



Council Offices, Almada Street,
Hamilton

Planning Local Review Body

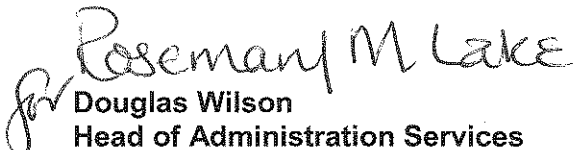
Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)
PLRB Reference NOR/EK/11/003

- ◆ Site address: 14 Wellington, Newlandsmuir, East Kilbride, G75 8RB
- ◆ Application for review by Mr and Mrs Russell of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application EK/10/0309
- ◆ Application EK/10/0309 for the erection of a single storey front extension
- ◆ Application Drawings: RUSSELL/2010/01, RUSSELL/2010/02, RUSSELL/2010/03, RUSSELL/2010/04, RUSSELL/2010/05, RUSSELL/2010/06A, RUSSELL/2010/07, RUSSELL/2010/08, RUSSELL/2010/09

Decision

The PLRB reverses the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application EK/10/0309 and grants planning permission, subject to the conditions attached to this decision notice.


Douglas Wilson
Head of Administration Services

Date of Decision Notice: 15 April 2011

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 21 March 2011. The PLRB was attended by Councillors Graham Scott (Chair), Hugh Dunsmuir, Tommy Gilligan, Ian Gray, Bill Holman, Alex McInnes and Patrick Ross-Taylor (Depute).

2. Proposal

- 2.1 The proposal is for the erection of a single storey front extension at 14 Wellington, Newlandsmuir, East Kilbride.
- 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 and the surrounding area

- 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 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 development which is detrimental to the amenity of residential areas.

- 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 DM4 of the Adopted Local Plan states that extensions should not dominate or overwhelm the existing house, neighbouring properties or the streetscene in terms of size, scale or height.

- 3.6 In considering the case, the PLRB noted that the application had been refused by the appointed officer on the basis that:-

- ◆ it was considered to be contrary to Policies DM1, DM4 and RES6 of the Adopted South Lanarkshire Local Plan
- ◆ it would impact on residential amenity by virtue of its size, scale and design and would be out of character and an obtrusive form of development within the streetscape

- 3.7 The PLRB gave consideration to the applicants' submission that:-

- ◆ the proposed extension would not be obtrusive or out of place and would be enhanced by landscaping
- ◆ the floor area of the extension lying beyond the building line of the house would comprise less than 12% of the floor area of the house lying behind the building line and, therefore, was not unduly large
- ◆ the distance between the front of the house and the fence opposite was 25 metres and no houses faced the proposed development. The projection of 2 metres into this space by the extension would not dominate the streetscene
- ◆ there were no uniform street frontages due to extensions which had been built in the vicinity
- ◆ the drain for the street was accessed from the rear of the applicants' house and, therefore, building could not take place to the rear of their property

- 3.8 Having considered all the available information, the PLRB concluded that, taking account of its size, design and location, the development would not have a significant or material

impact on the character and visual amenity of the area and that it would not dominate the streetscene. It considered, therefore, that the proposal was consistent with policy.

4. Conclusion

4.1 The PLRB considered a request to review the decision to refuse planning permission for the erection of a single storey front extension at 14 Wellington, Newlandsmuir, East Kilbride. The PLRB concluded that, in terms of its size and location, the proposal would not have an adverse impact on residential amenity and would not detrimentally impact on the streetscene.

4.2 The PLRB, therefore, reversed the decision to refuse planning permission for planning application EK/10/0309 and granted planning permission subject to the undernoted conditions and reasons.

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.

Application Number: EK/10/0309

Erection of a single storey front extension at 14 Wellington, Newlandsmuir, East Kilbride

Conditions

- 1 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without prior written approval of the Council as Planning Authority.
- 2 That the facing materials to be used for the external walls and roof of the extension hereby approved shall match, in colour and texture, those of the existing adjoining building on the site to the satisfaction of the Council as Planning Authority.
- 3 This decision relates to drawing numbers: RUSSELL/2010/01, RUSSELL/2010/02, RUSSELL/2010/03, RUSSELL/2010/04, RUSSELL/2010/05, RUSSELL/2010/06A, RUSSELL/2010/07, RUSSELL/2010/08, RUSSELL/2010/09.

Reasons

- 1 In the interest of amenity and in order to retain effective planning control.
- 2 To ensure satisfactory integration of the proposed extension with the existing building both in terms of design and materials.
- 3 For the avoidance of doubt and to specify the drawings upon which the decision was made.

Informatives

- 1 Failure to comply with the conditions imposed on this planning permission can result in the planning authority serving a Breach of Condition Notice and/or Enforcement Notice. If any of the requirements set out in these notices are not then complied with, a fixed penalty notice may be served seeking the payment of the sum specified in the penalty notice to the Planning Authority. The sum will be as set by The Town and Country Planning (Amount of Fixed Penalty) (Scotland) Regulations 2009.
- 2 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58 (1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)



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.