

Appendix 2(a)

Report of Handling

Report dated 21 April 2011 by the Council's Authorised Officer under the Scheme of Delegation

Delegated Report

Report to: **Delegated Decision**
Date of Report: **21 April 2011**
Report by: **Area Manager (Planning & Building Control)**

Application No CR/11/0051
Planning Proposal: Siting of mobile home to rear of existing dwellinghouse

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Charlie Gamble
- Location : 71 Lightburn Road
Cambuslang

2 Decision

2.1 Refuse Detailed Planning Permission (For the reasons stated)

2.2 Other Actions/Notes

None

3 Other Information

- ◆ Applicant's Agent: N/A
- ◆ Council Area/Ward: 14 Cambuslang East
- ◆ Policy Reference(s): South Lanarkshire Local Plan (adopted 2009)
Policy RES6 – Residential Land Use policy
Policy DM1 – Development Management Policy
PolicyDM5 – 'Sub-division of Garden Ground
Policy'

- ◆ Representation(s):
 - ▶ 4 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters

- ◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Cambuslang/Rutherglen Area)

Planning Application Delegated Report

1 Material Considerations

- 1.1 Policies RES6 – Residential Land Use Policy and DM1 – Development Management Policy of the South Lanarkshire Local Plan are relevant. Policy RES6 states that within these areas, 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. In particular the Council will not approve 'bad neighbour' uses which may by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety be detrimental to residential areas. All new development must comply with Policy DM 1 – Development Management Policy.
- 1.2 Policy DM1 – Development Management Policy states that all planning applications will require 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. Development will require to have no significant adverse impact on the local environment and to enhance its quality and appearance.
- 1.3 In addition, Policy DM5 – Sub-Division of Garden Ground applies. This policy seeks to ensure that all planning applications fully take account of the local context and built form. As it relates to the sub-division of garden ground, it specifically advises that:
- (a) The proposed house plot and that remaining to the existing house are comparable with those nearby in terms of size, shape and amenity (i.e. the proposal accords with the established pattern of development in the surrounding area);
 - (b) The proposed house will have a proper road frontage of comparable size with those of surrounding curtilages;
 - (c) The proposed vehicular access is of an adequate standard and will not have adverse implications for traffic safety or amenity (in terms of potential noise or privacy problems);
 - (d) The garden space allocated to the proposed house(s) and remaining for the existing house should be sufficient for the recreational, amenity and drying needs of the occupants;
 - (e) The proposed development will not cause an unacceptable reduction in privacy to existing houses and will, itself, enjoy a degree of privacy comparable with surrounding dwellings;

- (f) The proposed development will not overshadow adjacent properties to a degree which results in a loss of amenity or itself be adversely affected by overshadowing;
 - (g) All existing features such as trees, hedges, walls, fences and buildings that contribute to the character of the area will be retained and not adversely affected by the development;
 - (h) Adequate parking for both the proposed and existing house must be provided within the site and must not be harmful to the established character and amenity of the area;
 - (i) The proposed house(s) must be of a scale and massing sympathetic to the character and pattern of the development in the area and must not result in a development that appears cramped, squeezed in or visually intrusive;
 - (j) The proposal must not jeopardise or be prejudicial to any further desirable development in the vicinity;
 - (k) The proposal will not result in an adverse effect on built heritage and/or nature conservation interests.
- 1.4 The Council's Residential Development Guide which advises on garden depth, garden size and window to window distance, is also relevant.

2 Consultation(s)

- 2.1 **Roads and Transportation Services – no comments received at time of decision.**

Response: Noted.

- 2.2 **Environmental Services – no objections subject to a condition being imposed in relation to noise.**

Response: Noted.

3 Representation(s)

- 3.1 Following statutory neighbour notification and advertisement in the Rutherglen Reformer, 4 letters of representation and one comment letter have been received. The points raised are summarised as follows:

- (a) **The mobile home proposed is already on site and overlooks and overshadows several properties at Castle Chimmins Gardens.**

Response: Agreed. The mobile home is inappropriate and unjustified and does not comply with Policies RES6, DM1 and the Residential Development Guide.

