

Report

Report to:	Planning Committee
Date of Meeting:	19 December 2017
Report by:	Executive Director (Community and Enterprise Resources)

Application No	EK/17/0325
Planning Proposal:	Erection of Upper Storey Front Extension, Two Storey and Single Storey Side Extensions and Rear Upper Storey Balcony

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr and Mrs Carroll
- Location : 7 Tulliallan Place
East Kilbride
G74 2EG

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 Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: Lennox Design Architectural Services
- ◆ Council Area/Ward: 08 East Kilbride Central North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development management and placemaking
Policy 6 - General urban area/settlements
DM2 - House extensions and alterations
Development management, placemaking and design supplementary guidance (2015)

◆ Representation(s):

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

◆ Consultation(s):

None required.

Planning Application Report

1 Application Site

- 1.1 The application site is a detached plot at 7 Tulliallan Place, located within the St Leonards area of East Kilbride. The existing two storey dwelling with attached garage sits in a cul-de-sac with six other properties. The property has a driveway to its front which can accommodate 4 vehicles and a generous portioned rear garden. The property is bound to the north, east and west by residential properties and to the south by the public road.

2 Proposal(s)

- 2.1 The proposal is a detailed planning application for the erection of an upper storey front extension, two storey and single storey side extensions and rear upper storey balcony. The proposal would be finished in materials to match the existing dwelling and would retain 4 no. parking spaces at the front within the curtilage of the property.

3 Background

3.1 Local Plan Status

- 3.1.1 In terms of the Adopted South Lanarkshire Local Plan (March 2015), the proposal is for extensions and alterations to a dwellinghouse, therefore, Policy 4 - Development management and placemaking is relevant which advises all planning applications are required to take account of the local context and built form and should be compatible with adjacent buildings and streetscape. Policy DM2 – House extensions and alterations of the supplementary guidance document is also relevant in this instance and expands on Policy 4. As the site lies within a residential area, Policy 6 – General urban area/settlements is applicable and advises any development detrimental to residential amenity will not be permitted.

3.2 Planning History

- 3.2.1 It is noted that this property has previously been extended. In 2002, planning permission was granted for a two storey rear extension under planning application EK/02/0380. This was subsequently implemented. In 2006, planning application EK/06/0054 was granted for the reconstruction of the garage, extension to first floor over garage, with increased balcony at rear first floor bedroom and first floor extension over single storey area at front. It is noted that this is a similar proposal to the current application. Later that year planning application EK/06/0592 was granted for a detached garage to the rear of the property. However, it should be noted that neither development was implemented within the consent time period. As such, both have since expired.

4 Consultation(s)

No consultations were required as part of this application.

5 Representation(s)

- 5.1 Following the statutory neighbour notification procedure carried out by the Council; 8 letters of objection were received, 6 of which are submitted from the same property. The points raised are summarised below:

(a) The owners of the application site have a large number of cars and commercial vehicles which require to be parked outwith the application site as there is insufficient space within the property. As this proposal increases the number of bedrooms within

the property, this will encourage further vehicles and further congestion. The title deeds do not permit the parking of commercial vehicles.

Response: The Council has no control over the parking of vehicles on a public road. The applicant is required to provide 3 no. off street parking spaces within the curtilage of the property to support this proposal. As a plan has been submitted to demonstrate this, I am satisfied that the required parking can be provided. With regards to the title deeds not permitting the parking of commercial vehicles; this is a legal matter.

(b) This estate has a turning head to allow emergency, refuse, delivery and construction vehicles to enter and exit in forward gear however the applicant's vehicles currently compromise this. In addition, the estate has no pavements and as the applicants park their vehicles at the entrance to the estate; this makes it difficult to see pedestrians. Approval of this application will therefore create further safety issues.

Response: As noted above, the Council has no control over the parking of vehicles on a public road. Similarly, the Council cannot restrict the number of vehicles owned or used by a single household. However any safety concerns should be raised with the Police.

(c) Should planning permission be granted, this will result in further parking and access issues for other residents during the construction period. The Roads Development Guide states adequate parking should be demonstrated.

