

Appendix 6

Further Representations

Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review
- ◆ Mr D Corrie, by email

05/01/18

STATEMENT OF OBSERVATIONS

Planning Application No CR/17/0104

Erection of first floor balcony (retrospective)

18 Buchanan Drive, Cambuslang, G72 8BD

1 Planning Background

1.1 A planning application was submitted by Mr. James Docherty to South Lanarkshire Council on 2 May 2017 seeking retrospective planning permission for first floor decking that had been erected at the rear of 18 Buchanan Drive, Cambuslang. The balcony is constructed of coated steel with glazed panel insets. The height of the balcony is 3.3 metres at first floor level and 4.3 metres overall, including the balustrade. The balcony is suspended over the existing conservatory and kitchen and is supported by the roof of the adjoining sunroom extension. The balcony projects 4.19 metres from the rear of the wall of the existing property and measures 8.3 metres wide. The Planning Service received a complaint from the owner of the neighbouring property at 20 Buchanan Drive, Cambuslang on 8 August 2016 regarding the unauthorised structure. After several months of protracted enforcement correspondence, a retrospective planning application was submitted and the application was validated on 22 May 2017. The Planning Service generally will only ask for a retrospective application if the development is not considered to have a negative effect or if works can be completed to make the development acceptable. It should be noted that in this instance, the Planning Service did not encourage a planning application for this proposal and after due considerations, the planning application was refused by the Council under delegated powers on 4 September 2017. The report of handling dated 4 September 2017 explains the decision and the reasons for refusal are listed in the decision notice. These documents are available elsewhere in the papers.

2 Assessment against the development plan and other relevant policies

- 2.1 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 development plan unless material considerations indicate otherwise.
- 2.2 The development plan in this instance comprises the South Lanarkshire Local Development Plan (adopted 2015) and its associated Supplementary Guidance documents. The site is identified as being located within the residential settlement where Policy 6 –General Urban Area/Settlements applies. This policy as well as Policy 4 - Development Management and Placemaking resists development that will have significant adverse impacts on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity. These policies are supported by DM2 – House extensions and alterations. This policy generally reflects the content of Policies 4 and 6 of the adopted plan and states that proposed developments are required to relate satisfactorily to nearby development in terms of scale, massing, materials and intensity of use. Additionally the policy requires that the visual amenity of the neighbouring properties should not be impaired nor adversely affected by overlooking or loss of privacy.
- 2.3 The development fails to comply with Policies 4, 6, and DM2 for the reasons set out in the report of handling associated with the application. In summary, the development is considered to have a significant detrimental impact on the privacy and overlooking to the neighbouring property. Screening to mitigate overlooking would require a projection of 4.19 metres, which would have a significant detrimental visual impact to the neighbouring property.

3 Observations on applicant's 'Notice of Review'

- 3.1 The applicant has submitted a statement to support his review. The grounds are summarised below.

a) It is the appellants considered opinion that the two reasons for the refusal of application CR/17/0104 do not withstand a detailed and critical examination given all material planning considerations. The refusal of consent is unjustified, unsound and in planning terms does not give due and proper weight to all material planning considerations. As a result the decision to refuse consent cannot be substantiated.

Response: It is considered that the details within the report of handling explain the reasons for the decision adequately. Essentially, the Council considers that the development has a significant impact on privacy and overlooking to the neighbouring property and that screening to prevent this will have a substantial, negative visual impact.

b) It should be noted immediately that the balcony has been erected over only one extension that being the Conservatory. The Kitchen outcrop is part of the original house and the Sunroom Extension stands out with the balcony area. Perhaps this is a deliberate attempt to ensure that the worst possible picture has been presented.(See Appendix 3)

Response: The detailed assessment was conducted from the balcony, the surrounding site and the neighbouring property. The pictures taken as part of this assessment reflect the development as built.

c) The balcony was constructed simply to provide a reasonable solution to the lack of space enjoyed within both bedrooms. It can be seen that the only access is by way of the children's bedrooms so was not intended to be used by the whole family or invited guests.

Response: The individual family members who could directly access the balcony area was not a material planning consideration. The applicant and the Planning Service have discussed proposals to remove the balcony and extend the property instead to provide additional accommodation. The Planning Service understands that a further application will be submitted which will be subject to the planning application process.

d) The reference to Policy 4 is noted and partly quoted, "should have no significant adverse impacts" and lists the relevant points under this

influence including Streetscape. This is similar to Policy 6 which quotes high quality design, should respect the character of the existing dwelling and those surround it, should not adversely affect adjacent properties in terms of overlooking or loss of privacy, daylight or sunlight and should not have any adverse public safety issues.(See Appendix 6)

