

Report to: **Planning Committee**  
 Date of Meeting: **13 December 2011**  
 Report by: **Executive Director (Enterprise Resources)**

Application No HM/11/0084  
 Planning Proposal: Erection of Dwellinghouse, Demolition of Existing Garage and Erection of Replacement Detached Garage

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr and Mrs H A Hood
- Location : 7c Fife Crescent  
Bothwell  
G71 8DG

## 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 Listed)

### 2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine the application.

## 3 Other Information

- ◆ Applicant's Agent: Aitchison Architects
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**  
Policy RES6 – Residential Land Use  
Policy ENV31 – New Housing Development  
Policy DM1 – Development Management  
Policy DM5 – Sub-Division of Garden Ground  
Policy ENV25 – Conservation Areas

### ◆ Representation(s):

- ▶ 10 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

### ◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

Scottish Water

Community Resources (Arboricultural Officer)

Planning and Building Standards HQ (Conservation Officer)

# Planning Application Report

## 1 Application Site

- 1.1 The application site is located within the mature residential area of the Bothwell Conservation Area at 7c Fife Crescent. The application site presently is the side garden, garage and parking associated with two relatively small flats (7a and 7b Fife Crescent) that are located to the rear of the existing sandstone villa at 7 Fife Crescent. In general terms the site is relatively level and contains a number of trees. Access to the existing properties is from a shared driveway off Fife Crescent.
- 1.2 The surrounding area is primarily residential with the majority of properties being detached villas and converted villas. The exceptions to this are Fife Court which is a more recent red brick development approved in the early 1980's and the Lindens Development which was finished in blonde sandstone. To the immediate north of the application site there is a modern courtyard development at 5 Fife Crescent with 3 large dwellinghouses within relatively modest plots, each with a frontage onto a courtyard. Dunlop Crescent (bungalow style houses) is located to the rear of the application site and is located outwith the Conservation Area.

## 2 Proposal(s)

- 2.1 This is a detailed planning application for the erection of a dwellinghouse, demolition of a garage and erection of replacement detached garage at 7C Fife Crescent, Bothwell.
- 2.2 The proposed 2 storey dwellinghouse will front onto a courtyard area and will be approximately 19 metres wide and between 8 and 10.6 metres in depth. It will have a ground floor area of approximately 157 square metres rising to a height of approximately 9.5 metres. The ground floor will accommodate a lounge/dining room, family room/kitchen/morning area, study, utility room cloakroom and toilet. The upper floor will accommodate a master bedroom with en-suite toilet/dressing area, a second en-suite bedroom, two additional bedrooms and a bathroom on the upper floor. The proposed dwellinghouse will be finished in red sandstone and render, slate roof and timber windows.
- 2.3 The proposal has been amended since it was originally submitted. The floor area has been reduced and the fenestration altered to ensure that there are no proposed habitable windows looking directly into existing habitable windows within 20 metres of the existing flats at 7a and 7b Fife Crescent. The elevations and massing have been simplified and the 'pinch' point at the north east corner has been removed to lessen the impact of the proposed dwellinghouse to the side boundary.
- 2.4 The proposed detached garage will be approximately 7 metres wide and 6.5 metres in depth, rising to a height of approximately 5 metres. It will be positioned at the rear of the site close to the mutual boundary with the properties of Dunlop Crescent.
- 2.5 The existing double garage will be demolished to accommodate the development. The proposal will also result in the removal of a number of existing trees within the application site. The applicant's agent has submitted a tree survey to assess the impact of the proposed development on the existing trees.
- 2.6 The proposed dwellinghouse will utilize the existing driveway off Fife Crescent and there will be 2 car parking spaces located to the front of the proposed garage to facilitate the proposed dwellinghouse. The proposal also involves the formation of 4 car parking spaces to the side of the proposed garage for the existing flats. The

existing area of land to the rear of the existing flats will provide amenity space for the flats.

