

Appendix 6

Further Representations

Further Representation From

Dated

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review
- ◆ Mrs Isobel Main, 1 Scarletmuir, Lanark

30/08/2010

STATEMENT OF OBSERVATIONS

Planning Application No: CL/10/0189

Subdivision of garden ground and erection of dwellinghouse (planning permission in principle)

Land to rear of 53 & 55 Waterloo Road, Lanark, ML11 7QW

1.0 Planning Background

1.1 Mr & Mrs Higgins submitted a planning application for planning permission in principle (CL/10/0189) on 15 April 2010 to South Lanarkshire Council for the subdivision of garden ground and the erection of a dwellinghouse on land in their rear garden. The application site also includes land in the rear garden of the neighbouring dwellinghouse at 55 Waterloo Road. The application was subsequently registered on 4 May 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 4 June 2010. The report of handling dated 3 June 2010 explains the decision and the reasons for refusal are listed in the decision notice. These documents are available elsewhere in the papers.

1.2 The application constituted a re-submission of a previous refusal at this site. Outline planning permission for a dwellinghouse was refused under delegated powers on 16 April 2009 (CL/09/0065). The report of handling dated 16 April 2009 explains the decision (PRODUCTION 3) and the reasons for refusal are listed in the decision notice (PRODUCTION 4). This application differed from the application under review. The vehicular access at that time was to be taken from Scarletmuir, the proposed size of the plot was smaller and the indicative position of the dwellinghouse was located in a slightly different position. A copy of the plans associated with the previous application (CL/09/0065) have been enclosed to allow the necessary comparison to be made (PRODUCTION 1).

1.3 In terms of the application under review, I consider it is important to note the fifth reason for refusal, which reads:

"The submitted plans are not accurate and are insufficient as the dimensions are incorrect and they do not accurately show the existing situation on site."

The existing block plan does not show the existing outbuildings on site. In addition, neither the existing or proposed block plans show the boundary walls and what walls would have to be removed to allow for access and parking provision for the dwellinghouse at 53 Waterloo Road. Having measured the plans it is noted that the dimensions that are marked on the proposed block plan do not correspond with the measurements taken off the plan. In particular the width of the car parking area for the proposed house is annotated as being 6000 mm, when in fact it measures 5000 mm. The width shown at the new entrance is described as 10459 mm on the plans, but measures 7800 mm.

- 1.4 Having measured the dimensions of the site from an Ordnance Survey base map and compared it to the measurements taken from the proposed block plan it is noted there are further discrepancies. The depth of the front garden of the host dwelling at 53 Waterloo Road on the proposed block plan, at its shortest point, measures 8600 mm, but on the Ordnance Survey map it measures 6000 mm. The overall length of the boundary between the two host dwellings on the proposed block plan measures 42000 mm, but on the Ordnance Survey plan it measures 40500 mm. The submitted plans for the application under review have also been compared with the plans submitted under the previous planning application (CL/09/0065), and again, there is a degree of difference. I am therefore concerned that the submitted plans give the impression that the plot is larger on plan form than is actually available on site. The appellants have given no comment or explanation in response to this reason for refusal in their review submission.

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 Policy DM1 resists development that will be detrimental to amenity and seeks well designed proposals which integrate successfully with their surroundings and make a positive contribution to the character and appearance of the urban

environment. Policy DM5: Subdivision of Garden Ground is also relevant and 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 criteria listed in the policy can be met.

- 2.3 The proposal fails to comply with Policies RES6, DM1 and DM5, in particular criteria (a), (d), (e) and (i) of the latter policy. Criteria (a) states that the proposed house plot and that remaining to the existing house should be comparable with those nearby in terms of size, shape, and amenity. Criteria (i) states that the proposed house must be of a scale, massing, design and materials sympathetic to the character and pattern of development in the area and must not result in a development that appears cramped, visually obtrusive or be of an appearance which is out of keeping with the established character. It has been demonstrated in the report of handling that the proposed plot is not comparable in terms of size, shape and amenity with those nearby. The development be harmful to the amenity of the area as it would appear cramped and out of keeping with the established character.
- 2.4 Criteria (d) states that the garden space allocated to the proposed house and remaining for the existing house should be sufficient for the recreational, amenity, and drying needs of the occupants. The proposed house plot has been formed by excising an area in the region of 17 metres in length from the rear garden of 55 Waterloo Road, and an area in the region of 14 metres in length from the rear garden of 53 Waterloo Road. This would result in the host dwellinghouse at 53 Waterloo Road having a rear garden of only 2 metres in depth whereas the Residential Development Guidelines seek a minimum of 10m. The indicative plans show that the appellants would then use the front garden of their house at 53 Waterloo Road for parking, and the existing driveway area to the side of the house would be used as their private garden area. As mentioned in paragraph 1.4 I am concerned that the plans are inaccurate and there may not be adequate space within this area to allow cars to be parked. In addition it is likely that as a result the traditional wall running parallel with Wheatlandside would have to be removed. I consider that the principle of using the front garden for parking in this traditional property would be harmful to the established character. Whilst the size of the remaining garden area for 53 Waterloo Road generally meets the Council's Residential Development Guide criteria in terms of size, the rear garden ground would be unusable due to its depth while the remainder of the garden space would be

situated to the side of the house. This form of garden provision is out-of-character with the traditional host dwellinghouse and the provision afforded to houses in the general area.

