

# Report

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Report to:	<b>East Kilbride Area Committee</b>
Date of Meeting:	<b>8 June 2005</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	EK/04/0718
Planning Proposal:	Formation of timber decking (Retrospective)

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr & Mrs Ian Marshall
- Location : 58 Carnegie Hill  
East Kilbride

## 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 attached conditions

## 3 Other Information

- ◆ Applicant's Agent: IDP
- ◆ Council Area/Ward: 23 Headhouse
- ◆ Policy Reference(s): East Kilbride and District Local Plan (Adopted)  
Policies DC1 and SLP6 –  
Development Control General  
The site is zoned for residential use

- ◆ Representation:
  - ▶ 1 Objection Letter



## **Planning Application Report**

### **1 Application Site**

- 1.1 The application relates to the rear garden of a semi-detached two storey house on Carnegie Hill in the Murray neighbourhood of East Kilbride. The garden is accessed via a flight of stairs from an upper landing leading from the rear door of the house. The house is bounded on all sides by residential properties. The existing staircase and landing is a feature repeated on other properties adjacent to the site.

### **2 Proposals**

- 2.1 This is a detailed planning application for the erection of timber decking in the rear garden of the above property and is a retrospective application. The application was submitted as a result of the Planning Service responding to a complaint from the owner of an adjacent property.
- 2.2 The timber decking has been erected onto an existing stair landing which is accessed from the rear door of the property and which leads down to the rear garden area. The existing landing projects approximately 2.7 metres beyond the rear elevation of the house and approximately 3.7 metres towards the side boundary. The timber decking projects an additional 1.77 metres beyond the existing landing and also extends the full length of the landing to the boundary. The platform of the deck measures approximately 2.25 metres in height when measured from ground level with a low (1.1 metre) balustrade enclosing the deck.

### **3 Background**

- 3.1 The application site is identified as within a residential area of East Kilbride in the adopted East Kilbride and District Local Plan. The relevant policies covering the site are Policies DC 1 and SLP6 - Development Control General.

### **4 Consultation(s)**

- 4.1 No consultations were carried out in respect of this application.

### **5 Representations**

- 5.1 Following neighbour notification one letter of objection was received. The grounds of objection are summarised below:
- 5.2 **The height of the decking has resulted in a loss of privacy to the adjacent property at 56 Carnegie Hill.**  
**Response:** The decking is located within a row of semi-detached properties which have existing stair landings that already overlook the gardens of surrounding properties. Whilst it is accepted that the proposal could result in a degree of overlooking to the garden ground of the above property it is not considered that the decking will adversely affect neighbouring properties to a degree that would render the development unacceptable.

- 5.3 **The decking will increase the levels of noise from the applicant's property.**  
**Response:** There is no reason to expect that the construction of the decking will increase noise to neighbouring properties to an unacceptable degree. Any noise issues that may arise would be dealt with under separate legislation.
- 5.4 **The decking is an eyesore and is out of character and proportion with the traditional surrounding properties.**  
**Response:** The decking is located to the rear of a house and is considered to be acceptable in terms of its design and materials.
- 5.5 **The decking will have a negative impact on the value of the adjacent house.**  
**Response:** Loss of value is not a valid planning consideration.
- 5.6 **The decking will be used for barbecues and will generate unacceptable levels of smoke.**  
**Response:** This is not a valid planning consideration and could not be considered a sufficient reason to refuse planning permission for the decking.
- 5.7 **The inclusion of a 1.8 metre screen fence would be an eyesore and would further reduce levels of daylight and views to the property at 56 Carnegie Hill.**  
**Response:** It was considered that the proposed additional 1.8 metre high screen fence could have an adverse impact on the adjacent property. Following discussions with the Planning Service the applicant submitted amended drawings showing this element of the proposal removed.
- 5.8 **The decking is of suspect construction, is neither level nor straight and should be the subject of a building warrant.**  
**Response:** The applicant has been advised that a building warrant is required for the decking.
- 5.9 **The submitted drawings include a number of inaccuracies.**  
**Response:** The details submitted with the application, in addition to a site visit undertaken at the property, were considered to be accurate.
- 5.10 **The decking does not comply with the guidelines set out in Policy SLP6 of the adopted Local Plan.**  
**Response:** As previously discussed, the decking is considered to be acceptable in terms of its scale, design and materials. It is also considered that it will not have an adverse impact on the amenity of adjacent properties in terms of overlooking and loss of privacy. Therefore, the proposal is considered to be in accordance with Policy SLP6 of the adopted Local Plan.

This letter has been copied and is available for inspection in the usual manner.