Response: Whilst it is noted there would be a level of disruption for local residents during the construction period, this would be for a temporary period only. As such, this is not a reason for refusal of the application. As noted above, I am satisfied the applicant can accommodate the required 3 no. off street car parking spaces within the curtilage of the property.

(d) The proposal does not meet the Council's Supplementary Guidance document in relation to householder developments. The policy states there should be no loss of privacy to adjacent properties and that side windows will not normally be permitted at upper levels. In this case, there are 3 no. windows on the upper storey extension which will overlook 9 Tulliallan Place leading to a loss of privacy and enjoyment of garden. Should permission be granted, these windows should be removed.

Response: It was agreed that the 2 no. bedrooms windows proposed on the upper storey extension would overlook the adjacent property at 9 Tulliallan Place. As such, the applicant has now revised this to 3 no. high level glazed windows. This will ensure no overlooking but still allow additional light into the rooms. It is noted that a fourth window on this elevation will be a bathroom window however will be obscurely glazed.

(e) Council policy states the proposal should be in proportion to the existing dwelling in terms of width, height and massing and not over dominate adjacent properties. If approved the upper storey extension will be visually overbearing and have an adverse impact on the adjacent property at 9 Tulliallan Place in terms of bulk, mass and proximity to the boundary. The policy also states an extension should ideally be set back from property boundaries by 1.0 metres and set below the existing ridge line. This proposal is therefore out of keeping with the rest of the cul-de-sac which is very tight. This proposal should be considered as over development of the site.

Response: As noted above, the property already has a two storey rear extension which was approved and implemented under application number EK/02/0380. In terms of the current application, the proposed upper storey side extension is over the existing garage and will also incorporate a larger area at upper level to maximise the accommodation. Whilst it is noted that a new section of building will be approximately 0.6 metres from the shared boundary with 9 Tulliallan Place at its closest point; this is at the front of the property only. Thereafter, the space between the boundary and the extension widens due to the angle at

which the property sits to the boundary. The rear of the extension is, therefore, 1.5 metres from the shared boundary. This proposal also includes an upper storey extension over the front porch, a single storey side extension and rear upper storey balcony. In terms of the scale and mass of the proposed upper storey side extension, I am satisfied the proposal is sufficient distance from the boundary to ensure it will have no adverse impact on the adjacent property. It is noted that the adjacent dwelling at 9 Tulliallan Place also sits at an angle from the boundary which assists with reducing any impact. It is noted that the plot at 7 Tulliallan Place is narrower at the front given the nature of the cul-de-sac it sits within; however, as this widens to the rear it is noted the property sits within a generously portioned garden. As the proposal is not built up to the shared boundary, is contained entirely within the application site and adequate garden ground will still be retained, I am satisfied the proposal is not out of keeping with the adjacent properties and is not over development of the existing property. In addition, whilst this proposal has a continuous ridge line with the existing dwelling, I am satisfied this is acceptable given that the property is detached and that it has no adverse impact on the adjacent properties. It is noted that the Development management, placemaking and design supplementary guidance which contains Policy DM2 – House extensions and alterations which the objector refers to, is guidance only and as such should be applied by the Planning Service where appropriate.

(f) Objector suggests application site boundary has been changed on the updated block plan.

Response: During the course of assessment of the proposal, the applicant noted that the block plan and floor plans indicating the shared boundary between 7 and 9 Tulliallan Place were inaccurate as there would be a distance of approximately 0.6 metres between them at their closest point. As such, the applicant has submitted updated plans to clarify this and I am satisfied this accurately reflects the situation on site. It is noted that any land ownership or boundary disputes would be a legal matter.

(g) The policy advises an extension should not prevent the provision of off-street parking, result in the creation of a sub standard access, or interfere with visibility splays.

Response: As noted above, the required parking can be provided within the curtilage of the property. This proposal does not interfere with any visibility splays and the access to the property will still remain.

(h) The proposed plans show skylights however the intended use of these are not stated on the plans. This should be established as it may impact parking or environmental issues such as ensuring there are adequate bathrooms.

