



Planning Local Review Body

Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)
PLRB Reference NOR/HM/10/003

- ◆ Site address: Kinrara, Strathaven Road, Stonehouse, ML9 3NU
- ◆ Application for review by G MacFarlane of the decision of an appointed officer of South Lanarkshire Council to refuse planning permission for planning application HM/10/0305
- ◆ Application HM/10/0305 for the erection of 2 semi-detached houses
- ◆ Application Drawing: 10-114-01a

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 HM/10/0305 for the reasons stated on the Council's decision notice dated 24 August 2010.

for *Rosemary M Lake*
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 2 semi-detached houses at Kinrara, Strathaven Road, Stonehouse.
- 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 the Adopted South Lanarkshire Local Plan
- ◆ impact on the amenity of the adjacent properties

- 3.2 The PLRB established that the site was located within an area identified as Residential in the Adopted Local Plan. The following policies applied to the application site:-

- ◆ Policy RES6 – Residential Land Use
- ◆ Policy ENV31 – New Housing Development
- ◆ Policy ENV32 – Design Statements
- ◆ Policy DM1 – Development Management
- ◆ Policy DM5 – Sub-division of Garden Ground

The Council's Residential Development Guide was also of relevance.

- 3.3 Policy RES6 of the Adopted South Lanarkshire Local Plan states that the Council will resist development which is detrimental to the amenity of the area. It also states that developments must relate satisfactorily to adjacent and surrounding developments and comply with Policy DM1.
- 3.4 Policy DM1 states that all planning applications must 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.
- 3.5 Policy ENV31 states that developments should integrate well with the surrounding area, respect the local context and be appropriate to the character of the site in terms of layout and scale. Policy ENV32 states that all planning applications for new development should be accompanied by Design Statements.
- 3.6 Policy DM5 of the Adopted Local Plan relates to the sub-division of garden ground. It states that:-
- ◆ the proposed plot and remaining garden must be comparable in size and shape to those nearby
 - ◆ the garden space for the proposed house and that remaining for the existing house must meet the recreational, amenity and drying needs of the occupant
 - ◆ the development must not reduce the privacy of the existing houses and have a suitable level of privacy itself
 - ◆ the proposed house must be of a scale, massing and design that reflected the surrounding area and would not appear cramped or out of keeping with the character of the surrounding area
- 3.7 In considering the case, the PLRB had regard to the applicant's submission that:-
- ◆ the plots would relate satisfactorily to the adjacent and surrounding development and would respect the local context and make a positive contribution to the area
 - ◆ the proposed houses matched the building line established by the new house already approved at Manse Road and the house at Secaurin Avenue
 - ◆ the existing and proposed houses would have similar sized gardens and would reflect

the surrounding area

- ◆ the proposed houses would have a proper road frontage and would not appear cramped or out of keeping and have sufficient garden ground
- ◆ there was adequate window to window distance of a least 19 metres
- ◆ the proposed house plots and the remaining house were comparable with those nearby in terms of size, shape and amenity
- ◆ the existing house would still retain its frontage on to Manse Road
- ◆ no other property could sub-divide in a way that would provide a road frontage to both the existing house and the new houses, therefore, no precedent would be set

3.8 The PLRB noted that the proposed houses would appear to sit in the front garden of the donor house and next to the front garden of the neighbouring house. It considered that, in terms of their position in the street, the proposed houses would not accord with the character of the area, that the resulting layout and the building line of the houses would not accord with the neighbouring properties and that, visually, the proposed houses would not accord with the established development pattern. It concluded that the proposal would have an adverse impact on the residential amenity of neighbouring houses and, that, as a result, the proposal was contrary to Policies RES6 and ENV31 of the Adopted South Lanarkshire Local Plan.

3.9 The PLRB also considered that the proposed plots and the ground left to the donor house would be smaller and out of context compared to the neighbouring houses. Further, it noted that the donor house would not retain its existing frontage and the proposed houses would back onto its front elevation, giving the appearance of backland development. As a result, the PLRB concluded that the proposal did not comply with Policy DM1 of the Adopted South Lanarkshire Local Plan. The PLRB further concluded that the layout for the proposed and existing houses would not accord with the established character of the area and that the proposal would have a material impact on the privacy of the existing houses and would result in a cramped and awkward layout. As a result, the PLRB concluded that the development did not comply with Policy DM5 of the Adopted Local Plan.

3.10 The PLRB also considered the proposal in terms of guidance contained in the Council's Residential Development Guide. It noted that the proposal would result in a window to window distance of 19 metres which would impact on privacy and constitute overlooking. The PLRB concluded, therefore, that the proposal did not accord with the Residential Development Guide.

4. Conclusion

4.1 The PLRB considered a request to review the decision taken to refuse planning permission for the erection of 2 semi-detached houses at Kinrara, Strathaven Road, Stonehouse. The PLRB concluded that the proposal was not compatible with the local context and adjacent buildings, that it would not accord with the established character of the area, that the proposal would have a material impact on the privacy of the existing houses and that it would result in a cramped and awkward layout. As a result, the PLRB concluded that the proposal did not comply with policies RES6, ENV31, DM1 and DM5 of the Adopted South Lanarkshire Local Plan or with the guidance contained in the Council's Residential Development Guide and that there was no justification to depart from the terms of the Plan or Guide.

4.2 The PLRB, therefore, upheld the decision to refuse planning permission for planning application HM/10/0305 for the reasons set out in the decision notice from the Council dated 24 August 2010

5. Accompanying Notice

5.1 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.