

Notice of Review – 2 Holm Avenue, Uddingston. G71 7AL

Statement of Observations

Planning application P/19/0890 - Partial demolition of house, erection of extension including new roof and erection of dwellinghouse.

1 Planning Background

- 1.1 Mr. John Reynolds submitted a planning application (reference: P/19/0890) on 4 June 2019 to South Lanarkshire Council for Partial demolition of house, erection of extension including new roof and erection of dwellinghouse at 2 Holm Avenue, Uddingston G71 7AL. After due consideration of the application in terms of the Development Plan and all other material planning considerations, planning application P/19/0890 was refused by the Council under delegated powers on 14 February 2020 for the reasons listed in the decision notice.
- 1.2 The report of handling dated 11 February 2020 explains in detail all material planning considerations and the reasons/justification for the decision. The reasons for refusal are listed in the decision notice which along with the Report of Handling are available elsewhere in the papers accompanying the Notice of Review.

2 Assessment against the development plan and other relevant policies

- 2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended requires that an application for planning permission is determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.2 The development plan in this instance comprises the Adopted South Lanarkshire Local Development Plan (2015) and its associated supplementary guidance. The provisions of the Clydeplan, the Strategic Development Plan, are not applicable given the nature and scale of the proposal (now appeal).
- 2.3 The appeal site is located within a general residential area in terms of the Local Development Plan and is covered by a number of policies which are set out within the report of handling. In this regard of particular relevance are Policy 6 – General Urban Areas/Settlements - which states inter alia, that residential development may be acceptable, provided they do not have a significant adverse affect on the amenity and character of the area. Policy 4 – Development Management and Placemaking complements this requiring all

development proposals to take account of and be integrated with the local context and built form.

- 2.4 In addition to the above Policies, further guidance is set out within the approved Supplementary Guidance on Development Management and Placemaking (Policies DM2 – House Extensions and Alterations, DM3 Sub-division of Garden Ground, DM7 – Demolition and Redevelopment for Residential Use and DM13 – Development within General Urban Area/Settlements). Again these policies support and supplement the aims of Policy 6. In particular and of significant importance to this appeal is Policy DM3 which advises that new houses within the curtilage of an existing house will be considered favourably where it can be demonstrated that the proposed house is of a scale, massing and design sympathetic to the character of the area and does not result in a development that appears cramped, visually intrusive or which is so out of character that it is harmful to the amenity of the area. It also requires that the properties should have a proper road frontage of comparable size and form to surrounding curtilages.
- 2.5 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 3 – General Urban Area/Settlement, 5 – Development Management and Placemaking, DM2 – House Extensions and Alterations, DM3 – Sub-division of Garden Ground and DM7 – Demolition and Redevelopment for Residential Use are relevant. Excluding minor changes to wording the aims and objectives of these policies are very similar and broadly consistent with those of the adopted Local Development Plan.
- 2.6 As part of the planning application process, consultations were undertaken and statutory neighbour notification was carried out. In response 10 letters of representation were received. These representations were material to the assessment of the application and provide a broad illustration of the views held by neighbours adjoining the site. The Report of Handling concisely summarises the issues raised and provides an appropriate planning response.

3 Observations of applicants 'Notice of Review'

- 3.1 In the submitted 'Notice of Review' and accompanying documentation the appellant provides detailed reasons why the appeal should be looked upon favourably. Indeed, a response to each reason of refusal has been provided. In order to prevent repetition, the appellants comments in respect of each reason

for refusal will not be reproduced. In addition it is also acknowledged, at the outset that as most policies have a number of criteria to be complied with is likely that some policy requirements will or could be addressed satisfactorily or were not directly relevant to the proposed development e.g. adverse impact on the water environment or adverse effect on air quality. That said there are a number of policy requirements that the proposal failed to comply with as detailed below. Consequently, the application could not be supported.

Council's Response to Appellants comments on Reason 1 for refusal:

A fundamental requirement of Policy 4 is that all development proposals require to take account of and be integrated with the local context and built form. In this connection the Planning Service do not support the applicant's contention that the proposal represented an appropriate form of development all things considered.

The proposal is residential in nature and this accords with the surrounding land uses. That said the proposal fails to take into consideration and respect the character of the immediate area and surrounding properties. The built layout of the surrounding area is conventional in character with most houses having a rectangular feu with a proper road frontage. The houses are generally large single and one and a half storey properties and whilst it is acknowledged that two storey properties can be found in the wider area these are remote from the application site.

Given the above context the introduction of a two-storey property within the site would be out of character and detrimental to the immediate area. Indeed the development of plot 2 at the rear of the site would represent a form of backland development due to the absence of a proper road frontage.

In terms of design the surrounding properties are of relatively modern construction and not "Victorian" in design which, in the appellants words "heavily influenced" the design of the proposed new dwellinghouse. Given the site's physical characteristics, being long and narrow, and the requirement to retain a right of access over the site, it is not possible to provide proper road frontages comparable with existing properties. The proposal therefore does not comply with the fundamental requirement of Policy 4 in terms of taking account of and being integrated with the local context and built form.

Council's Response to Appellants comments on Reason 2 for refusal:

The principle requirement of Policy 6 is to protect the character and amenity of residential areas. It is considered that the application fails to accord with this policy primarily due to the adverse impact the development would have on the

character and amenity of the area. In amplification of this the proposed houses would, in simplistic terms, appear squeezed in, cramped and would not respect the general layout/built environment of the immediate locality. This concern is also shared by many of the third parties who lodged representation, it being highlighted that the proposal was not respectful of local characteristics in terms of scale, built form and amenity.