### **3 Background**

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

- 3.1.1 In terms of the South Lanarkshire Local Plan the site is identified as being within a Residential Area therefore Policy RES6 – Residential Land Use - is relevant. Policy RES6 states that the Council will oppose the loss of houses to other uses and will resist any development that will be detrimental to the amenity of those areas. Policy RES6 notes that developments must relate satisfactorily to neighbouring properties in terms of scale, materials and massing. Development should also be of a good quality design.
- 3.1.2 Policy DM1 – Development Management - is also relevant and requires all planning applications to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Developments should enhance the quality and appearance of the local environment and when assessing planning applications, the Council will require proposals to comply with a number of criteria.
- 3.1.3 Essentially the proposal is for the sub-division of existing garden ground to form an additional dwellings and as such Policy DM5 – Sub-Division of Garden Ground - is applicable to the assessment of the proposal. This policy states that there will be a presumption against the development of a new house within the curtilage of an existing house unless all of the detailed criteria can be met. In particular, the proposed house plot and that remaining to the existing house must be comparable with those nearby in terms of size, shape and amenity. In addition the proposed house is required to have a proper road frontage of comparable size with those surrounding the site; the proposed vehicular access should be of an adequate standard and not have adverse implications for traffic safety and the garden space remaining for the existing house must be sufficient. Furthermore the proposal must not jeopardize or be prejudicial to any further desirable development in the vicinity.
- 3.1.4 As part of the proposal is for the creation of a new dwellinghouse, Policy ENV31 – New Housing Development – is also applicable. This policy states that proposals are required to promote quality and sustainability and make a positive contribution to the character and appearance of its setting. Proposals must respect the local context and be appropriate to the character and topography of the site in terms of layout, scale, proportion, massing and appearance. Indeed the policy contains a list of detailed criteria which residential developments have to comply with.
- 3.1.5 The site is also within the Bothwell Conservation Area. As such, Policy ENV25 is relevant when determining this application. This policy seeks to preserve and enhance the character of the conservation area. Developments will be assessed in terms of their effect on the character and amenity of the natural and built environment. Proposals should take account of design, materials, scale and siting within the conservation area and should respect their setting within the conservation area.
- 3.1.6 The proposal also requires to be assessed in relation to the Council's Residential Development Guide which provides detailed criteria against which all new residential development will be assessed. The Residential Development Guide details minimum standards relating to garden area, parking, amenity space and overlooking issues.

## 3.2 **Relevant Government Advice/Guidance**

3.2.1 Given the nature and scale of the proposal there is no specific government guidance directly relevant to the determination of this application.

## 3.3 **Planning Background**

3.3.1 Planning application reference 2/11/76 for the erection of a house and garage was refused on 28 January 1977.

3.3.2 Planning application reference HN-93-0424 for the erection of a house and garage was refused on 8 December 1993.

3.3.3 Planning application, reference HM/10/0268 for the erection of a dwellinghouse was withdrawn in January this year.

## 4 **Consultation(s)**

4.1 **Roads and Transportation Services (Hamilton Area)** – No objections to the proposal subject to standard conditions relating to surfacing of driveway, turning area/parking provision, surface water trapping and sight lines. In addition it is commented that in order to achieve the required visibility splays the pillars/walls at the entrance should be splayed/set back. The first 2 metres of the shared driveway should be of a bound or block construction to ensure that loose material is not deposited onto the road.

**Response:** Noted. The imposition of planning conditions will achieve these requirements where appropriate. It is considered however that on balance the conditions relating to both the visibility and driveway surfacing are not reasonable because an existing access is being used which historically serves a number of houses without any recorded difficulties. In addition given the conservation area status the retention of the stone gate pillars in their existing position will have a more positive impact on the existing streetscape and character of the area.

4.2 **Environmental Services** – No objections subject to standard informatives relating to noise, demolition and contamination.

**Response:** Noted.

4.3 **Planning & Building Standards HQ (Conservation Officer)** – No objection to the proposal from a conservation viewpoint. The design approach complements the surrounding architecture in making reference to traditional architectural elements such as projecting bay windows, traditional window proportions and natural finishes. The resultant footprint and its relationship to the plot and surrounding development is within acceptable limits in terms of respecting the existing development form and type which is characteristic of the conservation area. The new development's relationship to the main house is subsidiary in terms of scale and height and is set back from the main house. A planning condition should be imposed to ensure that natural slate and natural quarried stone are used and that windows are timber sash and case on the public elevations. Further clarification requires to be provided concerning the materials to be used for window margins and entrance portico including columns and cills. Rainwater goods should be in cast iron or aluminum. It will be important to exercise control over surface materials and boundary elements to maintain the traditional nature and open appearance of the courtyard and its approach through appropriate planning conditions. In addition no objection to the demolition of the existing garage structure and its replacement design.

**Response:** The imposition of planning conditions will achieve these requirements where appropriate should consent be issued.

- 4.4 **Community Resources (Arboricultural Officer)** – No major issues with the removal of trees on this site as most are fruit trees. Agree with the thrust of the tree report although would suggest the malus and pyrus trees which are on the edge of the site could be pruned to form good fruit trees for the garden of the proposed development. Suitable replacements should be agreed for felled trees on the site and adequate spacing retained to allow these to develop natural crowns. Trees which are to be retained, categories “B” and “C” should be provided adequate protection in accordance with the recommendations within BS5837.

