

# Report

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Report to:	<b>Cambuslang/ Rutherglen Area Committee</b>
Date of Meeting:	<b>1 November 2011</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CR/11/0125
Planning Proposal:	Erection of Decking and Garden Shed. (Retrospective)

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr & Mrs J Houston
- Location : 17 Holmhills Grove  
Cambuslang

## 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

The Cambuslang/ Rutherglen Area Committee has delegated powers to determine this application.

## 3 Other Information

- ◆ Applicant's Agent: N/A
- ◆ Council Area/Ward: 13 Cambuslang West
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**  
RES 6 - Residential Land Use Policy  
DM 1 - Development Management Policy  
DM 4 - House Extensions and Alterations Policy

- ◆ Representation(s):
  - ▶ 8 Objection Letters
  - ▶ 1 Support Letter
  - ▶ 0 Comments Letters

- ◆ Consultation(s):

Building Standards Services (East Kilbride and Cambuslang/Rutherglen Area)

## 1 Application Site

- 1.1 The application site relates to a two storey, four in a block cottage flat at Holmhills Grove, Cambuslang. The property is on the ground floor and the garden ground surrounding the property is in split ownership with the property above. The property is located at the end of a small cul-de-sac and is bounded by a footpath to the south. The site is level and is bounded to the west by a parking area and by open ground to the north, south and east.

## 2 Proposal(s)

- 2.1 The applicants are seeking retrospective detailed planning permission for the erection of a garden shed measuring 2.4 metres x 2.3 metres with a height of 2.3 metres to the rear and formation of decking measuring 8.4 metres x 2.7 metres with a height of 0.40 metres to the side of the property. The application was submitted after the development was started as the applicants stated they were not aware that planning consent was required.

## 3 Background

### 3.1 Local Plan Status

- 3.1.1 The South Lanarkshire Local Plan (adopted) provides the development plan context for this application. The site is located within a residential area, where Policy RES6 – Residential Land Use must be considered which advises that any proposal should not have a negative impact on the residential amenity of the locality. In addition, Policies DM1 – Development Management and DM4 – House Extensions and Alterations also require to be considered. These state that all planning applications should take account of the local context and built form and that all development should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity.

## 4 Consultation(s)

- 4.1 **Building Standards Services (East Kilbride and Cambuslang/Rutherglen Area)** – Building Standards Services advised that a Building Warrant would not be required for this proposal.  
**Response:** Noted.

## 5 Representation(s)

- 5.1 Following statutory neighbour notification, eight letters of objection and one letter of support were received for this application. The main points raised are as follows:
- a) **That the decking has been affixed to the communal wall of the property covering ventilation grills restricting air flow.**  
**Response:** Building Standards have no objections to the proposal and the applicants have cut an opening in the joists adjacent to the vents to assist air circulation to address this concern. Disputes regarding communal ownership would be a legal matter.
- b) **That the decking is not compatible with the surrounding streetscape and at total odds with the adjacent buildings.**

**Response:** The decking is contained within the garden boundary fence and is not visible from the street therefore has no impact on the surrounding streetscape and it is of a standard, material and style acceptable in most domestic decking.

- c) **That the decking and shed are of an unacceptable size and scale for the area.**  
**Response:** The decking is considered to be an acceptable size and scale for the garden and is compatible with the current use of garden ground. The shed measuring 2.4 metres x 2.3 metres with a height of 2.3 metres would not be considered an inappropriate scale for a domestic garden shed.
- d) **That the shed has significant impact on the amount of daylight into the neighbouring garden affecting the of growing plants.**  
**Response:** The rear gardens of this development are divided and shared with lower and upper flats. The layout and space constraints results in garden buildings being in close proximity to neighbouring gardens. The scale of the development would not warrant a full daylight test. However for the majority of the day the shed would not affect the daylight of the neighbouring garden therefore this would not warrant refusal of the application.
- e) **That the description of the works was inaccurate and did not enable local residents within the vicinity to fully understand the extent of the development.**  
**Response:** The application details were incorrect when submitted therefore the form and plans were amended and the neighbours were re-notified.
- f) **The proposal has dramatically increased noise levels within the property above.**  
**Response:** This is not a planning consideration for this application. Issues regarding noise levels are assessed by Environmental Health Services. This Service should be contacted in relation to any noise disturbance.
- g) **The decking has been built over a communal sewer.**  
**Response:** Access to communal services would be a private legal matter. Building Standards were consulted regarding the application and offered no objections.
- h) **The decking is out of keeping with the other properties and the shed is huge and ugly.**  
**Response:** The decking is at ground level and within the boundary fence of the application site therefore its visual impact is limited. The shed is considered to be acceptable for a domestic property in both size and design and does not exceed 50% of the garden area. The shed uses approximately 14% of the rear garden area measuring 2.4 metres x 2.3 metres with a height of 2.3 metres. The shed's new materials are currently quite prominent, although this will reduce through weathering.
- i) **That the decking and shed were completed without gaining permission.**  
**Response:** The applicants stated they were not aware planning consent was required. When the applicants were advised planning consent was required, an application was submitted. Whilst planning consent should be gained prior to development, the Planning Service has to consider each application on its merits as submitted.
- j) **That the decking has caused no end of annoyance and loss of privacy to neighbouring properties.**  
**Response:** The decking is not elevated, it is placed at the maximum distance possible from neighbouring gardens therefore I would not accept there is a resulting loss of privacy.

