



Council Offices, Almada Street,
Hamilton

Planning Local Review Body

Decision Notice

Decision by South Lanarkshire Council Planning Local Review Body (PLRB)
PLRB Reference NOR/HM/20/001

- ◆ Site address: 2 Holm Avenue, Uddingston G71 7AL
- ◆ Application for review by J Reynolds of the decision by an appointed officer of South Lanarkshire Council to refuse planning permission for planning application P/19/0890
- ◆ Application P/19/0890 for partial demolition of house, erection of extension, including new roof, and erection of house
- ◆ Application Drawings: Location plan, 02, 03, 04, 05, 06, 07 A

Decision

The PLRB upholds the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/0890 for the reasons detailed in the Council's decision notice dated 14 February 2020.

A handwritten signature in black ink, appearing to read 'G. McCann'.

Geraldine McCann
Head of Administration and Legal Services

Date of Decision Notice: 18 September 2020

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 2013.
- 1.2 The above application for planning permission was considered by the PLRB at its meeting on 24 August 2020. The PLRB was attended by Councillors Alex Allison, Margaret Cowie, Maureen Devlin, Isobel Dorman (Chair), Mark Horsham (Depute), Graham Scott and Jim Wardhaugh.

2. Proposal

- 2.1 The proposal is for the partial demolition of a house, the erection of an extension, including new roof, and the erection of a house at. 2 Holm Avenue, Uddingston
- 2.2 The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application under review.

3. Determining Issues

- 3.1 The determining issue in this review was the proposal's compliance with the Adopted South Lanarkshire Local Development Plan (SLLDP) and Supplementary Guidance (SG) and the Proposed South Lanarkshire Local Development Plan 2.
- 3.2 The PLRB established that, in terms of the Adopted South Lanarkshire Local Development Plan, the site was located within an established residential area. The following policies applied to the application site:-
- ◆ Policy 1 – spatial strategy
 - ◆ Policy 4 – development management and place making
 - ◆ Policy 6 – general urban area/settlements
 - ◆ Policy 17 – water environment and flooding
 - ◆ Development Management, Placemaking and Design Supplementary Guidance – Policies DM2 (house extensions and alterations), DM3 (sub-division of garden ground), DM7, (demolition and redevelopment for residential use), DM13 (development within general urban area/settlements), SDCC4 (water supply), SDCC5 (foul drainage and sewerage)
- 3.3 The Proposed South Lanarkshire Local Development Plan 2, approved on 29 May 2018, was also a material consideration in determining the application. The following policies applied to the application site:-
- ◆ Policy 1 – spatial strategy
 - ◆ Policy 3 – general urban area/settlement
 - ◆ Policy 5 – development management and place making
 - ◆ Policy DM1 – new development design
 - ◆ Policy DM2 – house extensions and alterations
 - ◆ Policy DM3 – sub-division of garden ground
 - ◆ Policy DM7 – demolition and redevelopment for residential use
 - ◆ Policy DM15 – water supply
 - ◆ Policy DM16 – foul drainage and sewerage
- 3.4 In terms of Policy 1 of the Adopted South Lanarkshire Local Development Plan (SLLDP), the Plan will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy
- 3.5 Policy 4 states that all planning applications will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community
- 3.6 Policy 6 states that developments will not be permitted if they are detrimental to the amenity of residents. Each proposal will be judged on its own merits with particular consideration given to the impact on the amenity of the area, proposed servicing and parking arrangements.
- 3.7 Policy 17 states that any development proposals which will have a significant adverse impact on the water environment will not be permitted.

