

Appendix 2(a)

Report of Handling

Report dated 20 August 2010 by the Council's Authorised Officer under the Scheme of Delegation

Delegated Report

Report to: **Delegated Decision**
Date of Report: **20 August 2010**
Report by: **Area Manager (Planning & Building Standards)**

Application No HM/10/0305
Planning Proposal: Erection of 2 semi-detached dwellinghouses

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr George MacFarlane
- Location : Kinrara
Strathaven Road
Stonehouse

2 Decision

2.1 Refuse detailed planning permission (for the following reasons)

2.2 Other Actions/Notes

None

3 Other Information

- ◆ Applicant's Agent: A D Plans Ltd
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Plan**
Policy RES6 – Residential Land Use
Policy ENV31 – New Housing Development
Policy ENV32 - Design Statements Policy
Policy DM1 – Development Management
Policy DM5 – Sub-Division of Garden Ground
Residential Development Guide

◆ Representation(s):

- ▶ 1 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Stonehouse Community Council

Roads and Transportation Services (Hamilton Area)

Scottish Water

Planning Application Delegated Report

1 Material Considerations

- 1.1 The applicant seeks detailed planning permission for the sub-division of an existing 'front' garden area of a detached dwellinghouse and the erection of two semi-detached dwellinghouses. The proposed dwellings would have two levels of floorspace with the upper level contained in the roofspace there being dormer windows proposed for both the front and rear elevation. Each house will have three off street car parking spaces to the front and garden ground predominately to the rear. Access to the dwellings will be taken from a private road accessed off Manse Road. Each dwelling will provide accommodation in the form of four bedrooms, bathroom, en-suite toilet, shower room, kitchen, dining room and lounge.
- 1.2 The applicant's existing property is a detached house located within a plot which has a large front garden which adjoins the aforementioned private road. This property however is accessed from Manse Road which runs along the western boundary. The dwellinghouse immediately to the north and the dwellinghouses to the east are also large detached properties with generous garden ground. To the east of the application on the opposite side of Manse Road detailed planning consent has been granted for 2 dwellinghouse (reference HM/09/0424), which if implemented would have frontages onto Manse Road. Residential properties are located to the south of the application site beyond Strathaven Road.
- 1.3 In general terms the site is relatively level and contains a number of trees primarily along the eastern mutual boundary. In simplistic terms the site is the main garden ground associated with the applicants house (Kinrara).
- 1.4 In terms of local plan policy, the application site is covered by Policy RES6 – Residential Land Use. This policy states that proposals which are detrimental to the existing levels of residential amenity will be resisted and that the loss of houses will be opposed. Development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use.
- 1.5 As the application is for the creation of two semi-detached dwellinghouses, Policy ENV31 – New Housing Development – is also applicable. This policy states that proposals are required to promote quality and sustainability and make a positive contribution to the character and appearance of its setting. Proposals must respect the local context and be appropriate to the character and topography of the site in terms of layout, scale, proportion, massing and appearance. Indeed the policy contains a list of detailed criteria which residential developments have to comply with.

- 1.6 Policy ENV32 - Design Statements Policy - states that all planning applications for new development should be accompanied by design statements with the exception of change of use applications and both minor elevational alterations and engineering operations.
- 1.7 Policy DM1 – Development Management - 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.
- 1.8 The proposal is for the sub-division of existing garden ground to form two additional dwellings and as such Policy DM5 – Sub-Division of Garden Ground - is applicable to the assessment of the proposal. This policy states that there will be a presumption against the development of a new house within the curtilage of an existing house unless all of the detailed criteria can be met. In particular, the proposed house plot and that remaining to the existing house must be comparable with those nearby in terms of size, shape and amenity. In addition the proposed house is required to have a proper road frontage of comparable size with those surrounding the site; the proposed vehicular access should be of an adequate standard and not have adverse implications for traffic safety and the garden space remaining for the existing house must be sufficient. Furthermore the proposal must not jeopardise or be prejudicial to any further desirable development in the vicinity.
- 1.9 The proposal also requires to be assessed in relation to the Council's Residential Development Guide which provides detailed criteria against which all new residential development will be assessed. The Residential Development Guide details minimum standards relating to garden area, parking, amenity space and overlooking issues.

2 Consultation(s)

- 2.1 **Roads and Transportation Services (Hamilton Area)** – Offer no objections but have commented that if the proposed driveway position for the proposed plot nearest Manse Road is within 15 metres of the junction it would have to be moved to a more suitable location. In addition a dropped kerb and appropriate parking would be required.
Response: Noted.
- 2.2 **Scottish Water** – raise no objections to the proposed development.
Response: Noted.
- 2.3 **Stonehouse Community Council** - no objection.
Response: Noted.

