



# Planning Local Review Body

## Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)  
PLRB Reference NOR/CL/11/003

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- ◆ Site address: 96 Lawhill Road, Law
- ◆ Application for review by K Whitelaw of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application CL/11/0109
- ◆ Application CL/11/0109 for the erection of a 1½ storey detached house
- ◆ Application Drawings: L(2-)001, L(2-)002 Rev A, L(2-)003 Rev A, L(2-)004 Rev C, L(2-)005 and L(2-)006 Rev B

## Decision

The PLRB upholds the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application CL/11/0109 for the reasons stated on the Council's decision notice dated 10 June 2011.

*Rosemary Lake*

**Rosemary Lake**  
**Head of Administration Services**

Date of Decision Notice: *3 November 2011*

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## 1. Background

- 1.1 This Notice constitutes the formal decision notice of the Planning Local Review Body (PLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.
- 1.2 The above application for planning permission was considered by the PLRB at its meeting on 10 October 2011. The PLRB was attended by Councillors Graham Scott (Chair), Jim Docherty, Bill Holman, Clare McColl, Alex McInnes and Patrick Ross-Taylor (Depute).

## **2. Proposal**

- 2.1 The application is for the erection of a 1½ storey detached house at 96 Lawhill Road, Law.
- 2.2 The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.

## **3. Determining Issues**

- 3.1 The determining issues in this review were:-

- ◆ the proposal's compliance with Adopted South Lanarkshire Local Plan
- ◆ impact on residential amenity
- ◆ adequacy of access and parking arrangements

The Council's Residential Development Guide was also of relevance.

- 3.2 The PLRB established that the site was located within a Residential Land Use Area in terms of the Adopted South Lanarkshire Local Plan. The following policies applied to the application site:-

- ◆ Policy RES5 – Residential Land Use
- ◆ Policy ENV31 – New Housing
- ◆ Policy DM5 – Sub-Division of Garden Ground

- 3.3 Policy RES6 of the Adopted Local Plan states that the Council will resist any proposal which is detrimental to the amenity of the area and that proposals must relate satisfactorily to the adjacent and surrounding development in terms of scale, massing and materials.

- 3.4 Policy DM5 states that there will be a presumption against new houses in the curtilage of existing houses unless the proposal:-

- ◆ is of a scale, massing, design and materials sympathetic to the character and pattern of development in the area
- ◆ results in a development that does not appear cramped, visually obtrusive or of an appearance which is so out of keeping with the established character that it is harmful to the amenity of the area

- 3.5 Policy ENV31 requires that proposals:-

- ◆ respect the local context
- ◆ are appropriate in terms of layout, scale, proportion, massing and appearance
- ◆ do not conflict with any adjacent land uses

- 3.6 In considering the case, the PLRB had regard to the applicant's submission that:-

- ◆ the houses at 21 and 23 Swan Way were 1½ storey houses, the same as the proposed house
- ◆ the proposed house was sufficiently set back from boundaries, had a smaller footprint than neighbouring houses, was not as high as the objectors' houses and had sufficient garden ground
- ◆ other houses in the vicinity did not meet the criteria for distances set out in the Council's Residential Development Guide
- ◆ the proposed house would be screened by conifer trees

- 3.7 The PLRB noted that the gable to gable distance between the proposed and donor houses was 3 metres and that the distance between the proposed house and the fence boundary

with the donor house was 1 metre. It further noted that, in terms of the Council's Residential Development Guide, the recommended distances were 4 metres from gable to gable and 2 metres in terms of distance to the fence. The PLRB, therefore, concluded that the proposal did not accord with the requirements detailed in the Residential Development Guide.

- 3.8 The PLRB considered that, because of its size and location, the proposal would be visually intrusive and have a dominating and adverse impact on the amenity of the neighbouring houses. As a result, the PLRB concluded that the proposal would have an adverse impact on the residential and visual amenity of the surrounding area and that, consequently, it was contrary to Policies RES6, DM5 and ENV31 of the Adopted South Lanarkshire Local Plan.

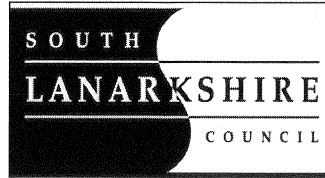
#### **4. Conclusion**

- 4.1 The PLRB considered a request to review the decision to refuse planning permission for the erection of a 1½ storey detached house at 96 Lawhill Road, Law. The PLRB concluded that the size of the proposed house and its location close to neighbouring houses would adversely affect the residential and visual amenity of neighbouring properties. As a result, the PLRB concluded that the development did not comply with Policies RES6, DM5 and ENV31 of the Adopted Local Plan or with the guidance contained in the Council's Residential Development Guide. The PLRB further concluded that there was no justification to depart from the terms of the Plan or the Guide in this instance.

- 4.2 The PLRB, therefore, upheld the decision to refuse planning permission for planning application CL/11/0109 for the reasons set out in the decision notice from the Council dated 10 June 2011.

#### **5. Accompanying Notice**

- 5.1 Attached is a copy of the Notice to Accompany Refusal, etc in the terms set out in Schedule 2 to the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.



## NOTICE TO ACCOMPANY REFUSAL ETC

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.