- 2.5 Criteria (e) states that the proposed development should not cause an unacceptable reduction in privacy to existing houses and should, itself, enjoy a degree of privacy comparable with surrounding dwellings. An indicative layout showing the position of a house within the plot was submitted with the application. Based on these details I do not consider that a dwellinghouse can be designed and laid out on this plot without causing an unacceptable reduction in privacy to existing houses, or itself having the ability to enjoy a degree of privacy comparable with surrounding dwellings. The dwellinghouse at 53 Waterloo Road would be left with a rear garden 2 metres in depth which in effect would be unusable. The appellants propose to use the existing driveway area to the side of their property as their garden space. I am concerned about how private this ground would be. The remaining rear garden ground for 55 Waterloo Road would be approximately 64 square metres in size which falls short of the minimum requirement of 70 square metres. I am therefore concerned that the proposal would result in an unsuitable reduction in the amenity of their dwellinghouse. There are also amenity issues with the rear garden area for the proposed house as it would be overlooked by the host dwellinghouses by virtue of the location of the upper floor windows on these properties. The indicative layout plan submitted with the application shows the footprint of a house on the western part of the plot, resulting in a distance between the gable of the house and the pavement, at its shortest, a distance of only 800mm. If habitable windows were proposed on the western elevation or eastern elevations, the Council's required 20m window to window distance could not be met in relation to dwellings at 1 Scarletmuir and the host dwelling at 53 Waterloo Road.

3.0 Observations on applicants 'Notice of Review'

- 3.1 The applicants have submitted a statement to support their review. The grounds are summarised below.

- (a) **The appellants consider that the application was sufficient to overcome points raised in the previous application which was refused on 16 April 2009 (CL/09/0065).**

Response: This amended planning application still does not overcome the concerns raised under the previous refusal. The plot is not of a size and shape that would allow a dwellinghouse to meet the terms of the local plan policies or the Council's Residential Development Guide. Prior to submitting the amended planning application the appellant sought pre-application advice from this Service on the acceptability of the amendment. The appellant's agent at that time was advised that the proposal still had the effect of squeezing in a house on an insufficient plot and that the small garden sizes, distance from boundaries, window distances and overshadowing were all still issues. Despite this pre-application advice the appellants submitted the application.

(b) **Reason for Refusal No 2 - The officer has not taken into account the amount of mixed housing surrounding the site.**

Response: A site visit was carried out by the officer during the processing of this application and the nature of the housing in the area was noted. It is accepted that in this area of Lanark there is a mixture of styles of housing ranging from the more traditional cottages, villas, and 1950's bungalows to 1970's and 1980's dwellings, all of which have different storey heights, different sized plots and garden provision. However the key consideration is that the size of the proposed plot together with those remaining at 53 and 55 Waterloo Road are substandard and do not reflect the development pattern of the area.

(c) **Reason for Refusal No 3 – The officer has not taken into account the mix of housing in the surrounding area and the access is suitable to others.**

Response: As stated above, a site visit was carried out by the officer during the processing of this application and the nature of the housing in the area as well as the road and access layouts were noted. The indicative plan shows that access would be via a new entrance onto Wheatlandside. The Roads and Transportation Services of the Council were also consulted on the application and they recommend refusal of the application due to the proximity of the proposed access to the junction of Wheatlandside with Silvermuir. They recommend that the access be relocated to Silvermuir at a minimum of 10m from

Wheatlandside to comply with the regulations for parking/access near junctions. However the siting of a new house within the plot would be difficult to achieve if the access were provided at this point. In view of their professional advice this was deemed to be an appropriate reason for refusal.

- (d) **Reason for Refusal No 4 – Traffic safety is the same as others. Garden space left is adequate for existing properties. Traditional wall is a small wall within the site not external. How can it be cramped if it meets standard plot size?**

Response: As advised above, the Roads Service recommended refusal. I do not consider the remaining garden size is adequate for the existing properties. This is explained in more detailed under paragraph 2.4 of this statement. The traditional wall referred to in this reason for refusal is located on the perimeter of the existing dwellinghouses along the frontage of Waterloo Road so I consider it is external. The wall consists of natural stone with metal railings above and is shown in the attached photo (PRODUCTION 2). In terms of standard plot sizes, it has been described in the report of handling and in paragraphs 2.3-2.5 of this statement that the plot is not standard in size and is not comparable to others within the area.

- (e) **Reason for Refusal No 6 – all applications should be judged on their own merits. In relation to precedent the appellant wishes to draw attention to application No CL/07/0221 on Waterloo Road, Lanark.**

Response: Planning permission was granted on 29 May 2007 for the erection of a one and a half storey dwellinghouse with attached garage within the side garden of 39 Waterloo Road, Lanark. I consider that this site is different in nature to the appellants site. This plot is situated adjacent to the existing property and constitutes a gap site. It is a regular shaped plot which is larger than the one proposed by the appellant and has a road frontage directly onto Waterloo Road. The rear garden size for the host dwelling and the new dwelling both exceed 70 square metres and the depth of the rear gardens extend to 10 metres. In addition the proposal did not attract any objections from the Council's Roads Service.

- (f) **The appellant has also listed 5 applications in the locality and in relation to precedent they suggest that there is an inconsistent interpretation for this type of development when comparing those to the current application under review.**

Response:

- CL/02/0497 – This reference number relates to a listed building application for alterations and extension to the Royal Oak Hotel in Bannatyne Street, Lanark which was granted on 4 October 2002. I cannot see how this application relates to the appellants proposal and I would suggest that the wrong reference number may have been quoted.
- CL/07/0276 – planning permission was granted on 11 July 2007 for the erection of a one and a half storey dwellinghouse on a plot adjacent to 2 Mousebank Lane, Lanark. This application constituted an amendment to a previous consent, CL/05/0497 which was granted by Clydesdale Area Committee on 25 October 2005 and was for the erection of a dwellinghouse and formation of access. Again this site differs from the appellants site in that it is rectangular in shape, can be considered a gap site and has a road frontage. The committee report acknowledges that the development does not fully comply with the Council's Residential Development Guide in that there is not the normal 20 metre window to window distance between the proposed dwelling and existing properties to the rear and the requirement for a 10m rear garden is not achieved. The dwelling was designed in such a way that there are no standard windows on the upper floor of the rear elevation, only a velux window and an obscure glazed window to a bathroom. It was therefore considered that there were no privacy implications. In addition the depth of the rear garden was 5.8 metres however as the width was 15.2 metres amounting to some 88 square metres, it was considered the rear garden depth was no different from the dwellings on either side of the plot, and was typical of the dwellings in Mousebank Lane. The amended application CL/07/0276 was to make minor alterations to the design, reposition the house within the plot and to remove the detached garage from the proposal.

