



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100050353-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Sconaplans Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Charles	Building Name:	
Last Name: *	McEachern	Building Number:	1
Telephone Number: *		Address 1 (Street): *	Cambuskenneth Gardens
Extension Number:		Address 2:	Mount Vernon
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G32 0TS
Email Address: *			

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	James	Building Number:	18
Last Name: *	Docherty	Address 1 (Street): *	Buchanan Drive
Company/Organisation		Address 2:	Cambuslang
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G72 8BD
Fax Number:			
Email Address: *			

## Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? \*

Yes  No

## Application Details

Please select which application(s) the new documentation is related to.

Application: \*

## Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: \* (Max 500 characters)

## Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. \*

Yes  No

## Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Charles McEachern

Declaration Date: 17/05/2017

# Delegated Report

Report to: **Delegated decision**  
Date of Report: **4 September 2017**  
Report by: **Area Manager (Planning & Building Standards)**

Application No CR/17/0104  
Planning Proposal: Erection of first floor balcony (retrospective)

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr James Docherty
- Location : 18 Buchanan Drive  
Cambuslang  
G72 8BD

## 2 Decision

2.1 Refuse detailed planning permission (for reasons stated)

## 2.2 Other Actions/Notes

None

## 3 Other Information

- ◆ Applicant's Agent: Sconaplans Limited
- ◆ Council Area/Ward: 13 Cambuslang West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 4 - Development management and placemaking  
Policy 6 - General urban area/settlements

### **Development management, placemaking and design supplementary guidance (2015)**

Policy DM2 - House extensions and alterations

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

## Planning Application Delegated Report

### 1 Material Considerations

- 1.1 This retrospective application relates to the erection of a raised deck balcony constructed at first floor level over three existing extensions at 18 Buchanan Drive in Cambuslang. The deck projects 4.2m from the existing building, is 8.3m (reducing to 7m) wide and the base height is 3.8m on the north east elevation and 3.4m on the south west elevation.
- 1.2 The Planning Service was contacted after the balcony had been constructed. The applicant was advised that planning consent was required, however the service also advised that the proposal did not comply with local plan policy and that the structure should be removed. The structure has not been removed and the applicant has chosen to submit a retrospective planning application for the development. The planning application requires to be assessed against the provisions of the South Lanarkshire Local Development Plan (adopted 2015) and its associated Supplementary Guidance as well as against any other relevant material considerations.

### 2 Representation(s)

- 2.1 Statutory neighbour notification was undertaken and two letters of objection were received in respect of the application, the points of which are considered below.
  - a) **The structure has been in situ for almost a year and has caused distress due to lack of action in requiring it to be removed.**

**Response:** The Planning Service was contacted regarding the raised balcony after it had been constructed and thereafter visited the site. In a further site visit the owners of the property were advised that planning consent would have been required for the balcony and advised the owners of concerns regarding loss of privacy and overlooking to the neighbouring properties.

After careful consideration, the owners of the property were advised that the balcony did not comply with local plan policy and that the balcony should be removed to avoid commencement of enforcement proceedings. The balcony was not removed and an alternative first floor rear extension was proposed as an alternative to replace the raised balcony. The owners of the property were advised that the amended proposal was also not acceptable and reiterated that the balcony required to be removed.

The Planning Service is required to allow a reasonable period for amended proposals to be submitted and for responses to be received. There are also statutory time scales in place for Planning Contravention Notices and the planning application process. The Planning Service advised the owner that the balcony should be removed within six weeks of receiving the complaint. The Service has followed the appropriate procedure in response to the refusal of the owner to remove the balcony.

Having failed to adhere to the previously advised dates for removing the balcony, a Planning Contravention Notice was served in relation to the unauthorised development. In response to the Planning Contravention Notice, the owner of the property submitted the current planning application. Enforcement proceedings cannot be instigated whilst a planning application is under consideration, however such proceedings will commence, as appropriate, once the planning application decision is finalised.

b) **The structure is detrimental to the value of the neighbouring property.**

**Response:** The value of a property is not a material planning consideration.

c) **The intrusive structure compromises the privacy of surrounding properties.**

**Response:** The view is taken that the balcony, by virtue of its scale and elevated first floor position, has an unacceptable impact on the privacy of adjacent properties. It is therefore considered necessary for the planning application to be refused consent in this case.

### **3 Assessment and Conclusions**

3.1 Planning permission is sought retrospectively for the erection of a raised deck balcony constructed at first floor level over three existing property extensions at 18 Buchanan Drive in Cambuslang. The applicant has previously been advised by the Planning Service that the balcony, as constructed, does not adhere to existing planning policy as set out in the South Lanarkshire Local Development Plan and its associated supplementary guidance and should therefore be removed from the site. However, despite a Planning Contravention Notice being served in relation to the development, the structure has not been removed to date and the applicant has instead submitted a planning application for the development as built. The planning application requires to be assessed against the provisions of the South Lanarkshire Local Development Plan (adopted 2015) and its associated Supplementary Guidance as well as against any other relevant material considerations.

3.2 In this regard Policy 4 – Development management and placemaking requires all proposals to take account of, and be integrated with, the local context and built form. The policy states that development proposals should have no significant adverse impacts on the local community in terms of layout, scale, massing, design, materials or amenity. Similarly Policy 6 – General urban area/settlements of the adopted plan, while generally supporting residential uses within residential areas, seeks to resist developments that are detrimental to the amenity of local residents.

3.3 Policy DM2 – House extensions and alterations of the Development management, placemaking and design supplementary guidance document associated with the local development plan expands on the above policies and provides specific criteria for the assessment of proposed house extensions and alterations. The policy states

that proposed alterations should be of a high quality design, should respect the character of the existing dwelling and those that 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 impacts.

- 3.4 In this case it is noted that the balcony has a significant detrimental impact on neighbouring properties in terms of overlooking and loss of privacy by virtue of its scale and its positioning on the first floor of the property. It is not considered that the balcony could be suitably screened in a manner that would mitigate the adverse amenity impact created in this case. Additionally it is considered that the balcony, when viewed in the context of the existing accumulation of extensions to the rear of the property, has a significant detrimental visual impact on the property itself and the wider streetscape. As such, the view is taken that the development fails to comply with the relevant criteria set out in Policies 4 and 6 of the adopted local development plan or with Policy DM2 of the associated supplementary guidance document relating to development management, placemaking and design.
- 3.5 Given that the development fails to comply with the relevant development plan policy criteria as set out above, it is considered necessary for retrospective planning consent to be refused in this case. The Council will therefore now seek to take appropriate enforcement action in respect of the development if the structure is not removed.

#### **4 Reason for Decision**

- 4.1 The development fails to comply with Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted 2015) or with relevant supplementary guidance relating to house extensions and alterations as the development has a significant amenity impact on surrounding properties in terms of loss of privacy and overlooking and detracts from the character and appearance of the streetscape.

**Delegating Officer: G Rae**

**Date: 4.9.17**

#### **Previous References**

- ◆ CR/00/0115
- ◆ CR/06/0205
- ◆ CR/12/0032

## List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Development management, placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 22/5/2017
- ▶ Representations

Representation from : Stuart Lee, DATED 28/05/2017

Representation from : Mr Corrie,  
20 Buchanan Dr  
Cambuslang  
G72 8BD  
DATED 02/06/2017 21:39:12

### Contact for Further Information

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

Evelyn-Ann Wilson  
(Tel: 01698 455059)  
E-mail: [evelyn-ann.wilson@southlanarkshire.gov.uk](mailto:evelyn-ann.wilson@southlanarkshire.gov.uk)



## Detailed Planning Application

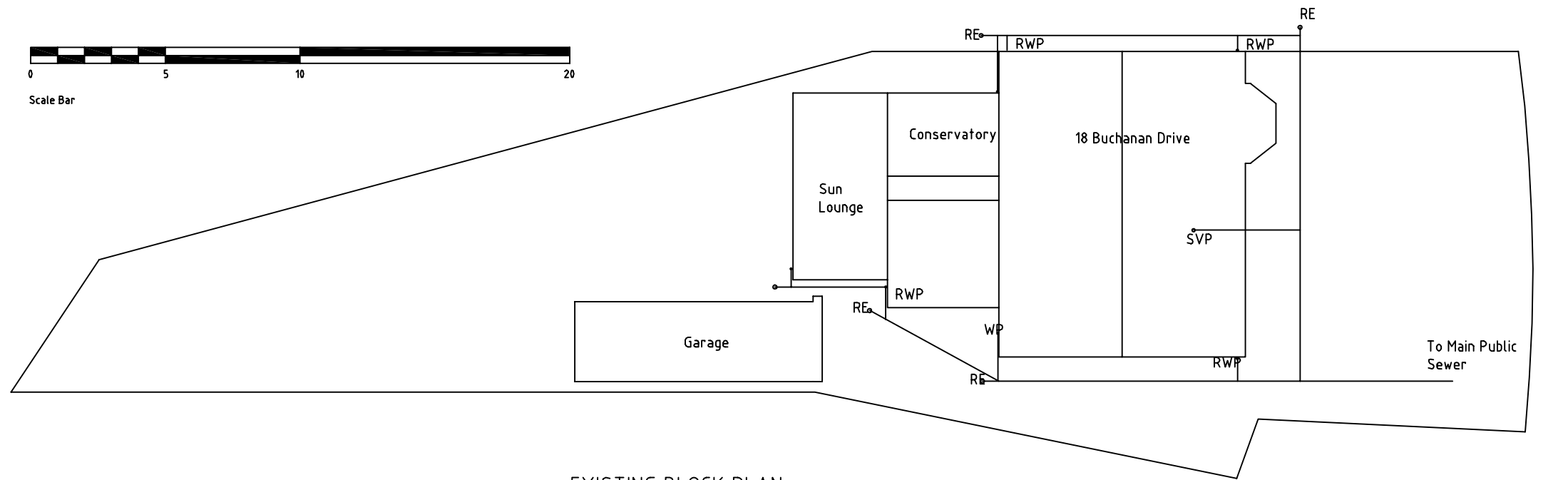
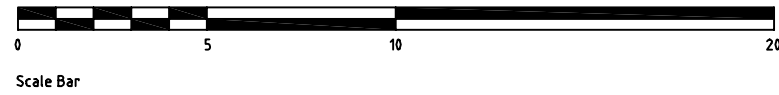
PAPER APART – APPLICATION NUMBER: CR/17/0104

### **REASONS FOR REFUSAL**

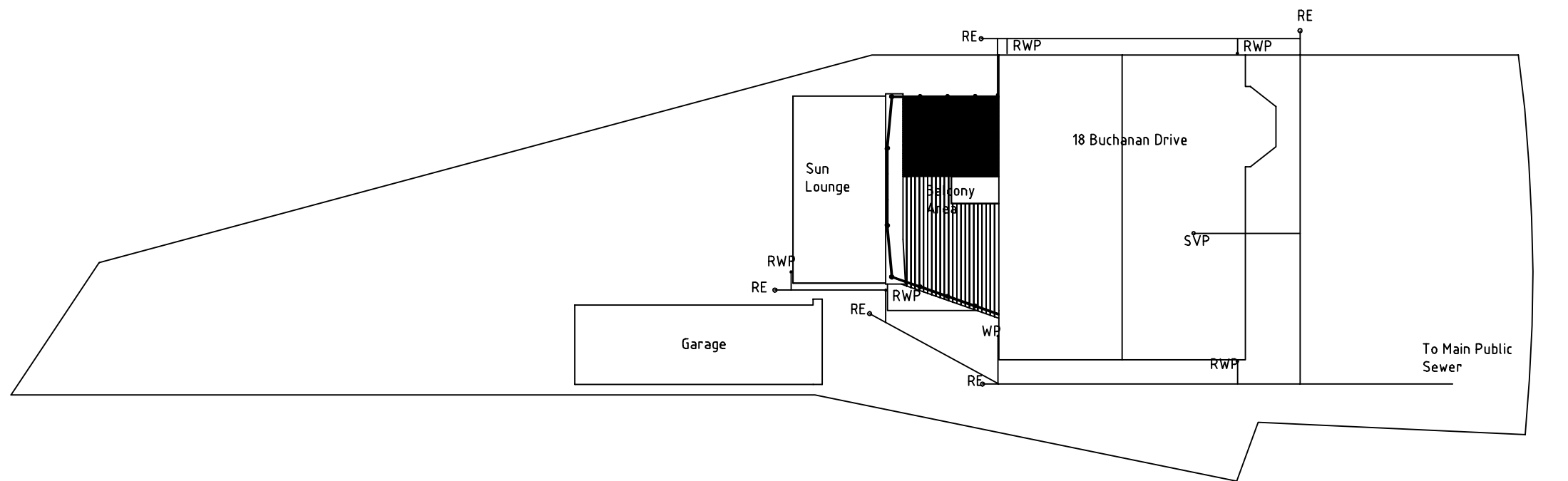
- 1        The proposal is contrary to Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan (2015) and Policy DM2 of Supplementary Guidance Development management, placemaking and design in that the balcony has a significant detrimental impact on neighbouring properties in terms of overlooking and loss of privacy by virtue of its scale and positioning.
  
- 2        The proposal is contrary to Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan (2015) and Policy DM2 of Supplementary Guidance Development management, placemaking and design in that the balcony, when viewed in the context of the existing accumulation of extensions to the rear of the property, has a significant detrimental visual impact on the surrounding streetscape.

### **INFORMATIVES**

- 1        This decision relates to drawing numbers:  
  
          Location Plan - Drw No. JD.18BD.2017.06 Balcony,  
          Existing and Proposed Site Plans - Drw No. JD.18BD.2017.01 Balcony,  
          Existing Ground and First Floor Layout Plans - Drw No. JD.18BD.2017.02  
          Balcony,  
          Existing Elevations - Drw No. JD.18BD.2047.03 Balcony,  
          Proposed Ground Floor and First Floor Layout Plans - Drw No.  
          JD.18BD.2017.04 Balcony,  
          Proposed Elevations - Drw No. JD.18BD.2017.05 Balcony,  
          Block plan as existing and proposed - Drg JD-18BD-2017-01 Balcony.



EXISTING BLOCK PLAN



PROPOSED BLOCK PLAN

SOUTH LANARKSHIRE COUNCIL  
Town & Country Planning (Scotland) Acts  
APPLICATION REFUSED

4 Sept 2017

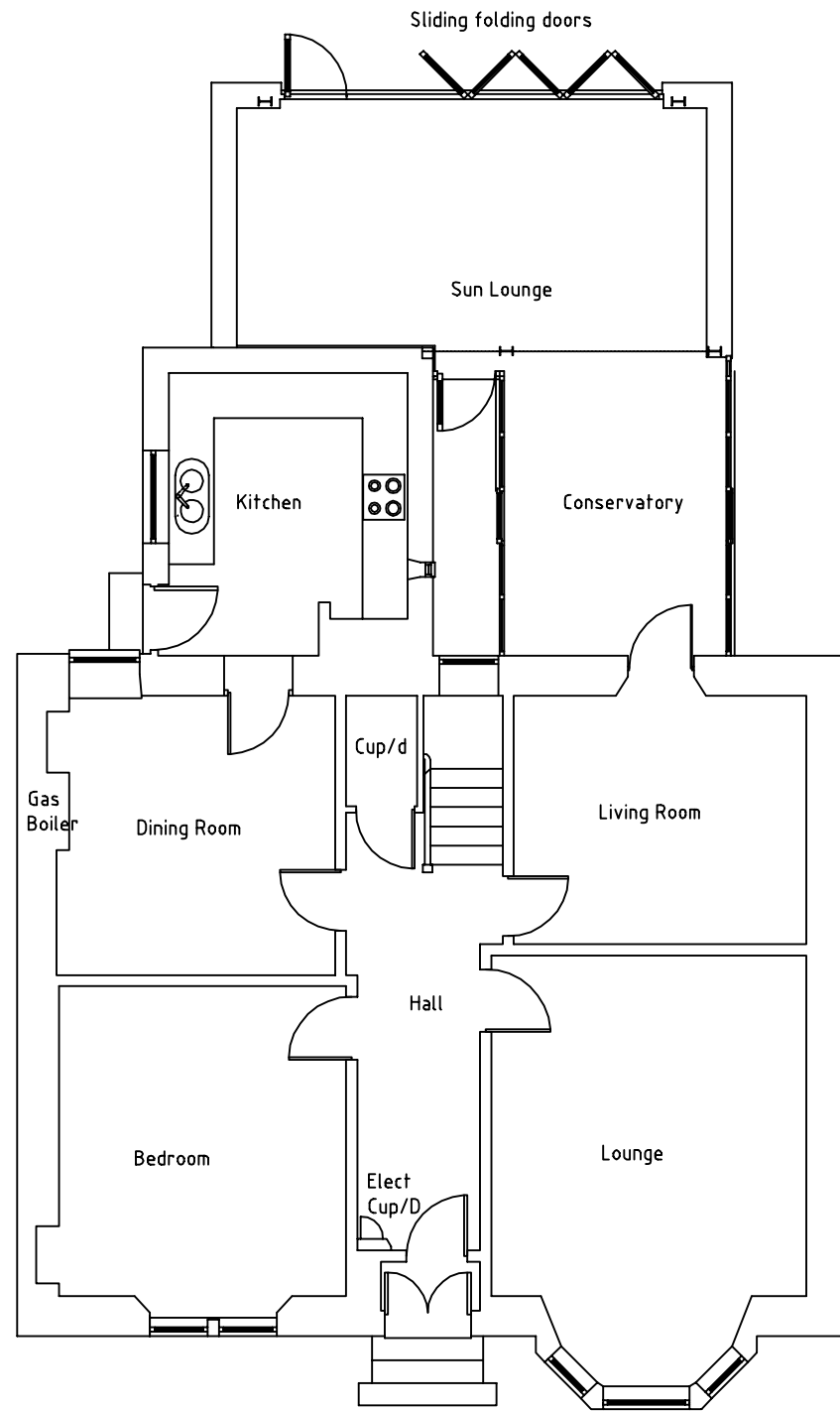
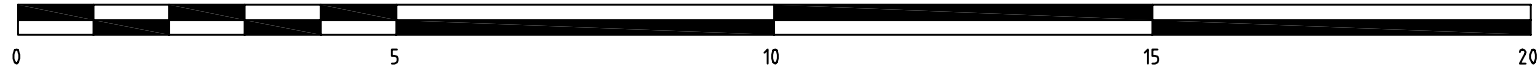
Head of Planning  
and

