

Report to: **Planning Committee**
 Date of Meeting: **29 November 2011**
 Report by: **Executive Director (Enterprise Resources)**

Application No HM/11/0384
 Planning Proposal: Demolition of Double Garage and Erection of 2 Storey Front/Side Extension Incorporating a Single Storey Element

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mrs Colette McGinley
- Location : 93 Calderglen Avenue
Blantyre
G72 9UP

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission (subject to the following conditions)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Requests for a hearing have been made by 4 objectors to the application however these requests do not satisfy the Council's criteria for holding Hearings and the objectors have been advised accordingly.

3 Other Information

- ◆ Applicant's Agent: WD Harley Partnership
- ◆ Council Area/Ward: 15 Blantyre
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
DM 1 - Development Management Policy
RES 6 - Residential Land Use Policy
DM 4 - House Extensions and Alterations Policy

◆ Representation(s):

- ▶ 15 Objection Letters
- ▶ 0 Support Letters

▶ 0 Comments Letters

◆ Consultation(s):

Roads and Transportation Services (Hamilton Area)

Planning Application Report

1 Application Site

- 1.1 The application site relates to a modern detached 2 storey dwelling located within a modern housing estate on the periphery of Blantyre. The estate is characterised by a range of modern house styles comprising mainly of 2 storey detached and semi detached dwellings.
- 1.2 The application site is an irregular shaped plot located at the head of a small cul de sac which serves 9 dwellings. The property is surrounded on all sides by similar style housing with feus of comparable size. There is no established building line within the cul de sac.
- 1.3 The application site has a relatively unique positioning within a modern estate in that the dwelling is situated well to the rear of the plot set behind the rear building line of the adjoining dwelling to the east (no 95) but in line with the dwelling to the west (no 91). This means that the existing house has a substantial level front garden which is approximately 23 metres deep with a width of approximately 17.8 metres. The existing dwelling has a footprint of approximately 102 square metres whilst the detached double garage located to the side of the dwelling has a footprint of 28 square metres.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the demolition of the existing detached double garage and the erection of an "L" shaped 2 storey front and side extension which also incorporates a single storey element.
- 2.2 The existing detached double garage to be demolished is located in the north west corner of the curtilage, to the side of the dwelling. The garage which is approximately 4.3 metres in height borders the rear boundary of number 103 Calderglen Avenue and the side boundary of number 95 Calderglen Avenue.
- 2.3 The L shaped two storey element of the front/side extension wraps itself around the south west corner of the dwelling. The design of the extension incorporates the style and features of the existing dwelling. The proposed 2 storey element of the extension will project approximately 5.6 metres beyond the front building line with an overall width of 6.0 metres (2 metres of which projects beyond the side building line and extends approximately 4.6 metres down the side elevation of the dwelling). The single storey element measures approximately 2.8 metres by 10.2 metres, thus giving the proposed extension a total footprint of approximately 72 square metres.
- 2.4 It should be noted that the single storey element of the proposal has approximately the same footprint as the garage to be demolished (28 square metres), and is a greater distance off both the side and rear boundaries of the adjoining dwellings than the existing garage. It will also be approximately 500mm lower than the ridge height of the existing garage. The 2 storey element to the front and side of the property has been designed so that the ridge of the proposed extension will be set well below that of the existing house with the eaves aligned through with the existing property. All external finishes will match the existing dwelling.
- 2.5 The extension will provide a lounge, study and single garage at ground level. At first floor level an additional bedroom with en-suite accommodation are proposed.

2.6 The rear garden area will not be affected by the proposal.

3 Background

3.1 Local Plan Status

3.1.1 In terms of the South Lanarkshire Local Plan the site is identified as being within a Residential Area therefore Policy RES6 – Residential Land Use – is relevant. This policy states that the Council will oppose the loss of houses to other uses and will resist any development that will be detrimental to the amenity of those areas. Policy RES6 also notes that developments must relate satisfactorily to neighbouring properties in terms of scale, materials and massing. Development should also be of a good quality design.

