



Planning Local Review Body

Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)
PLRB Reference NOR/CR/10/001

- ◆ Site address: 93 Landemer Drive, Rutherglen, G73
- ◆ Application for review by K McKenzie of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application CR/10/0164
- ◆ Application CR/10/0164 for the erection of a single storey side extension
- ◆ Application Drawings: Drawing Nos 1 and 2

Decision

The PLRB upholds the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application CR/10/0164 for the reasons stated on the Council's decision notice dated 1 September 2010.

Rossmay M Lake
for Douglas Wilson
Head of Administration Services

Date of Decision Notice: 22/12/2010

1. Background

- 1.1 This Notice constitutes the formal decision notice of the Planning Local Review Body (PLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.
- 1.2 The above application for planning permission was considered by the PLRB at its meeting on 6 December 2010. The PLRB was attended by Councillors Graham Scott (Chair), Jim Docherty, Tommy Gilligan, Ian Gray, Bill Holman, Patrick Ross-Taylor (Depute) and Chris Thompson.

2. Proposal

- 2.1 The application is for the erection of a single storey side extension at 93 Landemer Drive, Rutherglen.
- 2.2 The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.

3. Determining Issues

- 3.1 The determining issues in this review were:-
- ◆ the proposal's compliance with Development Plan Policy
 - ◆ impact on the amenity of the adjacent residential properties
- 3.2 The PLRB established that the site was located within a Residential Land Use Area. The following policies applied to the application site:-
- ◆ Policy RES6 – Residential Land Use
 - ◆ Policy DM1 – Development Management
 - ◆ Policy DM4 – House Extensions and Alterations
- 3.3 Policy RES6 of the Adopted South Lanarkshire Local Plan states that the Council will resist any development that would be detrimental to the amenity of residential areas.
- 3.4 Policy DM1 also applied and states that development should:-
- ◆ respect the local context
 - ◆ be of a design which made a positive contribution to the area
 - ◆ have no significant adverse visual impact
- 3.5 Policy DM4 states that proposals should:-
- ◆ respect the character of the wider area in terms of siting, form and scale
 - ◆ not dominate the neighbouring properties in terms of size and scale
 - ◆ not significantly adversely affect neighbouring properties in terms of privacy, daylight or sunlight
- 3.6 In considering the case, the PLRB had regard to the applicant's submission that similar developments had been granted elsewhere. The applicant had also indicated that they were willing to reduce the size of the extension to the width of the gable and add hipped ends to the roof to reduce its visual impact.
- 3.7 The PLRB concluded that the proposal would have an adverse impact on residential and visual amenity due to its size and location. It further concluded that it would have a detrimental impact on the streetscene as well as a significant effect on the sunlight and daylight reaching the houses at 69 and 71 Landemer Drive, Rutherglen. As a result, the PLRB concluded that the application was contrary to Policies RES6, DM1 and DM4 of the Adopted South Lanarkshire Local Plan.

4. Conclusion

- 4.1 The PLRB considered a request to review the decision to refuse planning permission for the erection of a single storey side extension at 93 Landemer Drive, Rutherglen. The PLRB concluded that the proposal would adversely impact on the residential and visual amenity of the area and, in particular, the amenity of numbers 69 and 71 Landemer Drive through loss of sunlight, daylight and visual impact. As a result, the PLRB concluded that the proposal did not comply with Policies RES6, DM1 and DM4 of the Adopted South Lanarkshire Local Plan and that there was no justification to depart from the terms of the Plan.

4.2 The PLRB, therefore, upheld the decision to refuse planning permission for planning application CR/10/0164 for the reasons set out in the decision notice from the Council dated 1 September 2010.

5. Accompanying Notice

Attached is a copy of the Notice to Accompany Refusal, etc in the terms set out in Schedule 2 to the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.



NOTICE TO ACCOMPANY REFUSAL ETC

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.