Applicant  
**Mr James Docherty**  
**18 Buchanan Drive**  
**Cambuslang**  
**Glasgow**  
**G72 8BD.**

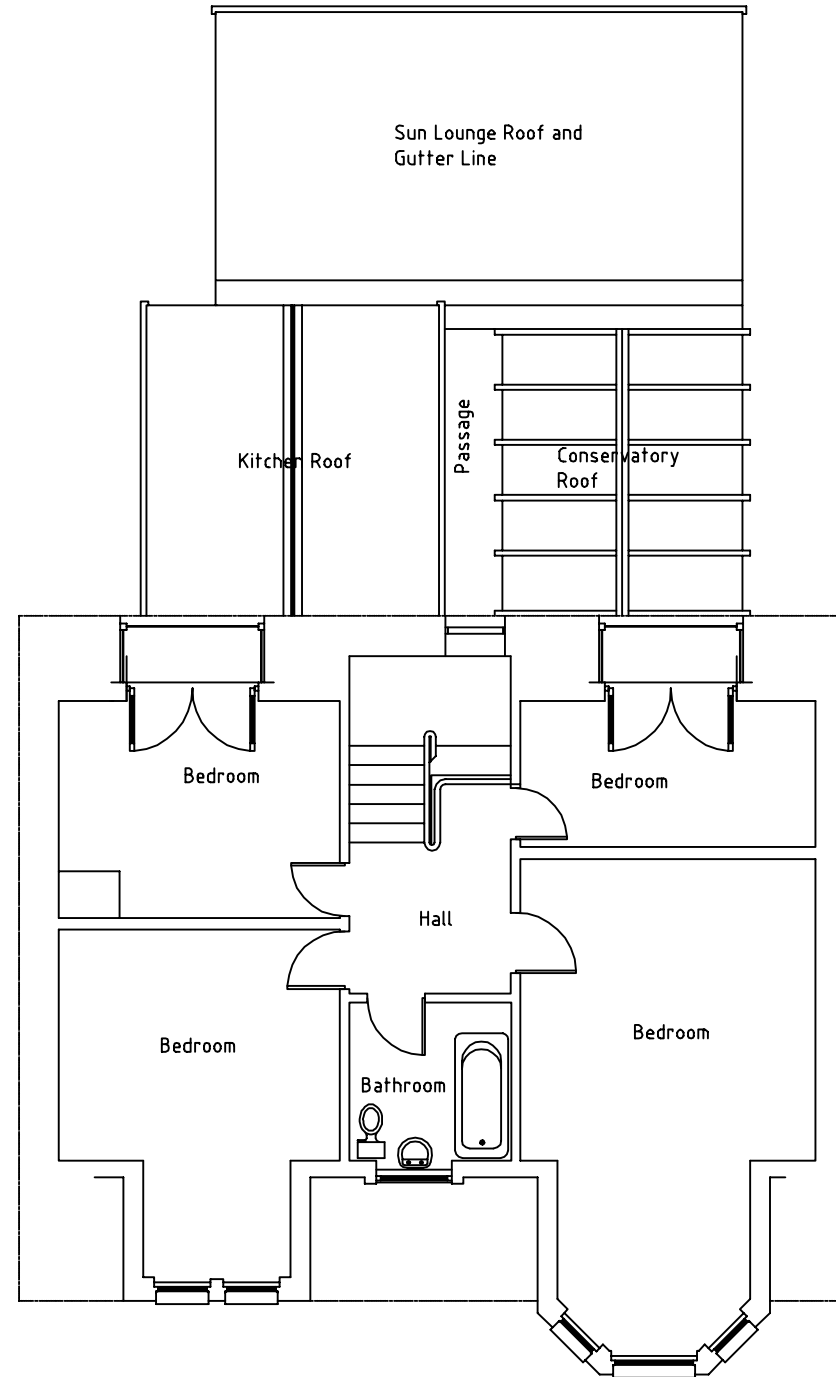
Project  
Alterations to form Balcony Area at First Floor  
Level 18 Buchanan Drive Cambuslang Glasgow  
G72 8BD.

Title  
Existing and Proposed Block Plans

Scale 1:200	Plan Number JD/18BD/2017/ 01 Balcony	Date April 2017
----------------	--	-----------------------



EXISTING GROUND FLOOR PLAN



EXISTING FIRST FLOOR PLAN

SOUTH LANARKSHIRE COUNCIL  
Town & Country Planning (Scotland) Acts  
APPLICATION REFUSED

4 Sept 2017

Head of Planning  
and

Applicant  
**Mr James Docherty**  
18 Buchanan Drive  
Cambuslang  
Glasgow  
G72 8BD.

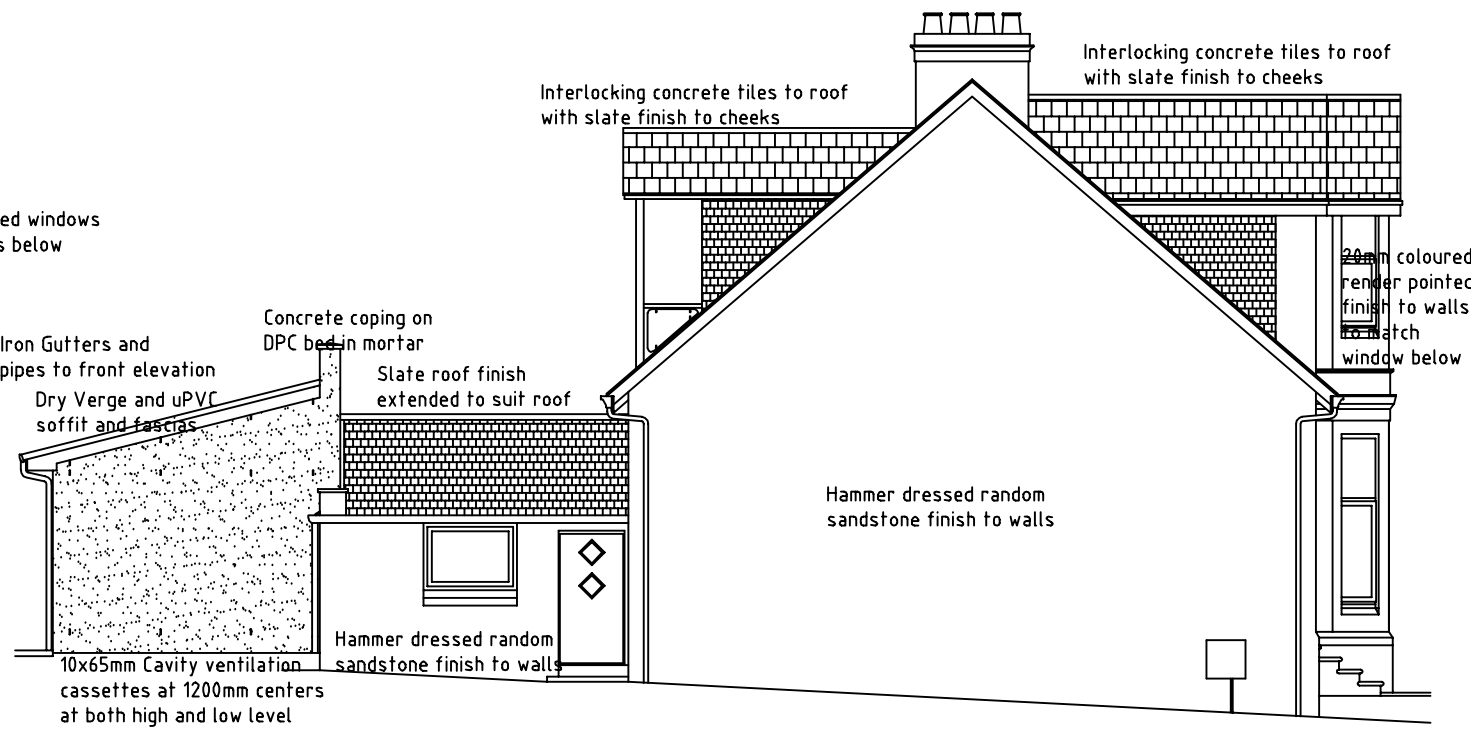
Project  
Alterations to form Balcony Area at First Floor  
Level 18 Buchanan Drive Cambuslang Glasgow  
G72 8BD.

Title  
Existing Ground and First Floor Layout Plans

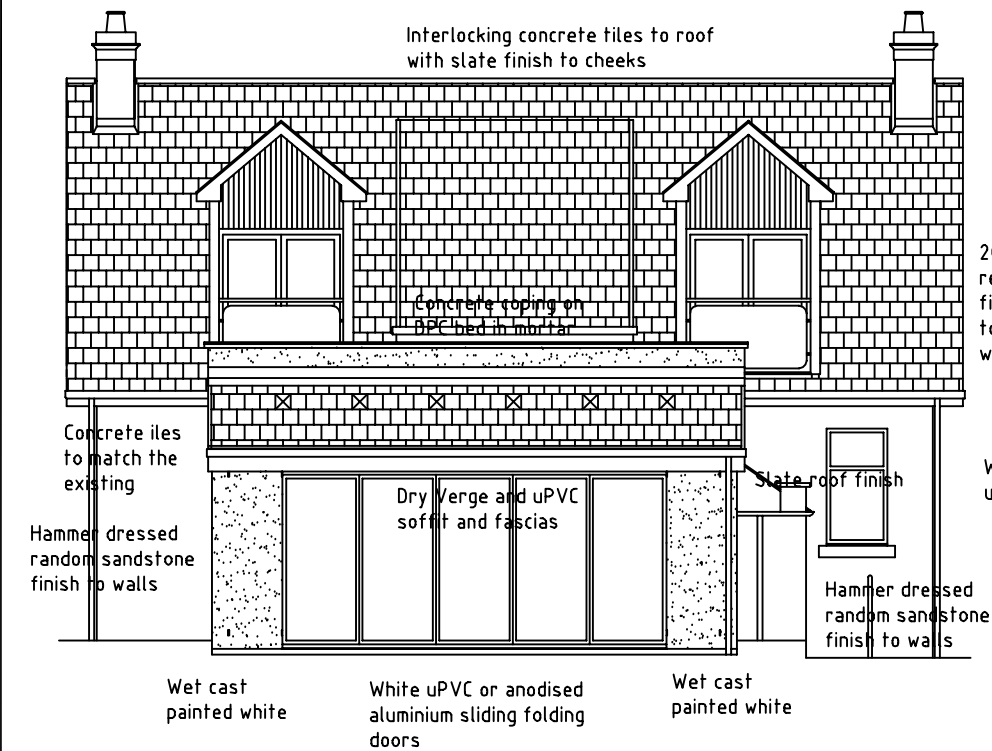
Scale 1:100	Plan Number JD/18BD/2017/ 02 Balcony	Date April 2017
----------------	--	-----------------------



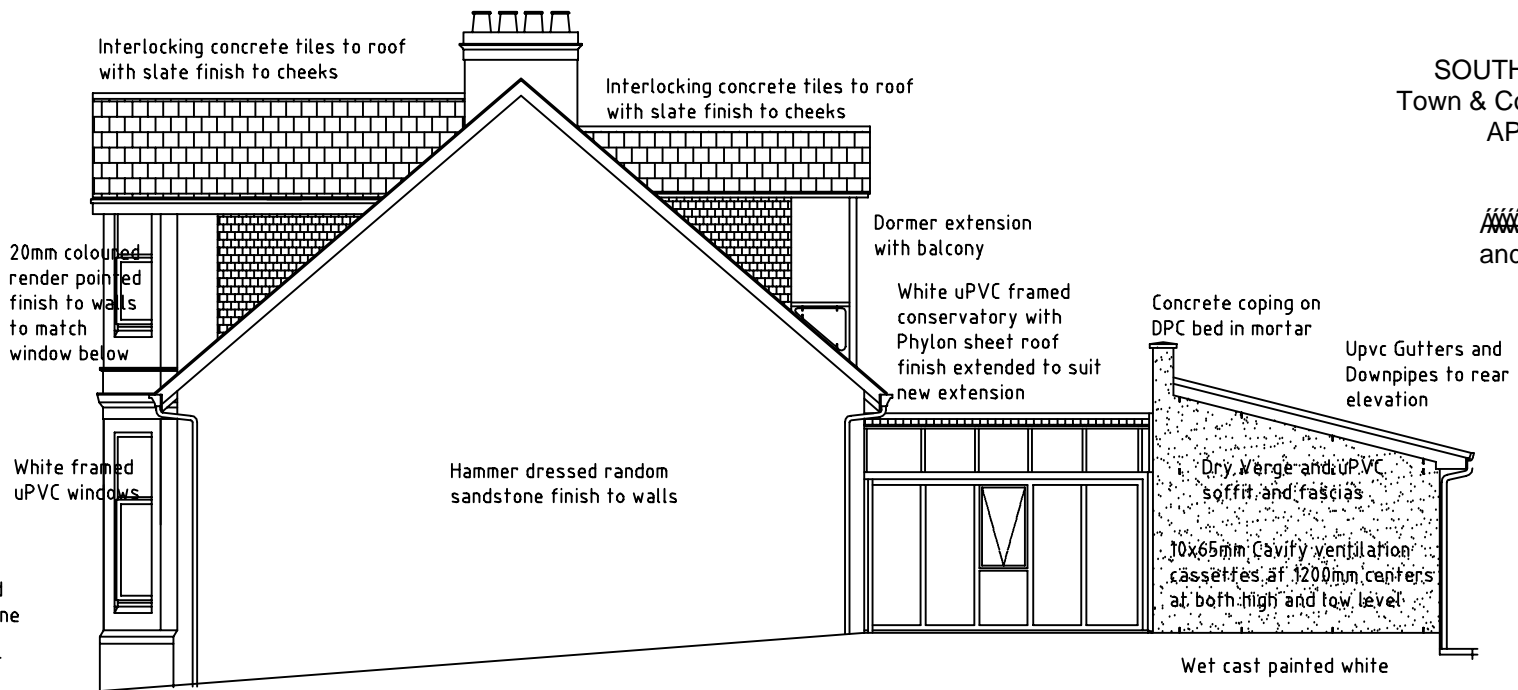
EXISTING WEST ELEVATION



EXISTING NORTH ELEVATION



EXISTING EAST ELEVATION



EXISTING SOUTH ELEVATION

SOUTH LANARKSHIRE COUNCIL  
Town & Country Planning (Scotland) Acts  
APPLICATION REFUSED