## **6. Assessment and Conclusions**

- 6.1 The determining issue that requires to be addressed in respect of this application is compliance with local plan policy.
- 6.2 In terms of the adopted East Kilbride and District Local Plan the proposal can be assessed against Policies DC1 and SLP6 – Development Control General. Both policies state that all planning applications should take fully into account the local context and built form and that development should be compatible in terms of scale and massing and be built incorporating quality materials.
- 6.3 Having assessed the application I am satisfied that the scale, design and materials of the decking are acceptable and in keeping with development in the surrounding area. The proposal is relatively small scale in terms of its additional floor area and adds to an existing staircase landing which currently overlooks the rear gardens of surrounding properties. Given the character and design of the existing dwellings on the street and their garden layouts it is considered that there is no significant additional loss of privacy to adjacent properties as a result of the decking.
- 6.4 In summary, I would consider that the proposal complies with Policies DC1 and SLP6 of the adopted East Kilbride and District Local Plan. I would, therefore, raise no objection to the proposal and recommend that planning permission be granted.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

**23 May 2005**

**Previous References**  
None

**List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
- ▶ Representations

Name of Representee :	Mr and Mrs Henderson
Address:	56 Carnegie Hill East Kilbride G75 0AG
Date of reply:	22/12/04

**Contact for Further Information**

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

Jim Blake (Planning Officer)

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E-mail: [Enterprise.ek@southlanarkshire.gov.uk](mailto:Enterprise.ek@southlanarkshire.gov.uk)

## Detailed Planning Application

PAPER APART – APPLICATION NUMBER : EK/04/0718

### **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 within two months of the date of this consent the area hatched blue on the approved plans shall be landscaped to the satisfaction of the Council as Planning Authority.

### **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        In the interests of amenity





EK/04/0718

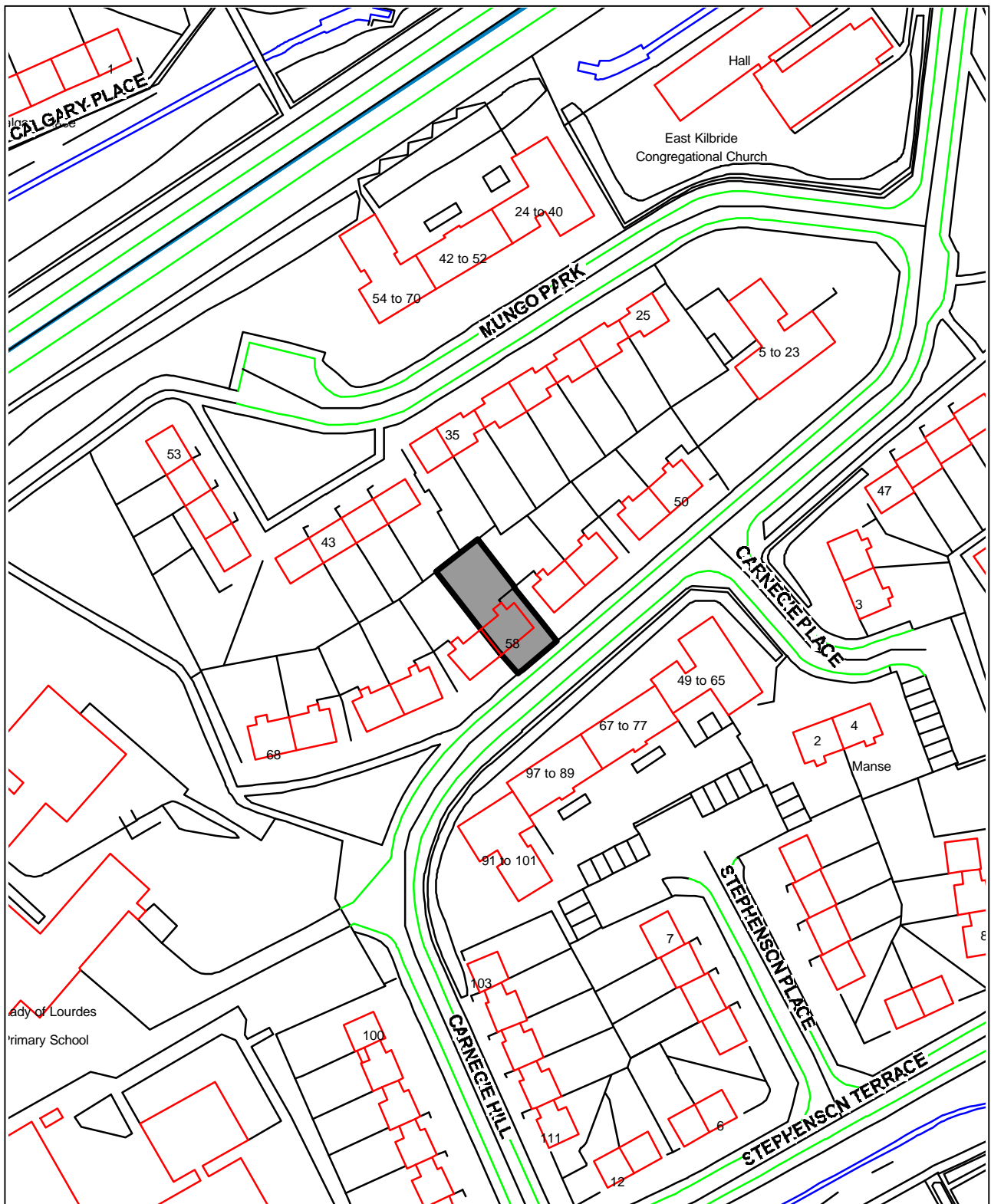
58 CARNEGIE HILL, EAST KILBRIDE

Planning and Building Control Services

Scale: 1: 1250

For information only

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