matter. These are civil matters to be resolved between the parties involved.</p>
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