

Appendix 2

Report of Handling

Report by the Council's Authorised Officer under the Scheme of Delegation

Delegated Report

Report to: **Delegated Decision**
Date of Report: **12 January 2011**
Report by: **Area Manager (Planning & Building Standards)**

Application No CR/10/0266
Planning Proposal: Erection of front boundary wall (Retrospective) (Deletion of condition number 12 of consent GDC 2091/95)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Elizabeth Smith
- Location : 18 Alder Gate
Cambuslang

2 Decision

2.1 Refuse Detailed Planning Permission (For Reasons Stated)

2.2 Other Actions/Notes

In the event the structures are not removed within one month of the date of this decision enforcement action shall be taken to initiate having this work carried out.

3 Other Information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 14 Cambuslang East
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Plan**
Policy RES 6 – Residential Land Use
Policy DM 1 – Development Management
Policy DM 4 – House Extensions & Alterations
Residential Development Guide

- ◆ Representation(s):

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

◆ Consultation(s):

None

Planning Application Delegated Report

1 Material Considerations

- 1.1 The applicant seeks retrospective consent for the erection of a front boundary wall at 18 Alder Gate, Drumsagard. The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Plan, the Council's Residential Development Guide, site history and its impact on the character of the residential estate.
- 1.2 Policy RES 6 – Residential Land Use Policy of the South Lanarkshire Local Plan states that the Council will resist any development that will be detrimental to the amenity of those areas.
- 1.3 Policy DM 1 – Development Management Policy states that all planning applications will require to take into account 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.
- 1.4 Policy DM 4 – House Extensions and Alterations policy provides criteria with respect to house extensions and alterations. Proposals should respect the character of existing dwellings and the wider area in terms of their scale, design and materials.
- 1.5 The Council's Residential Development Guide states under guidance for Boundary Treatment Within Sites that "In order to protect the appearance of new developments from the indiscriminate erection of walls and fences of varying heights and materials, the Council will include an "open plan" condition on planning consents for residential developments. This will prohibit the erection of front walls and fences in gardens". This was also the view of Glasgow City Council in July 1996 who imposed a planning condition on the residential estate that prohibits the erection of gates, walls, fences or other means of enclosure between the front of the house and the adjoining road under planning condition number 12 of consent GDC 2091/95.

2 Consultation(s)

- 2.1 No statutory consultations were required for this proposal.

3 Representation(s)

- 3.1 Statutory neighbour notification was undertaken in respect of the proposal and no representations were received.

4 Assessment and Conclusions

- 4.1 The applicant seeks retrospective approval for the erection of a front boundary wall with railings at 18 Alder Gate, Drumsagard. The two storey property is detached and is located at the mid point of a row of three dwellinghouses as you enter Alder Gate on the northern side. The applicant has enclosed the grassed area of her front garden with a buff coloured brick wall, 0.25m high, with brick piers, approximately 0.7m high and a metal railing approximately 0.6m high on top of the wall.
- 4.2 Planning consent is required for this proposal as there is an existing planning condition imposed on the residential estate that prohibits the erection of gates, walls, fences or other means of enclosure between the front of the house and the adjoining road under planning condition number 12 of consent GDC 2091/95. The determining issues in consideration of this application are its compliance with the adopted South Lanarkshire Local Plan and the Council's Residential Development Guide, site history and in particular, its impact on the character of the residential estate.
- 4.2 In terms of the local plan the site is located within a residential area and is designated as such under Policy RES6 – Residential Land Use of the adopted local plan. This policy states that development that is detrimental to the amenity of these areas is therefore to be resisted. In order to assess this impact further policy guidance is provided within Policies DM1 – Development Management and DM4 – House Extensions and Alterations of the adopted local plan.
- 4.3 Policy DM1 requires all planning applications to take account of the local context and built form and states that development should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing design, external materials and impact on amenity. When assessing planning applications, the Council will require proposals to comply with certain criteria. In assessment of these criteria, the proposed development is not considered to meet the following:

a. respect the local context;

Response: The proposal would significantly alter the open plan character of the residential estate, particularly given the prominence and setting of the house. The local context of the estate would not be respected.

b. be of a layout, form and design which makes a positive contribution to the area.

Response: Given the open plan nature of the estate the proposed wall is visually prominent within the streetscene. It is therefore considered that the proposal makes a negative contribution to the overall residential amenity of the area.

- d. **have no significant adverse effect on visual amenity, landscape character, habitats or species, including those given statutory protection or wider environmental amenity.**

Response: The open plan context of the site is such that the proposed wall is visually prominent to the detriment of the overall character of the residential estate.

- 4.4 As criteria a, b and d have not been met the proposed development is considered to be contrary to Policy DM1 of the adopted local plan.