3.1.2 Policy DM1 – Development Management – is also relevant and requires all planning applications to take account of the local context and built form and be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Developments should enhance the quality and appearance of the local environment and when assessing planning applications, the Council will require proposals to comply with a number of criteria.

3.1.3 Policy DM4 – House Extensions and Alterations – provides detailed criteria with respect to house extensions and alterations. Proposals should have regard to the character of existing dwellings and the wider area in terms of their scale, design and materials. Proposals should not dominate or overwhelm the existing dwelling or neighbouring dwelling and should not adversely affect neighbouring properties in terms of privacy, sunlight or daylight. House extensions should retain adequate off street car parking and useable garden ground.

3.2 Relevant Government Advice/Guidance

3.2.1 Given the nature of the proposal there is no specific government guidance relative to the determination of this application.

3.3 Planning Background

3.3.1 In terms of the planning history the applicants submitted a previous planning application (HM/11/0229) in May 2011. The application was for the demolition of the existing double garage and erection of a 2 storey front and side extension at the property. No pre application discussion had taken place with the Planning & Building Standards Service prior to the application being submitted and a total of 7 letters of objection were lodged with the Service in relation to the proposals. The objections from surrounding residents were primarily in respect of the size, design and scale of the proposal and the adverse impact on the surrounding properties

3.3.2 Following an initial assessment by the Planning Service the applicants' agents were advised that the proposal did not comply with Council policy and was unacceptable in respect of design and impact on adjoining properties particularly to the side (No 95) and rear (No 103). The application was subsequently withdrawn and the current proposal submitted for consideration by the Council.

4 Consultation(s)

4.1 **Roads and Transportation Services (Hamilton Area)** – Are satisfied that the required off street parking can be accommodated within the site and have no objections subject to the attachment of a condition in this regard.

Response: Noted

5 Representation(s)

5.1 Statutory neighbour notification was undertaken following which 15 letters of representation were received. 14 letters are from neighbouring properties and 1 is from a solicitor acting on behalf of the adjacent neighbour at No 95 Calderglen Avenue.

5.2 The grounds of objection can be summarised as follows: -

- a) **The proposed extension is contrary to Policies DM1 and DM4 of the adopted local plan in that this proposal is far in excess of any other extension in the cul-de-sac or estate particularly in terms of scale and mass. It will create a house type different from anything in the area and will be obtrusive, over powering and not comparable with the neighbouring houses within this small cul-de-sac in terms of size, shape, width and amenity. As such it will have a negative visual impact. All other houses in this area, which have been extended, have had single storey extensions located to the rear.**

Response: Noted. However each application must be considered on its own individual merits. Whilst it is accepted that the proposed extension is large it is considered that it has been designed to reflect and integrate well with the existing house and streetscape. There is no established building line within the cul de sac which contains various different designs of the general house type. The applicants property is stepped well behind the rear of the adjacent dwelling at No 95 but is in line with the adjacent dwelling to the west (No 91). The front garden of the existing house is extremely large with the house being set back approximately 23 metres from the road. It is therefore considered that there is sufficient space for the extension to be accommodated without 'cramping' or overdeveloping the site. Extensive front garden ground will still remain after construction of the extension. It is therefore not considered that the proposal will over dominate the existing property or adversely affect the appearance or character of the area.

- b) **Due to the size and scale of the proposed extension the sunlight of the adjacent houses and garden to the side and rear will be substantially affected. The proposal should therefore be reduced in scale to single storey**

Response: Noted. However all forms of development will generate a shadow of some description and therefore it is the extent and size of shadow that is important. A sunlight assessment was undertaken in this regard and the outcome of the assessment indicated that the gardens and dwellings of neighbouring houses will be relatively unaffected by the proposal due to the orientation and position of the existing dwelling within the feu. The shadow cast by the extension will not be significant for the adjacent properties particularly when considered in the context of the shadow cast by the existing house. Indeed the single storey element of the development, which is proposed to replace the existing double garage that will be demolished, will be a greater distance from adjoining boundaries than the garage. Consequently it is not considered that the proposed extension will have a material or adverse impact on neighbouring property in terms of overshadowing which would be sufficient to justify refusing the application.

