

# 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

Ms Elizabeth Smith submitted a planning application (planning reference CR/10/0266) on 18 November 2010 to South Lanarkshire Council for the erection of front boundary wall (Retrospective) (Deletion of condition number 12 of consent GDC 2091/95). After due consideration of the application in terms of the Development Plan and all other material planning considerations, planning application CR/10/0266 was refused by the Council under delegated powers on 18 January 2011 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. With the application, the applicant also submitted a supporting letter detailing the reasons for erecting the wall.

In the submitted 'Notice of Review' and supporting statement, the appellant has responded by raising the following points. A summary of these points made by the appellant together with a response from the Planning Service is given below:

- 1. Policy DM1** – The appellant has argued that in certain circumstances, Policy DM1, that seeks all development to take account of local context and built form, cannot always be applied.

**Response** – The planning system is set up to prevent inappropriate development and support acceptable forms of development. When the application for this housing estate was approved, it was considered that an open frontage policy would benefit the estate. As this is the case, any breaches of control will not be supported.
- 2. Policy DM4** – The appellant argues that the size and scale of the wall does not affect surrounding dwellings and is finished in high quality materials to match the existing dwelling. The size does not overwhelm the street scene or affect privacy. The appellant also notes that there are higher fences and trees and shrubbery than the wall.

**Response** – Whilst Planning note the above points, the open frontage policy restricts development at the front of the properties in the interests of environmental quality. It is noted that the higher fencing the appellant refers to is side fencing dividing properties and therefore not included within the open frontage.
- 3. Policy RES6** – The appellant argues that this policy is not applicable as due to the current situation within the housing estate where there is

frequent vandalism, the wall was necessary to prevent any further damage.

**Response** – Whilst the Planning Service is sympathetic with the appellant's situation, again as mentioned before, the open frontage policy exists to maintain a degree of uniformity.

In addition to the above points the appellant has noted that there are 3 other breaches of planning control within the housing estate therefore setting a precedent already. I would state however that all cases are individual and appropriate procedures will be carried out with regards to these sites in line with Council policy.

In summary, the proposed development does not accord with the provisions of the adopted local plan. Subsequently, the Planning Service would therefore request that the Planning Local Review Body dismiss the applicant's request to overturn the refusal of planning permission.

11 March 2011