4 Sept 2017

Head of Planning  
and

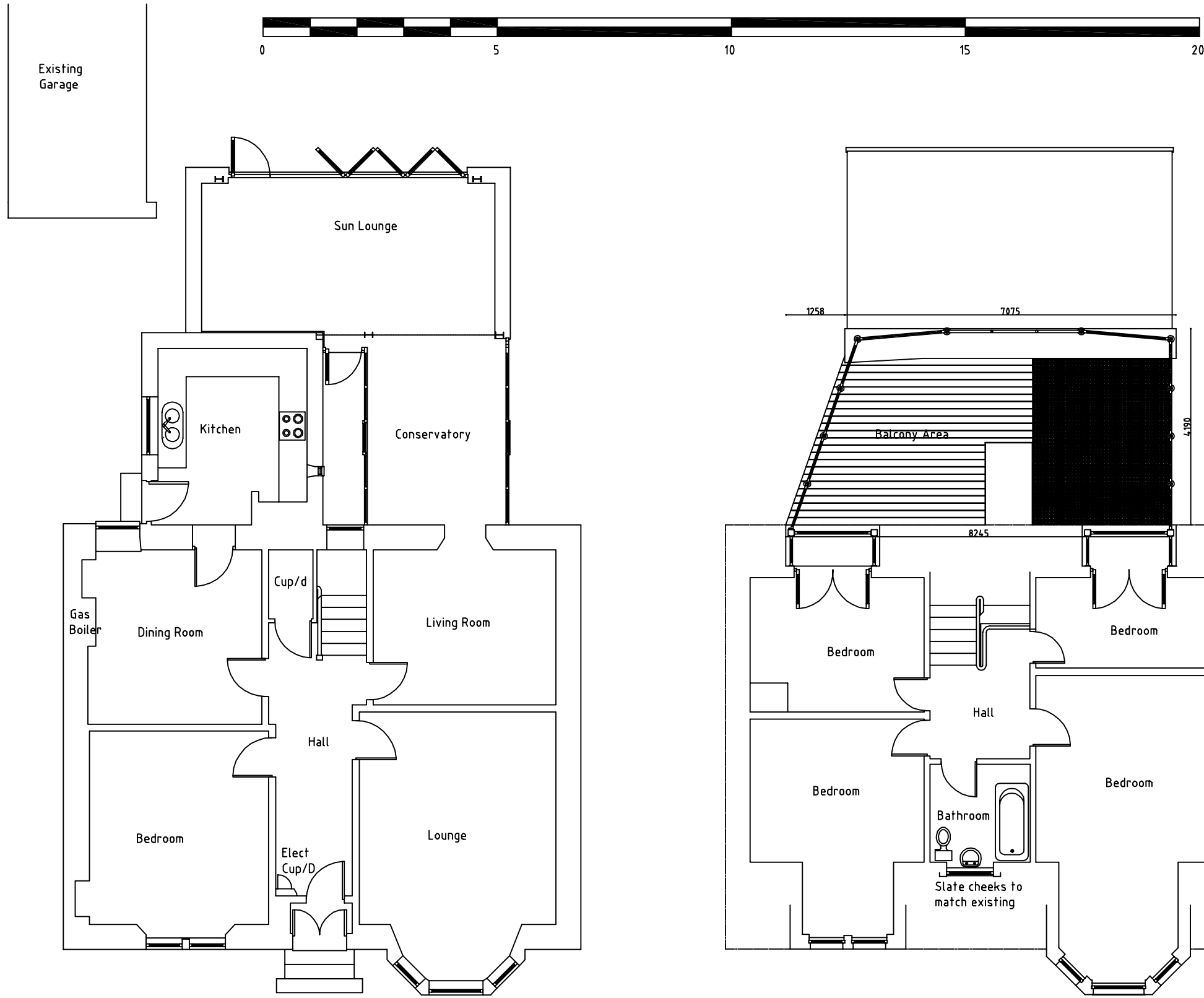
Applicant  
**Mr James Docherty**  
18 Buchanan Drive  
Cambuslang  
Glasgow  
G72 8BD.

Project  
Alterations to form Balcony Area at First Floor  
Level 18 Buchanan Drive Cambuslang Glasgow  
G72 8BD.

Title  
Existing Elevations

Scale 1:100	Plan Number JD/18BD/2017/ 03 Balcony	Date February 2017
----------------	--	--------------------------





PROPOSED GROUND FLOOR PLAN

PROPOSED FIRST FLOOR PLAN

SOUTH LANARKSHIRE COUNCIL  
Town & Country Planning (Scotland) Acts  
APPLICATION REFUSED

4 Sept 2017

Head of Planning  
and Officers

Applicant  
**Mr James Docherty**  
18 Buchanan Drive  
Cambuslang  
Glasgow  
G72 8BD.

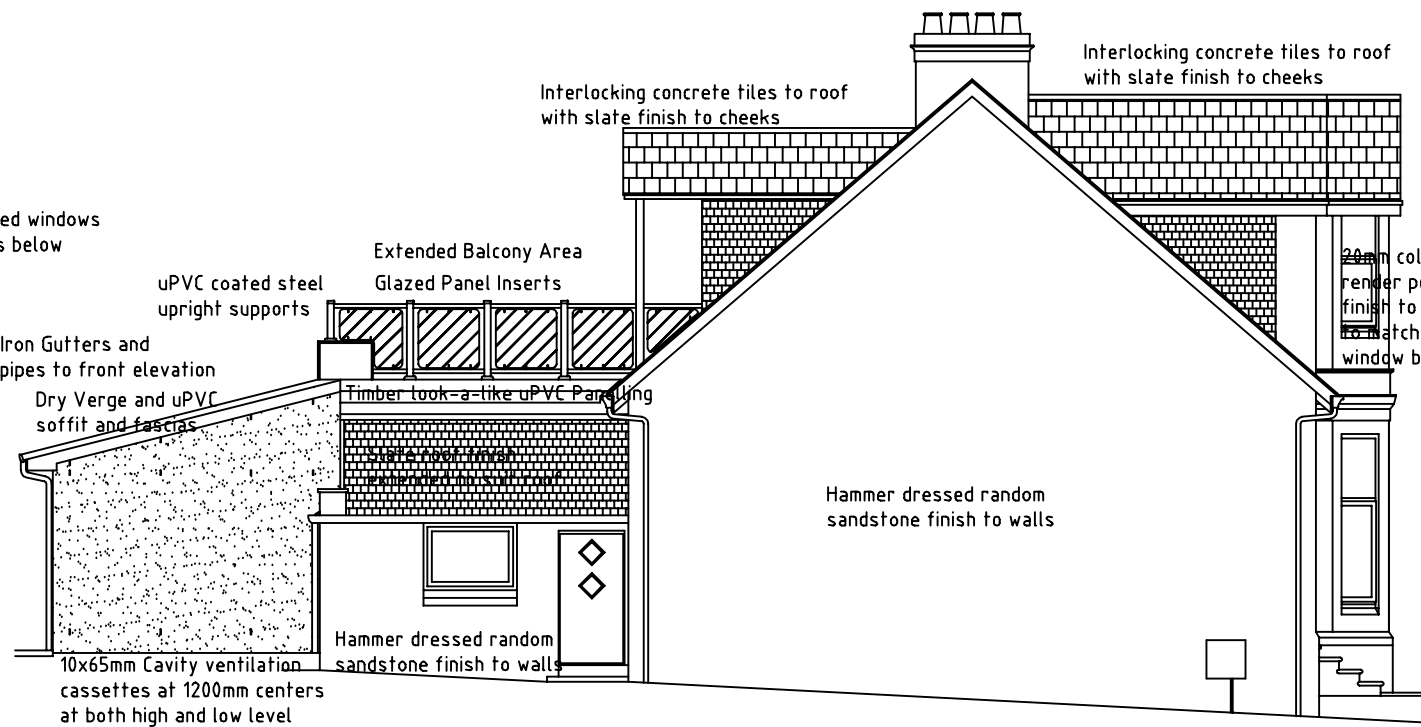
Project  
Alterations and Extension to Dormer Windows  
and Extension to Rear to form a Sun Lounge at 18  
Buchanan Drive Cambuslang Glasgow G72 8BD.

Title  
Proposed Ground Floor and First Floor Layout  
Plans

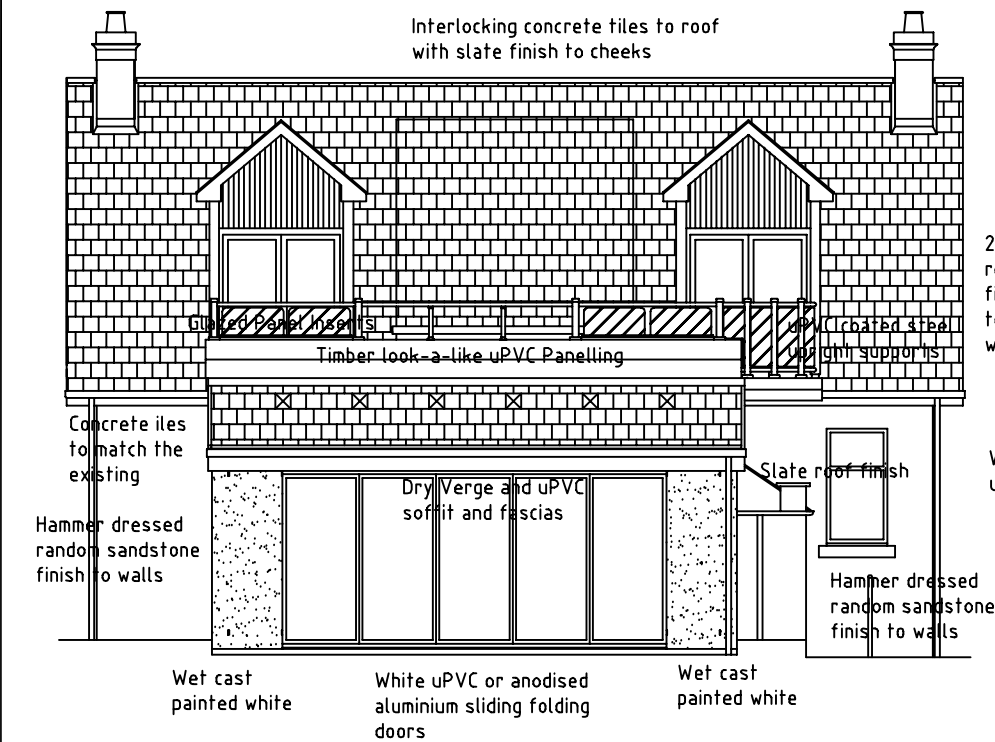
Scale	Plan Number	Date
1:100	JD/18BD/2017/ 04 Balcony	April 2017



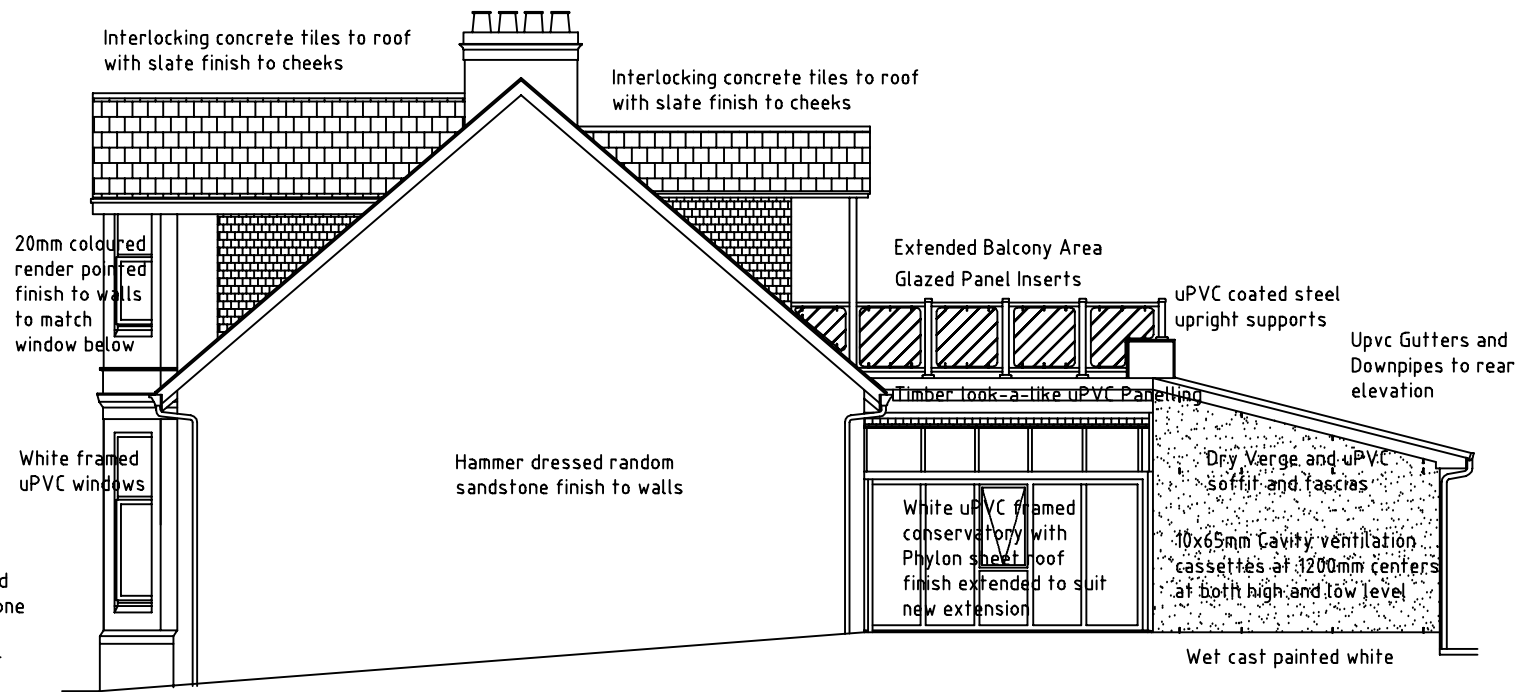
PROPOSED WEST ELEVATION



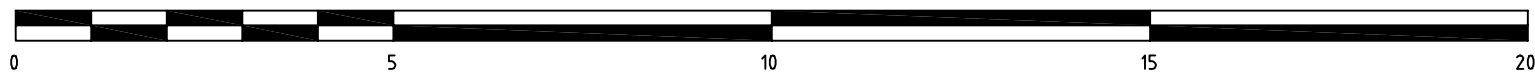
PROPOSED NORTH ELEVATION



PROPOSED EAST ELEVATION



PROPOSED SOUTH ELEVATION



SOUTH LANARKSHIRE COUNCIL  
Town & Country Planning (Scotland) Acts  
APPLICATION REFUSED

4 Sept 2017

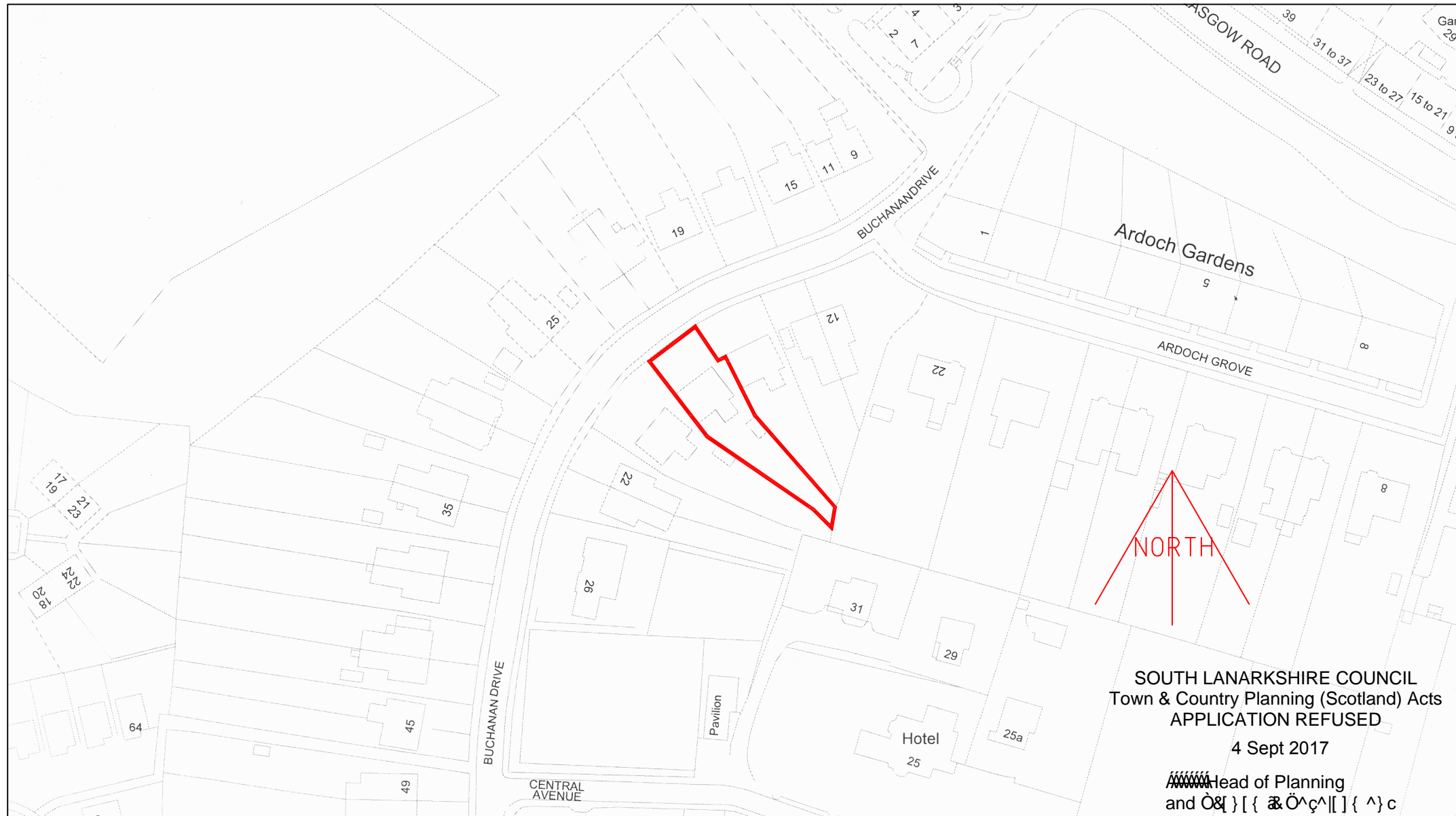
Lead of Planning  
and

Applicant  
**Mr James Docherty**  
18 Buchanan Drive  
Cambuslang  
Glasgow  
G72 8BD.

