

# Planning Local Review Body

## Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)  
PLRB Reference NOR/CR/17/001

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- ◆ Site address: 18 Buchanan Drive, Cambuslang, G72 8BD
- ◆ Application for review by J Docherty of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application CR/17/0104
- ◆ Application CR/17/0104 for the erection of a balcony at first floor level above existing extensions (retrospective)
- ◆ Application Drawings: Drawing Numbers JD18BD.2017.06 Balcony, JD18BD.2017.01 Balcony, JD18BD.2017.02 Balcony, JD18BD.2017.03 Balcony, JD18BD.2017.04 Balcony, JD18BD.2017.05 Balcony, JD-18BD-2017-01 Balcony

## Decision

The PLRB upholds the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application CR/17/0104 for the reasons stated on the Council's decision notice dated 4 September 2017.



**Geraldine McCann**  
**Head of Administration and Legal Services**

Date of Decision Notice: 8 March 2018

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## 1. Background

- 1.1 This Notice constitutes the formal decision notice of the Planning Local Review Body (PLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the PLRB at its meeting on 12 February 2018. The PLRB was attended by Councillors John Bradley, Walter Brogan, Fiona Dryburgh, Alistair Fulton (Chair), Mark Horsham, Ann Le Blond, Richard Nelson, Graham Scott and Jim Wardhaugh.

## **2. Proposal**

- 2.1 The proposal is for the erection of a balcony at first floor level above existing extensions (retrospective) at 18 Buchanan Drive, Cambuslang.
- 2.2 The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.

## **3. Determining Issues**

- 3.1 The determining issues in this review were the proposal's compliance with the Adopted South Lanarkshire Local Development Plan (SLLDP) and Supplementary Guidance (SG).
- 3.2 The PLRB established that, in terms of the Adopted South Lanarkshire Local Development Plan, the site was located within a residential area. The following policies applied to the application site:-
- ◆ Policy 4 – Development Management and Place Making
  - ◆ Policy 6 – General Urban Area/Settlements
  - ◆ Policy DM2 – House Extensions and Alterations (Development Management, Place Making and Design Supplementary Guidance)
- 3.3 Policy 4 states that all planning applications require to take account of and be integrated with the local context and built form.
- 3.4 Policy 6 states that developments will not be permitted if they are detrimental to the amenity of residents. Each proposal will be judged on its own merits with particular consideration given to the impact on the amenity of the area.
- 3.5 Policy DM2 (House Extensions and Alterations) of the Development Management, Place Making and Design Supplementary Guidance states that house extensions and alterations will be considered favourably where it can be demonstrated that the proposal complies with the following criteria:-
- ◆ the siting, form, scale, design and materials respect the character of the existing dwelling and the wider area. Within this context, high quality, innovative design will be encouraged where it complements the character of the building and its surroundings
  - ◆ it does not dominate or overwhelm the existing dwelling, neighbouring properties or street scene in terms of size, scale or height
  - ◆ it does not significantly adversely affect adjacent properties in terms of overlooking or loss of privacy, daylight or sunlight
  - ◆ it retains adequate car parking, usable garden ground and bin storage within the site
  - ◆ it does not have an adverse impact on traffic or public safety
  - ◆ it takes account of any supplementary guidance prepared by the Council, where relevant to the proposal
- 3.6 In considering the case, the PLRB had regard to the applicant's submission that:-
- ◆ the balcony had only been erected over one of the extensions, the conservatory. The kitchen outcrop was part of the original house
  - ◆ the balcony had been constructed to provide the applicant's children with more space and was not intended to be used by the whole family or invited guests
  - ◆ the retrospective balcony had been designed to complement the existing house and was in a similar design to those nearby. Those could easily be seen from the applicant's back garden
  - ◆ there was no significant loss of daylight or sunlight to neighbouring properties

- ◆ the design and materials of the structure were not detrimental to the property or to those surrounding it
- ◆ the applicant's existing dormer balconies already provided 90% of the same view obtained from the retrospective balcony. This was not raised when the application for those balconies was approved
- ◆ 16 adjoining neighbours had been neighbour notified and only 1 neighbour had objected
- ◆ the overlooking issue could easily be negated by the introduction of appropriate screening and this had been used in many other proposals where permission had been granted even when objections had been received. A glazed privacy screen would reduce the impact of overlooking of the house by approximately 70% and screening was considered acceptable for the nearby tennis courts

- 3.7 The PLRB also had regard to the Legal Adviser's comments on the position regarding the other sites which had been raised by the applicant's agent and noted that each application required to be dealt with on its individual merits in accordance with the relevant Policies.
- 3.8 The PLRB considered the scale and positioning of the retrospective balcony, on the first floor of the property, and concluded that the proposal had a significant detrimental impact on neighbouring properties in terms of overlooking and loss of privacy and had a significant detrimental visual impact on the surrounding streetscape.

#### **4. Conclusion**

- 4.1 The PLRB considered a request to review the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application CR/17/0104 for the erection of a balcony at first floor level above existing extensions (retrospective) at 18 Buchanan Drive, Cambuslang. The PLRB concluded that the proposal had a significant detrimental impact on neighbouring properties in terms of overlooking and loss of privacy and had a significant detrimental impact on the surrounding streetscape. The PLRB concluded, therefore, that the proposal was contrary to Policies 4 and 6 of the Adopted South Lanarkshire Local Development Plan and Policy DM2 of the associated Development Management Place Making and Design Supplementary Guidance.
- 4.2 The PLRB, therefore, upheld the decision to refuse planning permission for planning application CR/17/0104 for the reasons stated on the Council's decision notice dated 4 September 2017.

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

- 5.1 Attached is a copy of the Notice to Accompany Refusal, etc in the terms set out in Schedule 2 to the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.





## NOTICE TO ACCOMPANY REFUSAL ETC

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

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

