



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/20/004

- ◆ Site address: 15 Dunedin Drive, East Kilbride, G75 8QQ
- ◆ Application for review by C Mullan of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application P/20/0469
- ◆ Application P/20/0469 for the sub-division of garden ground and erection of a 2-storey detached house
- ◆ Application Drawings:-
 - ◆ T1.08_L(0-)01 existing location plan
 - ◆ T1.08_L(0-)02 proposed location plan
 - ◆ T1.08_L(0-)03 existing site plan
 - ◆ T1.08_L(0-)04 proposed site plan
 - ◆ L 2 01 proposed floor plans
 - ◆ L 2 02 proposed elevations
 - ◆ T1.08_L(0)05 site plan – parking / sightlines / garden measurements

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/20/0469 for the reasons detailed in the Council's decision notice dated 28 August 2020.

Geraldine McCann
Head of Administration and Legal Services

Date of Decision Notice: 18 February 2021.

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 25 January 2021. The PLRB was attended by Councillors Alex Allison, Margaret Cowie, Maureen Devlin, Isobel Dorman (Chair), Mark Horsham (Depute), Ann Le Blond, Davie McLachlan and Jim Wardhaugh.

2. Proposal

- 2.1. The proposal is for the sub-division of garden ground and erection of a 2-storey detached house at 15 Dunedin Drive, 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.

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) and the proposed South Lanarkshire Local Development Plan 2
- ◆ impact on the amenity of the surrounding residential area

- 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 placemaking
- ◆ Policy 6 – general urban area/settlements
- ◆ Development Management, Placemaking and Design Supplementary Guidance – Policies DM1 (design), DM3 (sub-division of garden ground) and DM13 (development within general urban area/settlement)

- 3.3. At Planning Committee on 1 December 2020, the proposed South Lanarkshire Local Development Plan 2 was approved for adoption, as modified, following receipt of the Directorate for Planning and Environmental Appeals' Examination Report. The proposed South Lanarkshire Local Development Plan 2 was, therefore, a material consideration in determining the application. The following policies applied to the application site:-

- ◆ Policy 3 – general urban areas and settlements
- ◆ Policy 5 – development management and placemaking
- ◆ Policy DM1 – new development design
- ◆ Policy DM3 – sub-division of garden ground

- 3.4. Policy 4 of the adopted South Lanarkshire Local Development Plan states that all planning applications will require to take account of and be integrated with the local context and built form.

- 3.5. 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.

- 3.6. Policy DM1 states that the design and layout of new development must meet the appropriate criteria within the local development plan and supplementary guidance.

- 3.7. Policy DM3 states that the development of a new house (or houses) within the curtilage of an existing house will be considered favourably where it can be demonstrated that the proposal complies with the following criteria:-

- ◆ the proposed house(s) is of a scale, massing, design and material sympathetic to the character and pattern of development in the area and does not result in a development that appears cramped, visually obtrusive or be of an appearance which is so out of keeping with the established character that it is harmful to the amenity of the area
- ◆ the proposed house plot(s) and that remaining to the existing house are comparable with those nearby in terms of size, shape, and amenity, the proposal accords with the established pattern of development in the surrounding area

- ◆ the proposed house(s) should have a proper road frontage of comparable size and form to surrounding curtilages unless the proposal reflects the development pattern of the area
- ◆ the proposed vehicular access is of an adequate standard and will not have adverse implications for traffic safety or adversely affect the amenity of adjacent properties by virtue of noise or loss of privacy
- ◆ the garden space allocated to the proposed house(s) and remaining for the existing house should be sufficient for the recreational, amenity and drying needs of the occupants
- ◆ the proposed development will not cause an unacceptable reduction in privacy to existing houses and will, itself, enjoy a degree of privacy comparable with surrounding dwellings
- ◆ the proposed development will not overshadow adjacent properties to a degree which results in a significant loss of amenity or itself be significantly adversely affected by overshadowing
- ◆ all existing features such as trees, hedges, walls, fences and buildings that contribute to the character of the area should be retained and should not be adversely affected by the development
- ◆ adequate parking for both the proposed and existing house must be provided within the site and must not be harmful to the established character and amenity of the area
- ◆ the proposal must not jeopardise or be prejudicial to any further desirable development in the vicinity
- ◆ it takes account of any supplementary guidance prepared by the Council, where relevant to the proposal