Response: The introduction of velux windows and the conversion of the attic space does not require planning permission. As such, there is no requirement for plans to be submitted detailing this. With regards to ensuring the provision of adequate bathrooms; this is not a Planning matter.

(i) As the proposal increases the side of the house to the same height as the existing dwelling; it will lead to loss of light at 9 Tulliallan Place, reducing enjoyment of the property. On inspection of the Council's shadow test, the objectors have calculated that this would result in losing almost 40% of light from their home and garden. This is contrary to policy.

Response: The shadow test referred to was carried out by the Council in respect of the proposal which indicates the shadow cast by the existing dwelling and associated buildings and then as a result of the proposed development. This is shown for different times throughout the day and for different months of the year when the sun is at a higher or lower position. The findings of this were that due to the positioning of the existing buildings on the site and their orientation in respect of the sun rising in the east and setting in the west, the proposed extensions did not create a significant level of additional overshadowing in

comparison to the existing situation. As such, it is not considered this is a reason for refusal of the application.

(j) The policy advises that an extension should be capable of being constructed and maintained from within the property and not require access from a neighbouring property. It is advised that no permission will be granted to the applicant for access to the adjacent property for any machinery, scaffolding etc. Furthermore there should be no damage to the existing established hedgerow within 9 Tulliallan Place located adjacent to the boundary.

Response: The policy advises it is desirable that the extension can be constructed and maintained from within the application site. The applicant has confirmed that the development can be constructed from entirely within the application site. Notwithstanding this however; the granting of any planning permission does not grant any right of access over any adjoining property or land required for the purpose of constructing or maintaining the development. The consent of the appropriate land owner is required in order to carry out building work or future maintenance that requires access to a neighbour's ground. It is noted that any damage to private property, such as the established hedgerow separating these two properties, is a civil matter.

(k) Council policy advises that upper floor balconies will only be permitted where they do not cause a significant adverse impact on the privacy of neighbouring properties. This proposal includes an upper storey balcony which will enable the applicant to overlook 9 Tulliallan Place.

Response: The proposed balcony is located on the rear elevation and is closer to the western boundary with 5 Tulliallan Place. The application site is well screened along the boundaries to the north and west by mature trees; however it is noted there is less screening on the eastern boundary with 9 Tulliallan Place. Whilst it is considered that due to the distance of the balcony from 9 Tulliallan Place it is unlikely to pose any significant overlooking issue, the applicant has amended the plans to include a 1.8 metre high screen on either side of the balcony. This will ensure there is no overlooking in future should any of the existing screening require to be removed.

(l) Council policy advises that a proposed two storey extension should not have a flat roof and that the proposed roof should tie into the existing. In this case the plans show a flat roof on the two storey side extension.

Response: As noted above, Policy DM2 is guidance only. In relation to two storey extensions, the guidance advises it should not have a flat roof and should tie into the existing roof. This is to ensure that visually the building ties in with the existing, but is also in reference to the overall roof. In this case, the proposed roof on the upper storey extension includes a pitched roof but also a smaller flat roofed section to tie into the existing two storey rear extension. As this is necessary to join the different sections of roof, is to the rear of the property, and has no adverse impact on visual or residential amenity; I am satisfied the pitched roof with flat section is acceptable and is not a reason for refusal of the application.

(m) The proposed garage is a 'drive-through' with doors at either side. The intended use of this is not clear from the plans. If the intention is to park at the rear of the garden this would lead to noise and pollution leading to loss of enjoyment to adjacent properties. Previous plans included a garage/workshop in the garden with hardstanding. This suggests the applicant intends further development in the future.

Response: The installation of a garage door onto the rear of the existing garage does not require planning permission. Similarly should the applicant wish to park to the rear of the property, this would not require permission. Notwithstanding this, the applicant has advised that the garage door to the rear is for ease of access to the garden equipment and furniture stored within the garage. It is noted that there was a previous planning permission for a detached garage to the rear of the dwelling which was approved under planning application

EK/06/0592. However as this was not implemented within the specified time period it has now expired.

