

Appendix 2(a)

Report of Handling

Report dated 3 June 2010 by the Council's Authorised Officer under the Scheme of Delegation

Delegated Report

Report to: **Delegated Decision**
Date of Report: **3 June 2010**
Report by: **Area Manager (Planning & Building Standards)**

Application No CL/10/0189
Planning Proposal: Subdivision of garden ground and erection of dwellinghouse
(planning permission in principle)

1 Summary Application Information

- Application Type : Permission in principle
- Applicant : Mr & Mrs W Higgins
- Location : Land to rear of 53 & 55 Waterloo Road
Lanark
ML11 7QW

2 Decision

2.1 Refuse Planning Permission in Principle (for reasons stated)

2.2 Other Actions/Notes

None relevant

3 Other Information

- ◆ Applicant's Agent: -
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): South Lanarkshire Local Plan (adopted)
Policy RES6: Residential Land use
Policy DM1: Development Management
Policy DM5: Sub-division of Garden Ground

◆ Representation(s):

- ▶ 3 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Roads and Transportation Services (Clydesdale Area)

Planning Application Delegated Report

1 Material Considerations

- 1.1 The application site consists of part of the rear gardens of the semi-detached dwellings at 53 & 55 Waterloo Road, Lanark. The site extends to 0.04 hectares in size, and is irregular in shape. The rear garden of the dwellinghouse at 57 Waterloo Road bounds the site to the north, with the cul-de-sac known as Scarletmuir to the west and Wheatlandside to the south. The eastern boundary of the site consists of the rear gardens of the host dwellinghouses at 53 and 55 Waterloo Road. Concrete fencing as well as timber fencing encloses the site and various trees and shrubs are located within the garden areas. The existing block plan which has been submitted with the application is not accurate as it does not show the location of the outbuildings within the garden of 53 Waterloo Road or the details of the existing walls and fences. Furthermore, the dimensions of the site shown on the block plan do not appear to tie up with the ordnance survey based plan.
- 1.2 The applicants seek planning permission in principle for the erection of a dwellinghouse. An indicative block plan has been submitted as part of the application. This shows vehicular access to the site taken from Wheatlandside consisting of two off-street parking spaces and the footprint of the dwellinghouse situated close to the western boundary with a small, irregular shaped garden to the front and a rectangular garden to the rear. The size of the rear garden would be approximately 125 square metres in size. The plan indicates that the proposed dwellinghouse on the site would have two bedrooms and be one and a half storeys in height
- 1.3 This application constitutes a re-submission of a previous refusal at this site. Outline planning permission for a dwellinghouse was refused on 14 April 2009 (CL/09/0065). The previous application differed from this current proposal. The vehicular access at that time was to be taken from Scarletmuir, the proposed size of the plot was smaller and the indicative position of the dwellinghouse was located in a slightly different position.
- 1.4 It should also be noted that detailed planning permission was refused in 2003 for the erection of a dwellinghouse on the rear garden ground of the dwellinghouse immediately adjacent to the current application site at 57 Waterloo Road (CL/03/0297).

2 Consultation(s)

- 2.1 **Roads and Transportation Services** – recommend refusal of the application due to the proximity of the proposed access with the junction of Scarletmuir. They advise that the access should be relocated onto Scarletmuir at a minimum of 10 metres from Wheatlandside.

Response: Noted. Whilst it would be feasible to move the proposed vehicular access to Scarletmuir, I would be concerned about the amount of private garden ground that would then be left for the proposed house.

3 Representation(s)

3.1 Following the statutory neighbour notification procedure, 3 letters of representation were received. The grounds of objection are summarised as follows:

(a) Planning consent was refused for the erection of a dwellinghouse to the rear of the adjacent property at 57 Waterloo Road on the grounds of access, it is therefore suggested that the same problem would be relevant to this proposal.

Response: Noted. Planning consent was refused in 2003 for the erection of a dwellinghouse on part of the garden ground to the rear of 57 Waterloo Road, which lies immediately to the north of the current application site. One of the reasons for refusal included road safety in that the proposal did not allow for adequate parking arrangements within the confines of the site giving rise to an increase in on-street parking. The Roads Service do recommend refusal of this application although not for the same reasons that were relevant under the 2003 application. Notwithstanding this I agree that all the other reasons for refusal in relation to the size and shape of the plot pertaining to the 2003 application are relevant to this current application.

(b) Concerns that increased on-street parking by visitors would cause traffic congestion and subsequently an adverse impact on traffic safety.

