

Report

Report to:	Planning Committee
Date of Meeting:	22 September 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/0244
Planning proposal:	Erection of two storey side/rear extension and front porch

1 Summary application information

Application type:	Householder
Applicant:	Mr Brian Glancy
Location:	44 Grant Court Hamilton ML3 7UT

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:
- ◆ Council Area/Ward: 19 Hamilton South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 4 – Development management and placemaking
Policy 6 – General urban area/settlements

Development management, placemaking and design supplementary guidance (2015)
Policy DM2 – House extensions and alterations

Proposed South Lanarkshire Local Development Plan 2
Policy 3 – General urban areas

Policy 5 – Development management and placemaking
Policy DM2 – House extensions and alterations

Representation(s):

►
►

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Support Letters
Comment Letters

Consultation(s):

None.

Planning Application Report

1 Application Site

- 1.1 The application site is roughly triangular in shape, extends to approximately 256 square metres and is located at 44 Grant Court, Hamilton.
- 1.2 The site is located within a residential area and is bounded on each side by residential gardens and other two-storey dwellings. These dwellings, with the exception of the attached property to the south-east, are located between approximately 10 and 20 metres from the applicant's property.
- 1.3 The site is relatively level and enclosed by timber fencing on the rear and side elevations.

2 Proposal(s)

- 2.1 The applicant seeks planning permission for the erection of a two-storey side and rear extension, and the erection of a front porch at 44 Grant Court, Hamilton.
- 2.2 The extension will be located on the side and rear elevations of the property and will project approximately 3.11 metres from the side of the existing dwellinghouse. The extension will sit flush with the rear of the property, and no part of the extension will be forward of the front elevation. The proposed porch will extend 1.35 metres from the front of elevation of the dwellinghouse and will feature a dual-pitched roof.
- 2.3 A new door will be formed on the side elevation of the ground floor of the extension. The ground floor of the extension will also feature a window on the front elevation, and folding doors on the rear elevation. The first floor of the extension will also feature a window on the front elevation, as well as two windows on the rear elevation, one of which will be opaque. The front porch will feature a door on the front elevation, and a small window on the side elevation.
- 2.4 The extension will feature two dual-pitched roofs. The first of these will continue from the existing ridge line, and the eaves on the rear will match with the existing. The eaves of the portion of roof visible from the front elevation will be located much higher than those on the existing front elevation, as these elevations do not sit flush with each other. The second pitched roof will extend adjacent to the existing roof and feature a gable end on the rear elevation. This gable will match with the existing roof style of the two semi-detached properties.

3 Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015) the site falls within the general urban area where Policy 6 – General Urban Area/Settlements applies. Policy 4 – Development Management and Placemaking, is also of relevance to the proposal. In addition, the proposal is required to be assessed against the guidance contained within the associated supplementary guidance documents, namely that contained 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. The new plan builds on the policies and proposals contained in the adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 3, 5 and DM2 are relevant to the assessment of the application.

3.2 **Relevant Government Advice/Policy**

3.2.1 Given the nature and scale of the proposed extension there is no specific government guidance relative to the determination of this application.

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 None.

5 **Representation(s)**

5.1 Statutory neighbour notification procedures were undertaken in respect of the proposal. In response, three letters of objection were received from one neighbouring proprietor.

5.2 The grounds of objection are summarised as follows:-

(a) **Loss of privacy/overlooking.**

Response: The application site and neighboring properties are within an established residential area where a degree of mutual overlooking already occurs. Given that the proposed upper floor windows will be no closer to the neighbouring properties than the existing upper floor window currently is, it is considered that the proposal will be within acceptable parameters and will not result in a material loss of privacy that would merit refusal of the application. In addition, the plans have been revised and one of the two windows on the rear elevation will contain opaque glazing.

(b) **Loss of sunlight/daylight. The house will dominate and overshadow neighbouring houses.**

Response: All forms of development will generate a shadow of some description and, therefore, it is the extent and duration of shadow that is important. The proposal has been subject to a daylight/overshadowing assessment by the Planning Service. The outcome of this assessment indicates that there will be little to no increase in the amount of overshadowing of the objector's garden or property. Given the position/relationship of the existing dwellings and the location of the proposed dwellinghouse, it is considered that any impact on neighbouring properties will not be unacceptable in terms of overshadowing/loss of daylight and would not justify refusal of this application.

