

# Report

Report to:	<b>Clydesdale Area Committee</b>
Date of Meeting:	<b>7 October 2008</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CL/07/0626
Planning Proposal:	Erection of One and a Half Storey House (Amendment to CL/06/0477) (Retrospective)

## 1 Summary Application Information

- Application Type : Detailed Planning Application (Amend)
- Applicant : Mr and Mrs J Fisher
- Location : Rear of 51 Biggar Road  
Symington

## 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 Conditions Attached)

### 2.2 Other Actions/Notes

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

## 3 Other Information

- ◆ Applicant's Agent: Hardie Associates Ltd
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **Upper Clydesdale Local Plan (Adopted)**
  - Policy 3: Existing and New Housing
  - Policy 74: Settlement Boundaries/Infill Development
- Finalised South Lanarkshire Local Plan (As Modified)**
  - Policy RES 6: Residential Land Use
  - Policy ENV 11: Design Quality
  - Policy DM 1: Development Management

### ◆ Representation(s):

- ▶ 8 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

None

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site lies to the rear of 51 Biggar Road, Symington and is located within an established residential area. It comprises part of the garden ground of the above property and originally had mature trees/bushes predominantly located along the eastern perimeter of the site. The site is bounded to the north by vacant land formerly occupied by an industrial unit and to the east by open fields. The new house has utilised an existing access road that served the former industrial unit.
- 1.2 A new application is now required to amend approval CL/06/0477 after the house design was slightly altered during construction, its location on the site was changed and mature trees were cut down without consent.

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

- 2.1 The applicant has submitted a retrospective application in an attempt to regularise changes to a previous approval to match what has been built on the ground. The new plans submitted represent the development as built including changes to the elevations, accurate site boundaries and house repositioning.

### **3 Background**

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

- 3.1.1 The adopted Upper Clydesdale Local Plan identifies the site as being within the settlement boundary of Symington, Policies 3: Existing and New Housing and 74: Settlement Boundaries/Infill Development are relevant in assessing this application. The Finalised South Lanarkshire Local Plan (As Modified) constitutes a material consideration in the determination of this application. In this regard, the site is covered by Policies RES 6: Residential Land Use which identifies the site as suitable for residential development. Policies ENV11: Design Quality, and DM1: Development Management are also of relevance.

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

- 3.2.1 None relevant.

#### **3.3 Planning History**

- 3.3.1 Outline planning permission for a dwellinghouse on the site was granted in 2005 under application CL/05/0258. Approval of reserved matters was granted in September 2006 under application CL/06/0477 for the erection of a 1½ storey dwellinghouse.

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

- 4.1 No consultation was carried out as all relevant consultation was addressed in the previous application.

### **5 Representation(s)**

- 5.1 The application has been subject to 3 separate periods of neighbour notification, during which 8 letters of representation were received from 2 neighbouring properties. The grounds of which are summarised as follows.
  - (a) **The new house has been repositioned much further east on the site than suggested on the original outline application.**

**Response:** The position of the house as indicated on the outline application was superseded by the approval of reserved matters in September 2006. However the house has not been built in accordance with this approval which has resulted in the house being built closer to the eastern boundary.

- (b) **Why have I not been consulted about the changes to the original application? In my view these changes are significant and should have been subject to further consultation and I have received nothing since the original outline application.**

**Response:** The outline application was approved for the building plot only and no house details or position approved. A detailed application was subsequently applied for and approved. The correct neighbours were indicated on the application form as being informed at this time. The position of the house was approved at a minimum distance of 10m from the rear (east) boundary, partially to allow for the existing trees to be retained. A condition was attached to the approval to not allow tree felling without prior approval from the Council.

- (c) **Why have the trees been allowed to be felled? If they have been felled illegally what action has been taken? It is clear that due to the position of the dwellinghouse that replanting of this type of tree is no longer an option.**

**Response:** The trees were heavily pollarded without the Council's knowledge and, after discussions with the applicant, it was agreed to remove the trees and these to be replaced with extra heavy standards of a native broadleaf species. The area available is still sufficient to accommodate the trees.

- (d) **Why is construction being allowed to continue despite no proper planning consent being in place?**

**Response:** The applicant was advised to stop work to allow for a new application to be submitted and processed. He made the decision to proceed at his own risk should the current application be refused.

- (e) **The new position of the house and the removal of mature lime trees along the east boundary have resulted in overlooking to my property.**

**Response:** I do not consider the repositioning of the dwellinghouse or the removal of the trees has caused any overlooking issues to the neighbour at 53 Biggar Road due to the position of the plot and orientation of the house while the overlooking into the side garden of 51 Biggar Road is restricted by the height difference and the existing mature hedging which is within the control of the Neighbour.