Response: The development was not considered to have a negative impact on the streetscape as the unauthorised development is at the rear of the property. Development is required to meet all of the criteria set out in the Local Development Plan and the Supplementary Guidance documents. The proposal is not considered to comply with the adopted policy if this fails on one, or several of the criteria set out in the adopted local plan. The examples of approved balconies in Appendix two show a variety of applications which are to the rear of properties and do not have an impact on the existing streetscape. Each planning application is assessed individually and the nature of proposals and the impact on the surrounding properties vary significantly from site to site. Many of the examples submitted are on much larger properties, some of which have three stories to rear and have existing screening in the form of trees, shrubs and garden buildings. Where the approved balconies are on, or close to the boundary, the width has been reduced to prohibit the positioning of furniture or prolonged use. In other instances boundary screening has been erected, however, none of the approved boundary screening projects 4.19 metres next to the boundary, which would be required in this case. The scale of the structure on the existing one and a half storey building, the proximity and relationship to the neighbouring plot creates an unacceptable level of overlooking.

- e) The first notable input is the use of significant which in this case would be caused by a balcony which at each side is formed with 1100mm high 90mm diameter anodised circular metal vertical support posts with 45mm horizontal support post with glazed inserts. The base is formed with a mixture of galvanised steel open lattice mesh flooring and Upvc decking. This open lattice work and open spacing of the**

decking boards allows for rain water to pass through to the roofs below and be collected to the existing drainage system. There is no significant loss of daylight or sunlight to neighbouring properties.

Response: It was not considered that the proposal would have a significant loss of light to the neighbouring properties and this was not a determining issue in the refusal of the planning application.

- f) The decking frontage is finished in the same materials but the glazing is only 450mm high with the structure below being clad with the same finish boarding as the floor. The design is modern and is certainly not detrimental to the property or those surrounding it.**

Response: The design and materials for the balcony are increasingly used for this type of development and were not a reason for the refusal of the planning application.

- g) It is significant to note that the adjoining property at 20 Buchanan Drive is overlooked from the existing balconies by at least 85% including the kitchen and most of the rear garden. There was no mention what so ever when the application for this change was made either by the adjoining owner or by the planning authority. (CR/06/0205) and (Appendix 5)**

Response: Planning Application CR/06/0205 for the installation of two rear dormer windows with associated balconies was approved by the Planning Service on 19 October 2006. The balconies approved in this previous planning application project 0.7 metres from the patio windows on the first floor and the unauthorised structure projects 4.89 metres from the windows. The existing balconies are not of a scale which can accommodate the type of furniture which facilitates prolonged periods of use. The small balcony area is located within the existing roof space and was not considered to have a significant impact on privacy and overlooking because of the reasons set out above.

- h) Sixteen adjoining neighbours were notified relative to the Planning Application for the balcony but only two letters of objection were**

received both in relation to 20 Buchanan Drive. We can assume that no other neighbours find any intrusion, loss of privacy or the structure significantly affecting the character of the surrounding properties or the existing streetscape.(See Appendix 8)

Response: Statutory neighbour notification requires all of the properties within 20m of the application site boundary to be notified that a planning application has been submitted. Not all of the properties notified will be directly affected by the development; however, this statutory distance is set to ensure the surrounding properties are aware of proposal. In this instance the proposal was constructed without planning approval and the neighbour notification was carried out retrospectively. The letters of representation received in respect of the retrospective application are given the same consideration as an application for a proposed development.

- i) Both letters of objection mention loss of privacy and I would point out as in g) above the privacy of the property is already affected and by allowing the erection of a glazed privacy screen to include the existing balcony area side would reduce the impact of overlooking of the house by approximately 70% but since the rear gardens are so large it is impossible not to overlook the rear garden as is the existing situation.**

Response: The existing approved balconies at the rear of the property are not considered to have a significant detrimental impact on privacy or overlooking at the site, whereas the proximity, scale and location of the unauthorised structure is considered to be over dominant which results in a substantial loss of privacy.

In summary, the development does not accord with the provisions of the adopted Local Development Plan or the associated supplementary guidance relating to house extensions and alterations relating to privacy and overlooking. In addition there are no material considerations which outweigh the provisions of the development plan. The Planning Authority therefore respectfully requests that the Review Body refuse planning permission for the unauthorised structure.

From: Douglas Corrie [REDACTED]
Sent: 05 January 2018 15:36
To: MacRae, Pauline
Subject: Photo from Douglas Corrie

Dear Pauline,

Please find attached additional images to further emphasis the invasion of privacy caused by ' sun lounge ' ' built' next door to 20 Buchanan Drive Cambuslang G72 8BD .

I have additional images which will follow.

Regards
Douglas Corrie

This image was taken from the rear bedroom





IMAGE TAKEN FROM THE BACK GARDEN OF 20 BUCHANAN DRIVE

