

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>5 May 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/1698
Planning proposal:	Installation of two dormer windows to dwellinghouse, demolition of outbuildings and erection of detached garage with attic space

## 1 Summary application information

Application type:	Householder
Applicant:	Mr Jordan Smith
Location:	1 Hill Cottage Hill Road Netherburn Larkhall ML9 3DJ

## 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: David Dalziel
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted)**  
Policy 3 - Green Belt and Rural Area  
Policy 4 - Development Management and Placemaking

**Supplementary Guidance 3: Development Management, Placemaking and Design**  
Policy DM2 – House Extensions and Alterations

## **Proposed South Lanarkshire Development Plan 2**

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and  
Placemaking

Policy DM2 – House Extensions and Alterations

### **◆ Representation(s):**

▶	11	Objection Letters
▶	7	Support Letters
▶	0	Comment Letters

### **◆ Consultation(s):**

Roads Development Management Team

## **Planning Application Report**

### **1 Application Site**

- 1.1 The irregular shaped application site extends to 0.13 Ha and is located at Hill Cottage, within the Green Belt to the west of the village of Netherburn. It consists of a detached one and a half storey dwellinghouse, a single car garage and a range of domestic outbuildings/stables. The generally level site is accessed by a shared private vehicular access from Hill Road.
- 1.2 The site is bounded by a recently constructed, single storey dwellinghouse and stable outbuilding to the west, by an older, one and a half storey dwellinghouse to the south and east, and by a vacant, former horticultural nursery with an associated single storey dwellinghouse to the north.

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

- 2.1 The detailed plans submitted indicate that a number of existing domestic outbuildings, (approximately 102 sq metres), are to be removed from the site, to facilitate the erection of a detached domestic garage with attic space above. Planning permission is also sought for the installation of 2 no. traditional dormer windows on the north-west facing roof plane of the applicant's dwellinghouse.
- 2.2 The detailed plans submitted indicate that the proposed double garage will have a footprint of 81 square metres and be 5.8 metres high, and that it will provide for vehicle storage with a home gym facility and a WC/shower room above. 2 traditional dormer windows are proposed on the west facing roof plane of the garage, whilst a larger box dormer structure is proposed on the rear, east facing roof plane. External finishes for the garage are proposed to be a slate roof, timber clad walls and dormer cheeks, and a stone base. The proposed dormers on the existing house are also proposed to be clad in natural slate with timber clad cheeks. Vehicular access to the proposed new garage is to be taken from the existing private access.

### **3 Background**

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

- 3.1.1 The 2015 adopted South Lanarkshire Local Development Plan identifies the application site as being within the Green Belt, subject to assessment against Policy 3 – Green Belt and Rural Area and Policy 4 - Development Management and Place Making. In addition, the proposals require to be assessed against the guidance contained within the associated supplementary guidance documents, namely that within the Development Management, Placemaking and Design SG. Policy DM2 – House Extensions and Alterations is considered to be relevant to the assessment of the application.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. Policies 4, 5 and DM2 are relevant to the assessment of the current application.

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

- 3.2.1 The Scottish Planning Policy document consolidates and updates previous Scottish Government advice, containing a section on promoting rural development. This document states that 'the planning system should in all rural and island areas promote a pattern of development that is appropriate to the character of the particular area and the challenges it faces, and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.'

### 3.3 Planning Background

- 3.3.1 There are no records of any previous planning applications submitted for the site.

## 4 Consultation(s)

- 4.1 **Roads Development Management Team** - no objections or adverse comments, noting that the site is accessed via an existing private vehicular access from Hill Road, and that there is sufficient space to park 3 cars within the site.

**Response:** Noted.

## 5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken, resulting in the submission of 11 letters of objection and 7 letters of support. The grounds of objection are summarised as follows;

- a) **Why has there been a change to the case officer for this application?**

**Response:** The case officer has changed due to an assessment of current caseloads and recent staff changes/appointments.