(n) There is a Tree Preservation Order within the area and the trees within 7 Tulliallan Place fall under this. The owner recently cut down a mature, healthy tree that would have otherwise prevented the proposed side extension. Was permission given for this? Consideration should be given to the other protected trees within the site.

Response: This will be investigated as a separate matter to this planning application. The proposal does not affect any other existing trees within the application site.

(o) Any proposed development requires compliance with the Construction Design and Management Regulations (CDM) Regulations. Confirmation should be provided that risk assessments have been/will be carried out by the building designer/land owner. As historically this was a mining area; consideration should be given to this.

Response: CDM Regulations are separate to Planning and are therefore not a consideration in the determination of a planning application. Similarly, the Planning Service does not require the submission of risk assessments. Given the mining history of the area, an advisory note has been attached to the consent for the applicant's assistance should any mining issues arise.

(p) If approved, a condition should be attached to stipulate the hours of working.

Response: An informative has been attached specifying the acceptable working hours as stipulated and regulated by Environmental Services.

(q) Objector has attached another report by South Lanarkshire Council on a planning application that was refused. Objector feels this application should be refused for similar reasons.

Response: As all applications sites differ, each planning application is considered and determined on its own merits. As such, the assessment and decision of a separate site is not relevant. It should be noted however that the application referred to involved the removal of the roof of a single storey bungalow and the installation of a fully flat roofed upper storey extension which is an entirely different proposal to this application.

5.2 These letters have been copied and are available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

6.1 Planning permission is sought for the erection of an upper storey front extension, two storey and single storey side extensions and rear upper storey balcony at 7 Tulliallan Place, East Kilbride. The determining issues in the assessment of this application are compliance with local plan policy and its impact on the amenity of the adjacent properties.

6.2 In this regard, the application site and associated proposal is affected by Policy 4 – Development Management which states that all development proposals will require to take account of, and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate should include measures to enhance the environment. Policy 6 – General Urban Area/Settlements is also relevant and states that within residential areas, development will not be permitted if it is detrimental to the amenity of residents in terms of visual impact, noise, smell, air pollution, disturbance, traffic or public safety.

- 6.3 In this case the proposal involves an upper storey side extension over the existing garage to form 2 no. bedrooms with shower room and storage facilities. As the existing garage is set back from the front of the dwelling, the upper storey extension extends forward to the main front building line and projects out to the side over the garage to maximise the accommodation. An upper storey extension over the existing front projecting section of building is also proposed which would increase the size of an existing bedroom. The proposed single storey side extension on the opposite side of the dwelling would extend the kitchen and the proposed balcony would project out approximately 1.5 metres from the rear of the dwelling. It is noted that the balcony would be installed onto the existing two storey rear extension.
- 6.4 In terms of the above policies, it is noted that whilst the proposed upper storey side and front extensions are a significant addition to the existing dwelling, however, I am satisfied that they are in proportion to and will be satisfactorily integrated with the existing building. Whilst it is noted that the proposed side extension is approximately 0.6 metres from the boundary with the adjacent property, this is at its closest point only at the front of the property which is due to the positioning of the dwelling in relation to the boundary line. As the front upper storey extension is over the footprint of the projecting single storey section of building only, I am satisfied both extensions are of a sufficient distance from adjacent properties to ensure no adverse impact in terms of scale and mass. In terms of overshadowing, as noted above, a shadow test has been carried out which concluded that due to the orientation of the existing buildings and the movement of the sun, the erection of the upper storey extensions would not create significant additional overshadowing of the adjacent properties. Furthermore, it is noted that 9 Tulliallan Place has a sizeable garden which will still receive the sun in a number of positions within the garden as it currently does. As such, the small level of additional shadowing is therefore not considered to be of a scale which justifies refusal of the application. In terms of overlooking from the upper storey side extension, the applicant has removed the 2 no. standard bedroom windows and replaced with 3 no. high level glazing windows. As such, I am satisfied there will be no proposed overlooking of the adjacent property from these windows. It is noted that the proposed bathroom window on this elevation will be obscurely glazed. Whilst the proposed upper storey side extension will include a section of flat roof in addition to the various pitched roofs, this is unavoidable to allow it to integrate with the existing roof. As this has no significant visual impact or impact on residential amenity, I am satisfied this element of the proposal is also acceptable.
- 6.5 In terms of the proposed upper storey balcony, as noted above, this projects out from the dwelling approximately 1.5 metres to provide a useable space. Whilst it is considered there is currently natural screening around the property in terms of mature trees to minimise any potential overlooking, the applicant has included a screen at either side of the balcony to ensure there is no issue should any of these trees require to be removed in the future. With regards to the proposed single storey side extension on the west facing elevation, I am satisfied this is of an acceptable size and scale and will have no adverse impact on the adjacent properties. As the overall development will be finished in materials to match the existing dwelling, and adequate garden ground will still be retained to the rear of the property, I am satisfied this proposal is acceptable and complies with the general principles of policies 4, 6 and DM2 of the Adopted plan.
- 6.6 The statutory neighbour notification process was carried out by the Council in respect of this proposal. Eight letters of representation have been received, the points of which are summarised above. Whilst it is noted that some of the points raised were valid, these points have now been addressed by the applicant to the satisfaction of the