- (f) **The property is considerably bigger than the original application both in terms of area and height; the height is inappropriate for a 1½ storey building and will dominate the local environment**

**Response:** The footprint of the dwellinghouse has not changed from the last approval, while the increase in height was only 300mm at roof level with no increase in the height of the windows. The height of the property is considered appropriate and in keeping with the surrounding area while its position set well back of the main road will result in the development having little impact on the surrounding environment.

- (g) **There is a declaration in the application that no trees are affected by this application, however several mature lime trees on the site have been felled.**

**Response:** At the time of this application the trees had already been removed by the applicant and a scheme of replacement trees agreed with the applicant. This and further tree planting will be covered by condition by this application if approved.

- (h) **The developer has notified the wrong land owner for the land to the north of the development.**

**Response:** The agent for the application was informed of this issue and new neighbour notification was issued.

- (i) **The house has been positioned closer to the eastern boundary and now clearly overlooks my garden when it was previously offset to the west and screened behind existing mature planting.**

**Response:** The position of the house has been moved 3m back on site towards the rear boundary which has centered the property over the garden area of the donor house at 51 Biggar Road. The gable elevation of the new dwellinghouse was approved under the first detailed application overlooking the garden area but due to the existing high screen planting along this boundary and ground level difference it was considered that an appropriate level of private garden area could be maintained. The position of the house as built has not significantly changed its outlook over this garden area while the existing mature screen planting along the full length of this boundary is in the control of the neighbour thus ensuring its retention. In addition further tree planting is intended for this boundary within the application site to further enhance this screening. This will be controlled by condition if the application is approved.

## **6 Assessment and Conclusions**

- 6.1 This application has been submitted to amend the previous approval due to changes to the position and height of the house as built on site. The house was built 3m further into the site towards the rear eastern boundary while the roof and eaves design was altered increasing the height of the house by 300mm.
- 6.2 While the length of the rear garden ground now provided does not meet the minimum 10m distance required under the Council's Residential Development Guidelines an area approximately 100m<sup>2</sup> is retained which is considered sufficient. Despite the changes to the development, the proposal still complies with the Council's Design Guide for Residential Development in terms of plot ratio, window to window distance and garden ground. In addition, due to the relationship to the neighbouring properties, existing and proposed screen planting and ground level differences, there would be no additional adverse impact on the residential amenity of the surrounding area than the previous approval.
- 6.3 I am satisfied that the proposal is still an appropriate form of development for the site. The proposal complies with local plan policy and the Council's approved guidelines on residential development and I therefore consider that planning permission be granted.

## **7 Reasons for Decision**

- 7.1 I consider that the proposal, complies with Policies 3 and 74 of the Upper Clydesdale Local Plan (Adopted), and Policies RES 6, ENV 11 and DM 1 of the South Lanarkshire Local Plan (Finalised Plan, as Modified).

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

1 October 2008

### **Previous References**

- ◆ None

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
  
- ▶ Consultations  
None
  
- ▶ Representations
  - Representation from : Mr T J King, 53 Biggar Road, Symington, ML12 6FT,  
DATED 10/09/2007
  
  - Representation from : Mr T King, 53 Biggar Road, Symington , ML12 6FT,  
DATED 16/04/2008
  
  - Representation from : Mr T J King, 53 Biggar Road, Symington, Biggar, ML12 6FT,  
DATED 27/12/2007
  
  - Representation from : Mr T J King, 53 Biggar Road, Symington, Biggar, ML12 6FT,  
DATED 22/08/2007
  
  - Representation from : Neil MacPhail, 51 Biggar Road, Symington, Lanarkshire,  
ML12 6FT, DATED 28/08/2007
  
  - Representation from : Neil MacPhail, 51 Biggar Road, Symington, Lanarkshire,  
ML12 6FT, DATED 24/08/2007
  
  - Representation from : Mr T J King, 53 Biggar Road, Symington, Biggar, ML12 6FT,  
DATED 11/12/2007
  
  - Representation from : Mr T J King, 53 Biggar Road, Symington, Biggar, ML12 6FT,  
DATED 06/09/2007

