



Council Offices, Almada Street,  
Hamilton

# Planning Local Review Body

## Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)

PLRB Reference NOR/EK/19/003

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- ◆ Site address: 15 Reay Avenue, East Kilbride, G74 1QT
- ◆ Application for review by D Haughey of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application P/19/0316
- ◆ Application P/19/0316 for the erection of a 2 storey side extension with associated alterations
- ◆ Application Drawings: Drawing Numbers 1 of 12 B, 2 of 12 B, 3 of 12 C, 4 of 12 B, 5 of 12 B, 6 of 12 B, 7 of 12 C, 8 of 12 C, 9 of 12 C, 10 of 12 C, 11 of 12 B, 12 of 12 C

## Decision

The PLRB upholds the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/0316 for the reasons stated on the Council's decision notice dated 8 July 2019.

**Geraldine McCann**

**Head of Administration and Legal Services**

Date of Decision Notice: 10 . 1 . 2020

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## 1. Background

- 1.1 This Notice constitutes the formal decision notice of the Planning Local Review Body (PLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the PLRB at its meeting on 16 December 2019. The PLRB was attended by Councillors Alex Allison, Isobel Dorman (Chair), Davie McLachlan, Graham Scott and Jim Wardhaugh. Councillor Horsham, having declared an interest in the review case, withdrew from the meeting and took no part in the consideration of the case.

## **2. Proposal**

- 2.1 The proposal is for the erection of a 2 storey side extension with associated alterations at 15 Reay Avenue, East Kilbride.
- 2.2 The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.
- 2.3 In their review submission, the applicant had included amended plans and layout together with correspondence from their constituency MP in support of the application and amended plans and layout. Section 43B of the Planning etc (Scotland) Act 2006 restricted the introduction of new material in the review which was not before the appointed person at the time the application was determined. The Legal Adviser clarified the position that the new information had not been submitted with the original application and so could not form part of the review application. The PLRB concluded that it could not consider this new information. Similarly, the PLRB concluded that it could not consider comments by an interested party relating to this new information. The PLRB proceeded to determine the review based on the application and information which was before the appointed officer.

## **3. Determining Issues**

- 3.1 The determining issues in this review were the proposal's compliance with the Adopted South Lanarkshire Local Development Plan (SLLDP) and Supplementary Guidance (SG).
- 3.2 The PLRB established that, in terms of the Adopted South Lanarkshire Local Development Plan, the site was located within a residential area. The following policies applied to the application site:-

- ◆ Policy 4 – Development Management and Place Making
- ◆ Policy 6 – General Urban Area/Settlements
- ◆ Policy DM2 – House Extensions and Alterations (Development Management, Place Making and Design Supplementary Guidance)

- 3.3 The Proposed South Lanarkshire Local Development Plan 2 (SLLDP2), approved on 29 May 2018, was also a material consideration in determining the application. The following policies applied to the application site:-

- ◆ Policy 3 – General Urban Area/Settlements
- ◆ Policy 5 – Development Management and Place Making
- ◆ Policy DM2 – House Extensions and Alterations

- 3.3 Policy 4 states that all planning applications require to take account of and be integrated with the local context and built form.

- 3.4 Policy 6 states that developments will not be permitted if they are detrimental to the amenity of residents. Each proposal will be judged on its own merits with particular consideration given to the impact on the amenity of the area.

- 3.5 Policy DM2 (House Extensions and Alterations) of the Development Management, Place Making and Design Supplementary Guidance states that house extensions and alterations will be considered favourably where it can be demonstrated that the proposal complies with the following criteria:-

- ◆ 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

- ◆ it does not dominate or overwhelm the existing dwelling, neighbouring properties or street scene in terms of size, scale or height
- ◆ it does not significantly adversely affect adjacent properties in terms of overlooking or loss of privacy, daylight or sunlight
- ◆ it retains adequate car parking, usable garden ground and bin storage within the site
- ◆ it does not have an adverse impact on traffic or public safety
- ◆ it takes account of any supplementary guidance prepared by the Council, where relevant to the proposal

3.6 In terms of Policies 3, 5 and DM2 of the Proposed South Lanarkshire Local Development Plan 2, these policies are broadly consistent with, and build on, the policies and proposals contained in the Adopted South Lanarkshire Local Development Plan.

3.7 In considering the case, the PLRB had regard to the applicant's submission that:-

- ◆ it was unlikely that the adjacent property at 17 Reay Avenue would be extended in the space between it and the common boundary. The terracing effect would, therefore, be unlikely to happen
- ◆ the property which was the subject of the review sat forward of the adjoining property and the roof profiles were also different which further reduced any likely terracing effect
- ◆ the family did not need the 3 off street parking spaces required for a property of the size proposed
- ◆ the extension was required to improve the living accommodation for the applicant and his family and to cement the family's lifelong ties to the area as they did not want to relocate to another property in another area
- ◆ a property in Malcolm Gardens, East Kilbride, where a 2 storey extension had been erected to the side of the original property only had sufficient off street parking for 2 cars

3.8 Following its review of the information which it could consider, the PLRB concluded that the proposal, by virtue of its size, scale and proximity to the side boundary would result in overdevelopment of the site and would be out of keeping with other properties in the street, resulting in it having an adverse impact on the amenity of the area. It also noted that it failed to meet off street parking requirements and did not provide for suitable bin storage within the site.

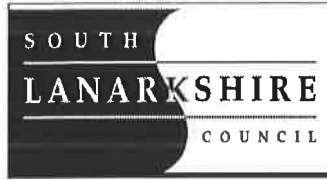
#### **4. Conclusion**

4.1 The PLRB considered a request to review the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/0316 for the erection of a 2 storey side extension with associated alterations at 15 Reay Avenue, East Kilbride. The PLRB concluded that the proposal would have a significant detrimental impact on the residential amenity of the area and would not respect the character of the existing house and the wider area due to size, design and scale. It also concluded that it would result in inappropriate car parking and bin storage arrangements. The PLRB concluded, therefore, that the proposal was contrary to Policies 4 and 6 of the Adopted South Lanarkshire Local Development Plan and Policy DM2 of the associated Development Management Place Making and Design Supplementary Guidance.

4.2 The PLRB, therefore, upheld the decision to refuse planning permission for planning application P/19/0316 for the reasons stated on the Council's decision notice dated 8 July 2019.

**5. Accompanying Notice**

- 5.1 Attached is a copy of the Notice to Accompany Refusal, etc in the terms set out in Schedule 2 to the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.



## NOTICE TO ACCOMPANY REFUSAL ETC

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

1. 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions 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 capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