The repositioning of the house was minimal and did not have a detrimental impact on the provision of the garden area.

- CL/07/0722 – Planning permission for the erection of a one and a half storey dwellinghouse was refused on 25 February 2008 on land within the garden ground of 4 Mousebank Lane, Lanark. This decision was consistent with previous decisions taken for this site ie. planning application P/LK/01870443 for the erection of a dwelling at this site was refused and the subsequent appeal was dismissed on 27 June 1988. A further application P/LK/01890198 was refused on 7 June 1989. The main reasons for refusal were road safety due to increased traffic along a substandard road, and that the size and shape of the plot and donor plot would be of insufficient standards and would create a loss of amenity to the streetscape with the removal of the garden.
- CL/08/0385 – planning permission was subsequently granted for a one and a half storey dwellinghouse on the site at 4 Mousebank Lane on 8 October 2008. It was still considered that the proposal failed to comply with policy and guidelines but the applicant presented overwhelming evidence of socio-medical grounds for the occupants of the proposed dwelling, which supported the need for a purpose-built house incorporating disabled access throughout the layout of the house. The applicants had also addressed most of the issues that led to the original refusal. A condition was attached to the consent to restrict the occupation of the house to the applicants and their dependants.
- CL/08/0712 – planning permission was granted for an amendment to the above consent, CL/08/0385 for the erection of a one and a half storey dwellinghouse on 30 January 2009. This amendment involved a reduction in rear garden ground however the concerns relating to sub-standard garden provision were out-weighted by the medical and social benefits to the applicant that the new dwelling would provide. I can understand why the appellants have quoted this example in demonstrating that a precedent has been set. However it should be noted that this proposal constituted a departure from policy and there were very specific socio/medical reasons why

the application was allowed. This situation cannot therefore be compared to the planning application under review.

4.0 Conclusions

4.1 In summary, the proposed development does not accord with the provisions of the adopted local plan or the Councils Residential Development Guidelines. In addition, there are no material considerations which outweigh the development plan. Subsequently, the Planning Authority therefore requests that the Review Body refuse Planning Permission in Principle.

5.0 List of Productions

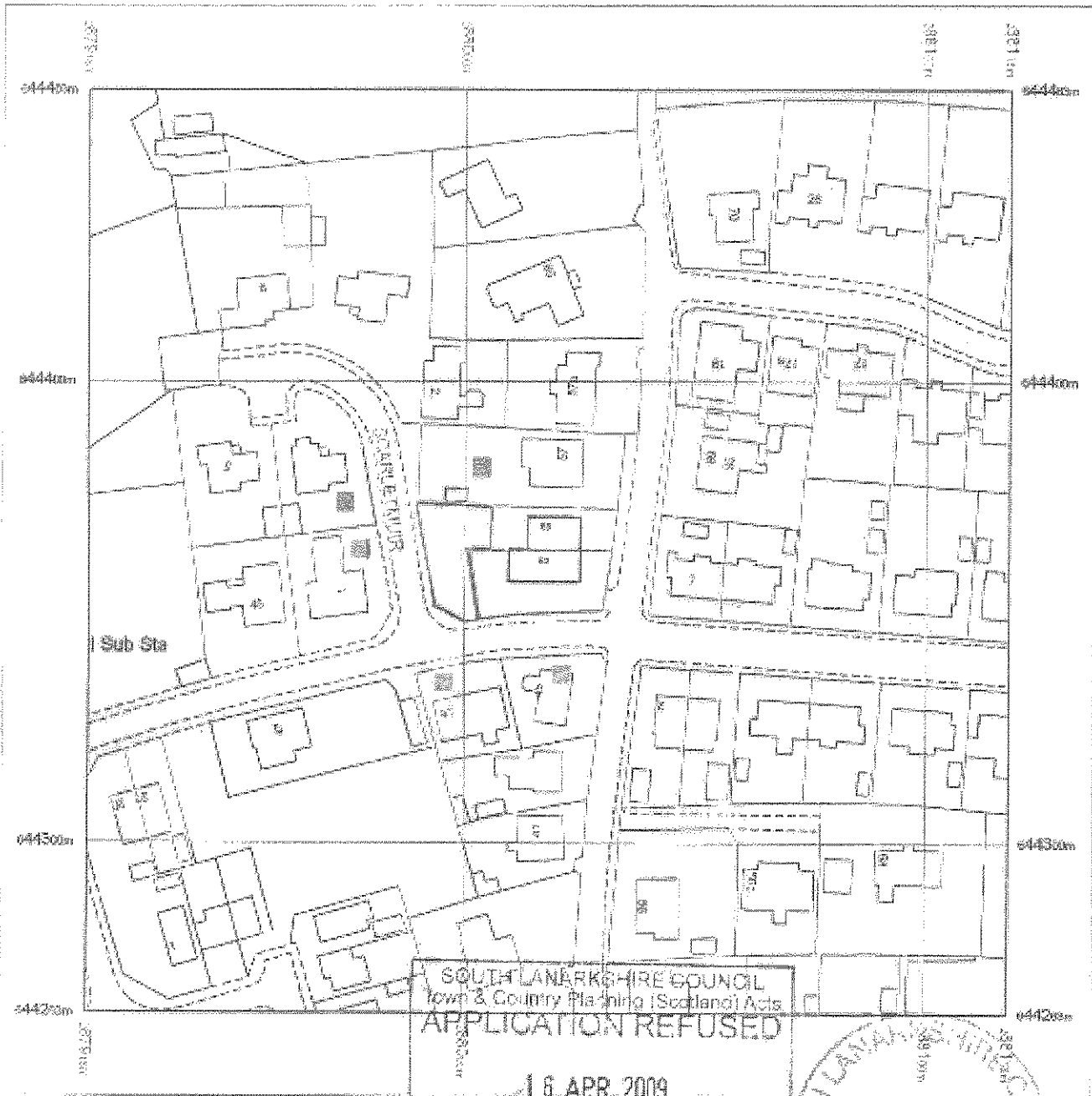
Production 1 - Submitted plans CL/09/0065