- k) **That interested parties did not receive neighbour notification for this proposal.**  
**Response:** Statutory neighbour notification is required to include properties within a 20 metre radius of the application site. Objectors outwith this radius are not notified, however any letters of representation will be duly considered.

In support of the application, the following comment was received.

**That surrounding neighbours cannot understand why anyone would want to complain about a bit of decking as the garden is well looked after.**

**Response:** A site visit to the application site confirmed the proposals compliance with the relevant planning policies in the South Lanarkshire Local Plan.

- 5.2 The letters above have been copied and made available for inspection in the usual manner on the Planning Portal.

## **6 Assessment and Conclusions**

- 6.1 The applicants are seeking detailed retrospective planning permission for a garden shed and decking. The determining issues of this application are its compliance with local plan policy and in particular, its impact on the amenity of adjacent properties.
- 6.2 Policies DM1 – Development Management and DM4 – House Extensions and Alterations of the South Lanarkshire Local Plan (adopted) state that all planning applications will be required 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.
- 6.3 The property is a ground floor cottage flat with three other properties adjoining and there is a split allocation of the surrounding land into individually owned garden ground. The decking and shed are treated within the areas owned by the applicant.
- 6.4 It is regarded that the garden shed is of a reasonable scale for domestic use in this location and approximately 86% of rear garden ground remains undeveloped. The decking is at ground level therefore does not overlook the neighbouring properties. It is regarded that the proposal is in accordance with the aforementioned policies.
- 6.5 Policy RES6 – Residential Land Use of the South Lanarkshire Local Plan (adopted) advises that any proposal should not have a negative impact on the residential amenity of the locality. Given that the proposal is deemed to be in accordance with Policies DM1 and DM4 as outlined in paragraph 6.2 above, it is regarded that the proposal also complies with this policy.
- 6.6 Although eight letters of representation have been received for this application, it is regarded that the concerns raised in these objections would not warrant refusal of this application. In addition, one letter of support was received from an adjoining neighbour.
- 6.7 In summary, I am satisfied that the proposal complies with local plan policy and the Council's guidelines on house extensions and alterations and I therefore recommend that planning permission be granted.

## **7 Reason for Decision**

- 7.1 The proposal has no adverse impact on residential or visual amenity and complies with Policies RES6, DM1 and DM4 of the South Lanarkshire Local Plan (adopted) and the guidance notes contained therein.

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

**18 October 2011**

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
  
- ▶ Consultations
  - Building Standards Services (East Kilbride and Cambuslang/Rutherglen Area) 22/08/2011
  
- ▶ Representations
  - Representation from : Evonne MacLeod, 16 Holmhill Grove, Cambuslang, G72 8AP, DATED 12/07/2011
  
  - Representation from : John Paul MacLeod, 16 Holmhill Grove, Cambuslang, G72 8AP, DATED 12/07/2011
  
  - Representation from : Liam Strain, 127 Appin Road, Glasgow, G31 3QG, DATED 03/08/2011
  
  - Representation from : Mrs Helen Colquhoun, 5 Cathay Street, Glasgow, G22 7LT, DATED 03/08/2011
  
  - Representation from : Mr George McDermott, 19 Holmhill Grove, Cambuslang, Glasgow G72 8AP, DATED 29/06/2011
  
  - Representation from : Mr Alan Traynor, 6 Cathay Street, Glasgow, DATED 28/07/2011
  
  - Representation from : Duncan MacLeod, 4 Newbattle Gardens, Glasgow, , , DATED 28/07/2011
  
  - Representation from : John Paul MacLeod, 16 Holmhill Grove, Cambuslang, G72 8AP, DATED 05/08/2011
  