Project  
Alterations to form Balcony Area at First Floor  
Level 18 Buchanan Drive Cambuslang Glasgow  
G72 8BD.

Title  
Proposed Elevations

Scale 1:100	Plan Number JD/18BD/2017/ 05 Balcony	Date January 2012
----------------	--	-------------------------



LOCATION PLAN



Applicant  
**Mr James Docherty**  
**18 Buchanan Drive**  
**Cambuslang**  
**Glasgow**  
**G72 8BD.**

Project  
 Alterations to form Balcony Area at First Floor  
 Level 18 Buchanan Drive Cambuslang Glasgow  
 G72 8BD.

Title  
 Location Plan

Scale 1:1250	Plan Number JD/18BD/2017/ 06 Balcony	Date April 2017
-----------------	--	-----------------------



## Town and Country Planning (Scotland) Act 1997

---

To : **Mr James Docherty**  
**18 Buchanan Drive**  
**Cambuslang**  
**G72 8BD**

Per : **Sconaplans Limited**  
**1 Cambuskenneth Gardens**  
**Mount Vernon**  
**Glasgow**  
**G32 0TS**

With reference to your application dated 30 April 2017 for Planning Permission under the above mentioned Act :

**Description of Proposed Development :**  
Erection of first floor balcony (retrospective)  
**Site Location:**  
18 Buchanan Drive  
Cambuslang  
G72 8BD

---

South Lanarkshire Council in exercise of their powers under the above mentioned Act hereby:

### **REFUSE PLANNING PERMISSSION**

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, for the reason(s) listed overleaf in the paper apart.

---

Date: 04/09/17

---

**Head of Planning and Economic Development**

---

This permission does not grant any consent for the development that may be required under other Legislation, e.g. Planning Permission, Building Warrant or Roads Construction Consent.

**South Lanarkshire Council**  
**Community and Enterprise Resources**  
**Planning and Economic Development**



**South Lanarkshire Council  
Refuse Planning Permission**

Application Number: CR/17/0104

Reason(s) for Refusal:

- 1 The proposal is contrary to Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan (2015) and Policy DM2 of Supplementary Guidance Development management, placemaking and design in that the balcony has a significant detrimental impact on neighbouring properties in terms of overlooking and loss of privacy by virtue of its scale and positioning.
- 2 The proposal is contrary to Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan (2015) and Policy DM2 of Supplementary Guidance Development management, placemaking and design in that the balcony, when viewed in the context of the existing accumulation of extensions to the rear of the property, has a significant detrimental visual impact on the surrounding streetscape.

Reason(s) for Decision:

- 1 The proposal is contrary to Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan (2015) and Policy DM2 of Supplementary Guidance Development management, placemaking and design in that the balcony has a significant detrimental impact on neighbouring properties in terms of overlooking and loss of privacy by virtue of its scale and positioning.
- 2 The proposal is contrary to Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan (2015) and Policy DM2 of Supplementary Guidance Development management, placemaking and design in that the balcony, when viewed in the context of the existing accumulation of extensions to the rear of the property, has a significant detrimental visual impact on the surrounding streetscape.

## NOTES TO APPLICANT

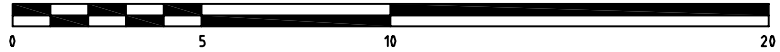
APPLICATION NUMBER: [CR/17/0104](#)

### Important

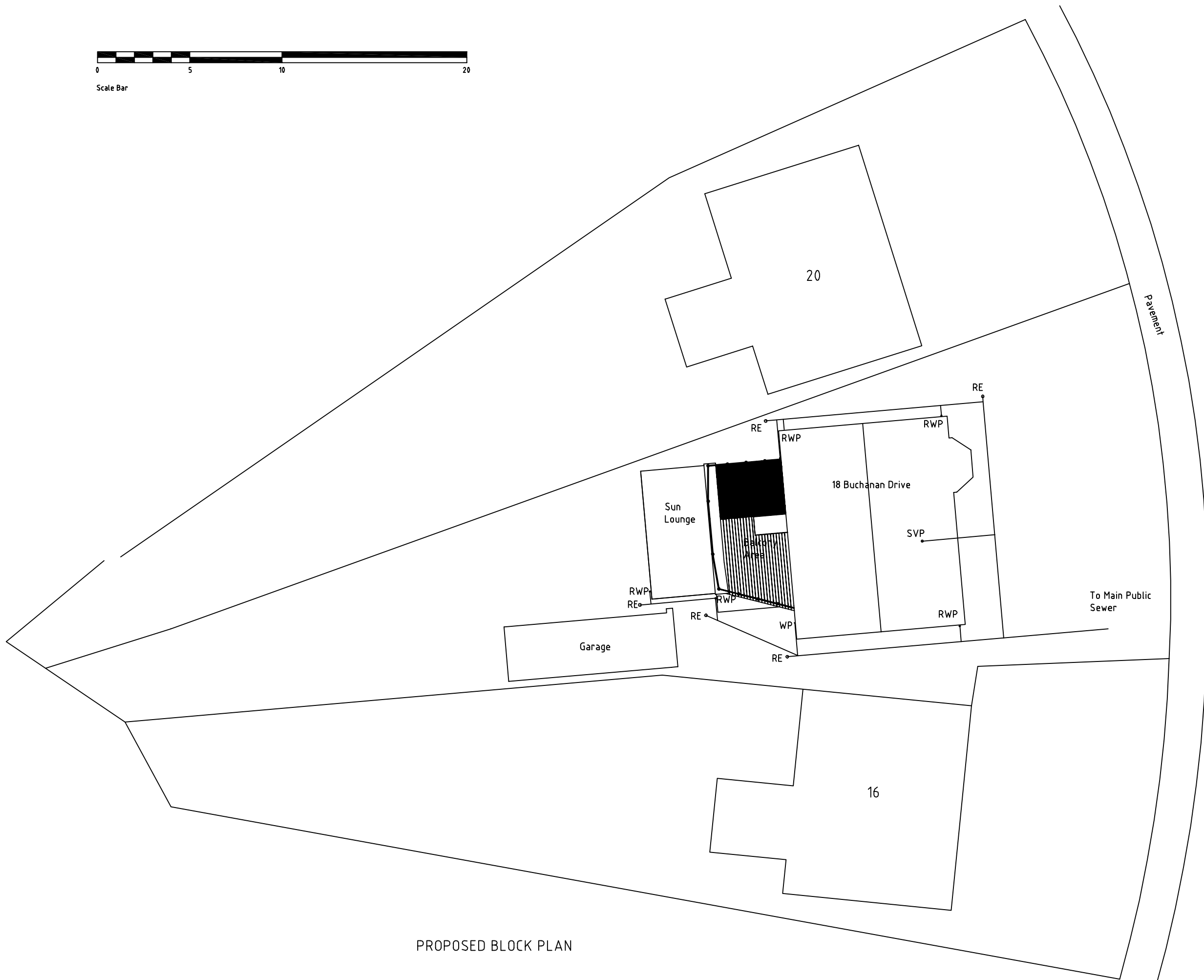
The following notes do not form a statutory part of this Decision Notice. However, it is recommended that you study them closely as they contain information which guides you to other relevant matters that may assist in ensuring that the development is properly carried out.

1 This decision relates to drawing numbers:

Location Plan - Drw No. JD.18BD.2017.06 Balcony,  
Existing and Proposed Site Plans - Drw No. JD.18BD.2017.01 Balcony,  
Existing Ground and First Floor Layout Plans - Drw No. JD.18BD.2017.02 Balcony,  
Existing Elevations - Drw No. JD.18BD.2047.03 Balcony,  
Proposed Ground Floor and First Floor Layout Plans - Drw No. JD.18BD.2017.04 Balcony,  
Proposed Elevations - Drw No. JD.18BD.2017.05 Balcony,  
Block plan as existing and proposed - Drg JD-18BD-2017-01 Balcony.



Scale Bar



PROPOSED BLOCK PLAN

SOUTH LANARKSHIRE COUNCIL  
Town & Country Planning (Scotland) Acts  
APPLICATION REFUSED

4 Sept 2017

Head of Planning  
and

Applicant  
**Mr James Docherty**  
**18 Buchanan Drive**  
**Cambuslang**  
**Glasgow**  
**G72 8BD.**

Project  
Alterations to form Balcony Area at First Floor  
Level 18 Buchanan Drive Cambuslang Glasgow  
G72 8BD.

Title  
Existing and Proposed Block Plans

Scale 1:200	Plan Number JD/18BD/2017/ 01 Balcony 01	Date April 2017
----------------	---	-----------------------



**Community and Enterprise Resources**  
Executive Director **Michael McGlynn**  
**Planning and Economic Development**

Sconaplans Limited  
1 Cambuskenneth Gardens  
Mount Vernon  
Glasgow  
G32 0TS

**Our Ref:** CR/17/0104  
**Your Ref:**  
**If calling ask for:** Declan King  
**Date:** 04 September 2017

Dear Sir/Madam

**Proposal :** **Erection of first floor balcony (retrospective)**  
**Site Address :** **18 Buchanan Drive**  
**Cambuslang**  
**G72 8BD**  
**Application No :** **CR/17/0104**

I would advise you that the above application was refused on **04 September 2017** and I enclose the decision notice which sets out the reasons for refusal. Please note that the Council does not issue paper plans in respect of applications determined on or after 4 January 2012. The application is refused in accordance with the plans and any other documentation listed in the reasons for refusal imposed on the accompanying decision notice and which can be viewed using the Council's online planning application search at [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk)

If you require a hard copy of the refused plans, please contact us quoting the application number at [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk).

If you consider that you can overcome the reasons for refusal and that it is not the principle of the development that is unacceptable, you may submit an amended application. If you do amend your proposals and re-apply within one year of this refusal, then you will not have to pay a fee, provided the proposal is of the same character or description as the application which has just been refused.

As your application has been refused, you may appeal against the decision within 3 months of the date of the decision notice. The attached notes explain how you may appeal.

Should you have any enquiries relating to the refusal of your application or a potential amended submission, please contact **Declan King** on **01698 455049**.

The Planning Service is undertaking a Customer Satisfaction Survey in order to obtain feedback about how we can best improve our Service to reflect the needs of our customers. The link to the survey can be found here:

If you were the applicant: <http://tinyurl.com/nrtgmy6>

If you were the agent: <http://tinyurl.com/od26p6g>

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk) Phone: 01698 455049



We would be grateful if you would take a few minutes to answer the questions in the survey based on your experience of dealing with the Planning Service in the past 12 months. We value your opinion and your comments will help us to enhance areas where we are performing well, but will also show us where there are areas of the service that need to be improved.

I do hope you can take part in this Customer Survey and look forward to receiving your comments in the near future. If you prefer to complete a paper version of the survey, please contact us by telephone on 0303 123 1015 quoting the application number. We will send you a copy of the survey and a pre-paid envelope to return it.

Yours faithfully

**Area Manager**



Charlie McEachern

Sat 22/10/2016, 13:07

evelyn-ann.wilson@southlanarkshire.gov.uk

Reply | v

Sent Items

You forwarded this message on 15/11/2016 09:09

Good Morning Evelyn Ann,

I refer to you and your colleagues, Mr Peter Harkin's meeting of the 2nd September 2016 at the above locus with Mr James Docherty the owner where the construction of a Balcony area to the rear of his property was discussed.

Mr Docherty contacted me and I met with him on the 16th September 2016 to discuss your comments relative to the alterations to form a balconey area above the single storey extensions below.

He informed me that you had stated that there would be no problem with the left hand side area, next to No. 16 but that you had also indicated that a reduction of the right had side and screening would probably be required at the side adjoining No 20.

He was informed that Mr Harkin would contact him the following week.

I suggested that he await your communication and that he should contact me on my return from holiday on the 14th October 2016.

I met with Mr Docherty on the 19th October 2016 and was handed your letter of the 19th September 2016.

The 7th October 2016 deadline request has come and gone and I can ony apologies that no correspondence was forthcoming simply because Mr Docherty was awaiting my return.

I am very surprised by the tone adopted in your letter especially as Mr Docherty had stated originally that there did not seem to be any significant problem at your meeting of the 2nd September 2016. You state "that the Planning Service would not support a retrospective planning application" and that the "structure does not comply with the adopted local plan policy as it is considered to have a significant detrimental visual impact and adversely affects the privacy of neighbouring properties".

I cannot understand why a structure approximately 4.0 meters long with a stainless steel and glass handrail could possibly be considered to have a "significant detrimental impact" in anyone's eyes. A planning application which was 4.00 meters in length with the same ceiling height as the existing house with a slated roof at 25 degrees would have a greater impact visually and would be considered acceptable in terms of the adopted local plan.

I ask the question, where has this view come from on this much smaller construction.

On the matter of privacy I can agree that there would be more of an area to look upon from the balcony area but this would be easily overcome by glazed opaque screening. This would still be below any extension height.

Your stand on privacy is rather strange since the full area of the rear garden of both neighbours can easily be seen from the projected balcony area within the existing roof space. Indeed the upper and lower windows at No 20 can easily be seen.

I ask why the privacy issue has been acceptable but now that there has been a larger construction this has now become such a big problem.

When the flats were built to the rear of these and many other properties the numerous complaints registered in both terms of over-looking and privacy were completely ignored by Council and permission granted.

What Mr Docherty has done is giving rise to objection from one neighbour, as far as I am aware, when so many others were ignored so once again I ask the question why has this become such a big issue.

I will await your reply before advising Mr Docherty on the next course of action.

Many thanks.

**Charlie McEachern CABE**

**Mobile: 07860546534**

RE: Letter to Mr. McEachern Dated 15 November 2016 Regarding 18 Buchanan Drive, Cambuslang, Glasgow, G72 8BD



Harkin, Peter <Peter.Harkin@southlanarkshire.gcsx.gov.uk>

Fri 10/02, 08:36

You; Rae, Gail (Gail.Rae@southlanarkshire.gcsx.gov.uk); Wilson, Evelyn-Ann (Evelyn-Ann.Wilson@southlanarkshire.gcsx.gov.uk) ↕

Reply | ↕

You forwarded this message on 10/02/2017 11:13

Hi Charlie

Thanks for your e-mail.

I have spoken to Gail and Evelyn-Ann and they are happy to meet with you to discuss your proposal although this is a separate issue and will not prevent enforcement action in respect of the unauthorised raised deck.

I must therefore advise that I have been instructed to proceed with Enforcement Proceedings as the balcony must be removed as soon as possible.

To arrange a meeting you should forward your proposal in the first instance with the appropriate drawings etc to [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

Please give me a call should you require any further details in respect of the enforcement action.