- b) **The scale, mass, design and siting of the proposed garage is unacceptable for the small site. It will dominate and overwhelm both the existing house on the site, and the adjacent residential properties, and create adverse amenity issues.**

**Response:** The submitted plans indicate that the footprint (ground floor only) of the proposed garage extends to some 81 square metres, whereas the existing dwelling has a footprint of approximately 140 square metres. Further, the applicant's substantial sized residential curtilage extends to approximately 1300 square metres. The total footprint of the existing dwelling and the new proposed garage (221 square metres) would, therefore, only represent 17% built development of the total site area. This is not considered to be excessive or unacceptable. In terms of the overall height of the new garage, concerns have been raised by this Service that the height of the original proposed building was unacceptable, noting that it would be higher than the height of the existing dwelling within the plot. The applicant has submitted amended plans, reducing the overall height of the garage by some 1.5 metres, to 5.8 metres. Following a detailed assessment, it is considered that the overall scale of the new amended garage is acceptable for the site, noting that there will be significant garden ground remaining. In terms of the scale, mass and design of the garage relative to the surrounding dwellings, it is considered that the scale and design of the new garage is appropriate, taking full cognisance of the design and siting of all surrounding properties. Further, an assessment of the application has been undertaken against the relevant policy for domestic garages, Policy DM2 of the Development Management, Placemaking and Design Supplementary Guidance. This

assessment concludes that the proposal is in accordance with the criteria of Policy DM2, noting that the amended scale and design of the garage respects the shape and form of the original dwellinghouse, and that it does not result in a significant loss of amenity to neighbouring properties.

- c) **The height, size and scale of the proposed garage will reduce and undermine the amount of daylight and sunlight currently afforded to the objector's rear garden area. A sunlight/overshadowing assessment of the impact of the proposed garage should be carried out. In addition, the proposed dormer windows will overlook the neighbours' gardens and properties, creating privacy/amenity issues.**

**Response:** The proposals have been subject to a daylight/overshadowing assessment by the Planning Service. The outcome of this assessment indicates that there will be a slight increase in the amount of overshadowing of a small part of the objector's garden in the evening, particularly during winter months, however, there will be minimal impacts for the remainder of the day. This is principally due to the orientation of the application site, relative to the adjacent neighbours. The amended design solution for the garage takes account of all surrounding properties and helps minimise the collective impact of the proposed structure. Whilst there will be a degree of overshadowing/loss of daylight, this will not be to a significant extent that justifies the refusal of the application. In terms of overlooking and privacy issues associated with the box dormer on the rear elevation of the garage, one of the 3 windows is within a shower room/WC and will therefore be obscure glazed. The other 2 (home gym) windows are positioned 19 metres from the closest affected neighbouring property. The next nearest objector's dwelling is set over 64 metres distant from the proposed garage, at an offset angle. In view of the above, it is considered that the proposed dormer windows on the new garage will not create any notable overlooking or privacy/amenity issues.

- d) **The plans submitted cannot be used to scale from and do not indicate required dimensions.**

**Response:** The note 'not to scale plans' is normally placed on an architect's plans, and is aimed primarily at builders undertaking the actual construction works. It should also be noted that there are a number of different dimensions indicated on the submitted plans, enabling a full assessment of the proposals to be undertaken.

- e) **The Dalsarf Estate should be neighbour notified as they own the shared access road to the site.**

**Response:** The neighbour notification process is undertaken by the Council. All necessary neighbour notification for this householder planning application has been carried out. Further, the applicant's agent has confirmed that all necessary owners of any part of the site have been owner notified.

- f) **There is an existing garage on the site, why does the applicant require an additional garage?**

**Response:** The applicant's agent has confirmed that the applicant requires the new building in order to house a number of motor vehicles and to provide a home gym facility. The existing garage structure on the site is a modern, small, single vehicle building. It should also be noted that it is not unusual for

rural properties of this type to have more than one associated garage or outbuilding, and that in this particular case, the new building will be replacing a range of older, redundant outbuildings and stables.

- g) **How will the resultant rainfall and sewerage drainage from the new building be treated, noting that the existing shared septic tank is at capacity?**

**Response:** These concerns are noted, however do not constitute grounds for refusal of the application. The proposed garage will be connected to existing drainage infrastructure within the site. Further, the works proposed, if approved, would require the submission of a separate Building Warrant. The Council's Building Standards Service would require all existing services and infrastructure to be indicated on warrant plans. With regard to the capacity and condition of the shared septic tank, this is a private legal matter between the relevant parties.

