

# Appendix 2(a)

## Report of Handling

Report dated 4 June 2010 by the Council's Authorised Officer under the Scheme of Delegation



# Delegated Report

Report to: **Delegated Decision**  
Date of Report: **4.06.10**  
Report by: **Area Manager (Planning & Building Standards)**

Application No CL/10/0152  
Planning Proposal: Erection of feature entrance walls and pillars; erection of garden fencing and erection of glazed garden building. (All retrospective.)

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : John Lawrie
- Location : West Millrigg  
Wiston  
ML12 6HU

## 2 Decision

2.1 Refuse Detailed Planning Permission (For reasons stated – based on the reasons attached)

### 2.2 Other Actions/Notes

I recommend that enforcement action be initiated to remedy the breach of planning control and in particular, to have the garden building and rear garden boundary fence removed and the feature walls reduced in height to 1 metre.

## 3 Other Information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): STRAT 4: Accessible Rural Area  
CRE 1: Housing in the Countryside  
ENV 4: Protection of the Natural and Built Environment  
ENV 29: Regional Scenic Area  
ENV 34: development in the Countryside  
DM 1: Development Management

- ◆ Representation(s):
  - ▶ 0 Objection Letters
  - ▶ 0 Support Letters

- ▶ 0 Comments Letters
- ◆ Consultation(s):

Roads and Transportation Services (Clydesdale Area)

## Planning Application Delegated Report

### 1 Material Considerations

- 1.1 The report relates to the plots of two recently constructed houses at West Millrigg Farm near Wiston together with the entrance to the farm complex. The applicant seeks retrospective planning permission for the erection of a detached glazed garden building within the rear garden of 2 West Millrigg, feature entrance walls and pillars, and garden fencing between the two plots. The main issues in determining the application are whether the proposal complies with local plan policy, its impact on character and visual amenity of the surrounding area and road safety.
- 1.2 The adopted South Lanarkshire Local Plan identifies West Millrigg and the wider Wiston area as lying within the Accessible Rural Area where policies STRAT 4 and CRE 1 apply. These policies address the environmental quality of the area and require development to recognise its visual importance. The site also lies within the Regional Scenic Area where policies ENV 4: Protection of the Natural and Built Heritage and ENV 29: Regional Scenic Area and Areas of Great Landscape Value are applicable. These relate to the importance of the natural environment and the impact development may have on the appearance and character of a hierarchy of sites throughout South Lanarkshire – the Regional Scenic Area is classified as be of local or regional importance. Policy ENV 34: Development In the Countryside contains a range of criteria against which development proposals can be comprehensively assessed. Amongst the things to be considered are the scale and design of new buildings ensuring that the complement and enhance the surrounding landscape, the impact on the views into and out of the site, and the retention or reinstatement of boundary features. Policy DM 1 provides detailed guidance on householder proposals such as extensions and associated alterations, the erection of garages, porches, garden sheds, greenhouses and walls or fences.

### 2 Consultation(s)

- 2.1 **Roads and Transportation Services** have advised that at present the stone pillars at the entrance to West Millrigg completely obscure any visibility. The adjoining wing walls, which are 1.15 metres in height, also obstruct visibility. Due to the existing geometry and the modest increase in traffic flows from West Millrigg, an acceptable improvement to the visibility would be achieved by reducing the wing walls to 1.0 metre in height.

**Response:** Noted. A suitable condition requiring the reduction in wall height could be attached to any planning consent granted.

### 3 Representation(s)

- 3.1 Following the carrying out of neighbour notification and the advertisement of the application in the local press, no letters of representations were received.

## 4 Assessment and Conclusions

- 4.1 The applicant seeks retrospective planning consent for unauthorized works at West Millrigg Farm comprising of the erection of a detached glazed garden building in the rear garden of 2 West Millrigg, erection of vertical timber fencing between 1 and 2 West Millrigg (1.8m in the area between the houses, reducing to 1.3m in the rear garden area), and the erection of feature entrance stone walls and pillars at the junction of the private access with the public road. The main issues in determining the application are whether the proposal complies with local plan policy, its impact on the character and visual amenity of the surrounding area and road safety.
- 4.2 West Millrigg sits at the foot of Tinto and lies approximately a kilometre west of Wiston in rolling agricultural or moor land. The landscape is characterised by groups of buildings associated with farm steadings and long open views with the eye naturally gravitating to Tinto. The steading at West Millrigg has been the subject of a number of developments since 2006 resulting in the erection of 2 new houses with detached garages on the northern edge of the original farm and the conversion of 3 steading buildings to dwellinghouses. In addition, detailed consent has also been granted for the erection of a dwellinghouse and garage on ground to the front of the farm though development has yet to commence.
- 4.3 Each of the planning consents for conversion or new build included a condition removing the Permitted Development Rights and restricting the boundary features to stob and wire fences up to 1 metre in height. The consents also required the submission of landscaping proposals for the boundaries, which were to incorporate hedges reinforced with tree planting. These conditions were imposed with the intention of ensuring the development respects the character of the area, to reinforce traditional boundary styles and to introduce an element of shelter which would historically have been associated with farm steadings in exposed locations. Such details and the absence of domestic accouterments more associated with urban areas are characteristic of the Regional Scenic Area.
- 4.4 The glazed garden building erected in the north-east corner of the garden at 2 West Millrigg has been formed from timber framing, a hipped roof with full height and width glazed panels on two elevations, and full width windows on a third elevation. The building has been erected tight onto the field boundaries which mean that there is no opportunity to utilise planting of a sufficient stature to screen it. Policy ENV 29 states that in providing new development particular care should be taken to conserve those features which contribute to local distinctiveness, including the setting of buildings within the landscape, and skyline and hill features and prominent views. As noted above (paragraph 4.2) there are long views into and out of West Millrigg and combined with the position of the building, some 20 metres from the house and on higher ground to the rear of the building group, it is very visible. Its style is also incongruous in this setting where the elements would dictate low, solid buildings. Policy ENV 34 provides further detailed criteria against which development in the countryside should be assessed – this includes the position of buildings or structures being designed to enhance the surrounding landscape and