Regards

Peter Harkin  
Monitoring & Enforcement Officer  
Community & Enterprise Resources  
Planning & Economic Development  
South Lanarkshire Council  
Montrose House  
154 Montrose Crescent  
Hamilton



**Community and Enterprise Resources**  
Executive Director **Michael McGlynn**  
**Planning and Economic Development**

Mr. Charlie McEachern  
[REDACTED]

**Our ref:** ENF/CR/16/0017  
**Your ref:**  
**If calling ask for:** Evelyn Ann Wilson  
**Date:** 15 November 2016

Dear Mr. McEachern,

**Unauthorised raised decking at 18 Buchanan Drive Cambuslang ENF/CR/16/0017**

Thank you for your email regarding the above in response to the letter sent on 19 September 2016 and note that the delay in responding was due to holidays.

At the site visit on 2 September 2016 concerns were raised regarding both the visual and privacy implications of the unauthorised structure. The Planning Officer, Enforcement Officer and Mr. Docherty discussed possible options for altering the structure to try and find a solution to the concerns which were observed on site. Photographs were taken from various locations of, and from the balcony. No agreement on any course of action was agreed at this site visit.

It is considered that the extent and height of any obscure glazing required to mitigate the privacy concerns, would be of a scale that would substantially increase the visual impact of the structure. Whilst the neighbouring gardens can be viewed at a distance from the existing balconies, these are in line with the existing house and the additional projection will increase the level of overlooking. The extended structure will increase the intensity of use, in comparison to the existing balconies and this was evident at the site visit from the garden furniture in situ, this will also have a detrimental impact on neighbouring amenity. Viewed from the neighbouring garden and property, it is considered that the structure is overbearing and intrusive and the loss of this private and personal space is considered to have a significant negative impact on amenity.

Having fully considered the cumulative visual impact of the balcony with existing extensions, coupled with the significant increase on overlooking and lack of privacy, the Planning Service has concluded that it would be unlikely that even a reduced structure would comply with the relevant local plan policy.

The structure is quite clearly a significant increase in relation to the scale of the existing balconies, in both visual and overlooking terms and as such, the Planning Service would not advise the submission of a Planning Application as there does not appear to be an acceptable alternative for consideration.

**Correspondence by post only: Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB**

If visiting: Civic Centre, East Kilbride, G74 1AB Phone: 0303 123 1015

Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)  
[buildingstandards@southlanarkshire.gov.uk](mailto:buildingstandards@southlanarkshire.gov.uk)



I am sorry I can't be more positive in this instance and advise that the structure should be removed as soon as possible. Please confirm in writing the date for the removal of the structure to avoid the commencement of formal Enforcement Action.

If I you require any further assistance with this matter, please contact Evelyn Ann Wilson on 01355 806294.

Yours sincerely

**Tina Meikle**  
**Area Manager**

## 18 Buchanan Drive Cambuslang Glasgow



Charlie McEachern

Sun 12/02, 21:31

planning@southlanarkshire.gov.uk; Jim Docherty (jamesd132@aol.com) ✕

↩ Reply | ▾

Sent items



JD18BD201701.pdf

69 KB



JD18BD201702.pdf

119 KB



JD18BD201703.pdf

161 KB



JD18BD201704.pdf

156 KB



JD18BD201705.pdf

162 KB



✕ Show all 5 attachments (667 KB) Download all Save all to OneDrive - Personal

Good Morning Gail and Evelyn-Ann,

Further to my latest correspondence with Peter Harkins and his reply intimating the intention that Enforcement Proceedings will continue please find enclosed plans indicating the proposals of Mr Docherty in dealing with this situation. He is proposing the extension of both the existing dormer areas and the inclusion of a closed balcony area which would give additional bedroom space and an outside sitting area which would disturb no one.

I am surprised that since it took you from the 22/10/2016 until Mr Harkins telephone call of the 20/01/2017 intimating that a letter had been forwarded on the 15/11/2016 replying to my e-mail of the 22/10/2016 you have intimated Enforcement Action will proceed. Neither myself or Mr Docherty received this letter before the forwarding of same from Peter Harkins.

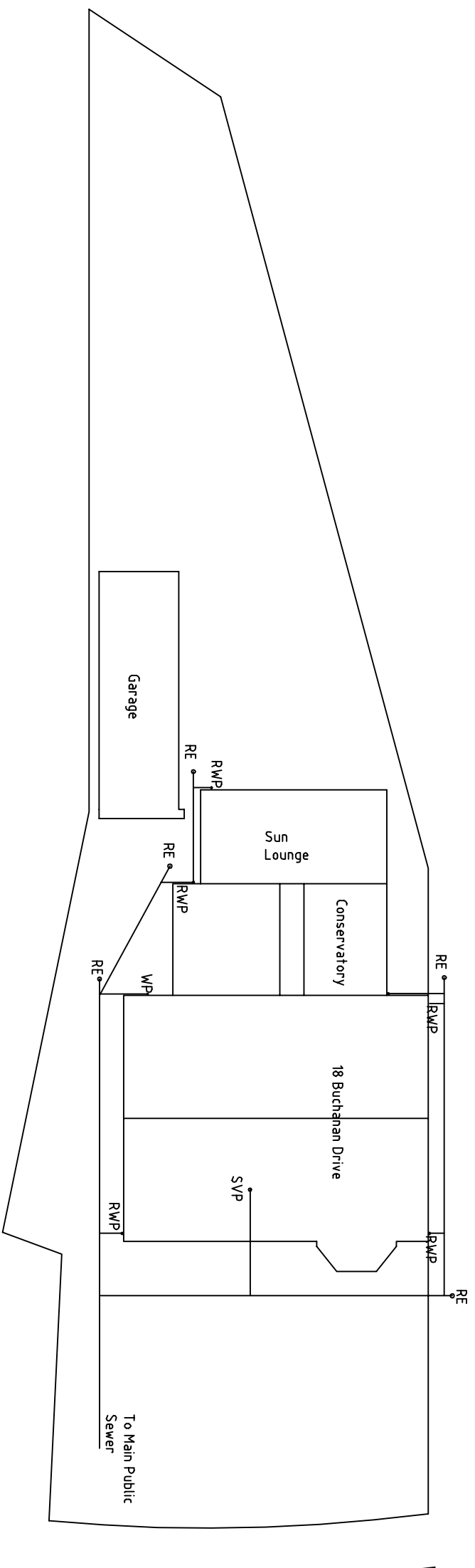
Mr Docherty will give his word to remove the balcony and all its components as soon as Planning permission is granted for the extensions proposed. This will allow for both the removal of the balcony and the start of construction at the same thus limiting his expenditure.

If you could have a look at the proposals and give me some time to arrange a meeting preferably Monday or Friday we can move to solving both issues quickly and efficiently.

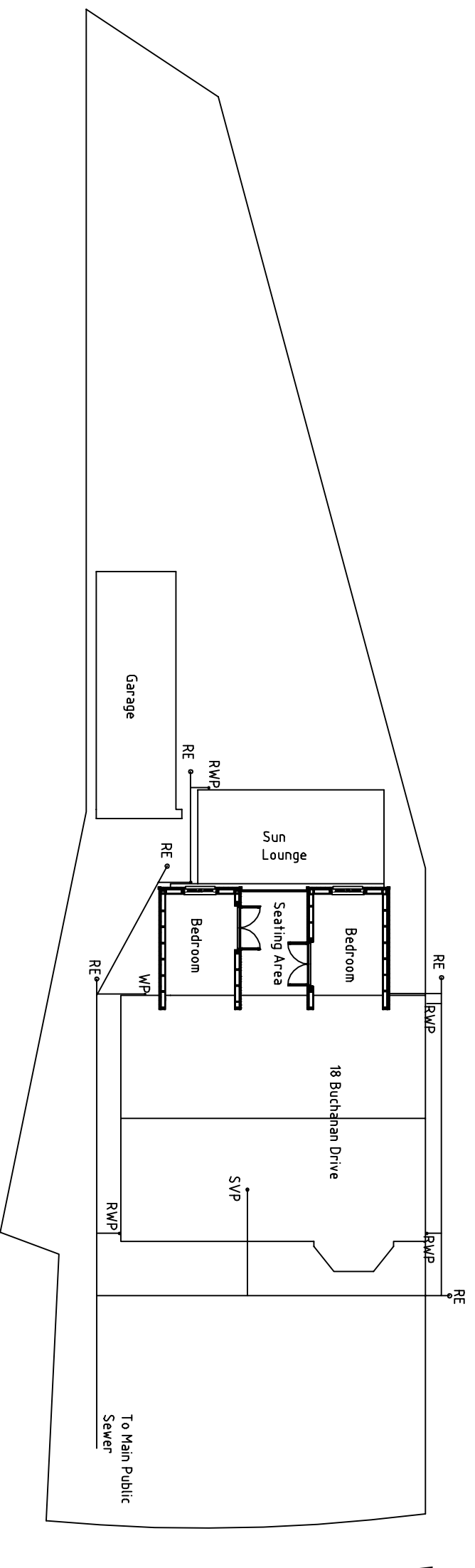
Plans enclosed for your information and please contact me on the number below if you wish to discuss anything further.

**Charlie McEachern CABE**

**Mobile: 07860546534**



EXISTING BLOCK PLAN



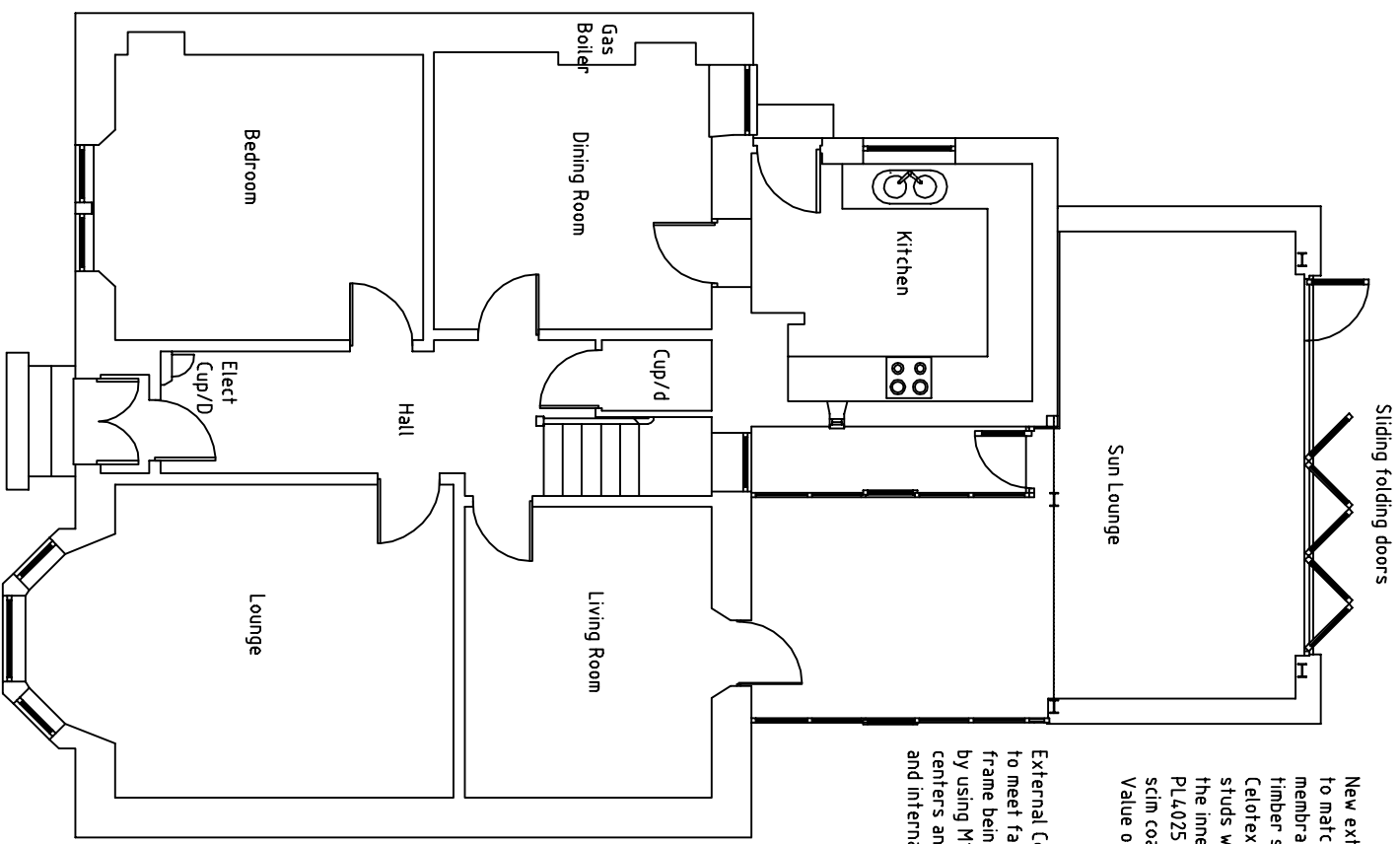
PROPOSED BLOCK PLAN

**Applicant**  
**Mr James Docherty**  
**18 Buchanan Drive**  
**Cambuslang**  
**Glasgow**  
**G72 8BD.**

**Project**  
 Alterations and Extension to Existing Dormer Windows to Provide Additional Floor Area and Covered Enclosed Seating Area to Rear Elevation at 18 Buchanan Drive Cambuslang Glasgow G72 8BD.

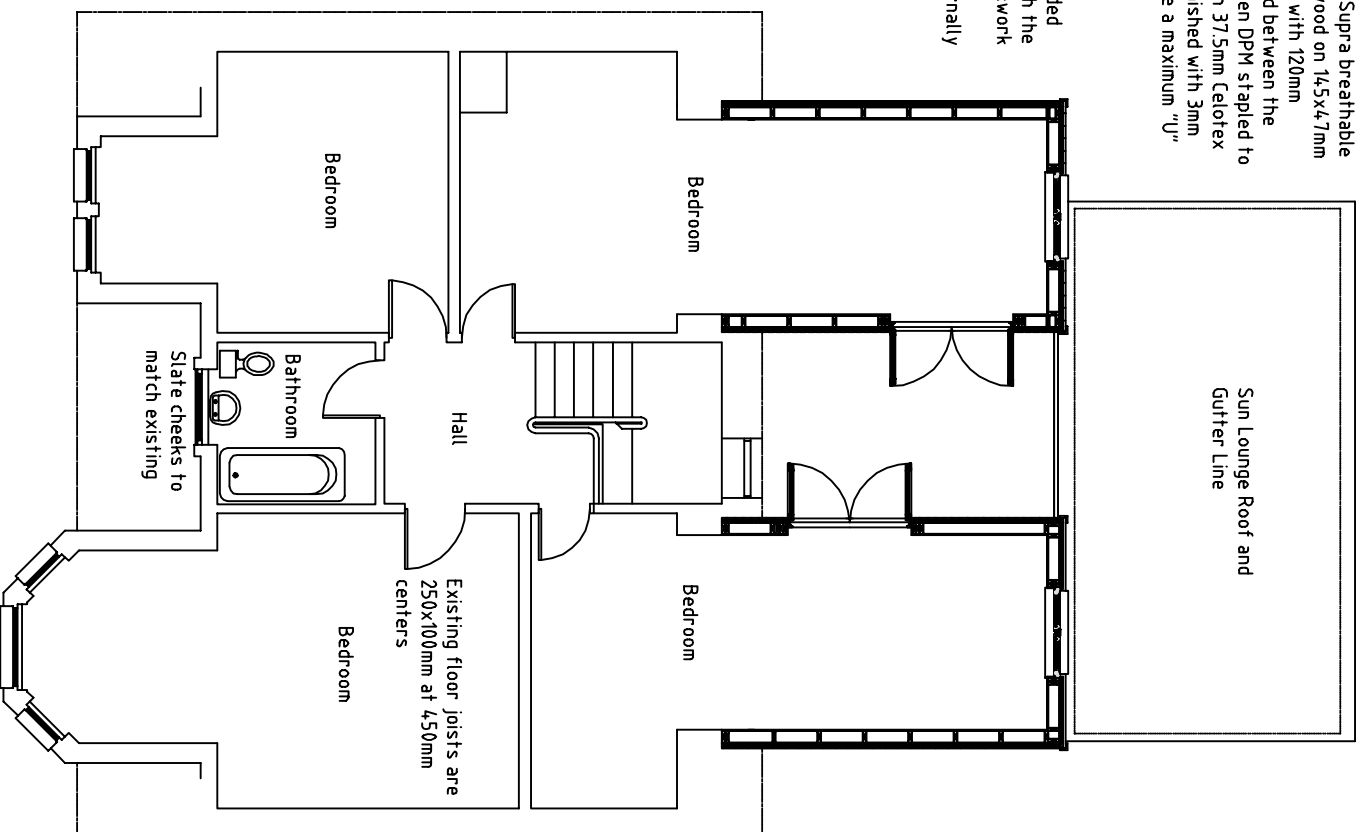
**Title**  
 Existing and Proposed Block Plans