(c) **The proposal will result in inadequate off-street parking provision.**

Response: The applicant has submitted a proposed block plan that indicates 3 off-street car parking spaces will continue be provided within the curtilage of the application site. The proposed parking provision on site will be acceptable.

- (d) **Two-storey extensions are not common within the surrounding area and therefore the proposal would be out of character for the locale and would set a precedent for two-storey extensions in the street. Those that have been approved are located at properties with larger gardens than the proposal site.**

Response: Permission has previously been granted for two-storey extensions within the street and surrounding area. However, every planning application must be assessed on its own merit and in accordance with the relevant development plan.

- (e) **The proposal will result in overdevelopment of the site.**

Response: The proposal will allow for more than 50% of the current useable garden ground to remain, therefore, the proposal is not considered to constitute overdevelopment.

- (f) **The proposal will result in the formation of a “terracing effect” which is not in keeping with the appearance and amenity of the wider estate.**

Response: The dwelling attached to 44 Grant Court currently has an existing conservatory on the rear elevation. This, combined with the proposed two-storey extension at 44 Grant Court will not result in the formation of a continuous terrace. Sufficient space will remain between the semi-detached properties located either side of the proposal site. The relationship with the house to the north east is such that a terracing effect will not be created.

- (g) **The applicant has not disclosed details of their role/relation to someone in a role within the planning authority in the application form.**

Response: The applicant has since confirmed that their spouse is an employee within Community and Enterprise Resources within the Planning Service and ticked the relevant box on the planning application form. The box requesting further information regarding this matter was left incomplete as an oversight and the required information was subsequently received.

- (h) **Despite the amendments to the application and the inclusion of opaque glazing on one window the applicant is under no obligation to retain this glazing in future.**

Response: The inclusion of opaque glazing on one of the upper-storey windows will be conditioned should consent be granted and as a result, to remove or replace this glazing with a non-opaque alternative would require the submission of a further application for the consideration of the Council as planning authority.

- (i) **The proposal would result in a breach of the European Convention on Human Rights, Article 12 of the United Nations Declaration 1948, and Article 16, the United Nations Convention on the Rights of the Child due to a significant reduction in the level of privacy afforded to the objector within their garden and habitable rooms.**

Response: The application is within an established residential area and a degree of mutual overlooking is inevitable. As previously stated, it is considered that the proposal will be within acceptable parameters and will not result in a material loss of privacy that would merit refusal of the application.

- (j) **Due to the scale of both the applicant and the objector’s garden, the distance between facing windows will be significantly below minimum standards, and the angle the applicant’s property sits at will result in the new upper storey windows sitting closer than the existing upper storey rear windows.**

Response: It is acknowledged that the existing distance between the facing windows of the two properties is below the now minimum standard of 20 metres, measuring approximately 12.4 metres. From observation of the approved drawings, GIS mapping, and from photos taken on site, the rear elevations of both properties sit approximately parallel. As a result, the proposed upper windows of the extension will sit no closer to the neighbouring property than the existing rear windows. Any difference in distance due to angling of the property is likely minimal and would not result in facing distance between the proposed windows being significantly less than that of the existing windows.

(k) The drawings and plans made public on the portal do not include details of the distance between the proposal and the properties onto which it faces.

Response: It is not a requirement for the applicant/agent to include details of these particular distances/dimensions on the submitted drawings. Even without these distances being labelled, the submitted Location and Site Plans accurately demonstrate the location of the property and its relation to neighbouring and adjacent properties. Mapping and GIS software, in addition to a site visit were also used in the assessment of the proposal to measure distances not included on the approved drawings where necessary.

(l) Limited time was spent in the rear garden of the neighbouring property onto which the proposal faces during a site visit and no measurements were taken of the depth of the garden and the distances between facing windows.

Response: It is recognised that the objector acknowledged that, due to Government restrictions in relation to Covid-19, the site visit conducted to the neighbouring property had to remain brief and socially distanced. Limited time was spent in the rear garden to take photographs of the proposal site and its relation to the neighbouring dwelling. These photos have not been made publicly available but nevertheless have been taken into consideration. No measurements were taken due to the requirement for the visit to be brief, and due to the availability of GIS software for digitally measuring these distances.