**Response:** The imposition of a planning condition will achieve the main requirement should consent be granted.

- 4.5 **Scottish Water** – No response to date.

**Response:** Noted.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification procedures were undertaken in respect of the proposal which was also advertised in the local newspaper as development affecting the character and appearance of a conservation area. In addition a site notice was also displayed. Ten letters of representation have been received. The issues raised can be summarised as follows: -

- a) **The proposal will result in an overdevelopment within an existing garden area, will give the appearance of being squeezed in, failing to take cognisance of the local context and layout resulting in an adverse impact on surrounding residential amenity. It would not form a cohesive design concept and is disproportionate in size and in terms of shape and amenity does not accord with the established properties in Fife Crescent and Dunlop Crescent, to the detriment of the conservation area and contrary to Policy ENV25. The amended plans show little change and the house still appears to be crammed into a small garden space out of keeping with the amenity and character of the area, a street with splendid Victorian houses within a conservation village.**

**Response:** It is considered that the proposed dwellinghouse and its relationship to the plot and surrounding development is acceptable in terms of respecting the existing development form and type which is characteristic of the area. In particular the design approach complements the surrounding architecture in making reference to traditional architectural elements such as projecting bay windows, traditional window proportions and natural finishes.

The resultant footprint and its relationship to the plot and surrounding development is also acceptable in terms of respecting the existing development form and type which is characteristic of the conservation area. The new development's relationship to the main house is subsidiary in terms of scale and height and is set back from the main house with a frontage onto a new courtyard. Furthermore it meets the standards set out in the Council's Residential Development Guide, particularly in relation to house to plot ratios, rear garden depths and amenity space.

Overall the proposed development is of a high quality design incorporating a suitably high standard of materials that will be in keeping with the existing residential development in the surrounding area. Amended drawings have been

submitted during the processing of the application to reduce the width of and lessen the impact of the proposed dwellinghouse on neighbouring properties and to ensure that the existing flats at 7a and 7b Fife Crescent are not affected by overlooking and have sufficient car parking to comply with Roads and Transportation Services requirements. Furthermore the Council's Conservation Area officer raised no objection to the proposal.

**b) Adverse impact on environment and local wildlife through the removal of mature trees.**

**Response:** The applicant's agent has submitted an arboricultural survey for the site. The Council's Arboricultural Officer has considered this survey and has no major issue with the trees that are proposed to be removed commenting that suitable replacements should be agreed for felled trees on the site and adequate spacing retained to allow these to develop natural crowns. Trees which are to be retained, categories "B" and "C" should be provided with adequate protection in accordance with the recommendations within BS5837. On this basis it is considered that the trees that are proposed to be removed to facilitate the development will not result in an adverse impact on the environment or local wildlife given the relatively small number of trees involved.

**c) Undesirable precedent for similar sub-standard developments which would exacerbate the problem.**

**Response:** It is well established that every planning application must be assessed on its own merit as it is very unlikely that each site or proposal will be the identical in every way. It should be noted however that the physical characteristics of the application site, with provision for an adequate rear garden and a frontage onto a courtyard provides a sufficient shape and size of plot to accommodate a dwellinghouse.

**d) Overlooking/loss of privacy and loss of sunlight/daylight**

**Response:** Since the application was first lodged and the representations received, the design of the proposal has been revised and it is now considered that the proposed dwellinghouse will not result in an unacceptable loss of overlooking to neighbouring properties. Indeed the Council's Residential Development Guide acknowledges that separation distances as proposed are generally acceptable.

Given the scale, design and orientation of the proposed dwellinghouse in relation to neighbouring properties in general and the objectors in particular, it is considered that there would not be a significant or material loss of daylight/overshadowing of neighbouring properties that would merit refusal of this planning application.

**e) The existing garage is cemented to the rear boundary wall of objector's property. It is unclear from plans whether the replacement garage is of the same proportion. Is there a dormer type area that will be used for further accommodation?**

**Response:** The location and specifications of the replacement double garage are illustrated on the submitted drawings and its design is representative of a 'traditional' garage. It is however the responsibility of the applicant or their appointed contractor to undertake the demolition of the existing garage in a competent manner that does not affect the adjoining structure. Clearly the demolition of the garage and any damage to a third parties property which may occur is a private civil issue between the parties involved and is outwith the scope of the planning system.