Production 2 – Photograph of front wall of host dwellinghouses

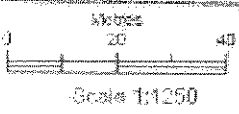
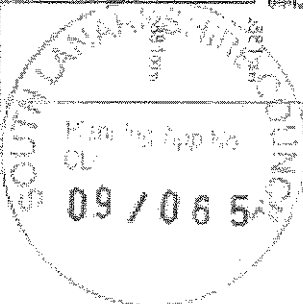
Production 3 – Report of handling CL/09/0065

Production 4 – Decision notice CL/09/0065

J



SOUTH LANARKSHIRE COUNCIL
Town & Country Planning (Scotland) Acts
APPLICATION REFUSED
16 APR 2009
[Redacted]
Colin McDowall
Head of Planning and Building Standards Services



Produced OS 02/2009 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at 012533, © Crown Copyright 2009.

Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey, the OS Symbol and OS Sitemap are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

Part or all of this OS Sitemap is enlarged from mapping produced at one or more of the following scales: 1:1250, 1:2500, 1:10000.

Planterra
LAND PLANNING DESIGN BUILD

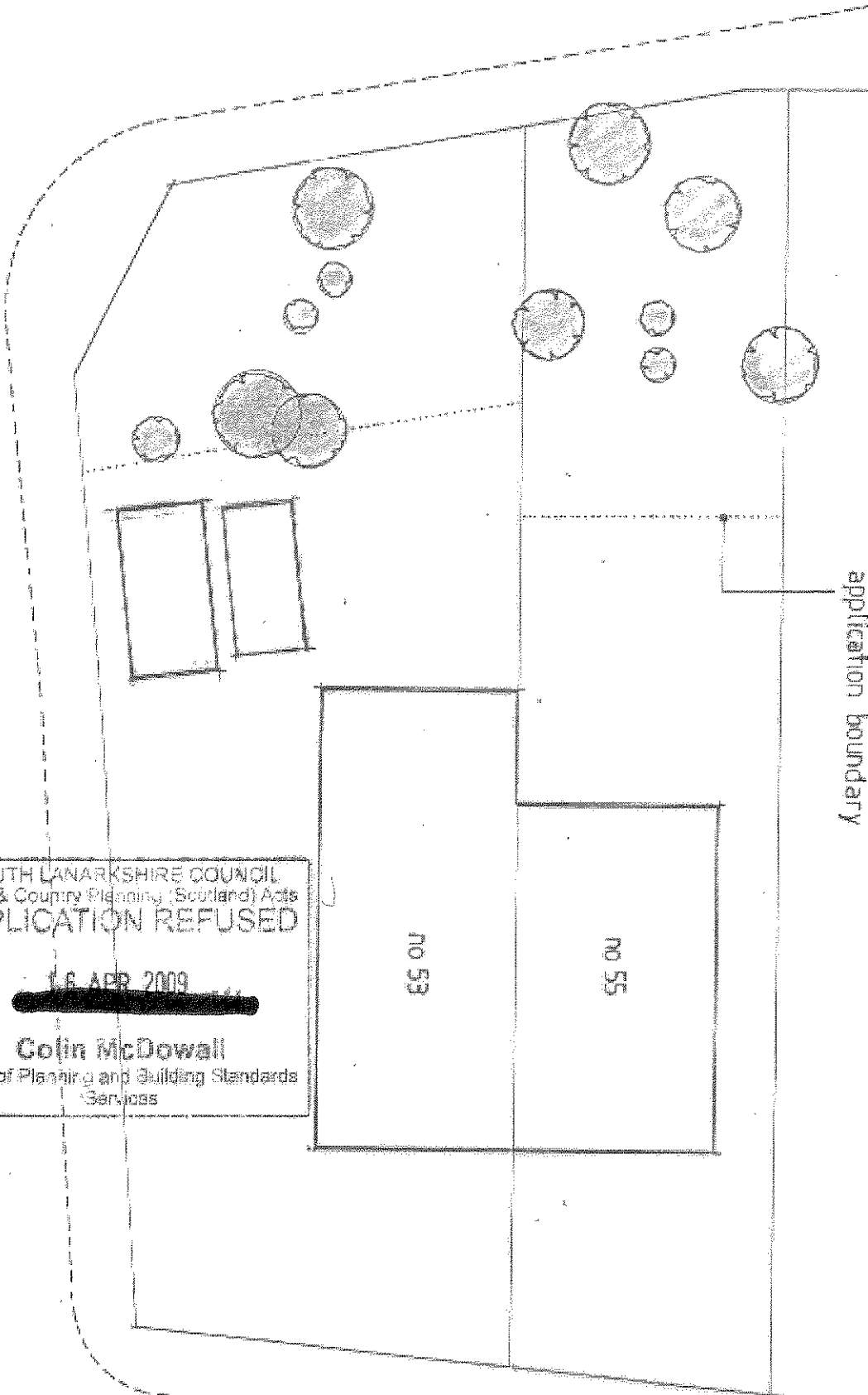
16 St Ninians, Lanark, ML11 7HX

t 01555 881084
m 07879 418487
e Planterra@aol.com

Mr & Mrs W Higgins
Erection of Dwellinghouse in Outline
Land to the rear of 53&55
Waterloo Road Lanark