<b>Scale</b> 1:200	<b>Plan Number</b> JD/18BD/2017/01	<b>Date</b> February 2017
-----------------------	---------------------------------------	---------------------------------



New external facing walls constructed with slate to match the existing on Tyvec Supra breathable membrane stapled to 15mm plywood on 14.5x4.7mm timber studs at 600mm centers with 120mm Celotex GR5000 insulation board between the studs with a 1000 Gauge Visqueen DPM stapled to the inner face of the stud with 37.5mm Celotex PLA025 insulation board and finished with 3mm scim coat plaster and all to give a maximum "U" Value of 0.22W/m2ok

External Conservatory wall extended to meet face of new extension with the frame being fixed to the new blockwork by using M10 Rawlbolts at 600mm centers and the joint sealed externally and internally by Silicone mastic



EXISTING AND PROPOSED GROUND FLOOR PLAN

PROPOSED FIRST FLOOR PLAN

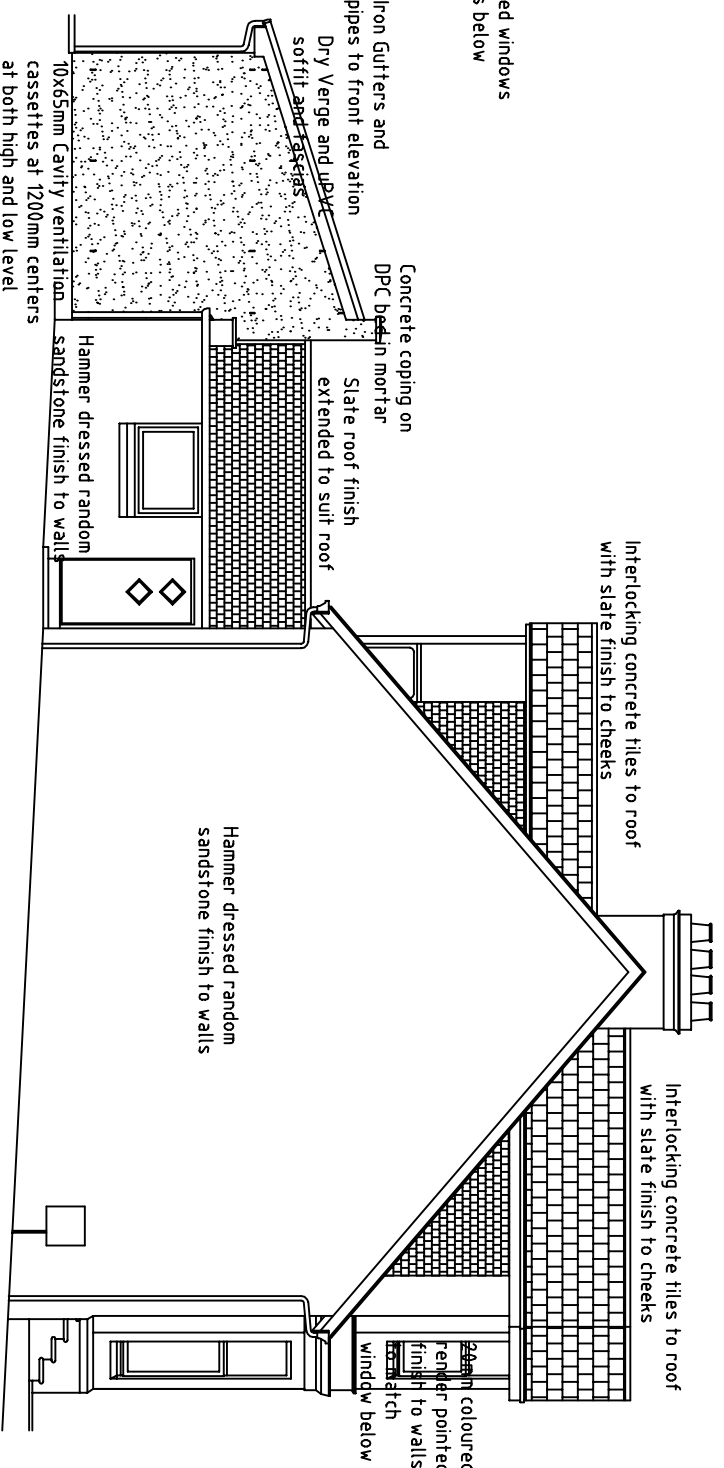
**Applicant**  
Mr James Docherty  
18 Buchanan Drive  
Cambuslang  
Glasgow  
G72 8BD.

**Project**  
Alterations and Extension to Existing Dormer Windows to Provide Additional Floor Area and Covered Enclosed Seating Area to Rear Elevation at 18 Buchanan Drive Cambuslang Glasgow G72 8BD.

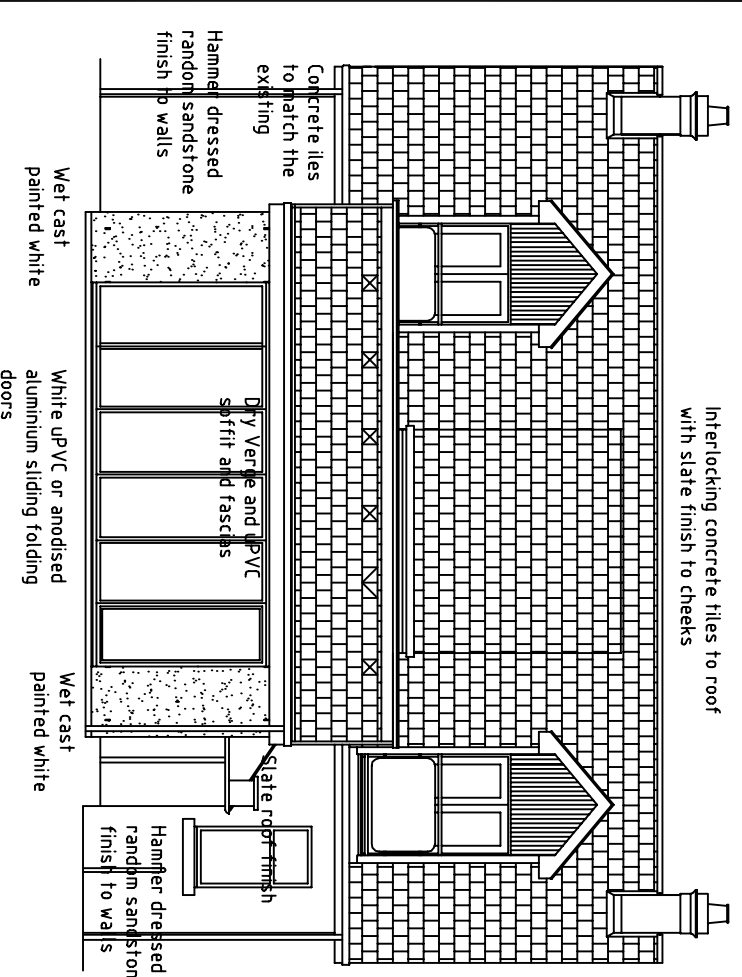
<b>Title</b> Existing and Proposed Ground and Proposed First Floor Layout Plans	<b>Plan Number</b> JD/18BD/2017/02	<b>Date</b> February 2017
<b>Scale</b> 1:100		



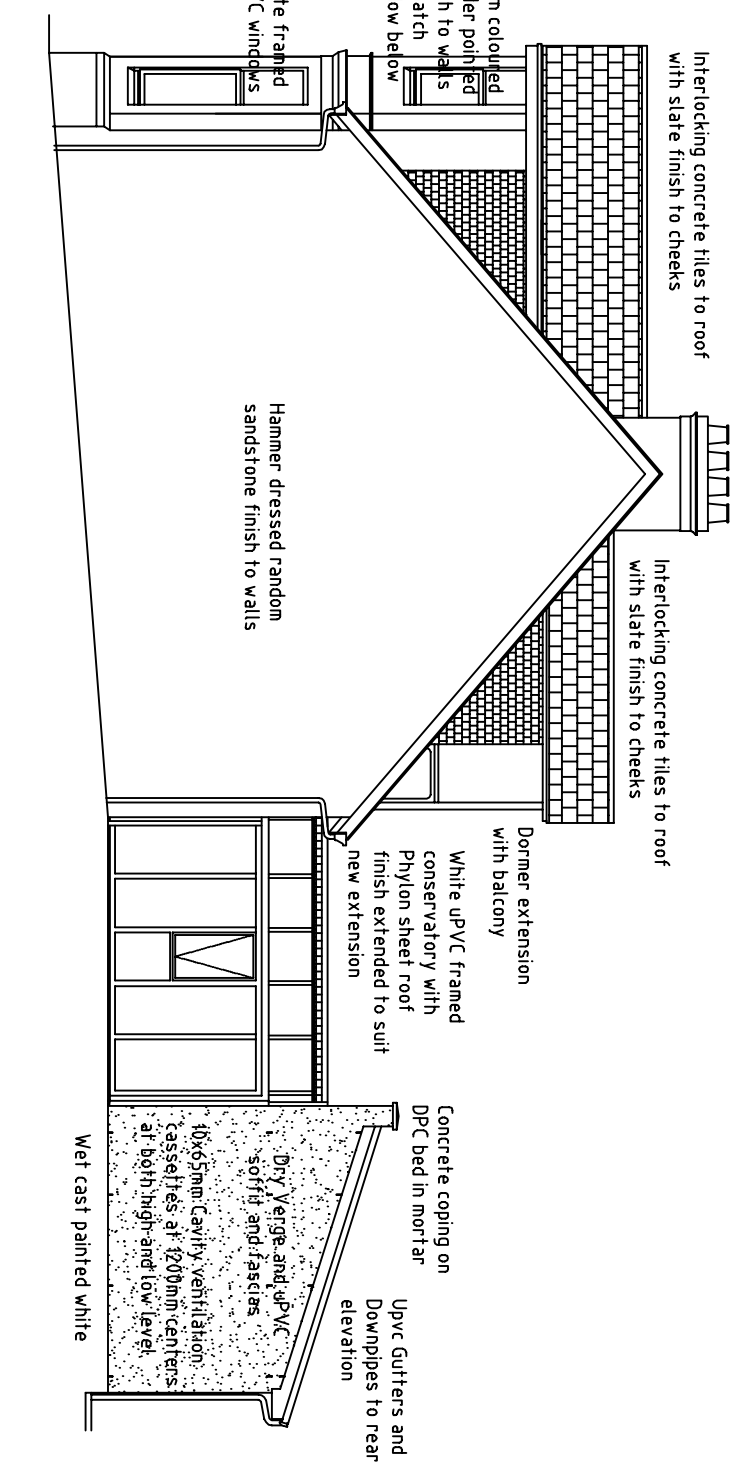
EXISTING WEST ELEVATION



EXISTING NORTH ELEVATION

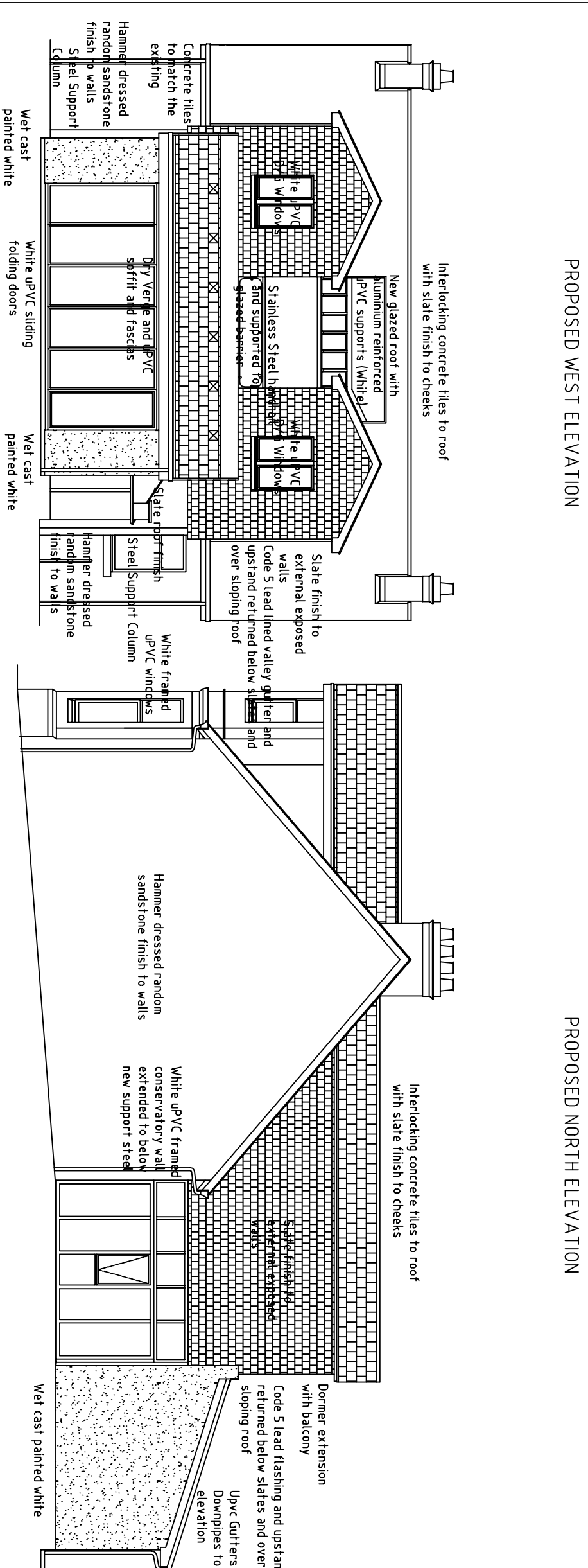
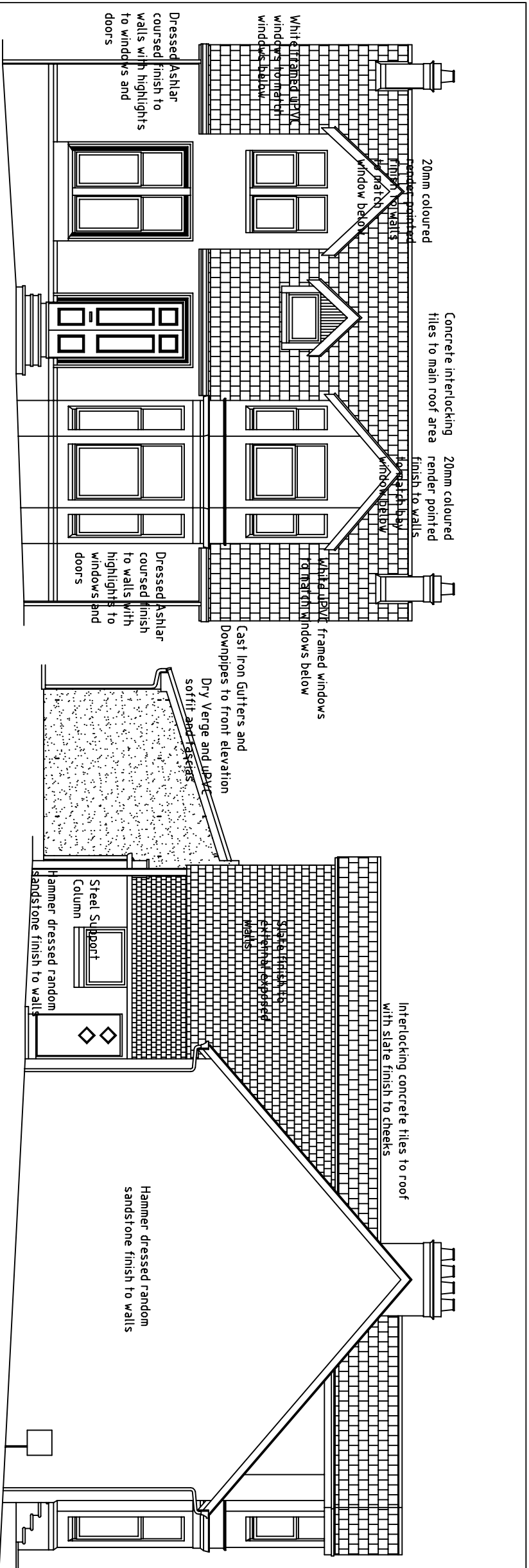


EXISTING EAST ELEVATION



EXISTING SOUTH ELEVATION

<p><b>Applicant</b>  <b>Mr James Docherty</b>  <b>18 Buchanan Drive</b>  <b>Cambuslang</b>  <b>Glasgow</b>  <b>G72 8BD.</b></p>		<p><b>Project</b>          Alterations and Extension to Existing Dormer Windows to Provide Additional Floor Area and Covered Enclosed Seating Area to Rear Elevation at 18 Buchanan Drive Cambuslang Glasgow G72 8BD.</p>	
<p><b>Title</b>          Existing Elevations</p>	<p><b>Plan Number</b>          JD/18BD/2017/03</p>	<p><b>Date</b>          February 2017</p>	<p><b>Scale</b>          1:100</p>



<p><b>Applicant</b> Mr James Docherty 18 Buchanan Drive Cambuslang Glasgow G72 8BD.</p>		
<p><b>Project</b> Alterations and Extension to Existing Dormer Windows to Provide Additional Floor Area and Covered Enclosed Seating Area to Rear Elevation at 18 Buchanan Drive Cambuslang Glasgow G72 8BD.</p>		
<p><b>Title</b> Proposed Elevations</p>	<p><b>Plan Number</b> JD/18BD/2017/05</p>	<p><b>Date</b> February 2017</p>
<p><b>Scale</b> 1:100</p>		

## Supporting Steelwork to Structural Engineers Design and Details

### ELECTRICAL LEGEND

13 AMP DOUBLE SOCKET	⊕
SINGLE POLE LIGHT SWITCH	⊖
50W DI-CHROIC LIGHTS	⊕
SMOKE DETECTOR (ION)	⊙
DOUBLE POLE LIGHT SWITCH	⊗
ARIEL SOCKET	⋈

Access to manual controls should comply with the following--  
Windows roof lights and ventilators.