- h) **The proposed garage is of a scale and design that could be converted into a separate dwelling, or a self-contained residential unit at a future date. The proposed building is also of a scale that could be used for commercial activities. Restrictive planning conditions should be placed on any approval, preventing any unauthorised uses or future changes. The proposals should also be assessed against Policy DM5 – Extended Family Accommodation.**

**Response:** Planning permission is sought for a domestic garage with an attic home gym area above. Any future use as a separate dwelling or as a self-contained residential unit, or for commercial activities would require a further planning application to be submitted and assessed. There is no requirement at this time to assess the application against Policy DM5 – Extended Family Accommodation as this is not what has been applied for. Notwithstanding this, it would be considered appropriate to place a planning condition on any approval, restricting the use of the new garage.

- i) **The term 'accommodation' should be removed from the application description as this infers the attic in the proposed garage could be used as living space.**

**Response:** In the interests of clarity the description of the application has now been changed to 'erection of detached garage with associated attic space'.

- j) **The proposed garage will be sited close to existing hedges and trees, where it could cause damage to them.**

**Response:** The submitted plans indicate that the existing outbuildings are sited close to the same existing hedges and trees. It should also be noted that none of the trees and hedges are subject to any statutory protection in terms of planning legislation.

- k) **The applicant could apply for a non material variation to the garage, as this 'loophole' can permit large changes to proposals to be sought and granted, without any associated neighbour notification being undertaken.**

**Response:** A non material variation cannot be sought for any changes to an approved planning application that will potentially have more of an impact on

any adjacent neighbours. The correct process for this would be to submit a further detailed planning application, seeking an amendment to the original consent. It is considered that the non material variation route is not a 'loophole', as suggested by one of the objectors.

**l) The Council has moved away from recognising the value of the Green Belt, where the building of further houses should be discouraged.**

**Response:** The current submitted application only seeks consent for alterations to an existing dwellinghouse and for the erection of a domestic garage. No consent is being sought for the building of a further house within the designated Green Belt.

**m) The shared private access could be obstructed by construction and associated contractor's vehicles during construction works. Further, the submitted plans indicate that the new garage will be served by a new access point, where new gates will open outwards onto the shared access.**

**Response:** The submitted plans indicate that the new gates will open into the site, not onto the shared access. With regard to construction traffic, this is only likely to be for a limited time, during the actual build of any approval, and is not considered to be a reason to refuse the application.

There have also been 7 letters of support submitted for the application. The grounds of support are summarised as follows:

**a) The area along Hill road has been made more appealing with the renovations/builds which have taken place over the last few years. The representees fully support the area and the properties being updated and modernised.**

**Response:** These comments and opinions are noted.

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 The applicant seeks detailed planning permission for the Installation of two dormer windows on his existing dwellinghouse, and for the erection of a detached garage with attic space to be utilised as a home gym. The determining issues in the consideration of this application are its compliance with local plan policy, the acceptability of the dormer extensions and domestic garage in terms of scale and design, and their potential impact upon the residential and visual amenity of the surrounding area.

6.2 Within the adopted 2015 South Lanarkshire Local Development Plan, the application site lies within the Green Belt. Policies 3 – Green Belt and Rural Area and 4 - Development Management and Place Making therefore apply. The proposals also require to be assessed against the guidance contained within the associated supplementary guidance documents, namely that within the Development Management, Place Making and Design SG. These policies seek to promote the principles of sustainability in development and aim for them 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. Proposals which integrate successfully with their surroundings and which are well related to existing development, public transport, local services and facilities are also encouraged.