Location Plan 1:1250

Block plan as existing 1:200



application boundary

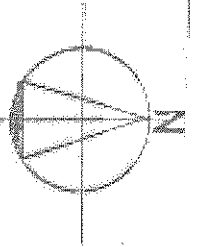
SOUTH LANARKSHIRE COUNCIL
Town & Country Planning (Scotland) Acts
APPLICATION REFUSED
16 APR 2009
Colin McDowall
Head of Planning and Building Standards
Services

no 53

no 55

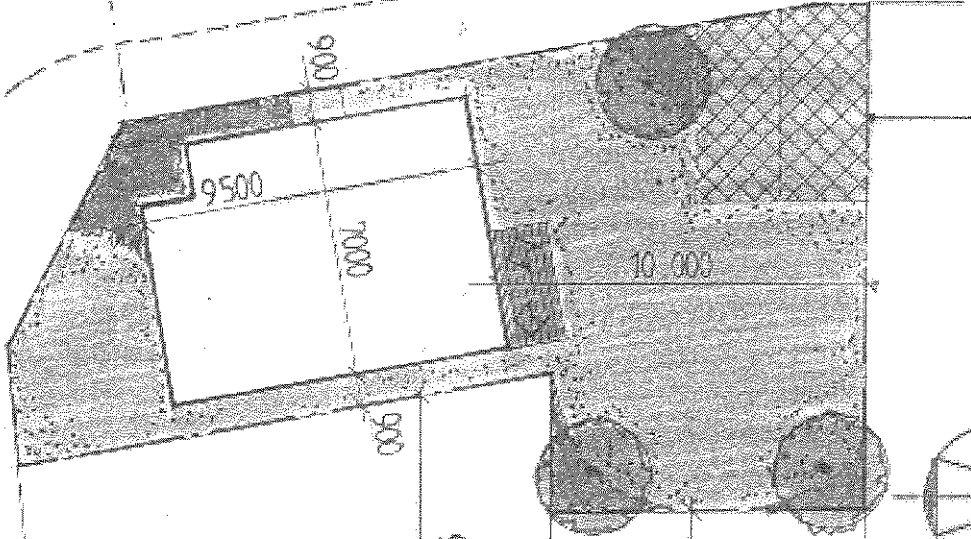
203/03

2 parking spaces



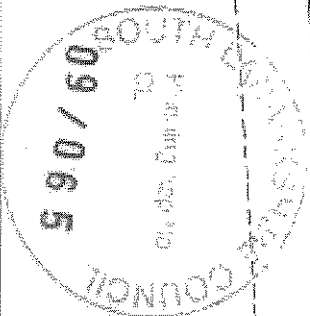
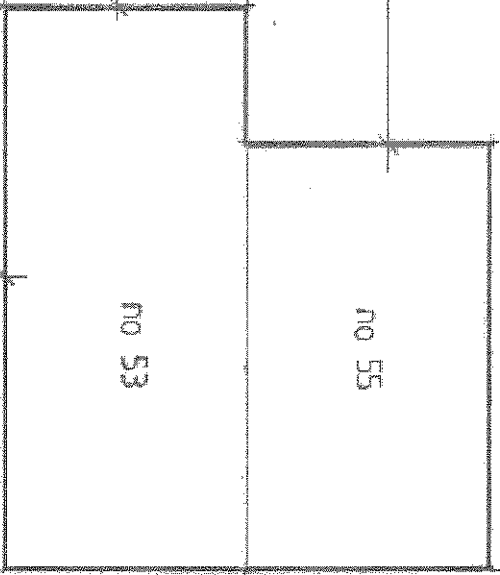
Scarletmuir

