

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>13 August 2019</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/0676
Planning proposal:	Erection of two storey rear extension with integral single storey element.

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Aidan Reid and Ms Jodi Hay
Location:	146 Neilsland Road Hamilton ML3 8EX

## 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 the conditions attached

### 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent: Steve Convery
- ◆ Council Area/Ward: 19 Hamilton South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 4 - Development Management and Placemaking  
Policy 6 - General Urban Area/Settlements

**Supplementary Guidance 3: Development Management, Placemaking and Design**  
Policy DM2 - House Extensions and Alterations

**Proposed South Lanarkshire Development Plan 2 (2018)**

Policy 3 - General Urban Areas  
Policy 5 - Development Management and  
Placemaking  
Policy DM2 - House Extensions and Alterations

◆ **Representation(s):**

▶	8	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is located at 146 Neilsland Road, within an established residential area of Hamilton. The site accommodates an end terraced property.
- 1.2 The curtilage associated with the dwellinghouse is rectangular in shape and is bounded by footpaths to the front, rear and western side. Similar residential properties surround the site notwithstanding an area of open space adjacent to the gable of the house. The application site is not within a Conservation Area.
- 1.3 The properties to the rear (south) of the site (Ormiston Drive) are approximately 24.7 metres away from the rear of the applicant's house.

### **2 Proposal(s)**

- 2.1 The applicant seeks detailed planning consent for the erection of a two storey rear extension with integral single storey element. The proposed extension will protrude approximately 3.8 metres from the rear of the house. The proposed ground floor will accommodate a dining/kitchen area and will be approximately 6 metres in width, it being offset slightly from the common boundary with No. 148 Neilsland Road. The proposed first floor will accommodate a bedroom and will be approximately 4.2 metres wide. This results in the two storey element being 2m from the boundary with the adjoining property. A dual pitched roof is proposed, the roof slope nearest No. 148 being of greater size as it will cover both the two and single storey extension. The proposed materials are render, red brick and grey concrete tiles. A Juliette balcony is also proposed at the upper level of the extension.
- 2.2 The proposed drawings indicate various external alterations to the existing property including replacement windows and a new screen and door set and composite timber effect cladding to the front of the house. In addition, a new ground floor utility and upper floor en-suite window and composite timber effect cladding are proposed on the side elevation and a new upper floor bathroom window on the rear elevation. It should be noted that these works do not, on their own, require the benefit of planning consent (they are permitted development) and could be undertaken at any time due to the provisions of the 2011 General Permitted Development (Scotland) Amendment Order.

### **3 Background**

#### **3.1 Local Plan Status**

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015) the site falls within the general urban area where Policy 6 – General Urban Area/Settlements applies. Policy 4 – Development Management and Placemaking is also of relevance to the proposal. In addition, the guidance contained within the supplementary guidance document relating to development management, placemaking and design is of relevance to the proposed development.

3.1.2 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. The new plan builds on the policies and proposals contained in the adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policy 3 - General Urban Areas and Settlements, Policy 5 - Development Management and Placemaking and Policy DM2 – House Extensions and Alterations are relevant to the proposal.

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

3.2.1 Given the nature and scale of the proposed extension, 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 to be undertaken in respect of this application.

## 5 **Representation(s)**

5.1 Statutory neighbour notification procedures were undertaken in respect of the proposal. In response, eight letters of objection were received, a number of which are from the same individuals.

5.2 The grounds of objection are summarised as follows: -

#### **(a) Loss of sunlight/daylight to neighbouring properties and gardens.**

**Response:** All forms of development will generate a shadow of some description and, therefore, it is the extent and duration of shadow that is important. Given the position/relationship of the existing dwellings, the location of the proposed extension (south of the property), the size of gardens and the travel path of the sun, it is considered that any impact on neighbouring properties will not be of a significant or material degree in terms of overshadowing/loss of daylight that would justify refusal of this application. An assessment of the shadowing effect has been carried out which demonstrates that any overshadowing will be minimal, primarily due to the sloping roof design which reflects the transformation of the extension from two storey to single storey.