3.8. Policy DM13 states that any development proposed within the general urban area/settlement must satisfy the following criteria:-

- ◆ the proposed development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use, except in circumstances where the existing local characteristics are considered to be of poor quality or detrimental to the overall character of the area. In such cases, the new development should be of good quality design and enhance the environment in which it is located
- ◆ the character and amenity of the area must not be impaired by reason of traffic generation, parking, visual intrusion, noise or emission of gases or particulates
- ◆ there must be no resultant loss of, or damage to, open or play spaces, trees, bushes or hedgerows which make a significant contribution to the character or amenity of the area
- ◆ the development must be adequately serviced in terms of cycle, pedestrian and vehicular access, parking, accessibility and infrastructure for public transport
- ◆ there must be no adverse effect on public safety
- ◆ it must take account of the other supplementary guidance prepared by the Council where relevant to the proposal

3.9. In terms of Policies 3, 5, DM1 and DM3 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.

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

- ◆ there was an extensive variation of house types in the area
- ◆ all the surrounding houses had been individually built, mainly in the 1960s and 70s, and comprised a varied mixture of 1, 1½ and 2-storey properties
- ◆ house sizes, garden sizes, house orientations and general streetscape were not regimented

- ◆ there were several dwellings in the area of similar size and layout that had been consented by the Planning Authority including the development approved at 13 Dunedin Drive/1 Inglewood Crescent (EK/10/0007) on 15 September 2010
- ◆ there was little difference, between September 2010 and now, with regard to the regulatory effect of the different planning policies contained within the preceding, current or proposed Local Development Plans, in relation to the issues that the Planning Authority were founding its current refusal on
- ◆ although the development would result in a garden for the existing house that would not be of a regular shape, the house had always had an irregularly shaped garden and the proposed garden would be generous in size and more than sufficient
- ◆ the development approved at Decluka House, Lindsay Road, East Kilbride (EK/04/0617) had only an elongated narrow front garden and no rear garden and was surrounded by houses that had both front and rear gardens as part of the established pattern of development
- ◆ the applicant felt that, if the minimum levels of residential amenity had been achieved at Decluka House, they had been significantly improved upon with regards to the proposed dwelling
- ◆ the proposed dwelling would not be too close to the footway
- ◆ other properties in Inglewood Crescent were close to the footway
- ◆ if required, the proposed dwelling could be moved back by up to circa 2 metres
- ◆ a large 2-storey side and rear extension had been approved at 14 Dunedin Drive, East Kilbride (P/19/0313) and the Planning Authority had considered that, although the extension was large, as the street contained a wide range of house types of various styles and sizes, it had been acceptable
- ◆ a purchaser had been found for the existing property who was aware of the sub-division of garden ground
- ◆ the applicant would retain the proposed plot and would not interfere with the no build reservation strip
- ◆ the application site was within the settlement boundary area where housing was the most appropriate and acceptable land use and the proposed development was such that it would not have an adverse impact on the setting of the surrounding area and would preserve the character of the area
- ◆ the proposed development would have no negative impact on streetscape
- ◆ the proposed development would not result in any overlooking, overshadowing or other impact on amenity for any property
- ◆ built heritage would not be adversely affected and there would be no significant negative impact on the natural environment
- ◆ there were no ecological constraints or flood risks in terms of the proposal
- ◆ there would be no undesirable precedent set if the application was approved
- ◆ it had been demonstrated that the proposed dwelling was acceptable in planning terms and accorded with the Council's planning policies

3.11. In reviewing the case, the PLRB considered that the applicant had supplied sufficient information and adequate plans to allow proper consideration of the proposal. It further considered that the proposal would be detrimental to the amenity of the surrounding residential area.

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/20/0469 for the sub-division of garden ground and erection of a 2-storey detached house at 15 Dunedin Drive, East Kilbride. The PLRB concluded that the proposal would be detrimental to the amenity of the surrounding residential area. As a result, the PLRB concluded that the proposal did not comply with Policies 4, DM1 and DM3 of the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance and Policies 5, DM1 and DM3 of the Proposed South Lanarkshire Local Development Plan 2.

- 4.2. The PLRB, therefore, upheld the decision to refuse planning permission for planning application P/20/0469 for the reasons stated on the Council's decision notice dated 28 August 2020.

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.