The controls should be positioned at least 350mm from any internal corner, projecting wall or similar obstruction and at a height of not more than 1.7m above the finished floor level since all controls are unobstructed.

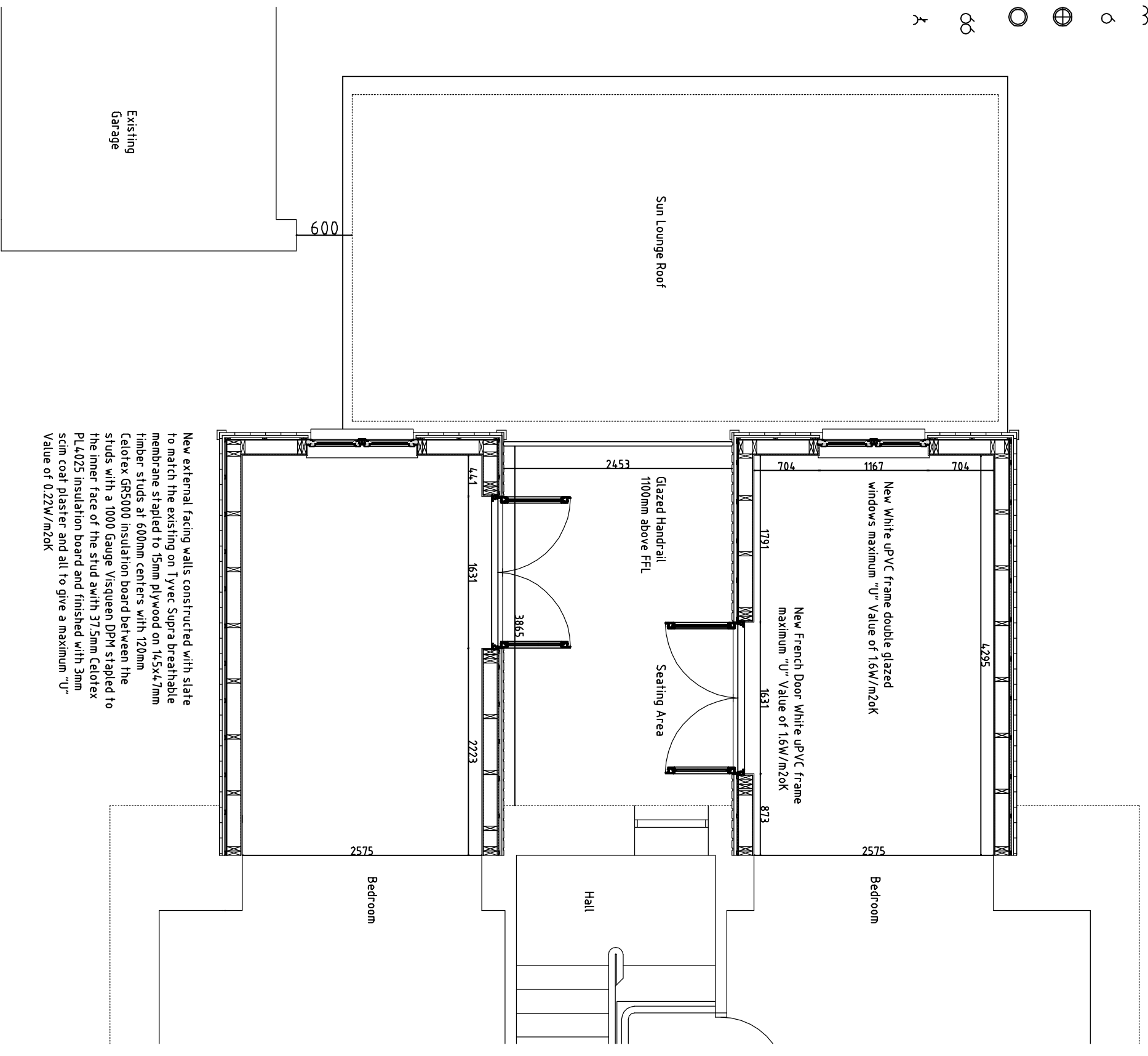
#### Electrical Fixtures:

Outlets and controls of electrical fixtures and systems should be positioned at least 350mm from any internal corner, projecting wall or similar obstruction and, unless the need for higher location be demonstrated, not more than 1.2m above finished floor level.

Light switches should be positioned at a height between 900mm and 1100mm above finished floor level. Standard switched or unswitched socket outlets and outlets for other services such as telephone or television should be positioned at least 400mm above finished floor level. Above an obstruction, such as a worktop, fixtures should be at least 150mm above the projecting surface.

Where socket outlets are concealed, such as at the rear of white goods in a kitchen, separate switching should be provided in an accessible position, to allow appliances to be isolated.

New smoke detectors to conform to BS EN 14604:2005 and will be connected to an independent circuit at the mains distribution board. The Smoke detectors will be located on the ceilings of the rooms/circulation areas indicated with all smoke alarms being and inter-connected throughout.



New external facing walls constructed with slate to match the existing on Tyvec Supra breathable membrane stapled to 15mm plywood on 14.5x4.7mm timber studs at 600mm centers with 120mm Celotex GRS500 insulation board between the studs with a 1000 Gauge Visqueen DPM stapled to the inner face of the stud with 37.5mm Celotex PL4025 insulation board and finished with 3mm scim coat plaster and all to give a maximum "U" Value of 0.22W/m2ok

PARTIAL PROPOSED FIRST FLOOR PLAN

<p><b>Applicant</b> Mr. James Docherty 18 Buchanan Drive Cambuslang Glasgow G72 8BD.</p>	<p><b>Project</b> Alterations and Extension to Existing Dormer Windows to Provide Additional Floor Area and Covered Enclosed Seating Area to Rear Elevation at 18 Buchanan Drive Cambuslang Glasgow G72 8BD.</p>	<p><b>Title</b> Partial Proposed First Floor Layout Plan</p>	<p><b>Scale</b> 1:100</p>	<p><b>Plan Number</b> JD/18BD/2017/04</p>	<p><b>Date</b> February 2017</p>
--	--	--	-------------------------------	---	--



## 18 Buchanan Drive Cambuslang Glasgow



Charlie McEachern

Sat 25/02, 18:54

Tina Meikle (tina.meikle@southlanarkshire.gov.uk); Jim Docherty (jamesd132@aol.com) ✕

↩ Reply | ▾

Sent items

Good Morning Tina,

After recent discussions with Peter I forwarded a draft proposal for the alterations and extension to Mr James Docherty's property at the above mentioned locus. This was on the 12.02.2017 and would allow the removal of the offending balcony when agreement is reached.

To date I have heard nothing not even an acknowledgement. Hopefully this is not going to proceed the way of the letter which either Mr Docherty or myself were supposed to get in November.

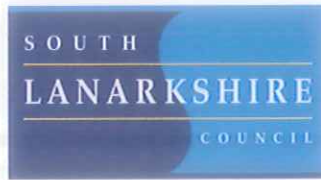
He is trying to resolve his position and yours as quickly as possible and if we can meet and agree a proposal then this can be rectified forthwith.

Could I ask that you have the position checked out so that we know where we stand.

Many thanks.

**Charlie McEachern CABB**

**Mobile: 07860546534**



**Community and Enterprise Resources**  
Executive Director **Michael McGlynn**  
**Planning and Economic Development**

Mr Charlie McEachern

[Charlie.mceachern@hotmail.co.uk](mailto:Charlie.mceachern@hotmail.co.uk)

**Our ref:**

EAW/EW/ENF/CR/16/0017

**Your ref:**

**If calling ask for:**

Evelyn Ann Wilson

**Date:**

6 March 2017

Dear Mr McEachern

**Unauthorised Raised Decking**  
**18 Buchanan Drive Cambuslang, G72 8BD**

Thank you for your recent correspondence regarding the raised decking at the property referred to above and I appreciate your client is endeavouring to resolve the unacceptable development at this property.

In relation to the plans submitted, I would advise that while the general principle of extending the dwelling may be acceptable, the proposed depth of the roof projection shown in the plans is not. It is suggested that a projection in the order of 2.5 metres would be more appropriate with the roof hipped to reduce the overall scale and visual impact of the structure.

Please note that the advice in respect of the proposed extension is given without prejudice to the outcome of any future planning application. Regardless of whether your client proceeds with the proposed extension, the current unauthorised structure must be removed. The structure has been in place since August 2016 and it is not appropriate for it to remain until your client chooses to extend the property. After careful consideration I must advise that I will be issuing a Planning Contravention Notice to your client.

I would therefore ask that your client removes the unauthorised structure within 4 weeks of the date of this letter. In addition, I would be happy to offer further advice on amended plans for the extension should this be required. Finally I would advise that it would be my intention to issue a Planning Contravention Notice to your client as the commencement of enforcement action should that be required. However, I would hope that the structure is removed within the required timescale.

If I you require any further assistance with this matter, please contact Evelyn Ann Wilson on 01355 806294.

Yours sincerely

Tina Meikle  
Area Manager



**Correspondence by post only: Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB**

If visiting: Civic Centre, East Kilbride, G74 1AB Phone: 0303 123 1015

Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)  
[buildingstandards@southlanarkshire.gov.uk](mailto:buildingstandards@southlanarkshire.gov.uk)



## Re: Unauthorised Decking at 18 Buchanan Drive, Cambuslang



Charlie McEachern

Tue 21/03, 16:22

Walker, Emma (Emma.Walker@southlanarkshire.gcsx.gov.uk); Tina Meikle (tina.meikle@southlanarkshire.gov.uk); Jim Docherty (jamesd132@aol.com) ↕

↩ Reply | ▾

Sent Items

Good Afternoon,

Apologies for the late reply but I was on annual leave from the 10th and did not get a chance to speak to Mr Docherty until my return on the 17th.

I am very surprised at the comments contained in your letter with regards to the depth of the extension which you would accept. There are numerous extension within the Rutherglen /Cambuslang area which are of equal or greater depth than that proposed. I am quite sure that if you require specific addresses I can trawl the online system and supply same.

Mr Docherty is also concerned that he is being victimised because he had erected the balcony area without permission and now he must pay the price.

Instead of e-mails flying backwards and forwards I would suggest a face to face meeting so that we can both understand your views in relation to the depth of the allowable extension and we can move on.

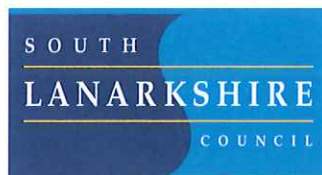
Can I suggest that a meeting be arranged with all concerned with the dates when both I and Mr Docherty can be available being Monday 27th March 2017, Mr Docherty is of Holiday from 31st March until 15th April 2017 then both again available on any Monday or Friday after his return.

Can you let me know when suits best.

Thank You

**Charlie McEachern CBE**

**Mobile: 07860546534**



**Community and Enterprise Resources**  
Executive Director **Michael McGlynn**  
**Planning and Economic Development**

Mr Charlie McEachern

[Charlie.mceachern@hotmail.co.uk](mailto:Charlie.mceachern@hotmail.co.uk)

**Our ref:** EAW/EW/ENF/CR/16/0017  
**Your ref:**  
**If calling ask for:** Evelyn Ann Wilson  
**Date:** 24 March 2017

Dear Mr McEachern

**Unauthorised Raised Decking**  
**18 Buchanan Drive Cambuslang, G72 8BD**

Thank you for your correspondence dated 21 March 2017 regarding the raised decking and pre-application proposal for the extension to the rear of the property referred to above.

You state that Mr. Docherty considers that he is being victimised in relation to this matter. I wish to make it clear that this is not the case. You will appreciate that when we receive a complaint, we are duty bound to investigate and take the appropriate action.

As you will be aware, pre-application enquiries and any subsequent planning applications are considered on an individual case by case basis. There are numerous factors which are specific to each site and location and this is why careful consideration is taken at site visits to understand the relationship with surrounding properties, the site's aspect and topography. The Planning Service has conducted a detailed assessment of the site and a comprehensive photographic record has been collated and referred to. The guidance set out in the letter dated 6 March 2017 is considered to be appropriate for this location, and explains my pre-application advice in respect of the proposal. I must therefore advise that I do not feel that there would be any merit in having a further meeting to discuss this matter.

Your client was served a Planning Contravention Notice on the 17 March 2017 and the response to this letter is required by 7 April 2017. I would ask that your client submits the information required by this date and ensures that the unauthorised structure is removed in the timescale stated in my letter dated 6 March 2017.

If I you require any further assistance with this matter, please contact Evelyn Ann Wilson on 01355 806294.

Yours sincerely

**Tina Meikle**  
**Area Manager**

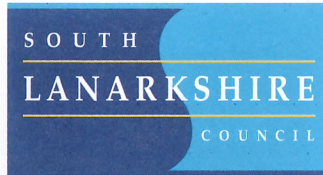
**Correspondence by post only: Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB**

If visiting: Civic Centre, East Kilbride, G74 1AB Phone: 0303 123 1015

Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)  
[buildingstandards@southlanarkshire.gov.uk](mailto:buildingstandards@southlanarkshire.gov.uk)



Printed on recycled paper. Please recycle.



**Community and Enterprise Resources**  
Executive Director **Michael McGlynn**  
**Planning and Economic Development**

Mr James Docherty  
18 Buchanan Drive  
Cambuslang  
Glasgow  
G72 8BD

**Our ref:** ENF/CR/16/0017  
**Your ref:**  
**If calling ask for:** Peter Harkin  
**Date:** 18 April 2017

Dear Mr Docherty

**Unauthorised Raised Decking, 18 Buchanan Drive, Cambuslang.**

Thank you for your letter of 29 March 2017 in response to the Planning Contravention Notice.

I would refer you to our letter of 24 March 2017 (copy attached) issued to your agent Charlie McEachern where you were advised of the position of the Planning Service and that a meeting was not considered necessary as our pre application advice is contained in the letter.

I would reiterate that irrespective of any future extension proposal for your property the raised decking must be removed in order to avoid further enforcement action and the issue of an enforcement notice which will affect your property.

I would therefore advise that unless the unauthorised structure is removed within 3 weeks of the date of this letter I am afraid that the Planning Service will have no option but to instigate Enforcement Proceedings.

I trust this will not be necessary and look forward to your co-operation in this matter.

Yours sincerely

  
**Tina Meikle**  
**Area Manager**

**Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB**

Phone: 0303 123 1015

Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)



## LETTER BACK FROM COUNCIL



jamesd132@aol.com

Fri 21/04, 15:29

You ↕

Reply | ▾



Epson\_21042017151...

792 KB



Download Save to OneDrive - Personal

Hi Charlie ,

I have received a reply from the council in response to my answers to their questions . Unfortunately they have now reneged in their offer of a meeting to allow us to make representation and submit plans and are back to issuing threats . I have forwarded their reply attached to this and I will call to discuss.