#### **(b) Layout, density and appearance of the extension would be out of keeping with the surrounding buildings.**

**Response:** The immediate area consists of terraced properties with the wider surrounding area being a mixture of residential properties. It is not a conservation area or other recognised environmentally sensitive location and, on this basis, every house has the potential to extend providing that all detailed planning considerations are satisfactory. Indeed, a number of properties in Hamilton and throughout South Lanarkshire have already been extended to the rear including the addition of 2 storey rear extensions, some of which include a single storey element. This has been highlighted by the applicant.

The proposed extension will have a pitched roof and will be subservient to the existing dwellinghouse in that it would sit lower than the ridge of the house. Further, it is considered that the bespoke design and layout does not, in itself, provide sufficient grounds to refuse planning consent in this instance.

It is considered that there would be sufficient garden ground remaining for the extension to be accommodated within the plot. In addition, it is considered that it will not be excessively overbearing in relation to neighbouring properties. The impact of the proposal on the character or visual amenity of the house and surrounding area will be within acceptable limits.

A planning condition, should consent be granted, would ensure that, before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority. It should be noted that this is a frequently used and appropriate planning condition for developments.

**(c) Loss of privacy – Juliette balcony in close proximity to neighbouring properties.**

**Response:** The application site and neighbouring properties are within an established residential area where a degree of mutual overlooking already occurs. Consequently, the critical aspect is whether or not the proposed upper floor glazed double door (Juliette balcony) associated with the bedroom of the extension will materially intensify any overlooking/loss of privacy. The proposed extension will be located approximately 7 metres from the rear boundary of the application site which is located approximately a further 13 metres from the footprint of the original house at 10 Ormiston Drive, Hamilton. Given the distances and juxtaposition of the extension and all neighbouring properties (including the adjacent properties), it is considered that the proposal will be within acceptable parameters, all aspects considered, and will not result in a material loss of privacy that would merit refusal of the application.

**(d) Further investigation of rainwater discharge and gutter size relative to the extensive mono pitch roof is needed. Further drainage details and discharge of surface water should be provided. Proposal will exacerbate existing drainage issues.**

**Response:** Given the nature of the proposal and the fact that the extension will result in less water draining naturally to the ground (the water that falls on the roof of the extension will be captured and drained to the public sewer), it is likely that the proposed extension would not have an adverse or material impact on land drainage that would justify refusal of the application. In addition, the gutters will be of a standard size and are used extensively at housing residential development without capacity issues.

**(e) Loss of view/outlook onto a brick wall.**

**Response:** The loss of view/outlook does not constitute a material planning consideration in the assessment of a planning application.

**(f) Potential noise, dust, upheaval.**

**Response:** The erection of an extension is likely to result in some form of disruption for a temporary period only. This is not unusual or unreasonable. Any

issues of inconvenience including noise, dust and upheaval associated with a development will not be permanent and, with appropriate site management, can be minimised. In any event, the possibility of temporary inconvenience is not sufficient grounds to justify the refusal of planning consent. Whilst it is not anticipated that noise nuisance would occur once the development is complete, any such noise issues during construction would be a matter initially for Environmental Services to address.

**(g) Detrimental impact on future sale of adjacent properties.**

**Response:** It should also be noted that the future sale of neighbouring properties is not a valid planning consideration.

- 5.3 The letters of objection have been copied and are available for inspection in the usual manner and on the Planning Portal.