- c) **The proposed introduction of an additional 6 velux windows onto the side elevation and a door to the rear will lead to a loss of privacy for the adjoining residents to the rear and side as there will be overlooking of neighbouring houses and gardens. In addition the proposed extension will impact on the privacy of the properties across the street.**

Response: Noted. However the proposed door to the rear will serve a study and no windows are proposed on either the rear or side gables. The proposed extension incorporates 6 skylights which will provide daylight to the extension without impacting on the neighbours privacy. In addition the windows to the front are well in excess of the 20 metre window to window requirement stipulated in the Council's Residential Design Guide. As such there will be no significant loss of privacy/overlooking that would merit refusal of this planning application.

- d) **The proposed extension will dominate the existing house and is excessive in regard to the existing dwelling. It will substantially increase the size of the dwelling into a very large 2 storey house which when completed will result in the property being out of proportion with the surrounding properties.**

Response: There are a variety of house styles and sizes within the cul de sac and the housing estate. Whilst accepting that the proposed extension is large it has however been designed to reflect features of both the existing dwelling and other houses within the estate. The extension does not extend the full width or depth of the existing property and the proposed ridgeline is lower than that of the existing dwelling. It is therefore considered that the proposed extension is subservient to the main dwellinghouse and will not over dominate the existing property. It is further considered that the given the diversity of properties which currently exist within the estate the extended property will not be out of proportion or be visually discordant.

- e) **The proposed extension contravenes Council policy for front extensions as it is well in excess of 2 metres forward of the front building line.**

Response: This Council guidance relates primarily to the erection of front porches. The guidance does however state that 'A front porch or extension should not project more than 2 metres beyond the front elevation of the house unless it can be shown that a greater degree of projection would not look out of place or form an intrusive feature in the street.' The Council therefore has discretion in terms of this policy to allow porches or extensions which project more than 2 metres forward of the building line where this is not considered to be out of place or form an obtrusive feature. In this instance as there are different front building lines onto the cul de sac it is considered acceptable to permit an extension in front of the house's existing building line.

- f) **The development will also result in a total loss of outlook from the objector's garden.**

Response: Loss of outlook or view is not a material planning consideration.

- g) **There is no major difference in the revised extension; the amendments made are minimal and cosmetic. The proposal is still considered to be out of character with surrounding properties. It is an eyesore and is excessive in terms of size, scale, design, sheer physical impact and loss of natural light and privacy.**

Response: The previous application did not comply with Council policy and was considered to be unacceptable in respect of design and impact on

adjoining properties to the side and rear. The design of the extension currently under assessment has been significantly altered (from 2 storey to a smaller 2 storey with single storey element) the height has been reduced and the proposed extension has been moved further off the adjoining boundaries. In addition the current proposal takes due cognizance of Council policy in that the proposed extension has a dropped ridge, the eaves tie through with the existing dwelling and the extension is in excess of a metre (at its closest point) off the side boundary. The amended design of the proposal also ensures that the front projection is reflective in terms of size and position to others that exist within the estate. As such it is considered that this current proposal has been designed to integrate in a more satisfactory manner with the existing dwelling and its physical impact on neighbouring properties will be minimized.

- h) Objectors are concerned that the applicants will build the extension and then sell the property and the residents will be left to live with “the eyesore” after the applicant has moved on.**

Response: This concern is not a relevant planning consideration and as such should not influence the determination of this application.

- i) A good deal of the front garden will be used up and there will be insufficient off street parking in the curtilage thereby creating parking issues in a cul de sac which has no off road parking facilities. This situation will be exacerbated by construction traffic during building works creating safety issues.**

Response: The Council's Roads & Transportation Service was consulted in connection with the application proposals and was satisfied that the required car parking provision can be satisfactorily provided within the site. A condition can be imposed to ensure an appropriate level of parking for the extended property. Any disruption as a result of 'build operations' will be temporary in nature and has to be accepted as part of any development proposal.