- 6.3 Policy DM 2 provides specific guidance on house alterations and extensions, including domestic garages. Following a detailed assessment, it is considered that in terms of scale, design and potential overlooking/loss of daylight, the application site can accommodate the proposed new garage structure and proposed dormer extensions without having any notable detrimental impact on the amenity of the existing adjacent houses. In addition, it is also considered that, subject to the use of appropriate external materials which are in keeping with the streetscape character of the immediate area, the new garage and dormer extensions can be constructed on the site in an acceptable manner. In summary, it is considered that the proposals do comply with Policies 3 and 4 of the adopted South Lanarkshire Local Development Plan. The proposals are also considered to comply with the relevant policies and guidance contained in the Development Management, Place Making and Design SG, namely Policy DM2.
- 6.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the adopted South Lanarkshire Local Development Plan. It is considered that the proposals accord with Policies 4, 5 and DM2 in the proposed plan.
- 6.5 Eleven letters of objection to the application have been received, raising concerns over the scale, design, overlooking, overshadowing, site drainage, construction traffic, impact on trees/hedges and the future potential use of the new garage. All of the issues raised have been considered in Section 5 above, however, they are not of sufficient weight or merit, either individually or collectively, to justify the refusal of consent. It should also be noted that 7 letters of support for the application have been submitted, supporting the updating and modernisation of properties in the local area.
- 6.6 In view of all of the above, and noting that the proposals accord with the policies and guidance of the adopted South Lanarkshire Local Development Plan, its associated supplementary guidance and the policies of the emerging, proposed SLLDP2, it is considered that the proposals represent an appropriate form of development for the site, and the normal presumption to issue consent for development that accords with policy should prevail.

## **7 Reasons for Decision**

- 7.1 The proposals will have no adverse impact on either residential or visual amenity and comply with Policies 3 and 4 of the adopted South Lanarkshire Local Development Plan (2015), and with the associated supplementary guidance contained in the SG on Development Management, Place Making & Design. The proposals are also consistent with the relevant policies of the proposed South Lanarkshire Local Development Plan 2.



**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 8 April 2020

**Previous references**

- ◆ None

**List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Supplementary Guidance 3: Development Management, Placemaking and Design
  
- ▶ Neighbour notification letters dated 12 November 2019 and 25 February 2020
  
- ▶ Consultations
  - Roads Development Management Team 29.11.2019
  
- ▶ Representations
  - Karen Gibson, Glen Harvie Nursery, Hill Road, Netherburn, Larkhall, South Lanarkshire, ML9 3DJ Dated: 04.12.2019
  - Mrs Julie Reid, Ashburn House, Hill Road, Netherburn, Larkhall, South Lanarkshire, ML9 3DJ 10.12.2019
  - P McGillivray, 3 Hill Cottage, Hill Road, Netherburn, Larkhall, South Lanarkshire, ML9 3DJ 03.12.2019
  - Mr Colin Reid, Ashburn House, Hill Road, Netherburn Larkhall, South Lanarkshire, ML9 3DJ 10.12.2019
  - Jayne Blair, Received via Email 16.01.2020
  - Mr P McGillivray, Received Via Email 03.12.2019
  - Mr Josh Reid, Ashburn House, Hill Road, Netherburn, Larkhall, ML9 3DJ 15.01.2020
  - Owner Occupier, No Address Given In Letter 03.01.2020
  - Owner Occupier, 7 Marlage, Candermill and Marlage Road, Larkhall, South Lanarkshire, ML9 3DJ 23.12.2019
  - Mrs Irene McGoldrick, 3 Crossing Lane, Netherburn, ML9 3DP 04.12.2019
  - James McGoldrick, 3 Crossing Lane, Netherburn, ML9 3DP 04.12.2019
  - William Craig, Woodside, Netherburn 04.12.2019

Robin Frame, Glenharvie, Netherburn, Larkhall, ML9 3DJ	04.12.2019
Mrs Hunter - Farrell, 7 Marlage, Candermill And Marlage Road, Larkhall, South Lanarkshire, ML9 3DJ	20.12.2019
Mr P McGillivray,	18.03.2020
Mrs P McGillivray,	18.03.2020
Mr Robin Frame, Glenharvie, Netherburn, ML9 3DJ	18.03.2020
Karen Gibson, Glenharvie, Netherburn, Larkhall, ML9 3DJ	17.03.2020

**Contact for further information**

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

Stuart Ramsay, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
 Phone: 01698 453601  
 Email: [stuart.ramsay@southlanarkshire.gov.uk](mailto:stuart.ramsay@southlanarkshire.gov.uk)

Detailed planning application

Paper apart – Application number: P/19/1698

### **Conditions and reasons**

01. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

02. That the use of the garage hereby permitted 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.

Reason: To safeguard the residential amenity of the area.

P/19/1698

1 Hill Cottage, Hill Road, Netherburn



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Scale:  
1:2,500  
Date:  
08/04/2020



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