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks detailed planning consent for the erection of a two storey rear extension with integral single storey element at 146 Neilsland Road, Hamilton. The determining issues in the assessment of this application are its compliance with local development plan policy as well as its impact on surrounding amenity. Under the terms of 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. In this case, the development plan framework against which the proposal requires to be assessed is the South Lanarkshire Local Development Plan (adopted 2015), its associated supplementary guidance and the Proposed South Lanarkshire Local Development Plan 2 (2018).
- 6.2 With regard to adopted planning policy as set out in the South Lanarkshire Local Development Plan (adopted 2015), Policy 4 – Development Management and Placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy advises that proposed developments should not have any significant adverse impact on adjacent buildings or the surrounding streetscape in terms of layout, scale, massing, design, materials or amenity. Policy DM2 - House Extensions and Alterations of the associated supplementary guidance relating to development management, placemaking and design expands on Policy 4 and, in particular, advises that proposals should have no significant amenity impact in terms of overlooking or loss of privacy, daylight or sunlight. In addition, Policy 6 – General Urban Area/Settlements is also of relevance and states that, while the principle of residential developments will be supported within the general urban area, ‘bad neighbour’ developments will not be permitted if they are detrimental to the amenity of existing residents.
- 6.3 It is considered that the proposed development, from a land use perspective, raises no issues. In relation to policies 4 and 6 of the South Lanarkshire Local Development Plan and DM2 of the Development Management, Place Making and Design Supplementary Guidance it is noted that:
- It is considered that the proposed rear extension will be sympathetic to the existing dwellinghouse and will not have a negative impact on the visual quality and amenity of neighbouring properties and the local environment. The

imposition of a planning condition, should consent be granted, would ensure that, before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority

- The extension would be more than 20 metres from the rear elevation of the house that adjoins the site to the rear which accords with guidelines on window to window distances on new housing development. It is, therefore, considered that the proposal will not result in a material loss of privacy that would merit refusal of the application
- Given the position of the existing dwellings and the proposed extension, along with the travel path of the sun, it is considered that there will not be a significant or material impact in terms of overshadowing/loss of sunlight/daylight and this has been confirmed by a shadowing analysis that has been carried out

6.4 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. It is considered that the proposal accords with Policies 3, 5 and DM2 in the proposed plan.

6.5 Statutory neighbour notification was undertaken and 8 letters of objection have been received. The points of representation have been summarised in Section 5 above. It is considered that the concerns raised, either individually or collectively, are not of sufficient weight or merit from a planning perspective that could justify the refusal of consent.

6.6 In conclusion, following detailed consideration of the proposed extension as set out above, it has been determined that the proposal complies with Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted 2015) and with Policy DM2 of the associated supplementary guidance relating to development management, placemaking and design. The proposal is also considered to be compliant with the relevant policies of the Proposed South Lanarkshire Local Development Plan 2, specifically Policies 3, 5 and DM2. It is, therefore, recommended that planning permission is granted for the proposed extension in this instance.

## **7 Reasons for Decision**

7.1 The proposal would have no significant adverse impact on amenity and complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 4, 6 and DM2) as well as the Proposed South Lanarkshire Local Development Plan 2 (Policies 3, 5 and DM2). There are no additional material considerations which would justify refusing consent.

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

Date: 23 July 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 13 May 2019
- ▶ Shadow analysis for agent (e-mail dated 11 July 2019).

Representations	Dated:
Mrs Joan Byrne, 7 Tweedsmuir Park, Hamilton, ML3 8AT	07.06.2019
Mr Gordon Mather, 150 Neilsland Road, Hamilton, South Lanarkshire, ML3 8EX	31.05.2019
Mr Scott Miller, 148 Neilsland Road, Hamilton, South Lanarkshire, ML3 8EX	02.06.2019
Mr Alastair R Brodie, 152 Neilsland Road, Hamilton, South Lanarkshire, ML3 8EX	04.06.2019
Gordon Mather, 150 Neilsland Road, Hamilton, ML3 8EX	21.05.2019
Scott Miller, 148 Neilsland Road, Hamilton, ML3 8EX	21.05.2019
Mrs Joan Byrne, 7 Tweedsmuir Park, Hamilton, South Lanarkshire, ML3 8AT	05.06.2019
A Anderson, 8 Ormiston Drive, Hamilton, ML3 8AS	05.06.2019

**Contact for further information**

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

Murray Reid, Planning Officer, Montrose House, 154 Montrose Crescent,  
Hamilton, ML3 6LB  
Phone: 01698 453625  
Email: [murray.reid@southlanarkshire.gov.uk](mailto:murray.reid@southlanarkshire.gov.uk)



