



Council Offices, Almada Street,  
Hamilton

# Planning Local Review Body

## Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)  
PLRB Reference NOR/CR/11/001

---

- ◆ Site address: 18 Aldergate, Westburn, Cambuslang G72 7ZF
- ◆ Application for review by E Smith of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application CR/10/0266
- ◆ Application CR/10/0266 for the erection of a front boundary wall (retrospective)
- ◆ Application Drawings: Drawing Nos 1 and 2 and Photographs Nos 1 to 10

## Decision

The PLRB reverses the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission in principle for planning application CR/10/0266 and grants planning permission, subject to the conditions attached to this decision notice.

*for* *Rosemary M Lake*  
**Douglas Wilson**  
**Head of Administration Services**

Date of Decision Notice: *10 June 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 16 May 2011. The PLRB was attended by Councillors Graham Scott (Chair), Jim Docherty, Tommy Gilligan, Bill Holman, Clare McColl, Alex McInnes and Patrick Ross-Taylor (Depute).

## **2. Proposal**

- 2.1 The proposal is for the erection of a front boundary wall (in retrospect) at 18 Aldergate, Westburn, Cambuslang.
- 2.2 The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.
- 2.3 The applicant had submitted an additional letter in support of the application. The PLRB concluded that the information provided further comment on matters which had been considered when the application was determined by the appointed officer and, as such, could be considered when reviewing the case.

## **3. Determining Issues**

- 3.1 The determining issues in this review were:-
  - ◆ the proposal's compliance with the Adopted South Lanarkshire Local Plan and the Council's Residential Development Guide
  - ◆ impact on the character of the residential estate
- 3.2 The PLRB established that the site was located within a residential area. Policy RES6, Residential Land Use of the Adopted South Lanarkshire Local Plan states that development which is detrimental to the amenity of residential areas is to be resisted. Policies DM1, Development Management and DM4, House Extensions and Alterations of the adopted local plan also applied. Policy DM1 requires all planning applications to take account of the local context and built form and states that development should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. In terms of Policy DM4, there is a general presumption against permitting front walls and fences within private residential areas where an open plan condition exists and where the open plan character has largely been maintained.
- 3.3 The Council's Residential Development Guide was also material to the application. This states that, in order to protect the appearance of new developments from the indiscriminate erection of walls and fences of varying heights and materials, the Council will include an open plan condition on planning consents for residential developments. The imposition of such a condition would prohibit the erection of front walls and fences in gardens.
- 3.4 The PLRB concluded that the proposal was contrary to Policies RES6, DM1 and DM4 of the Adopted South Lanarkshire Local Plan and the Council's Residential Development Guide.
- 3.5 In reviewing the case, the PLRB had regard to the applicant's submission that:-
  - ◆ the size, scale and design of the wall did not overwhelm the original layout
  - ◆ the materials used in the construction of the wall matched the house and, as a result, the wall did not affect the visual amenity of the area
  - ◆ the wall did not affect the privacy or amenity of any neighbours or the character of the estate
  - ◆ the wall had been erected to protect the applicant's home and vehicle and tackled anti social problems which had been experienced
  - ◆ there were other examples of front walls or fences in the surrounding area
- 3.6 Having considered the above, the PLRB concluded that, while the proposal was contrary to Development Plan policy and the Council's Residential Development Guide, a departure from the Development Plan could be justified in this case for the following reasons:-
  - ◆ the design, scale and location of the wall did not have a significant or material impact on the character or amenity of the surrounding area

- ◆ the nature of the problems experienced by the applicant outweighed any remaining environmental or visual impact of the proposal

#### **4. Conclusion**

- 4.1 The PLRB considered a request to review the decision to refuse planning permission in retrospect for the erection of a front boundary wall at 18 Aldergate, Westburn, Cambuslang. The PLRB noted that the application was contrary to Development Plan policy and the Council's Residential Development Guide but concluded that a departure from the Development Plan could be justified in this case for the reasons detailed in paragraph 3.6.
- 4.2 The PLRB, therefore, reversed the decision to refuse planning permission in retrospect for planning application CR/10/0266 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 CR/10/0266**

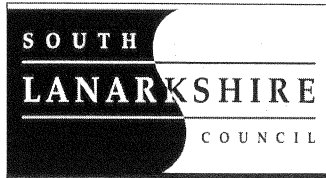
Erection of front boundary wall (retrospective) at 18 Aldergate, Westburn, Cambuslang

#### **Conditions**

- 1 The consent shall be carried out strictly in accordance with the drawing numbers:  
  
Plans 1-2  
Photos 1-10
- 2 That the development shall be carried out strictly in accordance with the plans herby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.

#### **Reasons**

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of amenity and in order to retain effective planning control.



## 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.