3 Representation(s)

3.1 Statutory neighbour notification was undertaken in respect of the proposal and one letter of representation was received. The issues/concerns raised can be summarised as:

a) **Loss of daylight and overshadowing**

Response: Given the proposed layout, house design and separation distances involved (minimum 19 metres) it is considered that there will be no significant loss of daylight to any neighbouring houses as a result of the proposed development that would merit refusal of this application. Indeed the Councils Residential Development Guide acknowledges that separation distances of this length are generally acceptable. It is acknowledged however that the adjoining garden to the east of the site will to a degree be overshadowed but given its size I do not accept that this will be to a material or significant extent.

b) **Overlooking/loss of privacy**

Response: Agreed. It is considered that there will be a loss of privacy to neighbouring properties as a result of the proposed development as detailed below in paragraph 4.3.

c) **Adverse impact on visual amenity and congested view**

Response: The right to a view does not constitute a material planning consideration as it is not possible to protect a view as in most instances you are looking over land that is owned by a third party. Nevertheless it is considered that in visual terms there will be an adverse impact on the character and amenity of the locality as detailed below in the Assessment and Conclusions section of the report.

d) **Increase in vehicular traffic and off street car parking resulting in potential loss of sightlines to the detriment of pedestrian and vehicular safety and the 'blocking' of the private access road.**

Response: Roads and Transportation Services have raised no objections to the proposal as detailed above in paragraph 2.1. In this regard it is accepted that the two houses will generate additional traffic but the extent of such traffic in the context of existing traffic flows in the area will be marginal. Furthermore appropriate engineering standards and off road parking can be required to ensure suitable sightlines, parking provision etc.

With regards to the concerns regarding the blockage of the private access road this is based on supposition. All competent drivers should park responsibly and there is no reason to assume that any visitors etc to the proposed house will not abide by the Highway Code and park with due diligence and in a courteous manner that takes cognisance of the need to maintain access for neighbours.

- e) **Noise disturbance and creation of dust and ash as a result of development.**

Response: Residential building sites are only temporary in nature and this itself does not justify the refusal of consent. In addition given the nature of the proposal and normal residential use/occupancy, it is unlikely that the proposal would have an adverse or material impact in terms of noise generation, dust and ash etc notwithstanding the construction period.

- f) **Loss of trees to the detriment of the visual amenity.**

Response: It is accepted that it is likely that the proposal will result in the loss of trees on the site, especially those adjacent to the eastern boundary. These trees however are not protected by planning legislation and therefore the applicant could remove them without any consent from the Council as Planning Authority. In addition the trees on their own or collectively do not make a significant contribution to the amenity of the area that their loss is unacceptable in planning terms.

- g) **Proposal represents a substantial increase in density of the existing properties in the area which is out of kilter in respect of what is currently on site.**

Response: While the proposed houses will increase density, I do not agree that this will be substantial as claimed. Indeed the existing density associated with nearby houses to the south of the site and to the north is greater than that now proposed.

4 Assessment and Conclusions

- 4.1 The applicant seeks detailed planning permission for the erection of 2 semi-detached dwellinghouses. The main determining issues in consideration of this application are its compliance with local plan policy and in particular its impact on the amenity of the adjacent properties.
- 4.2 In terms of local plan policy, the application site is covered by Policy RES6 which aims to protect the existing levels of residential amenity within the area and resists developments which would be detrimental. As the proposal is for two semi-detached dwellinghouses, the principle of the development from a land use perspective is not contentious subject to all detailed planning considerations being satisfactory.
- 4.3 In terms of Policy ENV31 however I am of the opinion that the proposal raises a number of issues. In this regard the development, in terms of its position in the street, is not sensitive to the local character of the area. It does not respect the local context in terms of layout as its building line/relationship with the adjoining house to the east is inappropriate and it would result in two dwellings which are 'out of place' and somewhat alien to the locality. In addition there is potential for conflict with existing dwellinghouses in terms of overlooking and loss of privacy and from a

visual perspective the proposed houses would be a discordant element in the streetscene which would challenge and disturb the established development pattern. One further concern is that the 'donor' house would be left with garden ground that in terms to the houses footprint is disproportionate and unacceptable in planning terms. Given these concerns I am of the opinion that the proposal does not accord with policy ENV 31.