Response: The Roads Service have recommended refusal of this application given the proximity of the proposed access to the junction with Scarletmuir. They have not quoted the parking issue as a reason for refusal. I am however concerned that the site would be unable to accommodate neither the required off-street parking, accessed from Scarletmuir, nor adequate private garden ground to our satisfaction.

(c) Concern that a number of mature trees would have to be removed resulting in a major change to the general outlook to the area.

Response: No details have been given of the existing trees and the numbers which would require to be removed. Whilst the trees and shrubs provide screening and add to the amenity of the occupiers, I do not consider that they are necessarily mature or of a significantly high amenity value which would negate their removal. It should be noted that the site is not covered by a Tree Preservation Order and as such the trees could be removed without any consent.

(d) The proposal would create a house in a cramped situation and would be out of character with others in the area, it would result in a loss of amenity and privacy for several householders.

Response: Agreed.

(e) The reasons for refusal for the application which was refused last year are still justified for this proposal.

Response: Agreed.

(f) Objector understands that this application does not include the neighbours land (ie 55 Waterloo Road). If approved, there may be a further planning application for a similarly unacceptable small house in that garden.

Response: The objector is mistaken, as the application site does include the neighbouring land.

(g) The existing house would lose all its present ambiance with the loss of light from the west which gives the house its present character.

Response: Agreed.

4 Assessment and Conclusions

- 4.1 The applicants seek planning permission in principle for the erection of a dwellinghouse within the rear curtilages of the dwellinghouses at 53 & 55 Waterloo Road, Lanark. The application is a re-submission of a previous refusal for a dwellinghouse on this site. The main issues in determining the application are whether the amended proposal now complies with local plan policy as well as the planning history of the immediate area.
- 4.2 The adopted South Lanarkshire Local Plan identifies the site as lying within the residential area where Policy RES6 applies. This policy as well as Policy DM1 resists development that will be detrimental to amenity and seeks well designed proposals which integrate successfully with their surroundings and make a positive contribution to the character and appearance of the urban environment. Policy DM5: Subdivision of Garden Ground is also relevant in the assessment of this proposal. This policy states that there will be a presumption against the development of a new house within the curtilage of an existing house unless all of the criteria listed in the policy can be met.
- 4.3 The proposed house plot has been formed by excising an area, in the region of 17 metres in length, from the rear garden of 55 Waterloo Road, and an area in the region of 14 metres in length from the rear garden of 53 Waterloo Road. This differs from the original proposal whereby the excised area to the rear of 55 Waterloo Road was in the region of 13 metres and approximately 9 metres from the rear garden of 53 Waterloo Road. The inclusion of this additional ground from the host properties has meant that the dwellinghouse at 53 Waterloo Road would have a rear garden of only 2 metres in depth. The indicative plans show that the applicant would then use the front garden of the house for parking, and the existing driveway area to the side of the house would be used as their private garden area. Given the inaccuracy of the plans I am not convinced that two car parking spaces

can be accommodated at the front of 53 Waterloo Road and in any case this would result in the loss of a traditional wall running parallel with Wheatlandside and the principle of using the front garden for parking in this traditional property would be harmful to the established character. The size of the proposed side garden area would be 68 square metres and the rear garden area 12.4 square metres. The size and layout of gardens are an important part of a residential layout, the Council's Residential Development Guide recommends that a family sized semi-detached/detached house should have a minimum rear garden size of 70 square metres. Whilst the size of the remaining garden area for 53 Waterloo Road generally meets the Council's Residential Development Guide criteria in terms of size, the rear garden ground would be unusable due to its depth and the remainder of the garden space would be situated to the side of the house, I am therefore concerned about the poor level of privacy this garden would enjoy. In addition, this form of garden provision is out-of-character with the traditional host dwellinghouse and the provision afforded to houses in the general area. The remaining rear garden ground for 55 Waterloo Road would be approximately 64 square metres in size which falls short of the minimum requirement of 70 square metres. I am therefore concerned that the proposal would result in an unsuitable reduction in the amenity of this host dwellinghouse. There are also amenity issues with the rear garden area for the proposed house as it would be overlooked by the host dwellinghouses by virtue of the location of the upper floor windows on these properties.