- (b) **The applicant has installed electricity to the mobile home, which is occupied and has already done work to it before a decision has been taken on the planning application. Has the property been electrically tested? The proposed mobile home is not actually mobile but is a static caravan. Is it now acceptable for people to install such a property when a family member becomes homeless? Do the occupiers have a fresh water supply, if so, then are they due to pay council tax or rates like the rest of the neighbourhood. There is still a small caravan in the yard of the same address, are they planning on occupying that as well?**

Response: The application is retrospective and the mobile home is unauthorised. As the application is now being refused, the applicant will be required to remove the mobile home within 28 days. The other caravan is unoccupied and is classed as a vehicle and does not require planning permission.

- (c) **If the home is being occupied by a family, where does the sewerage go to from the property?**

Response: The sewerage is dealt with by means of a septic tank.

- (d) **We have noticed that over the past few weeks that the occupiers of the mobile home have a large dog, which is rather noisy and that our baby daughter sleeps to the back of our house nearest the mobile home.**

Response: This is not a material planning consideration and is a matter for Environmental Services.

- (e) **If a building contractor wanted to build on 71 Lightburn Rd on the same piece of land as the mobile home it wouldn't be granted due to the proximity to the surrounding homes.**

Response: Noted. The site is located within a residential land use area and any proposal which would be detrimental to residential amenity would be unacceptable.

3.2 These letters are available on the portal.

4 Assessment and Conclusions

- 4.1 The determining issue in this instance is the proposal's compliance with local plan policy. The site lies within a residential area where Policy RES6 of the South Lanarkshire Local Plan applies. In addition to this policy, Policies DM1 – Development Management and DM5 – Sub-Division of Garden Ground also apply.

- 4.2 The proposal relates to the retrospective siting and occupation of a mobile home at the rear of 71 Lightburn Road, Cambuslang. The site consists of a residential dwelling and the associated rear garden where the mobile home is currently situated. The site is bounded to the south, west and north by residential dwellings on Castle Chimmins Gardens and Castle Chimmins Avenue and to the east by Lightburn Motors which is an automobile garage.
- 4.3 Whilst the application site is situated within a residential land use area (Policy RES6), the site is characterised by permanent buildings of a standard architectural style. These properties have permanent services and are located in an accepted layout which complies with the Residential Development. Furthermore, the mobile home has directly facing windows onto both the original house at number 71 and two properties on the adjacent Castle Chimmins Gardens. In this regard, the proposal cannot comply with Policy RES6 or DM1.
- 4.4 Aside from being a non-permanent structure, out of keeping with the established residential area, the proposal constitutes 'backland development' and would be contrary to Policy DM5. This policy requires any proposal which relates to a subdivision of garden ground to provide a road frontage. Clearly in this instance, the mobile home does not have an appropriate road frontage and is not able to utilise one. In addition as intimate in paragraph 4.3 above, there is not enough sufficient space to provide the necessary window to window distances or the appropriate garden ground to both the mobile home and the parent property. As a result of these issues, the proposal also fails Policy DM5. In light of this, the proposal is therefore refused.

5 Reason for Decision

- 5.1 The proposal is contrary to Policies RES6, DM1 and DM5 of the South Lanarkshire Local Plan 2009.

Signed:
(Council's authorised officer)

Date:

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
Environmental Services

24/03/2011

- ▶ Representations

Representation from : Mr & Mrs Ross, 5 Castle Chimmins Gardens
Castle Chimmins Road
Cambuslang G72 8XE, DATED 25/03/2011

Representation from : Mrs Jean MacKenzie, 3 Castle Chimmins Gardens
Cambuslang
Glasgow
G72 8XE, DATED 24/03/2011

Representation from : Mr & Mrs McManus, 1 Castle Chimmins Gardens
Castle Chimmins Road
Cambuslang G72 8XE, DATED 30/03/2011

Representation from : Mr & Mrs J Allan, 7 Castle Chimmins Gardens
Cambuslang G72 8XE , DATED 30/03/2011

Contact for Further Information

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

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E-mail: Enterprise.ek@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER : CR/11/0051

REASONS FOR REFUSAL

- 1 This refusal relates to drawing numbers:

 Location Plan
 Site Plan
 Photographs
- 2 In the interests of amenity in that the proposal, if approved, would result in an unacceptable use.
- 3 The siting of the mobile home on the site would be contrary to Policies RES6, DM1 and DM5 of the South Lanarkshire Local Plan in that it would have a detrimental impact on residential amenity by virtue of its siting and location.
- 4 The siting of the mobile home on the site would be contrary to Policy DM5 of the South Lanarkshire Local Plan in that it cannot provide the appropriate road frontage.
- 5 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for proposals which would exacerbate the problems stated above.