building line from
no 1 Scarletmuir

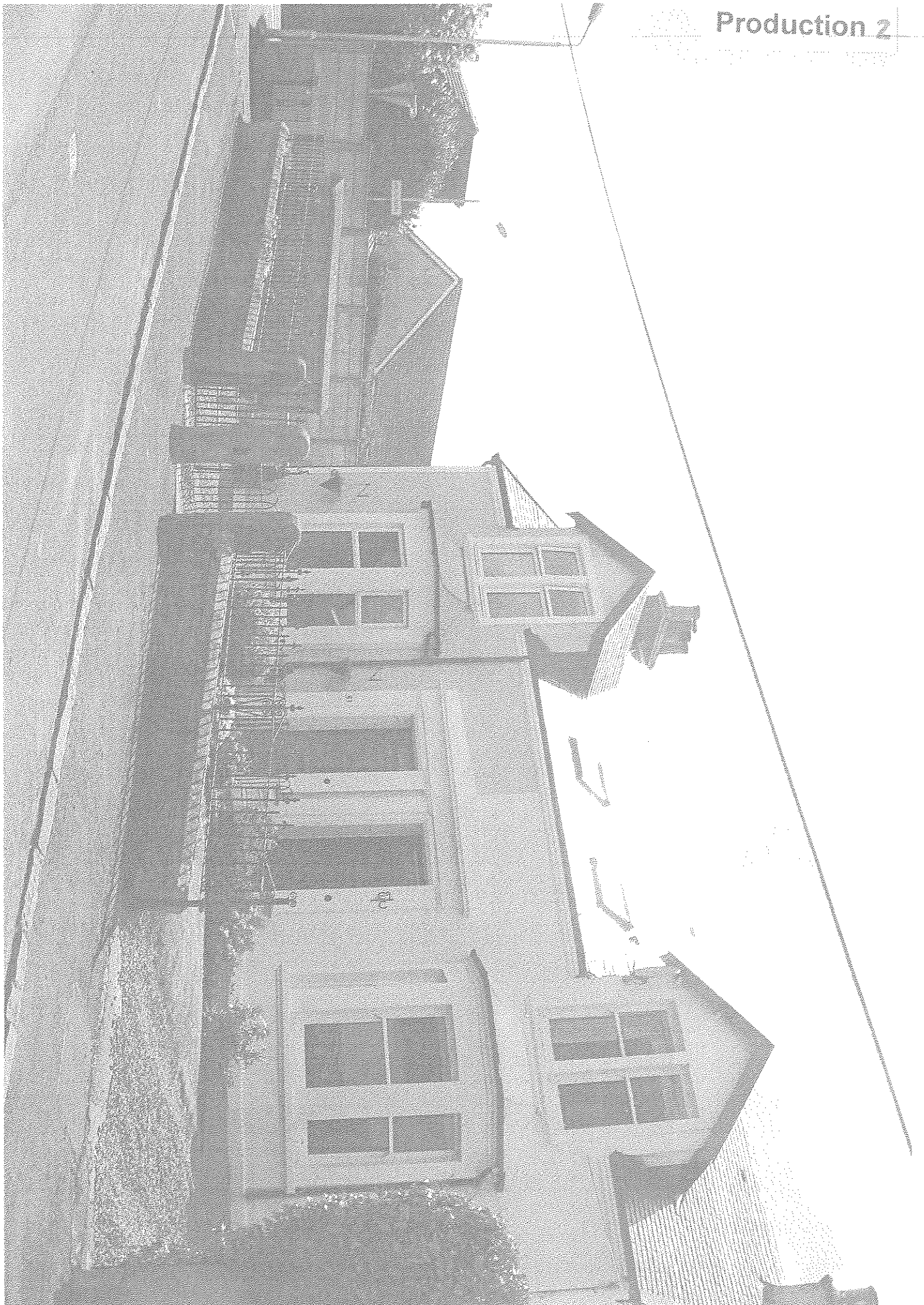


block plan 1: 200

SOUTH LANARKSHIRE COUNCIL
Town & Country Planning (Scotland) Act
APPLICATION REFUSED
16 APR 2009
[Redacted]
Head of Planning and Building Standards
Wheatlandside



203/02





Delegated Report

Report to: **Delegated Decision**
 Date of Report: **16 April 2009**
 Report by: **Area Manager (Planning & Building Standards)**

Application No: **CL/09/0065**
 Planning Proposal: **Erection of dwellinghouse (Outline)**

1 Summary Application Information

- Application Type : **Outline Planning Application**
- Applicant : **Mr & Mrs W Higgins**
- Location : **Land to rear of 53 & 55 Waterloo Road
Lanark
ML11 7QW**

2 Decision

2.1 **Refuse Outline Planning Permission (for reasons stated)**

2.2 Other Actions/Notes

None relevant

3 Other Information

- Applicant's Agent: **Planterra**
- Council Area/Ward: **02 Clydesdale North**
- Policy Reference(s): **South Lanarkshire Local Plan (adopted)
Policy RES6 - Residential Land Use
Policy DM1 - Development Management
Policy DM5 - Sub-division of Garden Ground**
- Representation(s):
 - ▶ 3 **Objection Letters**
 - ▶ 0 **Support Letters**
 - ▶ 0 **Comments Letters**
- Consultation(s): **Roads and Transportation Services (South Division)**

Planning Application Delegated Report

1 Material Considerations

- 1.1 The application site consists of part of the rear gardens of the semi-detached dwellings at 53 & 55 Waterloo Road, Lanark. The site extends to 0.02 hectares in size, and is irregular in shape. The rear garden of the dwellinghouse at 57 Waterloo Road bounds the site to the north, with the cul-de-sac known as Scarletmuir to the west and Wheatlandside to the south. The eastern boundary of the site consists of the rear gardens of the host dwellinghouses at 53 and 55 Waterloo Road. Concrete fencing as well as timber fencing encloses the site and various trees and shrubs are located within the garden areas.
- 1.2 The applicants seek outline planning consent for the erection of a dwellinghouse. An indicative block plan has been submitted as part of the application. This shows vehicular access to the site taken from Scarletmuir which would consist of two off-street parking spaces. The plan shows that the dwellinghouse could be situated immediately to the rear of 53 Waterloo Road, with the garden area for the proposed property located to the rear of 55 Waterloo Road. A single-page design statement was also submitted which states that the site area of 246 square metres is suitable for the erection of a three bedroom house with associated garden ground. It further states that the application boundary to the east has been carefully assessed in order to retain sufficient garden ground for the two existing properties and it is intended that there will be no windows to habitable rooms on this boundary. In addition the statement explains that the notional house position shows the front wall lining through with the established building line of 1 Scarletmuir.
- 1.3 No previous relevant planning history relates to the application site itself, however it should be noted that detailed planning permission was refused in 2003 for the erection of a dwellinghouse on the rear garden ground of the dwellinghouse immediately adjacent to the current application site at 57 Waterloo Road (CL/03/0297).
- 1.4 The application site is located within the settlement of Lanark where Policies RES6: Residential Land Use, DM1: Development Management and Policy DM5 - Sub-division of Garden Ground all apply.
- ### 2 Consultation(s)
- 2.1 Roads and Transportation Services – offer no objections subject to conditions relating to adequate access, and drainage.
Response: Noted.
- ### 3 Representation(s)
- 3.1 Following the statutory neighbour notification procedure, 3 letters of representation were received. The grounds of objection are summarised as follows:

- (a) **Planning consent was refused for the erection of a dwellinghouse to the rear of the adjacent property at 57 Waterloo Road on the grounds of access, it is therefore suggested that the same problem would be relevant to this proposal.**

Response: Noted. Planning consent was refused in 2003 for the erection of a dwellinghouse on part of the garden ground to the rear of 57 Waterloo Road, which lies immediately to the north of the current application site. One of the reasons for refusal included road safety in that the proposal did not allow for adequate parking arrangements within the confines of the site giving rise to an increase in on-street parking. However, the Roads Service have no objections to this current application. Notwithstanding this I agree that all the other reasons for refusal in relation to the size and shape of the plot pertaining to the 2003 application are also relevant to this current application.

