

	Delegated Report	Reference no.	P/23/0413
		Date	28 June 2023

Planning proposal: Ancillary accommodation to rear garden Location: 67 School Road, Sandford, Strathaven, ML10 6BF

Application Type : Detailed planning application

Applicant : Mr/ Mrs Kirkeiner
Location : 67 School Road, Sandford, Strathaven, ML10 6BF

Decision: Application refused

Other action/notes: (1) None

Report by: Area Manager (Planning & Building Standards)

Policy reference:

National Planning Framework 4 (adopted 2023)

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 16: Quality Homes

South Lanarkshire Local Development Plan 2 (adopted 2021)

Policy 2: Climate change

Policy 3: General Urban Areas

Policy 5: Development Management and Placemaking

Policy DM2: House Extensions and Alterations

Policy DM5: Extended Family Accommodation

Assessment

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

Consultations

Summary of response

No Consultations Required

Representation(s):

►	0	Objection letters
►	0	Support letters
►	0	Comment letters

Planning Application Delegated Report

1 Application Summary

- 1.1 The applicant seeks planning permission for the erection a detached single storey ancillary dwelling in the rear garden of 67 School Road, Sandford, Strathaven. The property is an end terrace dwelling house of a three in a row Terrance and application site is located within an established residential area.
- 1.2 The proposed ancillary dwelling would provide additional domestic space for visitors to the applicant property. The use would be for visitors and not have any commercial use. The detached structure would have self-contained kitchen, WC, Living room and bedroom. The new WC will be connected to existing infrastructure supplied to the main building. The structure would measure 5m in width, 7m in length and 3.1m in height. The new roof will be flat with a slight slope to the east, 3.1m on the west elevation and 2.9m to the east.
- 1.3 The materials and structure for the detached ancillary dwelling would not be uncommon for a proposal in the rear curtilage. The walls will be lined in a grey uPVC timber panel cladding. The gutters and down pipes will be grey and the flat roof is a grey membrane with a slight angle from west to east, to allow surface water to slip off the roof. The grey aluminium windows will be located to the north elevation and the south elevation of the property. The south elevation will have approx. 2.6m wide by 2.2m double door patio entrance with one tall window either side of the door. This is to allow light into the living space. The north elevation will have two windows installed - one frosted window in the bathroom approx. 600mm wide by 900mm high - and the other window within the bedroom approx. 1m wide by 900mm high.
- 1.4 The property is in the end of a three house terrace and next to a detached house. The rear gardens of each property are approx. 6m wide by 26m in length with 1.8 high fences between the boundaries. The topography of the rear curtilage means that the backs of the gardens are raised to a considerable height. The garden slopes from south upwards to the northern end. The heights of the end of the gardens are level with the rear back windows of the neighbouring properties. This also allows sightlines over the neighbouring fences due to the change in levels.

2 Representation(s)

- 2.1 Statutory neighbour notification was undertaken in respect of this application, and no letters of representation has been received because of this publicity. No formal consultation was required to be undertaken in respect of this proposal.

3 Assessment and Conclusions

- 3.1 Under 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. The development plan comprises the South Lanarkshire Local Development Plan 2 (adopted 9th April 2021) and National Planning Framework 4 (adopted on 13th February 2023). Section 24(3) of the 1997 Act confirms that if there is an inconsistency between NPF4 policies and a Local Development Plan which was adopted before the 13th of February 2023, then the policies in NPF4 prevail.
- 3.2 The determining issues in consideration of this application are its compliance with National Planning framework 4, local development plan policy and its impact on the amenity of surrounding properties. The application site is located within a residential area where policy 16 of NPF4 and policies 3, 5 and DM2 of the SLLDP2 are applicable. These policies seek to make a positive contribution to the character and appearance of the

environment in which they are located, taking account of, and being integrated with the local context and built form.