- 4.4 The indicative layout plan submitted with the application shows the footprint of a house on the western part of the plot, resulting in a distance between the gable of the house and the plot boundary, at its shortest of only 800mm. If windows were proposed on the western elevation or eastern elevations, the Council's required 20m window to window distance could not be met in relation to the dwellings at 1 Scarletmuir and the host dwelling at 53 Waterloo Road. The western gable would therefore need to be blank, and a restriction would have to be placed to ensure there would be no upper floor windows for habitable rooms on the eastern elevation.
- 4.5 I consider the proposal fails to comply with Policies RES6, DM1 and DM5, in particular criteria (a), (d), (e) and (i) of the latter policy. The proposed plot is not comparable in terms of size, shape and amenity with those nearby, resulting in a development that would appear cramped, visually obtrusive and out of keeping with the established character which would be harmful to the amenity of the area. I do not consider that a dwellinghouse can be designed and laid out on this plot without causing an unacceptable reduction in privacy to existing houses, or itself having the ability to enjoy a degree of privacy comparable with surrounding dwellings.
- 4.6 In terms of planning history, a similar proposal was refused on land immediately adjacent to the current application site in September 2003. This was for the erection of a dwellinghouse in the rear garden of 57 Waterloo Road. The proposal at that time was to subdivide the rear garden area to form a house plot. The

intention was to access the plot from Scarletmuir. The reasons for refusal for this proposal were that the plot would not permit development of a standard compatible with existing development in the area and would therefore have a detrimental impact on amenity. In addition it was considered that the proposal did not meet the requirements of the Residential Development Guide, constituted over development of the plot, would have an adverse impact on road safety and would set an undesirable precedent. In terms of precedent and consistency, I consider that this is material to the assessment of this current proposal given the very similar nature of the two applications.

4.7 In conclusion, I am still of the opinion that the plot is not of a size and shape which would allow a dwellinghouse to meet the terms of the local plan policies or the Council's Residential Development Guide and if approved would have an adverse impact on the established character of the area. In addition I have concerns about the accuracy of the block plans which have been submitted following the site visit and in comparison with the Ordnance Survey plan for the area. I therefore conclude that the application should be refused.

5 Reason for Decision

5.1 The proposal would have an adverse impact on the residential amenity of the surrounding area and does not comply with Policies RES6, DM1 and DM5 of the adopted South Lanarkshire Local Plan. In addition the Roads Service of the Council have recommended refusal given the proximity of the proposed access point to the junction with Scarletmuir.

Signed:
(Council's authorised officer)

Date:

Previous References

- ◆ CL/03/0297
- ◆ CL/10/0189

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultation response from Roads and Transportation Services dated 3 June 2010

► Representations

Representation from : Mr C L Binnie, 3 Scarletmuir
Lanark
ML11 7PS, DATED 14/05/2010

Representation from : Andrew R Nelson & Mary M Nelson, 5 Scarletmuir
Lanark
ML11 7PS, DATED

Representation from : Mrs Isabelle Main, 1 Scarletmuir
Lanark
ML11 7PS, DATED 18/05/2010

Contact for Further Information

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

Gail Rae

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E-mail: Enterprise.lanark@southlanarkshire.gov.uk

Permission in principle

PAPER APART – APPLICATION NUMBER : CL/10/0189

REASONS FOR REFUSAL

- 1 This decision relates to drawing numbers: 1, 2, 3, 4
- 1 The proposal is contrary to Policy RES6 of the adopted South Lanarkshire Local Plan in that it would have a detrimental impact on amenity as the size and shape of the plot would not permit development of a standard compatible with existing development in the area nor would it be able to meet the requirements of the Residential Development Guide. In addition the proposal would have an adverse impact on public safety given the proximity of the proposed vehicular access with the junction of Scarletmuir.
- 2 The proposal is contrary to Policy DM1 of the adopted South Lanarkshire Local Plan in that the proposal would have a significant adverse impact on the local environment as the size and shape of the plot would not permit development which would respect the local context nor would it make a positive contribution to the area. In addition the development would not provide a suitable access resulting in adverse implications for public safety.
- 3 The proposal is contrary to Policy DM5 of the adopted South Lanarkshire Local Plan in that it fails to meet criteria (a), (c), (d), (e), (h) and (i) of said policy as the house plot and that remaining to the existing houses are not comparable with those nearby in terms of size, shape and amenity; the position of the proposed vehicular access will have adverse implications for traffic safety; the garden space remaining for the existing dwellings is not sufficient for the recreational, amenity and drying needs of the occupants; the plot would not allow for a dwellinghouse to be situated on the site without causing an unacceptable reduction in privacy; the proposed parking facilities for the existing house at 53 Waterloo Road would result in the loss of a traditional wall and creation of parking to the front of the house which would be harmful to the established character and amenity of the area, and the proposal would result in a development that appears cramped, visually obtrusive and would be out of keeping with the established character of the area.
- 4 The submitted plans are not accurate and insufficient as the dimensions are incorrect and they do not accurately show the existing situation on site.
- 5 If approved, the proposal would set an undesirable precedent which could encourage further similar applications for proposals which would exacerbate the problems stated above.