(m) The proposal does not feasibly enhance the quality and appearance of the area.

Response: The proposed extension is proposed to integrate with the L-shaped layout of the existing house, sitting flush with the rear elevation. The materials for the extension and the roofline of the proposal will continue the existing roofline. These factors do not result in a negative impact on the quality and appearance of the area, and will not have an unacceptable impact on the amenity of the area, instead respecting the character of the existing dwelling and the wider area.

5.3 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

6.1 The applicant seeks planning permission for the erection of a two storey side/rear extension and front porch at 44 Grant Court, Hamilton. The determining issues in the assessment of this application are its compliance with local development plan policy as well as its impact on surrounding amenity. Under the terms of 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. In this case the development plan framework against which the proposal requires to be assessed is the South Lanarkshire Local Development Plan (adopted

2015), its associated supplementary guidance and the Proposed South Lanarkshire Local Development Plan 2 (2018).

- 6.2 With regard to adopted planning policy as set out in the South Lanarkshire Local Development Plan (adopted 2015) Policy 4 – Development management and placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy advises that proposed developments should not have any significant adverse impact on adjacent buildings or the surrounding streetscape in terms of layout, scale, massing, design, materials or amenity.
- 6.3 It is considered that the proposed development from a development management perspective raises no unacceptable issues. In relation to Policies 4 and 6 of the South Lanarkshire Local Development Plan and DM2 of the Development Management, Place Making and Design Supplementary Guidance it is noted that:
- It is considered that the proposed two-storey extension and front porch will not have a negative impact on the visual quality and amenity of neighbouring properties and the local environment. The imposition of a planning condition, should consent be granted, will ensure that the facing materials for the external walls and roof of the proposal shall match the materials of the existing dwellinghouse.
 - The application site and neighbouring properties are within an established residential area where a degree of mutual overlooking already occurs. Given the distances and position of the proposed extension and all neighbouring properties, it is considered that the proposal will be within acceptable parameters and will not result in an unacceptable loss of privacy that would merit refusal of the application. In addition, a condition will be imposed to ensure that one of the windows on the rear elevation is opaque.
 - Given the position of the existing dwellings and the proposed two-storey extension, along with the travel path of the sun, it is considered that there will not be a significant or unacceptable impact in terms of overshadowing/loss of sunlight/daylight.
 - The application site is within an established residential area in which two-storey side and rear extensions are not uncommon, and therefore it is considered that the proposal is in keeping with the local context and will not have any significant adverse impact on residential or visual amenity.

7 Reasons for Decision

- 7.1 Overall, the design, size, location and relationship of the proposed extension with neighbouring properties is considered to be acceptable since it will not have an unacceptable impact on the amenity of the surrounding residential area. The proposal generally complies with the relevant policies of the adopted South Lanarkshire Local Development Plan (Policies 4 and 6) and the proposed Local Development Plan 2 (Policies 3 and 5). There are no other material considerations which would justify the refusal of planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 14 September 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
- ▶ Neighbour notification letter dated 26 February 2020

- ▶ Consultations

None

- | | |
|--|------------|
| ▶ Representations | Dated: |
| Mrs Lesley Rogon, 35 Galloway Avenue, Hamilton, South Lanarkshire, ML3 7UR | 18.03.2020 |
| Mrs Lesley Rogon, 35 Galloway Avenue, Hamilton, South Lanarkshire, ML3 7UR | 26.03.2020 |
| Mrs Lesley Rogon, 35 Galloway Avenue, Hamilton, South Lanarkshire, ML3 7UR | 04.09.2020 |

Contact for further information

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

David Grant, Graduate Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455103

Email: david.grant@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/20/0244

Conditions and reasons

01. That the facing materials to be used for the external walls and roof of the extension 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.