- 4.4 With regards to Policy ENV32, the applicant's agent has not submitted a design statement for the proposal. In this particular instance however this is not of fundamental importance to the assessment of the application.
- 4.5 It is considered that the proposed development does not comply with Policy DM1 because the proposal fails to take account of the existing context as it does not respect the existing layout of the area. The resulting dwellings would not reflect the established pattern of development within the area. The proposed house plots and that remaining to the existing houses would not be comparable with those nearby in terms of size, shape and amenity. Indeed the size of garden ground remaining for 'Kinrara' would be significantly smaller in size and out of context with other similar sized dwellings within the area. In addition whilst the existing dwelling retains an access onto Manse Road, it is considered that as a result of the proposed development it would no longer retain its frontage and would therefore give the appearance of 'backland development'. The proposal is contrary to the Council's Residential Development Guide in terms of provision for amenity open space and window to window distance to the detriment of the surrounding residential area.
- 4.6 Policy DM5 is applicable and in this instance is of prime importance. This policy has a presumption against the sub-division of garden ground unless all of the detailed criteria can be complied with. It is considered that the proposal house plots and that remaining to the existing house are not comparable with those nearby in terms of size, shape and amenity and therefore the proposal does not accord with the established pattern of development in the surrounding area. The garden space remaining for the existing house would be insufficient and it would no longer retain its frontage giving the appearance of a somewhat cramped 'backland development.' The proposed development would also cause an unacceptable reduction in privacy to existing houses and if this proposal was to be approved, it would set an undesirable precedent for further developments of this nature within the area.
- 4.7 Overall it is considered that the proposal fails to comply with the relevant aspects of local plan policy. Although the principle of residential development is acceptable in terms of the land use designation for the site, it is considered that the proposal would have a detrimental impact upon the existing levels of residential amenity. In addition it fails to comply with the detailed criteria listed within local plan policy, especially the lack of a proper road/street frontage and the inability of the dwellings, as proposed, to establish a satisfactory relationship with other neighbouring dwellings.

- 4.8 In addition to local plan policy, the proposal must comply with the Council's Residential Development Guide which provides detailed criteria for all residential developments. In the assessment of the Council's Residential Development Guide it is considered that both proposed plots would not be located the minimum distance of 20 metres from the existing neighbouring dwellinghouse.
- 4.9 In summary, it is considered that the proposal is unacceptable as it fails to comply with local plan policy and the Council's Residential Development Guide as detailed above in paragraphs 4.2 to 4.8. In addition, if this proposal was to be approved, it would set an undesirable precedent for further developments of this nature within the area. The proposal does not comply with Council policy and therefore it is considered that planning permission be refused.

5 Reason for Decision

- 5.1 The application does not comply with Policies RES6, ENV31, ENV32, DM1 and DM5 of the South Lanarkshire Local Plan and the South Lanarkshire Council's Residential Development Guide. Furthermore, the applicant has failed to provide supporting information to justify a departure from these policies and guidance.

Signed:
(Council's authorised officer)

Date:

Previous references

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan
- ▶ Neighbour notification letter dated, 22 June 2010
- ▶ Press advert, Hamilton Advertiser, dated 1 July 2010
- ▶ SLC Residential Development Guide

- ▶ Consultations

Scottish Water	29/06/2010
Roads and Transportation Services (Hamilton Area)	22/06/2010
Stonehouse Community Council	13/07/2010

► Representations

Representation from : Moore MacDonald Solicitors, on behalf of;
William Lawley and Agnes Brown
Proprietors of Westerlea, Strathaven Road, Stonehouse.
DATED 13/07/2010

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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Detailed Planning Application

PAPER APART – APPLICATION NUMBER : HM/10/0305

REASONS FOR REFUSAL

- 1 This decision relates to drawing number: 10-114-01a
- 2 The proposal is contrary to Policy RES6 of the South Lanarkshire Local Plan in that it would not relate satisfactorily to the adjacent and surrounding development thereby establishing an adverse impact upon the existing levels of residential amenity within the local area.
- 3 The proposal is contrary to Policy ENV31 of the South Lanarkshire Local Plan in that it does not respect the existing context of the site in terms of layout.
- 4 The proposal is contrary to Policy DM1 of the South Lanarkshire Local Plan in that it does not respect the local context and would fail to make a positive contribution to the area due to the resulting layout.
- 5 The proposal is contrary to Policy DM5 of the South Lanarkshire Local Plan in that the proposed house plot and the remaining existing house plots are not comparable with those nearby in terms of size, shape and amenity. The proposal fails to accord with the established pattern of development in the surrounding area. The existing house would no longer retain its frontage and overall the proposed development would be detrimental to the amenity and character of the area in general and the neighbouring houses in particular.
- 6 The proposal is contrary to guidance contained within the Council's Residential Development Guide as it fails to provide sufficient garden depth to the rear of the existing dwelling.
- 7 If the proposal was to be approved, it would set an undesirable precedent and encourage further applications of this nature.