- j) The solicitor acting on behalf of No 95 has commented that notwithstanding the unacceptable scale of the proposed extension generally it should be specifically noted that the North/East facing elevation will dominate and overwhelm the view of No 95 and will have a significant adverse affect on No 95 in regard to overlooking and loss of privacy (six new dormer windows have been added to the North/East elevation)**

Response: These points have been addressed in paragraph (c). However in further amplification I would advise that the existing dwelling within the application site sits well behind that of No.95.Indeed the front elevation of the dwelling once extended will line through with the rear elevation of No95. In addition the extension drops to single storey along the side elevation at its closest point with the property of No 95. The single storey element is 500mm lower than the garage to be demolished and will be moved off the mutual boundary. There will be a minimum distance of 1.4 metres increasing to 4.4 metres between the single storey element of the development and the boundary with No 95. As such the impact of the proposed extension has been minimised and no loss of privacy should occur. Loss of outlook is not a material planning consideration.

- k) The proposed extension will set an undesirable precedent for future applications within the estate and will result in a cumulative negative and detrimental impact on both the estate and residential amenity.**

Response: Each application must be considered on its own individual merits. However in this instance it is considered that the applicant's property has a relatively unique character due to its layout within the street and can easily accommodate the extension without 'cramping' or overdeveloping the site or without adversely affecting the privacy of adjoining properties. In addition there are a variety of house styles within the estate a number of which have design features which are similar in manner to the proposal. As such in general terms the design of the proposal is considered to be acceptable and will not adversely affect the character or visual amenity of the house or streetscene.

- l) Every resident in this small cul-de-sac (8 out of the 9 houses in the cul-de-sac) and neighbours backing the proposal are objecting. This indicates the high level of concern this project is causing. The scale of this extension is causing the problem and will impact considerably on their residential amenity. The objectors would not be against a considerably more modest extension.**

Response: All representations made in connection with planning applications are taken into consideration prior to a decision being made. However only material planning considerations can be taken into account and therefore have an effect on the outcome of an application. It is therefore not the volume of objection which is a significant contributor to the outcome of an application but the nature of the concerns raised. In addition, the Planning Authority need to consider if the objections raised are proportionate to the development proposals and whether or not any refusal of an application could be properly justified should it be appealed. In this case the property is located in the midst of a modern housing estate, which contains a varied design of house styles and size, and therefore the owners should be afforded the opportunity to extend their property, provided that the proposals are acceptable in terms of valid planning considerations.

- m) The proposed extension will have an extremely detrimental effect on our property (No 103) and quality of life as the proposed building would be situated directly in front of and cover the south facing aspect of our house and small garden. As the proposed extension will be less than 12 metres from our house the negative environmental impacts of overshadowing and loss of privacy will be considerable with an almost complete denial of sunlight permeation for my living room, kitchen and utility room during the winter months, and a greatly reduced amount of light throughout the rest of the year. In addition as the gap which currently exists between the existing property and their detached garage would no longer be there, there will be a greatly reduced movement of air between our houses. The resultant lack of sunlight, restricted movement of air and exasperated drainage issues will provide ideal conditions for an increase in humidity and therefore dampness within not only our garden but also the structure of our home.**

Response: Whilst it is accepted that the proposed extension is located 12 metres from the objectors house it should be noted that the single storey element of the proposed extension replaces the existing double garage that will be demolished and is no closer to the objectors property than the existing garage. The two storey element of the extension projects only 2 metres from the side building line then drops to single storey with a height 500 mm less than the existing garage. No windows are located in the rear elevation. In addition the sunlight assessment indicated that the shadow cast by the extension will not be significant for this property in the context of the shadow

cast by the existing house and garage. Consequently it is not considered that the proposed extension will have a material or adverse impact on the neighbours property sufficient to justify refusing the application.

