

# Appendix 6

## Notice of Review Process – Further Submissions

### Submission From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review



## **STATEMENT OF OBSERVATIONS**

**Planning Application No: CR/10/0164**  
**Erection of single storey side extension**  
**93 Landemer Drive, Rutherglen**

### **1.0 Planning Background**

1.1 The appellant submitted a planning application for planning permission (CR/10/0164) on 18 May 2010 to South Lanarkshire Council for the erection of a single storey side extension to her dwellinghouse on land to the side of the property. The application was registered on 7 July 2010. After due consideration of the application in terms of the Development Plan and all other material planning considerations, the planning application was refused by the Council under delegated powers on 1 September 2010. The report of handling dated 1 September 2010 explains the decision and the reasons for refusal are listed in the decision notice. These documents are available elsewhere in the papers.

### **2.0 Assessment against the development plan and other relevant policies**

2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended requires that an application for planning permission is determined in accordance with the Development Plan unless material considerations indicate otherwise.

2.2 The development plan in this instance comprises the adopted South Lanarkshire Local Plan. The site is identified as lying within the residential area where Policy RES6 applies. This policy as well as Policies DM1 – Development Management and Policy DM4 – House Extensions and Alterations resist development that will be detrimental to amenity and seek well designed proposals which integrate successfully with their surroundings and make a positive contribution to the character and appearance of the urban environment. Both Policy DM1 and DM4 provide a list of criteria which require proposals of this type to be assessed against and which state that proposals will only be permitted where it can be demonstrated that all the criteria listed in the policies can be met.

- 2.3 The proposal fails to comply with Policies RES6, DM1 and DM4, in particular, criteria (a), (b) and (d) of Policy DM1 and criteria (a), (b) and (c) of Policy DM4. In terms of Policy DM1, criteria (a) states that the proposal should respect the local context; criteria (b) states that the proposal should be of a layout, form and design which makes a positive contribution to the area; and criteria (d) that the proposal should have no significant adverse effect on visual amenity, landscape character, habitats or species, including those given statutory protection or wider environmental amenity.
- 2.4 The proposal would extend approximately 3.35m from the existing building line and the proposed development would therefore significantly alter the established building line of the neighbouring houses along this side of Landemer Drive. Due to the prominence and scale of the development the local context would not be respected and considering the open plan nature of the proposed site, the extension would be visually prominent within the streetscene. It would therefore create an overly dominate feature and make a negative contribution to the area. Its size and scale would have an adverse effect on visual amenity, especially to those neighbouring properties immediately to the east of the development. It is therefore considered to be contrary to Policy DM1.
- 2.5 In terms of Policy DM4, criteria (a) requires the proposal's siting, form, scale, design and materials to respect the character of the existing dwellinghouse and the wider area. Within this context, high quality, innovative design will be encouraged where it complements the character of the buildings and its surroundings; criteria (b) requires the proposal not to dominate or overwhelm the existing dwelling, neighbouring properties or streetscene in terms of size, scale or height; and (c) that it does not significantly adversely affect neighbouring properties in terms of overlooking or loss of privacy, daylight or sunlight.
- 2.6 In assessment it is noted that the character of the existing dwellinghouse is largely uniform with the rest of the properties in Landemer Drive. Therefore the development of the proposed extension would not respect the layout and form of the houses within the estate as it would clearly break the established building line and would be located within an area that is open plan in nature. As mentioned above the size and location of the proposal would be a very prominent feature within the streetscene and the uniformity of the adjoining properties would be lost. In addition given its proximity to no.'s 69 and 71

Landemer Drive it is also likely to be visually over dominant. The proposed extension would be located approximately 5.3 metres from the front elevation of no.'s 69 and 71 Landemer Drive and to the west. It is therefore considered that the proposal is likely to affect existing levels of sunlight/daylight to these properties particularly in the afternoon. It is therefore considered to be contrary to Policy DM4.

### **3.0 Observations on appellant's 'Notice of Review'**

3.1 The appellant's agent has submitted a statement to support their review. The grounds are summarised below.

(a) **The appellant's agent has had many proposals of this size approved before.**

**Response:** Each planning application is considered on its own individual merits and characteristics and given the particular set of circumstances described in paragraphs 2.3 to 2.6 above the proposed development is not considered to be acceptable in this instance.

(b) **The appellant was willing to reduce the size of the extension to the width of the existing gable and 'calm' down the roof with hip ends which would significantly reduce the proposal's dominant impact.**

**Response:** It is not considered that this reduction would have been sufficient to lessen the impact the proposal would have on the residential amenity of the locality and in particular that of no.'s 69 and 71 Landemer Drive. Notwithstanding it is also considered that this amended scheme would still not be able to meet all the criteria required within Policies DM1 and DM4 of the adopted South Lanarkshire Local Plan.

(c) **It is considered that the proposed development could have been reduced as much as needed to be made acceptable.**

**Response:** It is not considered that the scheme could have been altered sufficiently to meet the criteria of Policies DM1 and DM4 of the adopted South Lanarkshire Local Plan, given the layout and form of the existing estate.

## **4.0 Conclusions**

- 4.1 In summary, whilst in other residential estates the proposed development may have been considered acceptable, given the layout and form of the application site and adjoining estate as well as the characteristics of the proposal, the proposed development does not accord with the provisions of the adopted local plan and there are no material considerations which outweigh the development plan. Subsequently, the Planning Authority therefore respectfully requests that the Review Body dismiss this appeal.