**Contact for Further Information**

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

Steven Boertien, Planning Officer, South Vennel, Lanark ML11 7JT

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





### **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 no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.
- 4 Within 2 months of the date of this permission, a scheme of landscaping for the area shaded green on the approved plans shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) the planting of 5 root-balled extra heavy standard trees with a girth of between 16 - 20cm on the East boundary and 4 heavy standard trees with a girth of between 12 - 14cm all trees should be native broadleaf species.
- 5 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 6 That no dwellinghouse shall be occupied until the site is served by a surface water drainage scheme constructed to the specification and satisfaction of Scottish Water.
- 7 That before the development is occupied, full details of the design and location of all fences and walls to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

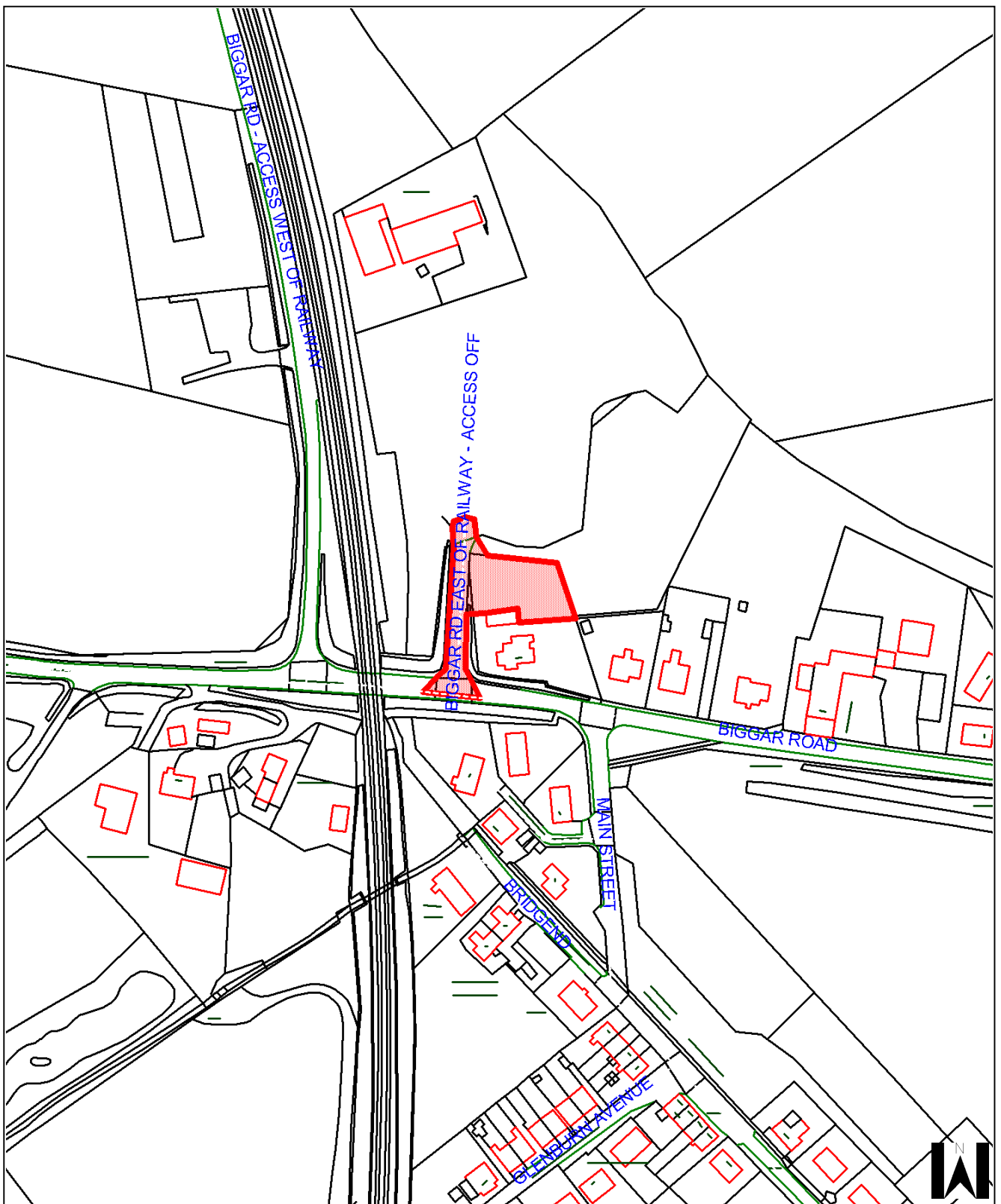
### **REASONS**

- 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 To ensure the protection and maintenance of the existing trees and other landscape features within the site.
- 4 In the interests of the visual amenity of the area.
- 5 In the interests of amenity.
- 6 To ensure the provision of a satisfactory land drainage system.
- 7 These details have not been submitted or approved.



For information only

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