

Report

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Report to:	Hamilton Area Committee
Date of Meeting:	22 June 2011
Report by:	Executive Director (Enterprise Resources)

Application No	HM/11/0220
Planning Proposal:	Change of Use of Open Space to Garden Ground and Erection of Boundary Fence (2 Metres in Height)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Allison Douglas
- Location : Land adjacent to house at 19 Gillbank Lane Larkhall, ML9 2RZ

2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission (Subject to Conditions – Based on Conditions Listed)

2.2 Other Actions/Notes

- (1) The Area Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
RES 6 - Residential Land Use Policy
DM 1 - Development Management Policy

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

- ◆ Consultation(s):
 - Leisure Services (Facility Manager)
 - Enterprise Resources - Estates

Planning Application Report

1 Application Site

- 1.1 The application site is part of an area of open space located between the carriageway of Keir Hardie Road and the residential properties of Gillbank Lane/ Shawrigg Road. Larkhall. The area of open space has a gradual downward slope running from south to north. The area is grassed with a few trees throughout the wider area.
- 1.2 The rear garden of the applicant's house is separated from the adjacent open space by means of a 2 metre high brick wall and some low level bushes. The gable wall of the house also adjoins the open space.

2 Proposal(s)

- 2.1 The applicant is proposing to annex an area of the open space immediately adjacent to the side of 19 Gillbank Lane to form an extension to the properties existing garden ground. As part of the change of use, the applicant is also proposing to demolish the existing side boundary wall and erect a two metre high timber boundary fence along the new side and extend rear boundary.
- 2.2 The area of ground is 16 metres in length with a width of 4 metres running parallel to the east side of the property. The area the applicant wishes to enclose within their garden ground does not extend beyond the established front building line of the dwelling. The total area which is subject to the change of use is 64 square metres.

3 Background

3.1 Local Plan Status

- 3.1.1 The main material consideration in the assessment of the proposal is the adopted South Lanarkshire Local Plan. The policies which are relevant are RES6 – Residential Land Use and DM1 – Development Management.
- 3.1.2 Within areas designated RES6 the loss of houses to other uses are generally opposed. Developments which are likely to be detrimental to the established level of residential amenity will also be resisted.
- 3.1.3 Policy DM1 requires all planning applications to take account of the local context and built form. In addition all proposals should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials, and impact upon amenity.

3.2 Relevant Government Guidance/ Advice

- 3.2.1 In accordance with the Planning etc (Scotland) Act 2006, this application is required to be determined at Committee as the land/property involved in the proposal is within the Council's ownership and as such is excluded from the scheme of delegation.

3.3 Planning History

- 3.3.1 There is no recent planning history relative to this site.

4 Consultation(s)

- 4.1 **Enterprise Resources – Estates** – No response to date
Response: Noted.

4.2 **Leisure Services** – No response to date

Response: Noted.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken in respect of the application. No letters of representation have been received.

6 Assessment and Conclusions

6.1 The determining issues which are required to be taken into account when assessing this proposal are its compliance with local plan policy and its impact on the amenity of the area.

6.2 The applicant is proposing a change of use of a relatively small area of open space to garden ground along with the erection of 2 metre high fence around the perimeter of the site. The proposed fence will be timber close boarded, similar in appearance to many other fences at residential properties. The ground subject to the change of use is directly adjacent to 19 Gillbank Lane and has an area of 64 square metres.

6.3 In terms of the residential land use designation of the area, the proposal is considered to be a conforming land use. The land is to be used as part of an existing residential property and no new use is being introduced into the area. In this regard, the residential character of the area will be unaffected by the change of use and there will be no adverse impact on surrounding properties.

6.4 As part of the proposal a two metre high fence is to be erected along the perimeter of the site. The east boundary fence will align with the existing rear boundaries of 14 to 20 Gillbank Lane to the south. Taking this into account, the fence will not project beyond the established building line which fronts onto Keir Hardie Road. As such it is considered that the proposed fence will not have a dominant impact upon the established streetscape. The appearance of the fence itself is considered acceptable in the context of the residential urban environment and will not have an adverse visual impact in the local area.

6.5 In conclusion, the change of use of open space to garden ground and the erection of a two metre high boundary fence is not considered to have an adverse impact upon the amenity of the local area or neighbouring properties. The change of use does not introduce a non confirming use within an established residential area. The location of the proposed fence respects the established building line fronting onto Keir Hardie Road and as such does not have an adverse impact upon residential amenity. The issue of consent is therefore appropriate.

7 Reasons for Decision

7.1 The proposal will have no adverse impact on residential amenity and complies with Policies RES6 – Residential Land Use and DM1 – Development Management of the adopted South Lanarkshire Local Plan.

Colin McDowall
Executive Director (Enterprise Resources)

8 June 2011

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Adopted South Lanarkshire Local Plan
- ▶ Neighbour Notification Notice dated 17 May 2011

Contact for Further Information

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

Alisdair Simpson, Planning Officer, Brandon Gate, Hamilton
Ext 3598 (Tel :01698 453598)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER : HM/11/0220

CONDITIONS

- This decision relates to drawing numbers:
- 1 - Location and block plan
- Example of proposed fence
 - 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 before the development hereby permitted brought into use, a 2 metre high fence shall be erected and thereafter maintained along the boundary of the site to the satisfaction 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 In the interests of amenity and in order to retain effective planning control.