Detailed planning application

Paper apart – Application number: P/19/0676

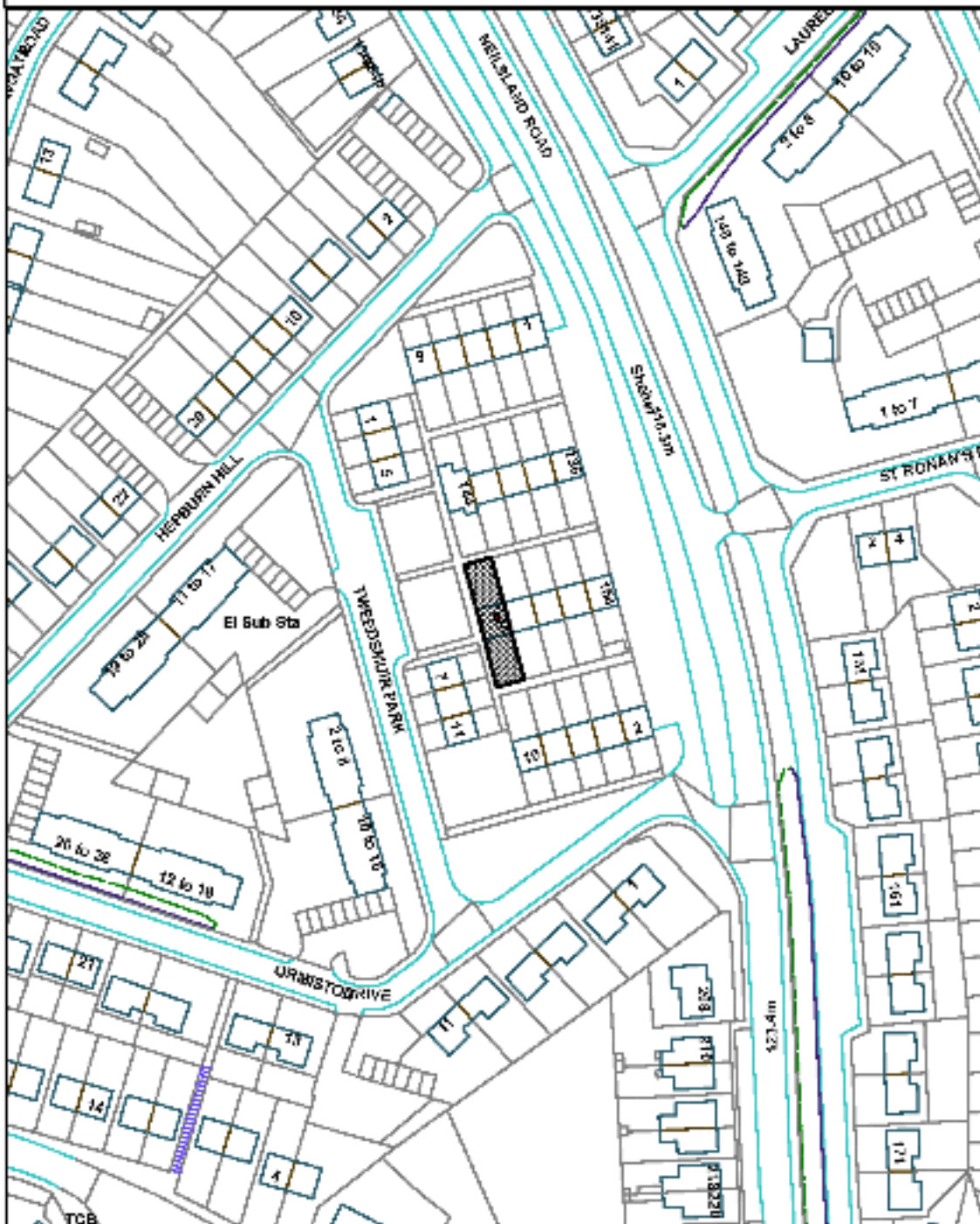
**Conditions and reasons**

01. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

P/19/0676

146 Neilsland Road, Hamilton



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