

# **Appendix 2(a)**

## **Report of Handling**

Report dated 22 August 2017 by the Council's Authorised Officer under the Scheme of Delegation



	Delegated Report	Reference No	EK/17/0254
		Date	22 August 2017

**Planning proposal:** Erection of boundary fence (retrospective)

**Location:** 35 Millar Street  
Glassford  
Strathaven  
ML10 6TD

**Application Type :** Detailed Planning Application

**Applicant :** Stuart and Margaret Young

**Location :** 35 Millar Street  
Glassford  
Strathaven  
ML10 6TD

**Decision:** Grant detailed planning permission (based on the conditions overleaf)

**Report by:** Area Manager (Planning & Building Standards)

**Policy reference:**

**South Lanarkshire Local Development Plan (adopted 2015)**

Policy 4 - Development management and placemaking

Policy 6 - General urban area/settlements

NHE7 - Conservation Areas

DM2 - House extensions and alterations

**Development management, placemaking and design supplementary guidance (2015)**

**Assessment**

Impact on privacy?	No
Impact on sunlight/daylight?	No
Impact on amenity?	No
Traffic issues?	No
Adheres to development plan policy?	Yes
Adverse comments from consultees?	No

**Representations:** No

## **1.0 Application Summary**

- 1.1 The applicant seeks retrospective planning consent for the erection of a boundary fence at 35 Millar Street, Glassford, near Strathaven. The application site is located within an established residential area and within the Glassford Conservation Area.
- 1.2 The erection of rear boundary fences does not generally require a planning application to be submitted. In this respect, householders benefit from permitted development rights that generally allow fences of up to 2 metres in height to be erected without applying for planning consent. An application is required in this instance as the fencing has been erected in a rear garden of a dwelling which lies within the Conservation Area. As the applicants were unaware of the need for consent, the fence has already been erected along the north-eastern, south-western and south-eastern boundaries of their rear garden and this application is therefore retrospective.
- 1.3 In terms of the adopted South Lanarkshire Local Development Plan (2015), the relevant policies to be considered in the assessment of this proposal are Policy 4 – Development management and placemaking and Policy 6 – General urban area/settlements. Policies DM2 – House extensions and alterations and NHE7 - Conservation Areas, which are contained within the Development Management, Placemaking and Design, and Natural and Historic Environment Supplementary Guidance (2015) are also applicable to this proposal.
- 1.4 The Council's Roads and Transportation Services (Development Management) were consulted as part of this retrospective application and have raised no objections

## **2.0 Representation(s)**

- 2.1 Statutory neighbour notification was undertaken in respect of this application and no letters of representation have been received, in this instance.

## **3.0 Assessment and Conclusions**

- 3.1 The applicants seek retrospective planning consent for the erection of a boundary fence at 35 Millar Street, Glassford, on land that they confirm falls within their ownership. The relevant policies of the adopted South Lanarkshire Local Development Plan to be considered in the assessment of this proposal are Policies 4, 6, DM2 and NHE7.
- 3.2 Following a detailed assessment of this proposal, I am content that the fence has no significant adverse impact upon residential or visual amenity in the local area. Generally, garden boundary fences of up to 2 metres in height are a common form of householder development, however, in this instance the property lies within Glassford Conservation Area, and therefore the retrospective fencing requires planning permission. The fencing is partially concealed by mature vegetation and trees along the north-eastern boundary. The other sections of fencing, which are mainly internal to the rear garden of 35 Millar Street are principally visible from the residential cul-de-sac

of Greenbank Crescent, which is accessed from Millar Street. The majority of the fence is approximately 1.8m in height, with a smaller section measuring 1.15m in height. Even at its full 1.8m height, it is considered that the fence has marginal impact in terms of the amenity of neighbouring properties or the wider Conservation Area as the fence is located to the rear of the row of traditional properties on Millar Street. Notwithstanding this however, while the fence has been finished to a high standard the applicants have treated the fencing with a red/brown timber paint which is considered to be incongruous in the Conservation Area. It is therefore considered that planning consent should be granted subject to a condition to require an alternative dark stain colour to be used as a final finish to the fence. It is my opinion that the fencing, once repainted, would not adversely impact upon visual amenity.

- 3.3 Given the above, it is considered that the proposal has no significant adverse impact upon amenity and that it complies with the relevant local development plan policies and guidance. The granting of retrospective planning consent, subject to conditions, is therefore considered justified.

#### **4.0 Reason for decision**

- 4.1 The proposal has no significant adverse impact on amenity and it complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 4, 6, DM2 and NHE7). There are no additional material considerations which would justify refusing to grant consent.

**Delegating Officer: G Rae**

**Date: 24.8.17**

#### **Previous References**

◆ None

#### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 18.07.2017

**Contact for further information**

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

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## Detailed Planning Application

PAPER APART – APPLICATION NUMBER : EK/17/0254

### CONDITIONS

- 1 That no consent is hereby granted for the existing colour of the stained finish to the fencing.
- 2 That within 1 month of the date of this consent the applicant shall submit samples of an alternative dark wood stain finish for consideration and approval by the Council. Thereafter, and within 3 months of the date of this consent, the applicant shall paint the fencing using the agreed woodstain colour to the satisfaction of the Council as Planning Authority.

### REASONS

- 1.1 The colour of the retrospective fence is unacceptable.
- 1.2 In the interests of amenity and to safeguard the character of the Conservation Area

### INFORMATIVES

- 1 This decision relates to drawing numbers: Young/2017/01A; Young/2017/02; Young/2017/03; Young/2017/04; Young/2017/05.
- 2 Failure to comply with the conditions imposed on this planning permission can result in the planning authority serving a Breach of Condition Notice and/or Enforcement Notice. If any of the requirements set out in these notices are not then complied with, a fixed penalty notice may be served seeking the payment of the sum specified in the penalty notice to the Planning Authority. The sum will be as set by The Town and Country Planning (Amount of Fixed Penalty) (Scotland) Regulations 2009.
- 3 The person carrying out the development must give advance notice in writing to the planning authority of the date when it intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. [See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)]
- 4 As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position [See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)]
- 5 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that

period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)