Planning service. As such, it is considered there is no justification for refusal of the application.

- 6.7 In conclusion, it is considered that the proposed development at this property is acceptable and I therefore recommend that planning permission is granted subject to the attached conditions.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity and complies with policies 4 and 6 of the Adopted South Lanarkshire Local Development Plan (2015) and related supplementary guidance DM2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

11 December 2017

Previous References

- ◆ EK/02/0380
- ◆ EK/06/0054
- ◆ EK/06/0592

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 20.09.2017

- ▶ Consultations

- ▶ Representations
 - Representation from : Fiona Goodwin, 9 Tulliallan Place, East Kilbride
DATED 11/10/2017

 - Representation from : William Reid, 11 Tulliallan Place, East Kilbride
DATED 11/10/2017 12:10:52

 - Representation from : Mr K. Simpson, 15 Tulliallan Place, East Kilbride, G74 2EG
DATED 10/10/2017 12:10:47

 - Representation from : Fiona and Ronnie Goodwin, 9 Tulliallan Place,
East Kilbride, G74 2EG
DATED 24/11/2017

 - Representation from : Fiona Goodwin, 9 Tulliallan Place
East Kilbride, G74 2EG
DATED 04/12/2017

Representation from : Fiona Goodwin, 9 Tulliallan Place
East Kilbride, G74 2EG
DATED 06/12/2017

Representation from : Fiona Goodwin, 9 Tulliallan Place,
East Kilbride, G74 2EG
DATED 07/12/2017

Representation from : Fiona Goodwin, 9 Tulliallan Place,
East Kilbride, G74 2EG
DATED 11/12/2017