- n) **The proposal will have an adverse effect on privacy and light given the proposal's proximity to No. 91 Calderglen Avenue, particularly the projection and windows. Light has already been lost to the rear due to the existing rear extension which is positioned next the objectors lounge and the property will be dwarfed by a considerable 5.3 metre front projection spanning over 8 metres. In addition to enter their front door the applicants will now have to walk round the projection (which overlooks the objectors living room and lounge) thereby impacting on privacy. The objector also has concerns about overshadowing of the garden to the front and drainage issues.**

Response: It is considered that the proposed extension, which is on the opposite side of the dwelling from the objector's property, will not have a material adverse impact in regard to privacy or sunlight. The extension is far enough removed from the mutual boundary (approximately 6 metres) to ensure that the objectors front garden will not be materially affected by the extension. The position of the front door to the existing dwelling remains unaltered and there are no windows on the side elevation which would impact on the objectors property. The existing rear extension which is less than 24 square metres was built as "permitted development" as such planning consent was not required. The scale of the proposal will be discussed in the Assessment and Conclusions section of this report.

All letters of objection have been copied and are available for inspection in the usual manner and on the Councils Planning Portal.

In addition to the above 4 of the nearby residents requested to be heard at Committee. However these requests were considered but did not satisfy the Council's criteria for Hearings. The proposal does not relate to a major development which is significantly contrary to the approved development plan nor does it meet the required discretionary criteria for a hearing to take place.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for the demolition of the existing detached double garage to accommodate the erection of a 2 storey front/side extension which incorporates a single storey element. The determining issues in consideration of this application are it's compliance with local plan policy and in particular, its impact on the amenity of the adjacent properties. In addition consideration needs to be given to whether the proposals raise any issues in terms of road safety.
- 6.2 In terms of the adopted South Lanarkshire Local Plan, the application site is within an established residential area of Blantyre where the applicable policy, RES6, seeks to resist any development that would impact negatively on the character or amenity of such an area. It is considered that the proposed development raises no issues from a land use perspective.
- 6.3 In terms of the details associated with the proposed extension, local plan Policies DM1 and DM4 are relevant. These policies seek to ensure that proposals take account of the local context and have regard to the character of existing dwellings

and the wider area in terms of their scale, design and materials. Proposals should not dominate or overwhelm the existing dwelling or neighbouring properties and should not adversely affect neighbouring properties in terms of privacy, sunlight or daylight. House extensions should retain adequate off street car parking and useable garden ground. It is considered that the proposal satisfies the above criteria.

- 6.4 The usable rear garden ground will be unaffected by the proposal and there is sufficient space to provide the required off street parking requirements. The proposed extension is also located sufficient distance away from neighbouring properties to ensure that it will have no material adverse impact in terms of privacy. A sunlight assessment was undertaken which indicated that the proposed extension will not have a material impact on neighbouring properties in regard to loss of daylight or sunlight. In addition the design of the proposal has been amended to accord with Council policy ie the proposed extension has a dropped ridge, the eaves level tie through and the extension is in excess of a metre (at its closest point) off the side boundary. The design of the proposal further ensures that the front projection is reflective in terms of size and position to others that exist within the estate. As such there is no reason to assume that the proposed extension will be out of context or result in a negative visual impact. The proposed extension therefore takes cognizance of the local context and built form in terms of location, finishing materials, design, massing and scale and given the substantial front garden does not represent an over-development of the curtilage. Given the above it is considered that the impact of the proposal will be within acceptable limits and satisfactorily accords with policy.
- 6.5 In relation to road safety the proposal can provide the required 3 off street parking spaces within the site and as such will have no adverse impact on existing off street car parking provision. Roads & Transportation Services have confirmed this position.
- 6.6 The design of the extension currently under assessment has been significantly altered and reduced in scale from the original submission considered under the previous application HM/11/0289. The design has been substantially altered (from 2 storey to a smaller scale 2 storey with single storey element) the height has been reduced and the proposed extension has been moved further off the adjoining boundaries. In addition the current proposal now accords with Council policy in that the proposed extension has a dropped ridge, the eaves level tie through and the extension is in excess of a metre (at its closest point) off the side boundary. It is considered that these amendments allow better integration with the existing dwelling and reduce the impact on adjoining properties,
- 6.7 As set out in Section 5 of the report a number of letters of objection were received expressing concerns about the proposals. The concerns raised have been summarised and considered in detail in Section 5 of this report. Following a thorough assessment of the proposals it is considered that the concerns raised are not of sufficient weight or merit, either individually or collectively, to merit refusal of the proposal.
- 6.8 In summary the proposal complies with adopted Local Plan policy and does not raise any road safety issues and therefore it is recommended that detailed planning consent be granted.

