

Appendix 2(a)

Report of Handling

Report dated 9 June 2011 by the Council's Authorised Officer under the Scheme of Delegation

Delegated Report

Report to: **Delegated Decision**
Date of Report: **9 June 2011**
Report by: **Area Manager (Planning & Building Standards)**

Application No CR/11/0022
Planning Proposal: Erection of two storey dwellinghouse (Planning permission in principle)

1 Summary Application Information

- Application Type : Permission in principle
- Applicant : Mr & Mrs A Dobinson
- Location : Plot to the rear of No.11 Whyte Avenue
Cambuslang

2 Decision

2.1 Refuse Planning Permission in Principle (For the Reasons Stated)

2.2 Other Actions/Notes

None

3 Other Information

- ◆ Applicant's Agent: Alasdair MacFarlane Architect
- ◆ Council Area/Ward: 13 Cambuslang West
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
Policy RES6 – 'Residential Land Use Policy'
Policy DM1 – 'Development Management Policy'
Policy DM5 – 'Sub-division of Garden Ground Policy'

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

◆ Consultation(s):

Environmental Services

Scottish Water

Roads and Transportation Services (Cambuslang/Rutherglen Area)

Enterprise Resources - Estates

Planning Application Delegated Report

1 Material Considerations

- 1.1 The site is within the area covered by South Lanarkshire Local Plan Policy RES6 – Residential Land Use – which seeks to protect residential amenity and resist bad neighbour uses detrimental to environmental quality and requires development to relate satisfactorily the surrounding area in terms scale massing and materials.
- 1.2 In addition, Policy DM5 – Sub-Division of Garden Ground applies. This policy seeks to ensure that all planning applications fully take account of the local context and built form. As it relates to the sub-division of garden ground, it specifically advises that:
- (a) The proposed house plot and that remaining to the existing house are comparable with those nearby in terms of size, shape and amenity (i.e. the proposal accords with the established pattern of development in the surrounding area);
 - (b) The proposed house will have a proper road frontage of comparable size with those of surrounding curtilages;
 - (c) The proposed vehicular access is of an adequate standard and will not have adverse implications for traffic safety or amenity (in terms of potential noise of privacy problems);
 - (d) The garden space allocated to the proposed house(s) and remaining for the existing house should be sufficient for the recreational, amenity and drying needs of the occupants;
 - (e) The proposed development will not cause an unacceptable reduction in privacy to existing houses and will, itself, enjoy a degree of privacy comparable with surrounding dwellings;
 - (f) The proposed development will not overshadow adjacent properties to a degree which results in a loss of amenity or itself be adversely affected by overshadowing;
 - (g) All existing features such as trees, hedges, walls, fences and buildings that contribute to the character of the area will be retained and not adversely affected by the development;
 - (h) Adequate parking for both the proposed and existing house must be provided within the site and must not be harmful to the established character and amenity of the area;

- (i) The proposed house(s) must be of a scale and massing sympathetic to the character and pattern of the development in the area and must not result in a development that appears cramped, squeezed in or visually intrusive;
- (j) The proposal must not jeopardise or be prejudicial to any further desirable development in the vicinity;
- (k) The proposal will not result in an adverse effect on built heritage and/or nature conservation interests.

1.3 The Council's Residential Development Guide which advises on garden depth, garden size and window to window distance, is also relevant.

2 Consultation(s)

2.1 **Roads and Transportation Services** – the proposal should provide the appropriate parking provision and dropped kerb access to the parent property.

Response: Noted.

2.2 **Scottish Water** – no objections.

Response: Noted.

2.3 **Environmental Services** – no response subject to a condition relating to noise being attached.

Response: Noted.

3 Representation(s)

3.1 Following statutory neighbour notification and advertisement in the Rutherglen Reformer, two letters of representation were received. The points raised are summarised as follows:

- (a) **Whyte Avenue is very narrow and access and parking are difficult. Emergency vehicles may find it difficult to access the street.**

Response: The Roads & Transportation Service have raised no objections to access or the space for emergency vehicles on Whyte Avenue, however they have advised that the applicant should provide sufficient parking for the parent property.

- (b) **A two storey property will result in overshadowing and loss of privacy and will be out of character amongst single storey houses.**

Response: Whilst the proposal is in principle and any design or layout could change, there are serious concerns that the proposal would result in overshadowing, a loss of privacy and will be out of character with the locality and contrary to both policies DM1 and DM5 of the South Lanarkshire Local Plan. This will be discussed further in Section 4.

- (c) **The street has already with problems with the drains.**

Response: This is a matter for the Roads and Transportation Service.