- f) **Concern regarding local sewerage and whether the street can accommodate further development.**

**Response:** This matter can be covered by a planning condition, should consent be granted. In any event it is very unlikely that one additional house will result in the existing system becoming overloaded.

- g) **The submitted arboriculture survey is not an independent survey and the Council have not commissioned their own survey. It is requested that an independent survey is carried out. The lack of maintenance of the fruit trees are due to neglect and the invasive growth of ivy from a neighbouring property could easily be remedied. The telephone line barely skims the top of the sycamore tree and slight pruning to the top of the tree would rectify this. The sycamore is nowhere near an “inhabited structure”. The mature goat willow and sycamore trees are of long term value to a whole host of wildlife who inhabit them and to the amenity and character of the area.**

**Response:** It is considered that the submitted arboricultural survey dated September 2011 conforms to BS5837 2005 “Trees in relation to construction.” In addition the Council’s Arboricultural officer has no major issues with the removal of trees on this site and agrees with the thrust of the tree report as detailed above in paragraph 4.4. In relation to the point made that the Council has not carried out an independent survey of the trees this is not accepted procedure that is followed by Planning Authorities. The applicant is required to pay for any tree survey in the first instance and the Council’s Arboricultural Officer assesses this to make sure that it is competent. Clearly it would be inappropriate for any public Authority to fund survey work associated with a private proposal.

- h) **The trees are situated in an area with a high population of bats which are a European Protected Species. Bats can frequently be seen flying in and around Fife Crescent and within the applicant’s and neighbouring properties gardens therefore a bat survey needs to be undertaken.**

**Response:** The Council’s Arboriculture officer has commented that the trees are fairly young and there are no obvious roosting opportunities for bats. An objector has recently contacted Scottish Natural Heritage in relation to protected species within this site however the application has been with the Planning Service since early March 2011 and numerous site visits have been undertaken. Consideration has been given to both the proposed tree removal on the site and the demolition of the existing apex garage roof that is to be demolished. There has been no evidence seen during the 8 months the application has been submitted to suggest that bats are roosting within the site.

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 determining issues in consideration of this application are its compliance with local plan policy and its impact on the amenity of adjacent properties in particular and the conservation area in general.
- 6.2 In terms of the content of the South Lanarkshire Local Plan, the application site is within a residential area where the applicable Policy, RES6, resists any development that would impact negatively on the character or amenity of such an area. It is considered that the proposed development from a land use perspective raises no issues.



- 6.3 In terms of the detail of the proposal, Policies DM1 – Development Management – and ENV 31 – New Residential Development - are relevant to the assessment of the application. Both of these policies require all development to take account the local context and built form of the area and provide guidance as to the criteria to be adhered to including matters relating to the scale, position and materials of adjacent buildings, car parking, open space, safe footpath networks, recreation areas and so on. The proposals also needs to meet the standards set out in the Council's Residential Development Guide, particularly in relation to house to plot ratios, rear garden depths and open space.
- 6.4 Since the application was lodged amended drawings have been submitted to reduce the width and lessen the impact of the proposed dwellinghouse on neighbouring properties and to ensure that the existing flats at 7a and 7b Fife Crescent have sufficient car parking to comply with Roads and Transportation Services requirements. It is considered that the proposed development is of a high quality design incorporating a suitably high standard of materials and that it will be in keeping with the existing residential development in the surrounding area. Furthermore, it is considered that the proposed dwelling will be positioned a sufficient distance away from existing properties to ensure that there will be no adverse impact to those properties in terms of overshadowing or loss of privacy. It is therefore considered that the proposal meets the terms of Policies DM1 and ENV31 and the Council's Residential Development Guide.
- 6.5 The application site is also located within the Bothwell Conservation Area and as such Policy ENV25 of the South Lanarkshire Local Plan is relevant when determining this application. This policy aims to protect and enhance the conservation area. The Conservation Area officer raises no objections to the proposal subject to a number of conditions and is satisfied that the proposed development would not have an adverse impact on the character of the Conservation Area.
- 6.6 Historically the principle of a dwellinghouse and garage at this site has previously been established as detailed above in paragraph 3.3. In addition planning consent was granted on for the erection of 3 dwellinghouses within a courtyard development at the adjacent site, formally 5 Fife Crescent.
- 6.7 In summary, the proposed development complies with Local Plan policy and all matters raised within the consultation responses received during the determination of the application have been adequately addressed. The proposal is considered appropriate for the setting of the conservation area and it is further considered that the proposal will not detract from the amenity currently enjoyed by the neighbouring residents. It is therefore recommended that planning permission be granted.

