

Appendix 6

Notice of Review Process – Further Submissions

Submission From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review

STATEMENT OF OBSERVATIONS

Mr & Mrs John Russell submitted a planning application (planning reference EK/10/0309) on 18 August 2010 to South Lanarkshire Council for the erection of a single storey front extension to a dwellinghouse at 14 Wellington, East Kilbride. After due consideration of the application in terms of the Development Plan and all other material planning considerations, planning application EK/10/0309 was refused by the Council under delegated powers on 18 October 2010 for the reasons listed in the decision notice and supported by a delegated report.

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 provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan for the site is the adopted South Lanarkshire Local Plan; following assessment it was considered that the proposed development is contrary to the provisions of Policies RES6, DM1 and DM4 of the adopted plan.

In relation to other material considerations, no consultations were required as part of the application and no other material considerations were given by the applicants other than those submitted.

In the submitted "Notice of Review" and supporting statement the appellant has listed three reasons for requiring the review of the decision. The summarised points and the response of the Planning Service are given below:

- 1. The proposed extension would not be obtrusive or out of place and would be enhanced by landscaping** – The appellant argues, based on the statements made in Paragraph 4.3 of the delegated report, that the Planning Service's belief that the extension would not enhance the quality and appearance of the area to be subjective and goes on to suggest that in the appellants view the street is boring. The appellant also argues that the use of the term "Streetscene" is misleading as no-one uses the front door of their dwelling and that there is no uniform street frontage in the whole of Newlandsmuir or Westwood. The appellant cites examples of development in Coleridge, the odd numbers of Wellington, New Plymouth and Chatham to support this.

Response – It is the Planning Service's consideration that the streetscene in question is numbers 2 to 20 Wellington – a street made up of five semi-detached dwellings. The appellant cites examples of development in the submitted photographs, however the infill extensions in photo's 5, 6, 7 (left property) and 9 do not require planning consent as they do not come forward of the building line and therefore the Planning Service has no control over these. Similarly the porch in photo 2 does not require planning consent as it does not come forward of the building line. Any other development forward of the building line would require planning consent, as was the case at 14 Wellington, and would be assessed against the Development Plan on its own merits; in this case it was considered contrary to the policies of the Development Plan as stated in the delegated report. It is considered that numbers 2 to 20 Wellington form a uniform street frontage as there is no development forward of the building line.
- 2. There are many examples, within 5 minutes of our home, of extensions as big, if not bigger, than our proposed extension** – The appellant argues, based on the statements made in paragraph 4.4 of the delegated report, that the Planning Service's belief that the extension would look out of place and

that its projection [beyond the building line] would form an intrusive feature in the street to be subjective. The appellant also argues that neighbouring extensions are out of place as their rooflines do not match the roofs of the original houses and suggests that they have only been granted consent due to their rear orientation. Photographs are also provided showing what the appellant considers to be out of place development.

Response – The development shown in the submitted photographs 12, 15, 16, 17, 18, 19, 20, 22 and 23 show extensions to the rear or side of dwellings and not to the front as in the case of 14 Wellington. The majority of householder development naturally occurs to the rear of the dwelling due to the increased size of the garden ground with other larger developments to the side of dwellings where space allows. All developments are assessed against the Development Plan based on their own merits and any other material considerations. The extension shown in photos 13 and 14 does not require planning consent and therefore the Planning Service has no control over its design or construction.

- 3 **Democratically, none of the 14 neighbours notified objected** – The appellant argues that no one has objected to the proposal and further indicates that the neighbours on either side of them have no objections.

Response – The proposal was assessed against the relevant policies contained within the Development Plan and was considered to be contrary to those policies. The neighbour notification process is a statutory one that the Council is legally obliged to carry out and if a proposal is considered contrary to the Development Plan, the level of objections or otherwise – whilst a material consideration – would be insufficient to stop the proposal being refused in planning terms.

In addition to the above points it should be noted that during discussions with the appellant's agent, the Planning Service suggested moving the development to the rear of the property, however this was later rejected by the appellant.

Conclusions

In summary, the proposed development is contrary to the provisions of the South Lanarkshire Local Plan. Subsequently, the Planning Service would therefore respectfully request that the Planning Local Review Body dismiss the applicant's request to overturn the refusal of planning permission based on the information contained in the delegated report and associated reasons for refusal.