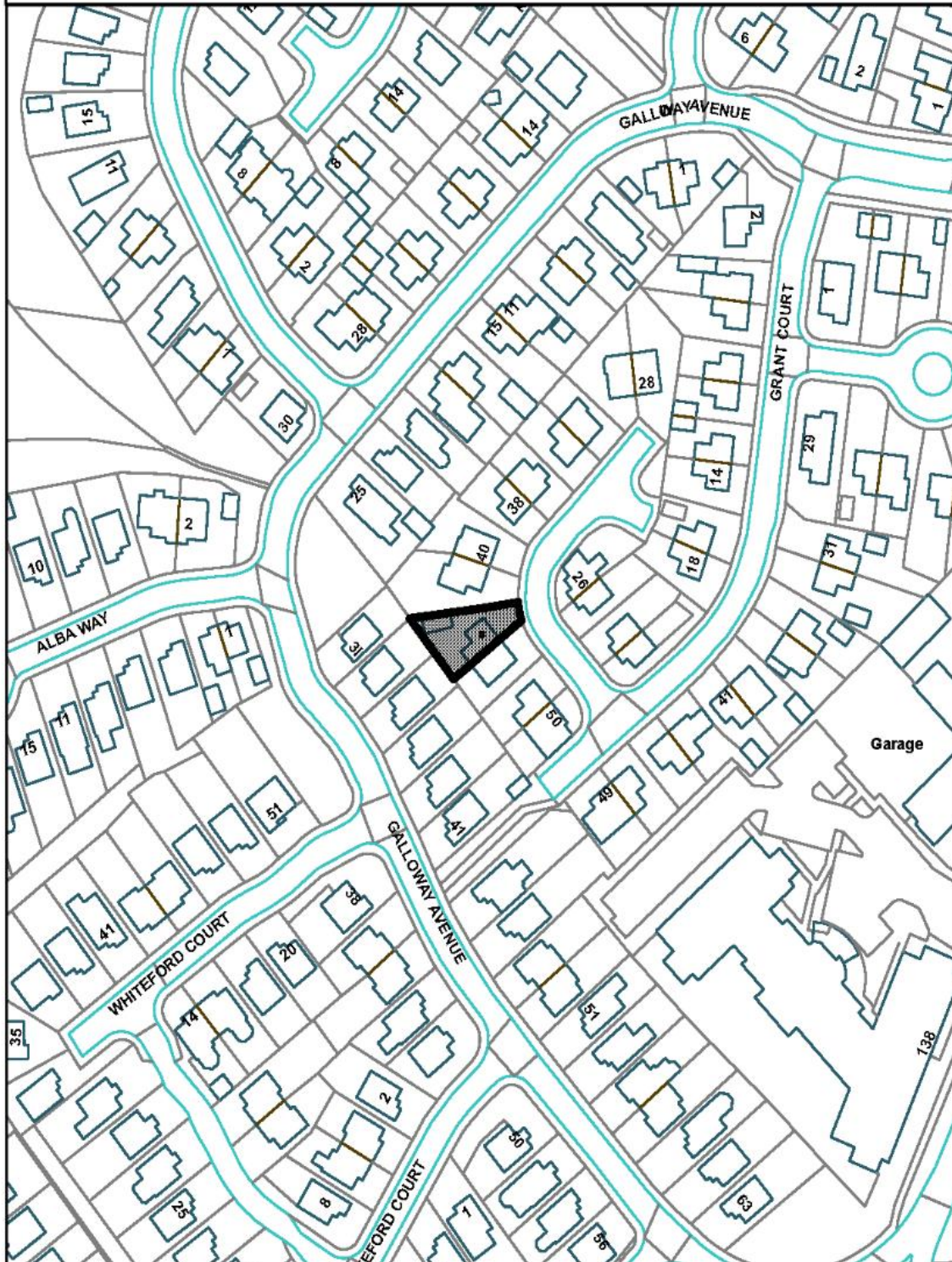
Reason: To ensure satisfactory integration of the proposed development with the existing building both in terms of design and materials.

02. The proposed upper floor window on the rear elevation of the extension which relates to the en-suite bathroom shall be fitted with opaque/obscure glazing which shall be retained at all times.

Reason: In the interests of privacy and to prevent any unacceptable overlooking occurring.

P/20/0244

44 Grant Court, Hamilton



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Scale:
1:1,250
Date:
28/08/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development