



# Planning Local Review Body

## Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)  
PLRB Reference NOR/CL/10/006

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- ◆ Site address: Land to the rear of 53 and 55 Waterloo Road, Lanark, ML11 7QW
- ◆ Application for review by Mr and Mrs Higgins of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission in principle for planning application CL/10/0189
- ◆ Application CL/10/0189 for the sub-division of garden ground and the erection of a house (in principle)
- ◆ Application Drawings: Nos 1, 2, 3 and 4

## Decision

The PLRB upholds the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission in principle for planning application CL/10/0189 for the reasons stated on the Council's decision notice dated 4 June 2010.

*Rosemary M Lake*  
for Douglas Wilson  
Head of Administration Services

Date of Decision Notice: 26/11/2010

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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 2008.
- 1.2 The above application for planning permission in principle was considered by the PLRB at its meeting on 1 November 2010. The PLRB was attended by Councillors Graham Scott (Chair), Hugh Dunsmuir, Tommy Gilligan, Ian Gray, Bill Holman, Alex McInnes and Patrick Ross-Taylor (Depute).

## **2. Proposal**

- 2.1 The application is for the sub-division of garden ground and the erection of a house (in principle) at land to the rear of 53 and 55 Waterloo Road, Lanark.
- 2.2 The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.
- 2.3 The applicants had indicated that they were introducing new information which comprised:-
- ◆ references to a number of similar developments which they considered of relevance
  - ◆ an amended site plan

The PLRB concluded that the information provided further comment on issues which had been considered when the application was determined by the appointed officer and, as such, could be considered when reviewing the case.

## **3. Determining Issues**

- 3.1 The determining issue in this review was the proposal's compliance with the Adopted South Lanarkshire Local Plan.
- 3.2 The PLRB established that the site was located within an area identified as residential in the Adopted South Lanarkshire Local Plan. Policies RES6, residential land use, DM1, development management, and DM5, sub-division of garden ground, applied.
- 3.3 Policy RES6 of the Adopted South Lanarkshire Local Plan states that the Council will resist development which is detrimental to the amenity of the area. It also required proposed developments to relate satisfactorily to the adjacent and surrounding development and to comply with Policy DM1.
- 3.4 Policy DM1 states that all planning applications require to take account of the local context and built form and be compatible with the adjacent buildings and streetscape. It also requires all proposed developments to provide suitable access and parking and have no adverse implications for public safety.
- 3.5 Policy DM5, sub-division of garden ground, states that:-
- ◆ the proposed plot and remaining garden must be comparable in size and shape to those nearby
  - ◆ proposed vehicle access must be of an adequate standard and not affect road safety
  - ◆ the garden space for the proposed house and the remaining area of the existing house must meet the recreational, amenity and drying needs of the occupants
  - ◆ the development itself must not reduce the privacy of the existing houses and have a suitable level of privacy itself
  - ◆ adequate parking which is not harmful to the character of the area must be provided for both the existing and proposed houses
  - ◆ the proposed house must be of a scale, massing and design that reflects the surrounding area and will not appear cramped or out of keeping with the character of the surrounding area
- 3.6 In considering the case, the PLRB had regard to the applicants' submission that:-
- ◆ the application was for permission in principle and details of the house design could be such that it would not appear to be cramped or visually intrusive
  - ◆ the area of land to the side of the house would be sufficient in size both in terms of depth and length to provide adequate garden space and would not be unusual in the area

- ◆ parking at the front of the building was a common occurrence in the area
- ◆ access could be located 10 metres from the junction with Scarletmuir and adequate sight lines could be provided
- ◆ the remaining garden for the donor house at 53 Waterloo Road would comprise a side garden measuring approximately 7.5 metres in depth by 23 metres in length and an additional rear garden measuring 2 metres in depth by 15 metres in length. The "back door" entrance to 53 Waterloo Road was situated at the side of the house which would accommodate a side garden formation
- ◆ the design of the house could be tailored to take account of privacy issues arising from window to window distances
- ◆ similar proposals in the area had been granted planning consent

3.7 The PLRB concluded that the size and shape of the proposed plot and the remaining plot of the donor house were out of character with the surrounding houses and, consequently, that the development was contrary to Policies RES6 and DM1 of the Adopted Local Plan. The PLRB also concluded that the proposed access was located too close to the junction with Scarletmuir, that it could have a detrimental effect on public safety and that, in terms of access and parking issues, the proposal was at odds with Policy DM1 of the Adopted Local Plan.

3.8 The PLRB also concluded that the layout for the proposed and existing houses would not accord with the established character of the area and that the parking arrangements would have an adverse impact on visual amenity. It further concluded that the proposal would have a material impact on privacy in that the garden of the proposed house would be overlooked by the existing houses and that the size and shape of the resulting gardens would result in a cramped and awkward layout. Consequently, the proposal was contrary to Policy DM5 of the Adopted Local Plan.

3.9 The PLRB noted the applicants' comments in relation to previous applications for which planning permission had been granted. It concluded that each application required to be considered on its own merits and that, in the case of each of the previous applications cited by the applicants, there was justification for the grant of consent.

#### **4. Conclusion**

4.1 The PLRB considered a request to review planning application CL/10/0189 for the subdivision of garden ground and the erection of a house (planning permission in principle) at land to the rear of 53 and 55 Waterloo Road, Lanark. The PLRB concluded that the proposal would result in development that was out of character with the surrounding houses, that the proposed access was located too close to the junction with Scarletmuir and could have a detrimental effect on public safety and that the proposal was not acceptable in terms of privacy or overlooking issues. As a result, the PLRB concluded that the proposal did not comply with Policies RES6, DM1 and DM5 of the Adopted South Lanarkshire Local Plan and did not consider that there was justification to depart from the terms of the Plan.

4.2 The PLRB, therefore, upheld the decision to refuse planning permission in principle for planning application CL/10/0189 for the reasons set out in the decision notice from the Council dated 4 June 2010.

#### **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 2008.



## 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.