- 3.3 Policies 1 and 2 of NPF4 identify that development shall take account of the global climate and nature crises; and that development should minimise emissions and be adapted to take account of current and future climate risks. Policy 2 of the LDP2 identifies that all developments should seek to minimise and mitigate against the effects of climate change.
- 3.4 As per the guidance detailed in the letter from the Chief Planner dated 08/02/2023, it is considered that Policy 2 of the NPF4 is not a key consideration for householder applications. As such, a quantitative assessment of emissions is not required for a planning application of this scale. We would also note that the proposed materials, and their energy performance, will in due course be considered as part of the Scottish Building Standards process. In summary, the proposed development is not considered to raise any issues with regards to Policies 1 and 2 of NPF4 and Policy 2 of South Lanarkshire LDP2.
- 3.5 Policy 16 of National Planning Framework 4 advises that householder development proposals will be supported where they;
- i. Do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
 - ii. Do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- 3.6 Policies 3, 5, DM2 and DM5 of the LDP2 together seek to ensure that all new householder developments are appropriate for the site and its setting, and would be of a high-quality design, which would not result in any adverse amenity impacts. Development at a Dwellinghouse Supporting Planning Guidance states that consideration should be given to the orientation of the structure to minimise noise disturbance and overlooking to neighbouring properties. Not adversely affect neighbours by overshadowing or overlooking their property.
- 3.7 The principal use of the proposed structure would be for a separate self-contained dwelling for visiting family members in the form of a one-bedroom unit being ancillary to the property. This could still be achieved in the form of a rear single-story extension which would not result in overlooking for the neighbouring properties. The proposal is contrary to the South Lanarkshire Local Development Plan 2 and the relevant supporting guidance - Development at a Dwellinghouse for ancillary detached buildings which states a development should not adversely affect neighbours by overlooking their property. The guidance also says extensions should not result in a significant loss of privacy to neighbouring houses or their garden ground. The distance between windows of directly facing habitable rooms should be 18 metres. In this instance, the distance between neighbouring windows will be around 17 metres.
- 3.8 In general, ancillary structures are a common form of householder development. The proposed structure is of a modern design with the proposed materials would not conflict with the existing property and surrounding built form. The extension is of a size, scale or design that would not appear out of character within the context of the dwellinghouse or wider area. Due to the elevated positioning and close proximity to the neighbouring property approx. 17m from the existing property rear wall and the neighbouring property to the front of the new structure. This would lead to a negative impact on the local amenity as the structure would adversely affect neighbours by overlooking their property. The extension level of overlooking and loss of privacy would not be unacceptable. The

windows on the south elevation would have direct sightlines into neighbouring properties rear first floor windows. This is due to the difference in levelling on site which is considerably raised above the ground level at the rear of the main property. The ground slopes upwards towards the north of the rear curtilage. The impact on privacy for residential will be greater than other structures of a similar size and style due to the nature of the use as this structure will be used as a self-contained home rather than a summer house or shed.

- 3.9 Due to the setting and design, the development would significantly adversely affect adjacent properties in terms of overlooking, loss of privacy and amenity. As a result, the proposal conflicts with policy 16 of the National Planning Framework 4 (adopted 2023) and policies 3, 5, DM2 and DM5 the Local Development Plan 2 (adopted 2021).

4 Reason for decision

- 4.1 The proposal conflicts with 16 of the National Planning Framework 4 (adopted 2023) and Policies 3, 5, DM2 and DM5 of the Local Development Plan 2 (adopted 2021) and will result in a detrimental impact on either overlooking, loss of privacy, visual or residential amenity.

Delegating officer: Iain Morton

Date: 29 June 2023

Previous references

- ◆ None

List of background papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated

Contact for further information

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

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Planning Application

Application number: P/23/0413

Reasons for refusal

01. The proposed extension is contrary to Policy 16 of the National Planning Framework 4 (adopted 2023) in that it does not conform to the scale, design, or character of the original building on the site or the surrounding built form and would therefore be detrimental to the amenity of the area in general.
02. The proposal is contrary to policies 3, 5, DM2 & DM5 of the South Lanarkshire Local Development Plan 2 (adopted 2021) in that it would have a detrimental impact on the amenity of neighbouring properties due to a loss of privacy.

Reason(s) for decision

The proposal conflicts with 16 of the National Planning Framework 4 (adopted 2023) and Policies 3, 5, DM2 and DM5 of the Local Development Plan 2 (adopted 2021) and will result in a detrimental impact in terms of overlooking, loss of privacy, visual and residential amenity.

Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
PROPOSALS	B	Refused
LOCATION PLAN	B	Refused