  - Representation from : John Paul McLeod, 16 Holmhill Grove, Cambuslang, Glasgow G72 8AP, DATED 12/07/2011

### **Contact for Further Information**

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

Evelyn-Ann Wilson, Planning Officer, Civic Centre, East Kilbride  
Ext 6315, (Tel :01355 806315 )  
E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

## Detailed Planning Application

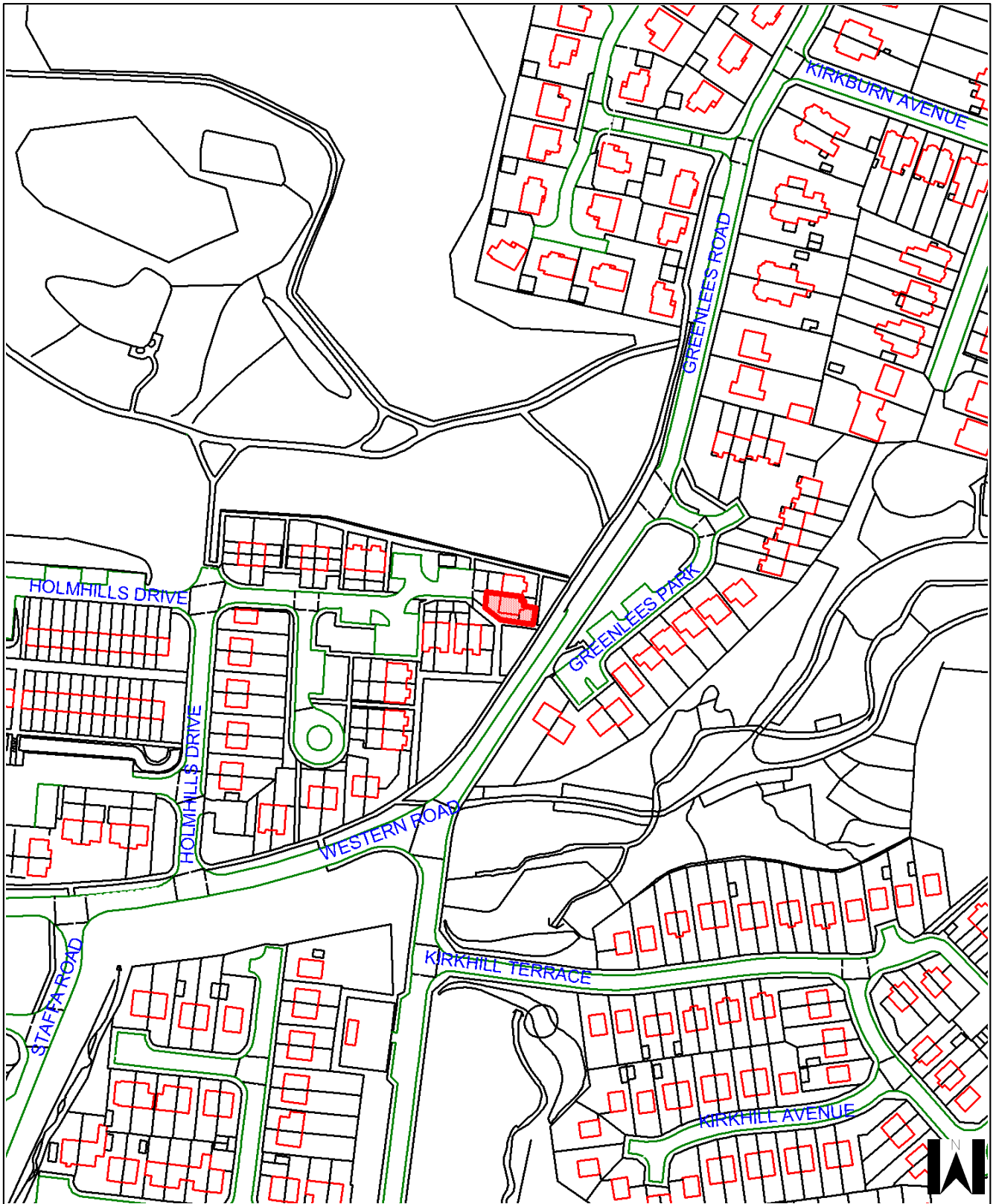
PAPER APART – APPLICATION NUMBER : CR/11/0125

### **CONDITIONS**

- 1 This decision relates to drawing numbers: Location Plan, Site Plan, Retrospective elevations and plan.
- 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.

### **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.



For information only

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