landform, and the its visibility. As noted above the garden building is very prominent in the landscape and does not tightly relate to the other buildings as a farm stading would have done. The choice of materials is also at variance with the traditional buildings in the area. I therefore consider that the building adversely affects the rural character of the area and the setting of the Regional Scenic Area.

- 4.5 The applicant is also seeking retrospective planning consent for the erection of double-sided timber fencing between the houses at 1 and 2 West Millrigg. This fencing extends between the houses and their patio areas and is acceptable as it provides screening between the properties. Beyond this point, the common boundary is delineated by a double sided horizontal timber fence, approximately 1.3m high for a further 24 metres up to the rear boundary of the plots. The style of the fence is at odds with the rural setting of West Millrigg, and it is aggravated by the extent of the fence.
- 4.6 In addition, retrospective consent is sought for the feature pillars and walls which have been constructed where the private access joins the public road. The dry-stane dyke effect walls are 6metres in length and 1.15m in height and the pillars are approximately 1.5m high. Roads and Transportation Services advise that the current dimensions obscure visibility in either direction. Taking into account the traffic flows and the road topography, they would accept a reduction in the height of the walls to allow drivers leaving the site to achieve views in either direction. The feature walls and pillars are constructed in a material which would be acceptable in the Regional Scenic Area. However there is a clear conflict with road safety in that the required sightlines cannot be achieved due to the height and position of this structure.
- 4.7 In view of the site's location in the Regional Scenic Area and its prominence at the foot of Tinto, incremental development, such as the features which are the subject of this application, has had a detrimental impact on the visual amenity of the area and altered its rural character. Conditions were attached to the planning applications for the new build houses and the conversions, which limited the scope of development in the curtilage of the houses and sought to have boundary features and landscaping appropriate to the area. The 1.8m boundary fence immediately between the houses is acceptable, as well as the entrance walls subject to their height being reduced to meet Roads and Transportation guidelines. However, in view of the concerns over the other aspects of this proposal, I therefore recommend that planning permission be refused, and seek authorization to instigate enforcement proceedings to have the glazed garden building removed, the boundary fence replaced with a more appropriate form of enclosure and the feature walls reduced in height to 1 metre.

## **5 Reason for Decision**

- 5.1 The proposal does not comply with Policies ENV 4, ENV 29, ENV 34, CRE 1 and DM1 of the adopted South Lanarkshire Local Plan.

**Signed:** .....  
**(Council's authorised officer)**

**Date:** .....

### **Previous References**

- ◆ CL/06/0562
- ◆ CL/06/0748
- ◆ CL/06/0854
- ◆ CL/07/0735
- ◆ CL/07/0772
- ◆ CL/09/0199
- ◆ CL/10/0158

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
  
- ▶ Consultations  
    Roads and Transportation Services (South Division) 27/04/2010
  
- ▶ Representations

### **Contact for Further Information**

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

Ailsa Graham  
(Tel :01555 673190 )  
E-mail: [Enterprise.lanark@southlanarkshire.gov.uk](mailto:Enterprise.lanark@southlanarkshire.gov.uk)



## REASONS FOR REFUSAL

- 1 This decision relates to drawing numbers: L(2-)01; L(2-) 02 fence; L(2-) 02 revA proposed out building and feature wall.
- 2 In the interests of the visual amenity of the area in that the proposal, by virtue of the size, position, design and materials of the detached building and the form and extent of the boundary fencing, would be out of character with and adversely affect the overall quality of the Regional Scenic Area and as such would be contrary to Policies ENV 4 and ENV 29 of the adopted South Lanarkshire Local Plan.
- 3 In the interests of amenity in that the proposal, by virtue of its size, position, design and materials of the detached building and the form and extent of the boundary fencing, would fail to respect the landscape form and traditional forms of development of the area, and as such would be contrary to Policy ENV 34 of the adopted South Lanarkshire Local Plan.
- 4 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for proposals which would be to the detriment of the appearance and amenity of the area in general.
- 5 In the interests of the visual amenity of the area in that the proposal, by virtue of the form, design and materials of the detached building, and the form and extent of the boundary fencing does not respect the local context of the area and as such is contrary to Policy DM 1 of the adopted South Lanarkshire Local Plan.
- 6 In the interests of the visual amenity of the area in that the proposal, by virtue of the position of the detached building does not integrate with existing buildings at the site and is visually prominent in the landscape, and as such would be contrary to Policy CRE 1 of the adopted South Lanarkshire Local Plan.
- 7 In the interests of road safety, in that the feature walls and pillars obscure visibility for vehicles exiting the site.