7 Reasons for Decision

- 7.1 The proposal has no material adverse impact on residential amenity or road safety and complies with Policies RES6, DM1 and DM4 of the adopted South Lanarkshire Local Plan.

Colin McDowall
Executive Director (Enterprise Resources)

21 November 2011

Previous References

- ◆ HM/11/0229

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan
- ▶ Neighbour notification dated 25 August 2011

- ▶ Consultations
Roads and Transportation Services 08 November 2011

- ▶ Representations
 - Representation from : Mr J and Mrs S McManus, 103 Calderglen Avenue,Blantyre,G72 9UP, DATED 19/09/2011

 - Representation from : Mrs C McLachlan, 91 Calderglen Avenue,Blantyre,G72 9UP, DATED 19/09/2011

 - Representation from : david.r.graham, 83 Calderglen Avenue, Blantyre G72 9UP DATED 09/09/2011

 - Representation from : david.r.graham, 83 Calderglen Avenue, Blantyre G72 9UP , DATED 09/09/2011

 - Representation from : Mr and Mrs McKenzie, 87 Calderglen Avenue,Blantyre,G72 9UP, DATED 20/09/2011

 - Representation from : Mr and Mrs J Innes, 95 Calderglen Avenue,Blantyre,G72 9UP, DATED 20/09/2011

 - Representation from : Mr A and Mrs C Burgess, 89 Calderglen Avenue,Blantyre,G72 9UP, DATED 20/09/2011

 - Representation from : Jean Lees, 99 Calderglen Avenue,Blantyre,G72 9UP, DATED 20/09/2011

 - Representation from : Mrs Ann Innes, 95 Calderglen Avenue,Blantyre,G72 9UP, DATED 21/09/2011

- Representation from : Mrs Ann Innes, 95 Calderglen Avenue,Blantyre G72 9UP,
DATED 03/10/2011
- Representation from : Mrs Mhairi Malley, 85 Calderglen Avenue,Blantyre,G72
9UP, DATED 20/09/2011
- Representation from : John & Isabella Crichton, 97 Calderglen Avenue,Blantyre,,
DATED 20/09/2011
- Representation from : C McLaughlin, 81 Calderglen Avenue,Blantyre,G72 9UP,
DATED 20/09/2011
- Representation from : Mr Brian Fallon , 107 Calderglen Avenue,Blantyre,G72
9UP, DATED 27/09/2011
- Representation from : McSparran McCormick, 663 Clarkston Road, Netherlee,
Clarkston ,G44 3SE, DATED 03/11/2011

Contact for Further Information

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

Christina Laird, Planning Officer, Montrose House, Hamilton
Ext 3611 (Tel :01698 453611)
E-mail: planning@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER : HM/11/0384

CONDITIONS

- 1 This decision relates to drawing numbers:WDH-11-15-01,WDH-11-15-02,WDH-11-15-03,WDH-11-15-04,WDH-11-15-05,WDH-11-15-06,WDH-11-15-07 and WDH-11-15-08.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That the facing materials to be used for the external walls and roof of the extension hereby approved shall match in colour and texture those of the existing adjoining building on the site to the satisfaction of the Council as Planning Authority.
- 4 That before the development hereby approved is completed or brought into use, 3 parking spaces shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 5 That no windows or velux other than those hereby approved shall be installed on the rear and side elevations of the extended dwelling without the prior written consent of the Council as Planning Authority.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 To ensure satisfactory integration of the proposed extension with the existing building both in terms of design and materials.
- 4 To ensure the provision of adequate parking facilities within the site.
- 5 In the interests of the amenity of the adjoining residential properties.

For information only

For information only