- (d) **The construction of a property will result in an increase in noise and dust and will make parking difficult.**

Response: Construction is an accepted part of any development.

3.2 The letters are available on the Planning portal.

4 Assessment and Conclusions

- 4.1 The determining issues in this instance are the proposal's compliance with the adopted local plan and its affect on the amenity of the area. The site lies within a residential area where Policy RES6 of the South Lanarkshire Local Plan applies. In addition to this policy, Policies DM1 – Development Management and DM5 – Sub-Division of Garden Ground also apply.
- 4.2 As regards specifically the sub-division of garden ground to form a house plot, Policy DM5 – Sub-Division of Garden applies. In terms of these policies this type of application must provide a house plot which is in keeping with the properties adjacent in terms of plot size, garden ground and design and not cause an unacceptable reduction in privacy to existing houses . Furthermore, it must be capable of providing a road frontage and a facility for accommodating cars on site.
- 4.3 The site is bounded by residential properties on west, east and south and by parkland to the north. The proposed plot covers an area of 415sqm which is larger than many of those of the existing houses adjacent on Whyte Avenue which are between 250sqm and 350sqm. The plot is approximately 43 metres long compared to number 9 attached which is 28 metres long. The parent plot remaining at number 11 will be approximately 270sqm and a length of 24 metres. The remaining plots in the locality are a mixture of lengths where the properties opposite are shorter and the properties at the end of the street are longer.
- 4.4 The applicant proposes the erection of a two storey detached dwelling within the rear garden ground of 11 Whyte Avenue. The plot is irregular in shape and wraps round the adjacent plot at right angles. Due to this arrangement, the proposed house would be sited directly behind the parent house at number 11 and the adjacent property at No.9. This does not reflect the character and pattern of development in this area. In addition, the proposal could not meet the minimum

standards for garden ground set out in the Council's Residential Development Guide. This seeks a minimum rear garden length of 10 metres. The longest part of the rear garden would be 6 metres. In view of the above the development does not satisfy the terms of Policies DM1 and DM5.

- 4.5 The issue of primary concern in the determination is the proposed road frontage. Policy DM5 requires all sub-division proposals to provide a proper road frontage of comparable size of those to surrounding properties. The proposed plot would effectively be using the access point of the existing plot at number 11 which would then have a new access formed in its front garden. As a result of this, the proposed house would not be seen from Whyte Avenue and would affectively be 'backland' development. Given that the proposal cannot meet all of the requirements of Policy DM5, it is contrary to the South Lanarkshire Local Plan and planning permission is therefore refused.

5 Reasons for Decision

- 5.1 The proposal will have an adverse impact on residential amenity and as such fails Policies DM1 and DM5 of the South Lanarkshire Local Plan.

Signed:
(Council's authorised officer)

Date:

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan 2009
- ▶ Consultations
 - Environmental Services 24/02/2011
 - Roads and Transportation Services (Cambuslang/Rutherglen Area) 28/02/2011
- ▶ Representations
 - Representation from : Tracey Morrison, 5 Whyte Avenue
Cambuslang G72 7AT, DATED 01/03/2011

Representation from : A & M Miller, 9 Whyte Avenue
Cambuslang G72 7AT, DATED 23/02/2011

Contact for Further Information

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

Iain Morton
(Tel :01355 806314)
E-mail: Enterprise.ek@southlanarkshire.gov.uk

Permission in principle

PAPER APART – APPLICATION NUMBER : CR/11/0022

REASONS FOR REFUSAL

- 1 This decision relates to drawings:

Location Plan
Proposed Site Plan
Site Comparison Plan
- 2 In the interests of amenity in that the proposal is contrary to Policy DM5 of the South Lanarkshire Local Plan in that it constitutes an unacceptable form of backland development which is not in keeping with the character, form or pattern of surrounding development.
- 3 The proposal is contrary to Policy DM5 of the South Lanarkshire Local Plan in that the location, orientation and relationship of the application site with adjacent dwellings is such that the proposal constitutes backland development which, if approved, would result in a loss of privacy to and would adversely affect the amenity of neighbouring properties.
- 4 The proposal is contrary to Policies DM1 and DM5 of the South Lanarkshire Local Plan in that the size and shape of the plot would not permit development to the proposed plot and the remaining plot of a standard compatible with existing development in the area and would therefore have a detrimental impact on amenity.
- 5 The proposal is contrary to Policy DM5 of the South Lanarkshire Local Plan in that it could not provide a road frontage in keeping with the settlement pattern of the locality.