## **7 Reasons for Decision**

- 7.1 The proposal has no adverse impact on either residential amenity or road safety and complies with Policies RES6, ENV31, ENV25, DM1 and DM5 of the South Lanarkshire Local Plan.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**05 December 2011**

## Previous References

- ◆ 2/11/76
- ◆ HN-93-0424
- ◆ HM/10/0268

## List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan

- ▶ Consultations

Environmental Services	10/03/2011
Planning & Building Standards HQ (Conservation Officer)	23/03/2011
Roads and Transportation Services (Hamilton Area)	15/04/2011
Community Resources (Aboricultural Officer)	19/10/2011

- ▶ Representations

- Representation from : Adele Warrilow, 5 Dunlop Crescent,Bothwell,G71 8SG, DATED 28/03/2011
- Representation from : Daniel Silcock, 5 Dunlop Crescent,Bothwell,G71 8SG, DATED 01/04/2011
- Representation from : James Warrilow, 6 Dunlop Crescent,Silverwells,Bothwell,G71 8SG, DATED 28/03/2011
- Representation from : Margaret Warrilow, 6 Dunlop Crescent,Botwell,G71 8SG, DATED 28/03/2011
- Representation from : Gordon P Smith, 3 Dunlop Crescent,Bothwell,G71 8SG, DATED 20/03/2011
- Representation from : J. A. Cook, 7 Dunlop Crescent,Bothwell,G71 8SG, DATED 22/03/2011
- Representation from : Mr Cameron Wade, Plot 3 ,5 Fife Crescent,Bothwell,G71 8FG, DATED 02/05/2011
- Representation from : Mrs Sandra Jones,11 Croftbank Avenue,Bothwell,G71 8RT, DATED 22/06/2011
- Representation from : James Warrilow, 6 Dunlop Crescent,Silverwells,Bothwell,G71 8SG, DATED 12/11/2011
- Representation from : Dr A Warrilow (by e.mail) DATED 25/11/2011

## Contact for Further Information

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

Murray Reid, Planning Officer, Montrose House, Hamilton  
Ext 3521 (Tel :01698 453521 )  
E-mail: [Enterprise.hamilton@southlanarkshire.gov.uk](mailto:Enterprise.hamilton@southlanarkshire.gov.uk)

**CONDITIONS**

- 1 This decision relates to drawing numbers:  
1764/D 07
- 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 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 proposed dwellinghouse and garage shall be submitted to and approved by the Council as Planning Authority.
- 4 That the roof of the dwellinghouse shall be clad externally in natural slate.
- 5 That prior to the implementation of the works hereby approved, details of the material to be used for the window margins and entrance portico including columns and cills shall be submitted to and approved in writing by the Council as Planning Authority.
- 6 That prior to the implementation of the works hereby approved, details of the surface material and boundary elements of the courtyard shall be submitted to and approved in writing by the Council as Planning Authority.
- 7 That the public elevations of the proposed dwellinghouse shall be faced in natural sandstone.
- 8 That the windows on the public elevations of the proposed dwellinghouse shall be timber sash and case.
- 9 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 10 That before the dwellinghouse hereby approved is completed or brought into use, a turning space shall be provided within the site to enable vehicles to enter and leave the application site in forward gears at all times.
- 11 That before the dwellinghouse hereby permitted is occupied, 6 car parking spaces shall be provided within the curtilage of the plot and outwith the public road or footway and shall thereafter be maintained to the specification of the Council as Planning Authority.
- 12 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements.
- 13 That the recommendations of the Arboricultural statement, dated September 2011

shall be carried out to the satisfaction of the Council as Planning Authority. For the avoidance of doubt, details of suitable replacements for the trees to be felled shall be submitted to and approved in writing by the Council as Planning Authority prior to the removal of the existing trees.

- 14 That the existing trees to be retained must be protected in accordance with methods as set out in BS5837/1991 during and until completion of all site operations and building works.

## **REASONS**

1 For the avoidance of doubt and to specify the drawings upon which the decision was made.

2 In the interests of amenity and in order to retain effective planning control.

3 In the interests of amenity and in order to retain effective planning control.

4 In the interests of amenity and in order to retain effective planning control.

5 In the interests of amenity and in order to retain effective planning control.

6 In the interests of amenity and in order to retain effective planning control.

7 In the interests of amenity.

8 In the interests of amenity.

9 These details have not been submitted or approved.

10 In the interest of public safety

11 To ensure the provision of adequate parking facilities within the site.

12 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

13 In the interests of amenity and in order to retain effective planning control.

14 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.

For information only

For information only

