

Appendix 2(a)

Report of Handling

Report dated 4 September 2017 by the Council's Authorised Officer under the Scheme of Delegation

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:-

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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.