It is acknowledged that in terms of aspects such as traffic generation the proposal could be accommodated. In this regard the appellant's statement that the site was previously used as a nursery is noted. No planning consent for such a use appears to exist and it may be that the property was used for child minding purposes rather than a registered nursery. The fact however that the proposal complies with some policy criteria does not overcome or override other requirements/aspects of the policy and justify support for the development.

Council's Response to Appellants comments on Reason 3 for refusal:

In terms of determining application P/19/0890 Policy DM 3 – Subdivision of garden ground - was of prime importance and significant weight must be afforded to same. The policy details a number of requirements/criteria that have to be complied with in a satisfactory and appropriate manner. Unless the criterion is complied with the presumption is that consent be withheld.

The Planning service does not support the contention that the proposal accords with all requirements of Policy DM 3. The introduction of a two-storey property at this location is not consistent with the established pattern within the area. Whilst the application site adjoins Prospect Avenue this does not provide an appropriate road frontage for the existing remodelled property that would be retained on site (plot 2). The siting of the proposed new dwelling to the front of the existing property removes the frontage with Holm Avenue it had (plot 2) and would result in access being by means of a common driveway. Clearly plot 2 would not have a proper road frontage of comparable size reflective of surrounding curtilages, a pre-requisite of Policy DM3.

Policy DM 3 also requires that both the proposed and remaining plots are sympathetic to the character and pattern of development in the area and does not result in a development that appears cramped, visually obtrusive or be of an appearance that is harmful to the character and amenity of the area. In this connection it must be emphasised that plot 2 represents a form of backland development which would be alien to the established character and pattern of development in the area. Indeed the separation distance between the two houses would be in the region of 13 metres, a distance which is significantly below normal standards when windows of habitable rooms face each other; this

again supports the contention that the site is not of sufficient size to accommodate the development which is being 'squeezed' in.

The appellant has suggested that the application complies with all standards in terms of garden sizes and distances to boundaries. These standards are contained in the Councils Residential Development Guide and are primarily aimed at new build housing developments by volume house builders. Whilst these standards can on occasion be imposed on new plot developments, compliance does not inevitably mean that consent should be issued. The required standards are minimum standards and therefore compliance does not automatically mean that the proposal is acceptable; the impact of the proposal must still be viewed and considered in the wider context of the character and amenity of the immediate locality. Indeed given that the majority of surrounding houses were erected a number of decades ago the level of amenity and established character is such that new housing development based on minimum requirements would, on the balance of probability, be obtrusive, have a negative impact on the locality and therefore be contrary to the requirements of policy DM 3

Each application is assessed individually on its own merits. In terms of the other proposals highlighted by the appellant these are assessed in terms of the site's location, context and physical character. Seldom, if ever, are two sites identical even within the same settlement/area. The applications referred to were not identical and were assessed on their merits on the basis of the information submitted. Relevant policy was considered and it was determined that these applications were acceptable. That said even if it was accepted that poor judgement had been exercised previously this does not automatically mean that it should be repeated.

With regard to the appellant's reference to Scottish Government's Policy on Designing Streets this relates to large scale modern residential developments, usually at 'greenfield' sites. It is not intended for use when considering proposals for the sub-division of garden ground to provide an additional house plot within an area where the existing building/street pattern is well established.

Council's Response to Appellant's comments on Reason 4,5 and 6 for refusal:

For the purposes of determining applications the proposed South Lanarkshire Local Plan 2 (SLLDP2) is a material consideration as this Plan has received Council approval.

As detailed in the Report of Handling the general aims and requirements of the applicable policies of the SLLDP2 (Policy 3, 5 and DM 3) are broadly similar to

their counterparts within the adopted plan. Accordingly as the objectives and aspirations of the Local development Plan policies mirror those in the adopted Local Development Plan it follows that the proposal is contrary to policy guidance within SLLDP2 for broadly the same reasons noted above and within the report of Handling. Again to prevent repetition the Planning Service responses to reason 1, 2 and 3 should be transferred and applied in a similar manner to reasons 4, 5 and 6.

4 Conclusion

- 4.1 As required by planning law application P/19/0890 has been assessed in terms of the development plan and all other material considerations. In this respect the report of handling submitted as part of the appeal process provides a detailed summary of all relevant considerations and a reasoned justification as to why the appeal proposal does not accord with Local Development Plan policy.
- 4.2 In very simplistic terms the characteristics, shape and size of the site is too small/tight to accommodate the two houses as proposed in a manner that would relate satisfactorily to the immediate houses in particular and the wider area in general. As a result, the proposed houses would not respect the established character of the area and would seriously harm the present level of amenity. The houses would appear to be 'squeezed in' when compared with the settlement pattern of the immediate neighbourhood and would not enjoy an appropriate or proper road frontage, a prerequisite when considering applications relating to the formation of an additional house plot within established curtilages.
- 4.3 From a planning point of view it is clear that the proposed development raised significant concerns in terms of the impact on the amenity and character of the area and surrounding properties. The application failed to comply with policy requirements of both the adopted Local Development Plan and the proposed replacement Plan. There are no other material planning considerations that outweigh the Development Plan policies and the reasons for refusal are sound, clear cut and merit support in planning terms.
- 4.4 Given the above, it is respectfully requested that the Planning Local Review Body dismiss the applicant's request to overturn the refusal of planning permission.