Best Regards ,  
Jim @ MOTOLEC  
07717500900

Begin forwarded message:

**SOUTH LANARKSHIRE COUNCIL (Enterprise Resources)**  
**Planning and Economic Development ,**  
**Montrose House , 154 Montrose Crescent ,**  
**Hamilton , ML3 6LB .**

**FAO :**  
**Peter Harkin**  
**RE; 18 Buchanan**  
**Drive,Cambuslang .**

**Date:: 27/04/2017**

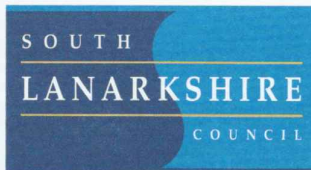
**Dear Peter ,**

**I am writing to acknowledge receipt of your letter of 18 April 2017 which was delivered on Monday 24 April 2017. I would like to express my disappointment that despite many requests by myself and my representative to have a face to face meeting, and despite your intimation that such a meeting would not be a problem , your stance would now appear to have altered with your reply mirroring that of letter dated 24 March 2017 refusing such a meeting . I am not seeking conflict with the council and my aim from the start has been to find a resolution that would be acceptable to all parties , but unfortunately with your refusal to meet and discuss it limits how such a negotiation could take place . I would ask again that you reconsider this stance , however I must now deal with the situation as it stands. I feel I therefore have little option , despite the additional costs, to submit a retrospective planning application for a modified balcony area to the rear of my home and also a separate planning application for a future development in the form of an extension with enclosed balcony area . I would hope your planning department would looked favourably on both application and would urge that taking enforcement action be delayed until such applications have been assessed . The applications will be made within the next couple of days but should you wish to discuss this in more detail please don't hesitate to contact me .**

**All I seek is to make my home more suitable to my family's needs and look forward to hearing from you in due course .**

**Yours Sincerely**

**Mr J. Docherty .**



**Community and Enterprise Resources**  
Executive Director **Michael McGlynn**  
**Planning and Economic Development**

Mr James Docherty  
18 Buchanan Drive  
Cambuslang  
G72 8BD

**Our ref:** ENF/CR/16/0017  
**Your ref:**  
**If calling ask for:** Evelyn Ann Wilson  
**Date:** 19 Septemebr 2016

Dear Mr. Docherty,

**Raised deck at 18 Buchanan Drive, Cambuslang, G72 8DB.**

With reference to the raised deck constructed at the rear of the property above, I regret to inform you that the Planning Service would not support a retrospective planning application for this development.

The structure does not comply with the adopted local plan policy as it is considered to have a significant detrimental visual impact and adversely affects the privacy of neighbouring properties.

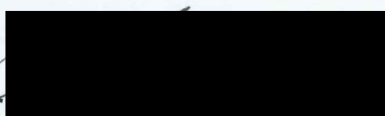
I am afraid therefore, that the Council has no option but to ask you to remove the structure, no later than 8 weeks from the date of this letter to avoid commencement of Enforcement Action.

I would request that you advise the Council of the date the structure is to be removed by 7 October 2016.

I am sorry this service cannot be more positive in this instance and if I you require any further assistance with this matter, please contact Evelyn Ann Wilson on 01698 455059.

Yours sincerely

Tina Meikle  
Area Manager



**Correspondence by post only: Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB**

If visiting: Civic Centre, East Kilbride, G74 1AB Phone: 0303 123 1015

Email: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)  
[buildingstandards@southlanarkshire.gov.uk](mailto:buildingstandards@southlanarkshire.gov.uk)



**Healthy  
Working  
Lives**

CUSTOMER  
SERVICE  
EXCELLENCE





18 Buchanan Drive ref CR 17/0104



jamesd132@aol.com

Thu 28/09, 20:08

You; motolec@btinternet.com ↕

Reply | ↕

Good Morning Declan ,

Thank you for your time yesterday in taking my call . Just to confirm as discussed , the council planning department are not willing to meet with myself and my representative to discuss refusal of planning permission (retrospective) or any alternative for the extension to the existing balconies at above address . You have also advised that should we amend the plans to include privacy screening and alter the size of the balcony we may do so but it would be unlikely to be looked at any more favourably . Lastly when asked if the council's view was against an alternative proposal to build extension to the rear of the property you advised we would have to submit plans and await outcome .

If you could acknowledge receipt of this email and if you have anything to add could you please come back to me .

Best Regards ,

Jim Docherty

07717500900



jamesd132@aol.com

Thu 28/09, 20:08

You: motolac@btinternet.com

Reply

Michael McGlynn : Executive Director .

Good Morning Michael .

It is with a great deal of hesitation that I have decided to write to you regarding my recent dealings with your planning department . I say hesitation as I am reluctant to go over anyone's head and possibly escalate any issue that may exist. I have been swayed though by the fact as a local business owner and employer I would be incensed if any of my customer's where to feel my employees where not performing to my company's standards but felt unable to bring it to my attention

I will try to keep this as brief as possible and therefor only cover the main bullet points .

Between June and July 2016 I extended 2 existing balconies at my home to form 1 larger balcony with glass and aluminium balustrades. This was done, by and large, to eliminate issues with maintenance and address in the short term an issue with my son's bedroom size. I did not think planning permission would be required as no structural alterations where carried out.

12th August 2016 responded to Peter Harkin's card and subsequent on-site visit was arranged

2nd September 2016 met Evelyn Anne Wilson and Peter on site and discussed balcony . Evelyn Anne felt there was no issue on left hand side (next to No 16) but was concerned about right hand side.(no 20) suggesting possible screening and/or reduction in size . She left site saying she wanted to talk to Tina Meikle and would get back to me .

19th September 2016(received 26th) letter refusing balcony due to size and overlooking .

10th October , Charlie (Sconaplans) contacted Evelyn Anne but got no response.

22nd October , Charlie emailed Evelyn Anne , again no response .

15th November, Charlie emailed Tina who said she would look into matter .

20th January 2017 , Peter Harkin phoned Charlie and then forwarded an email backdated to 15th November rejecting all proposals for balcony .

9th February , Charlie advised Peter we would compromise by erecting rear extension with internal balcony to address all concerns raised by planning .He asked for a meeting to discuss and was instructed to submit provisional plans. These were forwarded on the 12th February and he chased Tina up for response on 25th February . Evelyn Anne responded on 6th March that in principal the plans were fine but 2.5m would be better . Unable to work out what this would mean in relation to existing building we again asked to sit down and sort out .

17th March , Contravention Notice Issued .

[24th March, Evelyn Anne refuses request for meeting to discuss .](#)

[18th April , Peter Harkin refuses request for meeting to discuss and threatens enforcement action.](#) We then had no option but to submit the plans for the existing balcony and informed Peter by email .

[28th September , After plans for balcony had been refused for overlooking and visual impact \(as expected\) I contacted Declan King to ask for a meeting to discuss .](#) He again has refused such meeting and has intimated that I can amend the plans for the balcony size and add screening but this would be unlikely to be acceptable . He has also advised I can put plans in for the rear extension and see how that progresses .

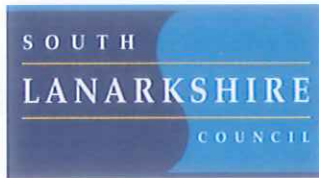
I will re-iterate what I emailed Peter , I am not looking for conflict , I am merely trying to make my home more suitable for a modern , growing family .I am willing to, and have offered compromise, I cannot accept , in this day and age , that I am being discriminated against in any way and I am fully aware that the council planning has finite resources and time and as such employees time is limited . That said , I am struggling to see how in the long term ,it would not be more time efficient to sit down and sort this out now , rather than let it drag on with amended plans, subsequent extension plans and appeals if necessary .

I would therefor be obliged if you could acknowledge receipt of this email and should you wish to discuss further please don't hesitate to contact me .

Best Regards ,

Jim Docherty

07717500900



Community and Enterprise Resources  
Executive Director Michael McGlynn

Mr James Docherty  
18 Buchanan Drive  
Cambuslang  
Glasgow  
G72 8BD

Our ref: CR/17/0104 &  
ENF/CR/16/0017  
Your ref:  
If calling ask for: Michael McGlynn  
Date: 23 October 2017

Dear Mr Docherty

**Planning application CR/17/0104  
Erection of first floor balcony (retrospective)  
18 Buchanan Drive, Cambuslang**

Thank you for your email dated 29 September 2017 in relation to the planning application above. I have reviewed and discussed both the enforcement and planning application case with the relevant officers within this Service and can advise as follows.

I note that you created a balcony/raised decking structure on your property last summer without the benefit of planning permission and that you subsequently submitted a retrospective planning application, which was refused on 4 September 2017. A letter dated 4 September 2017 from the Planning Service was sent to your agent and copied to you advising that, following the refusal of planning permission, the structure requires to be removed. A period of two months was given to undertake this work. The structure therefore requires to be removed by 4 November 2017. I understand that, to date, the structure has not yet been removed.

By way of background, I can clarify that the Planning Service was contacted on 8 August 2016 regarding the unauthorised structure, the Planning Enforcement Officer visited the site on 12 August 2016 and left a card advising you to contact him. A further site visit was carried out on 2 September 2016 by the Enforcement Officer and Planning Officer, who completed an extensive site survey and collated a photographic record of the site and neighbouring properties. I note that you discussed the possibility of amendments to the decking and the officers advised further correspondence would follow after the structure had been fully assessed and discussed with the Planning Team Leader and Area Manager.

Following a detailed assessment of the unauthorised structure, it was concluded by the Service that it had an unacceptable impact on residential amenity and that any proposed screening to mitigate privacy issues would not be appropriate as it would add to the adverse visual impact of the structure. The Planning Service therefore wrote to you on 19 September 2016 to explain that the Planning Service would not be able to support a retrospective planning application and you were advised to remove the unauthorised structure. A period of 8 weeks was given to allow you to undertake this work.

Following the letter of 19 September 2016, you state that your agent, Mr Charlie McEachern contacted the Planning Officer on 10 October 2016 but received no response. I can advise that there is no record of an email, letter or phone call relating to this date. I note however that your

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB Phone: 01698 454798  
Email: michael.mcglynn2@southlanarkshire.gsx.gov.uk



INVESTOR IN PEOPLE



Healthy  
Working  
Lives

agent emailed the Planning Officer on 22 October 2016 and that this email included an apology for the delay in responding as he had advised you to await his return from holiday on 14 October 2016.

A response to your agent's email of 22 October 2016 was sent on 15 November 2016 providing clarification on why the Planning Service considered that the unauthorised structure was unacceptable and reiterated that the structure required to be removed as soon as possible to avoid enforcement action. No response was received to this letter and the Planning Enforcement Officer contacted your agent on 9 February 2017, it was at this point that your agent advised he hadn't received the letter of 15 November 2016. I can only assume that this was due to an administrative error, for which I apologise. It was at this stage that your agent advised that you wished to replace the decking with an extension.

Plans for the proposed extension were submitted for discussion on 13 February 2017. This pre-application enquiry was carefully assessed and a letter was sent to your agent dated 6 March 2017 advising that the general principle of extending the dwelling may be acceptable, but that the proposed depth of the roof projection was not acceptable. It was suggested that a projection in the region of 2.5 metres would be more appropriate with the roof hipped to reduce the overall scale and visual impact. However, it is important to note that the letter specifically states that regardless of whether you chose to submit a planning application for the extension, the unauthorised structure must be removed given that it had been in place at this point for at least 7 months. You were therefore advised that enforcement action would be instigated in the form of a Planning Contravention Notice (PCN) and that the structure should be removed within 4 weeks. I consider that the advice contained in this letter was clear and that there was no further requirement to arrange a site meeting. I note that the PCN was issued on 13 March 2017 and that you submitted the retrospective planning application for the structure at the end of April 2017.

I am satisfied that there has been no form of discrimination and that the Planning Service has attempted to resolve the position and offered the appropriate advice regarding the unlawful development and acceptable alternatives at each stage. In addition, I am also satisfied that the time and resources allocated to the enforcement complaint and discussions, was appropriate.

Should you wish to submit amended drawings for an extension taking into account the advice contained in the letter of 6 March 2017, the Planning Service will again be happy to review the proposal and assist you with a further planning application.

To conclude, it is important that the existing unauthorised structure is removed by 4 November 2017, regardless of whether you intend to submit a planning application for an extension. If the structure is not removed by this date it may be necessary for this Service to issue an Enforcement Notice. This would be served against you and also against any other party listed under Section C of the Land Certificate for your property (LAN70716). I wish to avoid taking further enforcement action in this case and as such I would ask that you remove the structure within the required timescale.

I hope that this response clearly explains the steps that were taken in this case and confirms the Council's position in respect of the unauthorised development.

Yours sincerely



**Michael McGlynn**  
Executive Director



jamesd132@aol.com

Thu, 26/10, 11:55

You . 8

Reply

You replied on 26/10/2017 20:26

Dear Mr McGlynn,

Thank you for your response dated 23rd October 2017 to my email of 29th September 2017 raising concerns about my dealings with your Planning Department. I must say I am somewhat disappointed by your reply in the sense that although it details your Planning Service responses, it gives no consideration to the efforts made by my Agent and Myself in chasing up your department in order to find compromise and negotiate a solution .

As you have said, your Planning Officer and Enforcement Officer met with my Wife and Myself on site on 2nd September 2016 to discuss a concern raised by my former neighbour. At no point during this one and only 15 minute site meeting did either of them raise the possibility of the balcony having to be removed. The Planning Officer raising the possibility of screening to mitigate overlooking and I offered it necessary to reduce the dimensions of the balcony and I was reassured by her parting comment that we were here to find compromise and her colleague would call me the following week. No call was ever made and I received notice dated 19th September 2016 . At this point I sought the advise of an agent in order to obtain a second independent opinion .

He did not see any major issue, especially as we already had balconies in place (since 2006)and there are other similar sized balconies in plain view and many more in near area. He said he would contact Planning and kept me informed on progress, or lack of it, and copied me in on all emails sent and received with him asking for a meeting at various points to find resolution. No such meeting was forthcoming and he chased up again on the 15th November 2016. The next contact was at the end of January/ start of February 2017 at which point your Planning Department reiterated its opposition to any and all increase in size to original balconies. With this in mind and in an attempt to find resolution, I decided to avoid conflict and offered what I thought was the straight forward solution of the extension with internal enclosed balcony. We again asked the Planning Department for a meeting to discuss and were told that they would "be happy to meet and discuss" on reply dated 10th February, but advised we submit provisional plans . On receiving the reply stating that in principal the plans were fine but that the roof projection should be 2.5m we again sought the meeting to discuss this but were told there was no meet in having said meeting.

A PCN was then issued and I responded to all questions as diligently as possible and in particular Section 5 which offers to arrange a meeting to discuss planning permission and make representations I responded by Email , Mail and Phone Call to Enforcement Officer to emphasise that this is what we have been trying to arrange. As said in original email, such a meeting was refused on the 16th April 2017 leaving me no option but to submit retrospective planning consent.

After planning was refused on the 4th September 2017 your letter states that a notice was issued for the balcony to be removed by 4th November 2017. Neither myself nor my Agent are in receipt of any such notice and your Planning Official did not mention any such notice when I tried to get him to arrange a meeting when I finally spoke to him on 29th September after several unreturned calls. Again as previously stated such a meeting was refused . The only letter received is the written refusal dated 4th September 2017 giving us 3 months to appeal the decision and 1 year to submit amended plans(related to the balcony).

Although I disagree with the Planning Departments decision on my planning application for the balcony, and amendments offered, I am still hopeful that a solution can be found to eliminate the need for further action being necessary. Given that no face to face meeting will now take place can I ask that the following questions .

1: With regards to Planning Department advise on roof projection being limited to 2.5m and hipped.

(A) why has this limit been advised when other extensions in area are far in excess of this and my proposed extension is only in the region of 1.5m more ?

(B) If 2.5m is the "red line" then that will leave a gap at the front of the extensions with flat roofs on the ground floor level buildings which may not be particularly aesthetically pleasing, but if we were to submit plans for this would Planning Department want this done provisionally again or would they want formal application ?

(C) at between 3 and 3.5m hipped roof projection the extension could be made to blend with existing ground floor lay out and allow the gap at the front to be closed off and blended with existing rear extension roof, hence reducing the visual impact. Would this not be a better solution?

(D) presuming we can reach agreement, obviously certain common materials and equipment will be required in order to facilitate the removal of the balcony and replacement with extension which I would seek to have done expediently in 1 period to reduce the nuisance factor to neighbouring properties , would you be willing to proceed on this basis?

I am sorry to have to ask these questions in such a manner but as no face to face meeting is deemed necessary I have no other way of obtaining answers. There are probably more questions, on both sides , to be asked and answered.

Lastly I can only reiterate again, I am looking to resolve this situation, I am open to suggestions and compromise. I can only urge that your Planning Department contact me to give me their views on let's find a compromise but if you could acknowledge receipt of this email it would be greatly appreciated .

Best Regards ,

Jim Docherty,

07717500900