Contact for Further Information

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

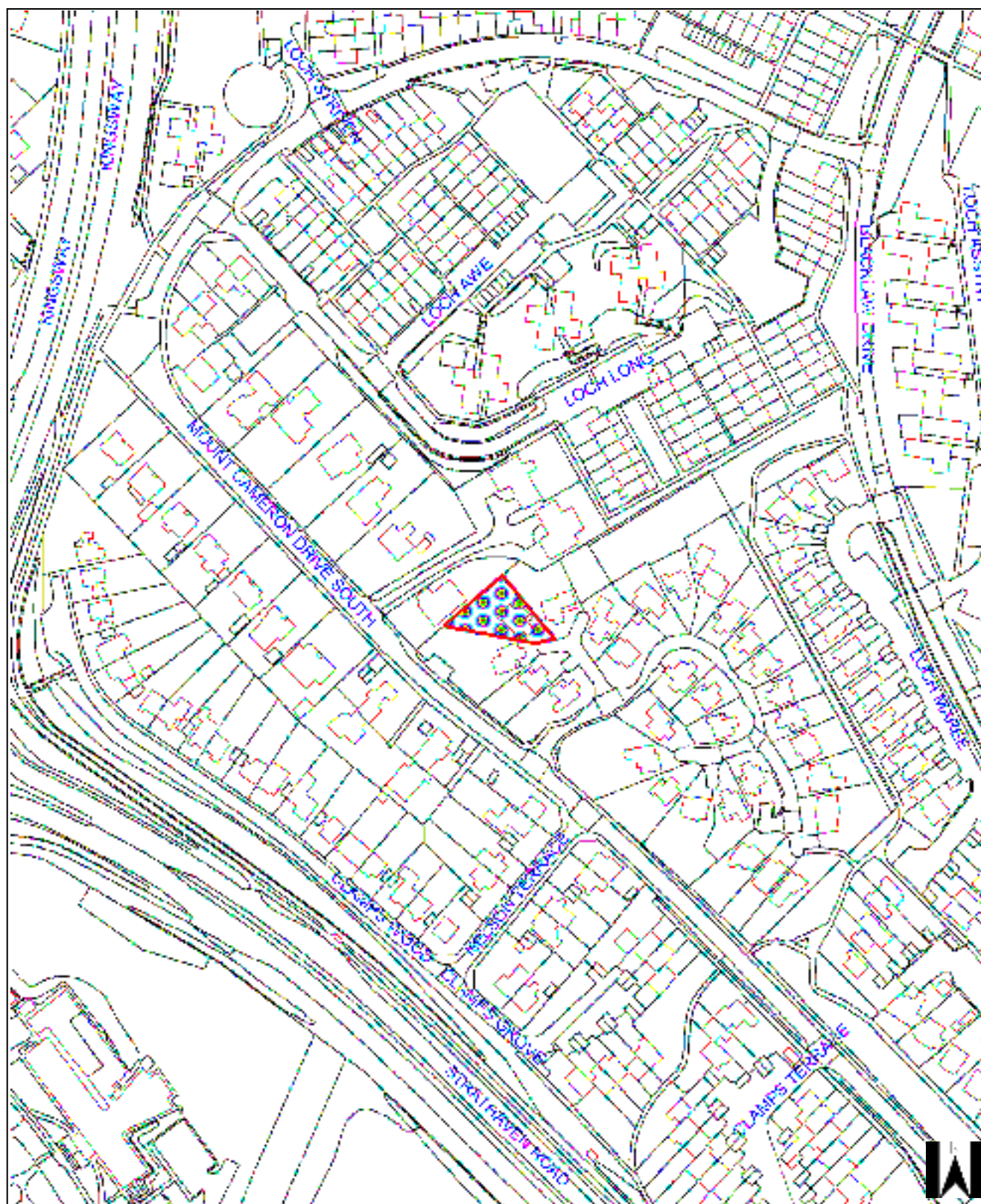
Julie Pepper, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 5046 (Tel: 01698 455046)
E-mail: julie.pepper@southlanarkshire.gov.uk

CONDITIONS

- 1 That the facing materials to be used for the external walls and roof of the development hereby approved shall match in colour and texture those of the existing adjoining building on the site to the satisfaction of the Council as Planning Authority.
- 2 That the use of the garage shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garage.
- 3 That before the development hereby approved is completed or brought into use, full details of the proposed balcony screens shall be submitted to and approved in writing by the Council as Planning Authority and thereafter shall be installed prior to completion of the balcony and thereafter maintained as such to our satisfaction.
- 4 That the high level glazing and obscurely glazed window on the upper storey side extension hereby approved shall be implemented prior to the extension being brought into use and thereafter maintained to the satisfaction of the Council as Planning Authority and no further windows will be created on this gable without the written permission of the Council.

REASONS

- 1.1 To ensure satisfactory integration of the proposed extension with the existing building both in terms of design and materials.
- 2.1 To retain effective planning control and safeguard the amenity of the area.
- 3.1 In the interests of amenity and in order to retain effective planning control.
- 4.1 In the interests of amenity and in order to retain effective planning control.



For information only

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