- 4.5 Additional policy guidance is provided in Policy DM4 – House Extensions and Alterations in which to assess extensions of this type and again these will only be permitted where certain criteria can be met. There is a general presumption against permitting front walls/fences within private residential areas where an open plan condition exists and where the open plan character has largely been maintained, with few breaches having occurred. In assessment the proposed development is not considered to meet criteria a):

- a) **the siting, form, scale, design and materials respect the character of the existing dwellinghouse and the wider area. Within this context, high quality, innovative design will be encouraged where it complements the character of the buildings and its surroundings;**

Response: Whilst it is noted that the applicant has used materials that are in keeping with those used for her house, the context of the wider area has not been respected. The application site is located within an open plan residential estate and the proposed wall would not be in keeping with the layout and form of the houses within the estate as it would clearly break the established pattern of the estate.

- 4.6 As criteria a) has not been met the proposal is therefore contrary to Policy DM4 of the adopted local plan.

- 4.7 Given the proposed development is contrary to Policies DM1 and DM4 of the adopted local plan, as it would have an adverse impact on the overall character of the residential estate, it is also considered that the proposed development would be contrary to Policy RES6 – Residential Land Use of the adopted local plan, which states that development detrimental to the amenity of residential areas should be resisted.

- 4.8 The applicant has provided supporting information indicating the difficulties she has had in maintaining and protecting her front garden from anti-social behaviour and crime. However the open plan nature of her estate has been consistently maintained in order to protect the overall environmental quality of its character. There are few exceptions and where these have occurred, these have been approved as there have been sufficient mitigating circumstances to allow these exceptions. The two properties the applicant has referred to, are in Azalea Gardens

(no.'s 11 and 15) which are located immediately adjacent to a formal play area and at the end of a culdesac. The applicant's application site however is located within a prominent position within the estate and whilst opposite an area of informal open space it is not considered that its intensity of use is such that it would generate the same issues as the formal play area, particularly as it is located across the road.

- 4.9 In addition to the above the Council's Residential Development Guide is also material to the determination of this application. This supplementary design guidance states that "In order to protect the appearance of new developments from the indiscriminate erection of walls and fences of varying heights and materials, the Council will include an "open plan" condition on planning consents for residential developments. This will prohibit the erection of front walls and fences in gardens". The proposed development would therefore also be contrary to this guidance.
- 4.10 For the reasons detailed in paragraphs 4.3 to 4.9 it is considered that the proposal would result in a development not in keeping or appropriate to the form of residential estate which has been developed with an "open plan" concept in order to enhance the environmental quality and character of the area. With this application it is considered that after having regard to the circumstances of this estate and the nature of the means of enclosure there are no other material circumstances that could justify a departure from policy and enforcement action shall be initiated to have these structures removed. Planning permission is therefore refused.

5 Reason for Decision

- 5.1 The proposal is contrary to Policies RES6, DM1 and DM4 of the adopted South Lanarkshire Local Plan 2009 and the Council's Residential Development Guide as it would be detrimental to the overall residential amenity of the locality and may encourage further similar applications for proposals which would be to the visual detriment, appearance and character of the area in general.

Signed:
(Council's authorised officer)

Date:

Previous References

- ◆ Planning Application No. GDC 2091/95 – Approved 2 July 2006

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations

- ▶ None

- ▶ Representations
None

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 : CR/10/0266

REASONS FOR REFUSAL

- 1 This decision relates to drawing numbers:
Plans 1-2
Photo.'s 1-10
- 2 The proposal is contrary to Policy DM 1 - Development Management of the adopted South Lanarkshire Local Plan in that it would result in part of the front garden area being enclosed by a brick wall with railings, in a modern residential estate which has been developed with an "open plan" concept in order to enhance the environmental quality and character of the area. In particular the proposal would be contrary to the following criteria as the proposal:
a) does not respect the local context.
b) is not of a layout or form which makes a positive contribution to the area.
d) has a significant impact on visual amenity.
- 3 The proposal is contrary to Policy DM 4 - House Extensions and Alterations of the adopted South Lanarkshire Local Plan in that it would result in part of the front garden area being enclosed by a brick wall with railings, in a modern residential estate which has been developed with an "open plan" concept in order to enhance the environmental quality and character of the area.. In particular the proposal would be contrary to the following criteria as the proposal:
a) does not respect the character of the wider area by virtue of its siting and form form.
- 4 The proposal is contrary to Policy RES6 - Residential Land Use of the adopted South Lanarkshire Local Plan in that the proposal would have a detrimental effect on residential amenity as it would be contrary to criteria a, b and d of Policy DM1 and criteria a of Policy DM4 of the adopted South Lanarkshire Local Plan.
- 5 The proposal is contrary to the Council's Residential Development Guide and condition number 12 of consent GDC 2091/95 which in the interests of visual amenity, prohibits the erection of gates, fences, walls or other means of enclosure between the front of the dwellinghouse and the adjoining road.
- 6 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for proposals which would be to the visual detriment, appearance and amenity of the area in general.