- (b) **The indicative plan shows the building will be 900mm from the pavement, which does not respect the depth of front gardens in the area and as such would look out-of-place.**

Response: Agreed. The Council's Residential Development Guide requires the front garden depth for dwellinghouses to be a minimum depth of 6 metres from the front elevation of the dwelling to the heel of the footpath, unless the building pattern or building line dictates otherwise. Given that this application is in outline, it is unclear from the submitted plans whether or not the intention is for the frontage of the dwellinghouse to face onto Scarletmuir or Wheatlandside, in either instance the required front garden depth cannot be achieved.

- (c) **Concerns that increased on-street parking would cause traffic congestion and subsequently an adverse impact on traffic safety.**

Response: The Roads Service have not offered any objection to the proposal.

- (d) **Concern that a number of mature trees would have to be removed resulting in a major change to the general outlook to the area.**

Response: No details have been given of the existing trees and the numbers which would require to be removed. Whilst the trees and shrubs provide screening and add to the amenity of the occupiers, I do not consider that they are necessarily mature or of a significantly high amenity value which would negate their removal. It should be noted that the site is not covered by a Tree Preservation Order and as such the trees could be removed without any consent.

- (e) **The site is too small for the development of a dwellinghouse.**

Response: Agreed. The size and shape of the plot is not sufficient to allow the development of a dwellinghouse which would meet the requirements of the Council's Residential Development Guide. In addition a dwellinghouse on this site would appear cramped and out of keeping with the established character of the area.

(f) **The applicant does not own the whole site.**

Response: Noted. Applicants do not have to own the site upon which they seek planning consent. In this particular instance, the applicants state on the application form that they do not own the whole site but have notified the owner of the land which forms part of the application site, this is in accordance with the statutory requirements.

4 Assessment and Conclusions

- 4.1 The applicants seek outline consent for the erection of a dwellinghouse within the rear curtilages of the dwellinghouses at 53 & 55 Waterloo Road, Lanark. The main issues in determining the application are whether the proposal complies with local plan policy and the planning history of the immediate area.
- 4.2 The adopted South Lanarkshire Local Plan identifies the site as lying within the residential area where policy RES6 applies. This policy as well as Policy DM1 resists development that will be detrimental to amenity and seeks well designed proposals which integrate successfully with their surroundings and make a positive contribution to the character and appearance of the urban environment. Policy DM5: Subdivision of Garden Ground is also relevant in the assessment of this 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 criteria listed in the policy can be met.
- 4.3 The proposed house plot has been formed by excising an area, in the region of 13 metres in length from the rear garden of 55 Waterloo Road, and an area in the region of 9 metres in length from the rear garden of 53 Waterloo Road. This results in an irregular shaped plot which is narrow in depth. The indicative layout plan submitted with the application shows the footprint of a house on the narrowest section of the plot, resulting in a distance between the gable of the house and the plot boundary of only 900mm. Whilst in order to protect privacy, the applicant advises that the elevation of the house facing onto the rear of 53 Waterloo Road would have no windows for habitable rooms, the Council's required 20m window to window distance could not be met in relation to the dwellings at 1 Scarletmuir and 26 Wheatlandside. The Council's Residential Development Guide also requires the front garden depth for dwellinghouses to be a minimum depth of 6 metres from the front elevation of the dwelling to the heel of the footpath, unless the building pattern or building line dictates otherwise. Given that this application is in outline, it is unclear from the submitted plans, whether or not the intention would be for the frontage of the dwellinghouse to face onto Scarletmuir or Wheatlandside, in either instance the required front garden depth cannot be achieved. The required 2 metre distance between the side gable of any dwelling and any side boundary also falls significantly short with only 900mm being shown.
- 4.4 Whilst the necessary parking and private garden ground requirements may be able to be met for the proposed dwellinghouse and the donor properties, the proposal

fails to comply with Policies RES6, DM1 and DM5, in particular criteria (a), (e) and (i) of the latter policy. The proposed plot is not comparable in terms of size, shape and amenity with those nearby, resulting in a development that would appear cramped, visually obtrusive and out of keeping with the established character which would be harmful to the amenity of the area. I do not consider that a dwellinghouse can be designed and laid out on this plot without causing an unacceptable reduction in privacy to existing houses, or itself having the ability to enjoy a degree of privacy comparable with surrounding dwellings.

4.5 In terms of planning history, a similar proposal was refused on land immediately adjacent to the current application site in September 2003. This was for the erection of a dwellinghouse in the rear garden of 57 Waterloo Road. The proposal at that time was to subdivide the rear garden area to form a house plot. The intention was to access the plot from Scarletmuir. The reasons for refusal for this proposal were that the plot would not permit development of a standard compatible with existing development in the area and would therefore have a detrimental impact on amenity. In addition it was considered that the proposal did not meet the requirements of the Residential Development Guide, constituted over development of the plot, would have an adverse impact on road safety and would set an undesirable precedent. In terms of precedent and consistency, I consider that this is material to the assessment of this current proposal given that the nature of the two applications are similar.

4.6 In conclusion, the plot is not of a size and shape which would allow a dwellinghouse to meet the terms of the local plan policies or the Council's Residential Development Guide and if approved would have an adverse impact on the established character of the area. I therefore conclude that the application should be refused.

5 Reason for Decision

5.1 The proposal would have an adverse impact on the residential amenity of the surrounding area and does not comply with Policies RES6, DM1 and DM5 of the adopted South Lanarkshire Local Plan.

Signed: 
(Council's authorised officer)

Date: 16/11/09 *acted by Support*
17-01-09

Previous References

- ◆ CL/03/0297

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
Roads and Transportation Services (South Division) 09/03/2009

- ▶ Representations
 - Representation from : Mrs Isabelle Main, 1 Scarletmuir
Lanark
ML11 7PS, DATED 24/02/2009

 - Representation from : Andrew R & Mary M Nelson, 5 Scarletmuir
Lanark
ML11 7PS, DATED 24/02/2009

 - Representation from : Mr C L Binnie, 3 Scarletmuir
Lanark
ML11 7PS, DATED 11/03/2009

Contact for Further Information

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

Gail Rae
(Tel :01555 673205)
E-mail: Enterprise.lanark@southlanarkshire.gov.uk

Outline Planning Application

PAPER APART – APPLICATION NUMBER : CL/09/0065

REASONS FOR REFUSAL

- 1 The proposal is contrary to Policy RES6 of the adopted South Lanarkshire Local Plan in that it would have a detrimental impact on amenity as the size and shape of the plot would not permit development of a standard compatible with existing development in the area nor would it be able to meet the requirements of the Residential Development Guide.
- 2 The proposal is contrary to Policy DC1 of the adopted South Lanarkshire Local Plan in that the proposal would have a significant adverse impact on the local environment as the size and shape of the plot would not permit development which would respect the local context nor would it make a positive contribution to the area.
- 3 The proposal is contrary to Policy DM5 of the adopted South Lanarkshire Local Plan in that it fails to meet criteria (a), (e) and (i) of said policy as the house plot is not compatible with those nearby in terms of size, shape and amenity; the plot would not allow for a dwellinghouse to be situated on the site without causing an unacceptable reduction in privacy; and the proposal would result in a development that appears cramped, visually obtrusive and would be out of keeping with the established character of the area.
- 4 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for proposals which would exacerbate the problems stated above.



Town and Country Planning (Scotland) Act 1997

To: Mr & Mrs W Higgins
53 Waterloo Road
Lanark
ML11 7QW

Per: Planterra
16 St Ninians
Lanark
ML11 7HX

With reference to your application dated 13 February 2008 for Planning Permission under the above mentioned Act :

Description of Proposed Development :

Erection of dwellinghouse (Outline)

Site Location :

Land to rear of 53 & 55 Waterloo Road
Lanark
ML11 7QW

South Lanarkshire Council in exercise of their powers under the above mentioned Act hereby:

REFUSE PLANNING PERMISSSION

for the above development in accordance with the accompanying plan(s) and particulars given in the application, subject to the condition(s) listed overleaf in the paper apart. The condition(s) are imposed by the Council for the reasons detailed.

Date: 16/04/09

A blacked-out rectangular area, likely redacting a signature or name.

Colin McDowall, Head of Planning and Building Standards Services

This permission does not grant any consent for the development that may be required under other Legislation, e.g. Planning Permission, Building Warrant or Roads Construction Consent.

South Lanarkshire Council
Enterprise Resources
Planning and Building Standards Services

**South Lanarkshire Council
Refuse Planning Permission**

Application Number: CL/09/0065

Reason(s) for Refusal:

- 1 The proposal is contrary to Policy RES6 of the adopted South Lanarkshire Local Plan in that it would have a detrimental impact on amenity as the size and shape of the plot would not permit development of a standard compatible with existing development in the area nor would it be able to meet the requirements of the Residential Development Guide.
- 2 The proposal is contrary to Policy DC1 of the adopted South Lanarkshire Local Plan in that the proposal would have a significant adverse impact on the local environment as the size and shape of the plot would not permit development which would respect the local context nor would it make a positive contribution to the area.
- 3 The proposal is contrary to Policy DM5 of the adopted South Lanarkshire Local Plan in that it fails to meet criteria (a), (e) and (f) of said policy as the house plot is not compatible with those nearby in terms of size, shape and amenity; the plot would not allow for a dwellinghouse to be situated on the site without causing an unacceptable reduction in privacy; and the proposal would result in a development that appears cramped, visually obtrusive and would be out of keeping with the established character of the area.
- 4 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for proposals which would exacerbate the problems stated above.

CL/10/0189

APPEAL

(GR) P-C

01 SEP 2010

August 30, 2010

South Lanarkshire Council
South Vennel
Lanark ML11 7JT

1 Scabettmuir
Lanark

Dear Sir or Madam:

Planning application 53/55 Waterloo Road Lanark ML11 7 QW

Application CL/10/189

I have been notified by yourselves that the agents for Mr & Mrs Higgins have submitted an appeal to the refusal by S.L.C. to the plan submitted for a new dwelling house on ground immediately opposite my house at 1 Scabettmuir. I wish to object most strongly. I understand there is no planning criteria for this application to be successful on a wide variety of planning grounds. As I understand the present situation, nothing material has changed since that refusal, which detailed out the reasons at great length.

In my view the site designated is too small for the proposed development of this house.

The ground located behind No.53 is possibly big enough for a garage which would allow a vehicle to enter from Waterloo Road but it is ridiculous to imagine a house being built on this site.

The traffic at the crossroads of Wheatlandside and Waterloo Road has no sight line whatsoever. The proposed vehicle entrance in this application is extremely close to the junction which is dangerous at present as vehicles have to nose forward slowly in order to ascertain there are no approaching vehicles. They cannot be seen due to the height of the surrounding walls.

I trust that this application will be refused.

Your Sincerely

Isabelle Mann