- 3.8 Policy DM2 states that house extensions and alterations can be considered favourably where it can be demonstrated that the proposal complies with the following criteria:-
- ◆ the siting, form, scale, design and materials respecting the character of the existing dwelling and the wider area
 - ◆ it does not dominate or overwhelm the existing dwelling, neighbouring properties or street scene in terms of size, scale or height
 - ◆ it does not significantly adversely affect adjacent properties in terms of overlooking or loss of privacy, daylight or sunlight
 - ◆ it retains adequate car parking, usable garden ground and bin storage within the site
 - ◆ it does not have an adverse impact on traffic or public safety
 - ◆ it takes account of any supplementary guidance prepared by the Council, where relevant to the proposal
- 3.9 Policy DM3 states that the development of a new house (or houses) within the curtilage of an existing house will be considered favourably where it can be demonstrated that the proposal complies with the following criteria:-
- ◆ the proposed house(s) is of a scale, massing, design and material 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 which is so out of keeping with the established character that it is harmful to the amenity of the area
 - ◆ the proposed house plot(s) and that remaining to the existing house are comparable with those nearby in terms of size, shape, and amenity, the proposal accords with the established pattern of development in the surrounding area
 - ◆ the proposed house(s) should have a proper road frontage of comparable size and form to surrounding curtilages unless the proposal reflects the development pattern of the area
 - ◆ the proposed vehicular access is of an adequate standard and will not have adverse implications for traffic safety or adversely affect the amenity of adjacent properties by virtue of noise or loss of privacy
 - ◆ 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
 - ◆ 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
 - ◆ the proposed development will not overshadow adjacent properties to a degree which results in a significant loss of amenity or itself be significantly adversely affected by overshadowing
 - ◆ all existing features such as trees, hedges, walls, fences and buildings that contribute to the character of the area should be retained and should not be adversely affected by the development
 - ◆ 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
 - ◆ the proposal must not jeopardise or be prejudicial to any further desirable development in the vicinity
 - ◆ it takes account of any supplementary guidance prepared by the Council, where relevant to the proposal
- 3.10 Policy DM7 states that residential redevelopment proposals involving demolition of existing properties will require to comply with the following specific criteria:-
- ◆ demolition and redevelopment of a listed building or a building within a conservation area will be assessed against Policies NHE3 - Listed Building and NHE7- Conservation Areas in the Natural and Historic Environment Supplementary Guidance

- ◆ the scale and design of development should be sympathetic to the scale/mass/height and materials of adjacent buildings and to development in the immediate area. It should not significantly breach any existing layout convention such as an established building line or height of adjacent buildings
- ◆ redevelopment proposals should not be cramped, out-of-keeping with, or occupy a significantly greater footprint than the demolished building or of those flanking the site, where this is to the detriment of the visual character of the area or results in other criteria of this policy being unable to be met
- ◆ redevelopment shall not result in increased overlooking of adjoining property or garden ground, either through the formation of habitable side windows or by virtue of the new development extending deep into a site beyond the footprint of the demolished building
- ◆ redevelopment shall not result in overshadowing of adjacent properties or garden ground. Assessment of the impact of the new development shall have regard to orientation, height, proximity to boundaries and adjacent buildings
- ◆ vehicular access and off-street parking must be satisfactorily achieved and must not present a traffic hazard or create amenity problems for neighbours. Parking provision in front or rear gardens should not adversely affect the appearance or character of the street and the major part of the surface area of the front or rear gardens should remain in use as garden ground
- ◆ it takes account of any supplementary guidance prepared by the Council, where relevant to the proposal

3.11 Policy DM13 states that any development proposed within the general urban area/settlement must satisfy the following criteria:-

- ◆ the proposed development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use, except in circumstances where the existing local characteristics are considered to be of poor quality or detrimental to the overall character of the area. In such cases, the new development should be of good quality design and enhance the environment in which it is located
- ◆ the character and amenity of the area must not be impaired by reason of traffic generation, parking, visual intrusion, noise or emission of gases or particulates
- ◆ there must be no resultant loss of, or damage to, open or play spaces, trees, bushes or hedgerows which make a significant contribution to the character or amenity of the area
- ◆ the development must be adequately serviced in terms of cycle, pedestrian and vehicular access, parking, accessibility and infrastructure for public transport
- ◆ there must be no adverse effect on public safety
- ◆ it must take account of the other supplementary guidance prepared by the Council where relevant to the proposal

3.12 Policy SDCC4 states that development will only be permitted where there is an adequate supply of water to serve the site, including a supply of water for human consumption.

3.13 Policy SDCC5 states that all development within or adjacent to publicly sewered areas will require to connect to the public network unless, due to technical restraints, an alternative system is required.

3.14 In terms of Policies 1, 3, 5, DM1, DM2, DM3, DM7, DM15 and DM16 of the Proposed South Lanarkshire Local Development Plan 2 (SLLDP2), these policies are broadly consistent with, and build on, the policies and proposals contained in the Adopted South Lanarkshire Local Development Plan.

3.15 In considering the case, the PLRB had regard to the applicant's submission that:-

- ◆ The design has no negative impact on adjacent buildings and streetscape and respects the surrounding context. It does not contravene policy guidance and meets

the requirements of Policy 4 and Policy DM13 of the adopted South Lanarkshire Local Development Plan

- ◆ a precedent has been set with other planning applications (HM/15/0021, HM/15/0376, HM/17/0296)
- ◆ the proposal meets the requirements of Policy 6 and Policy DM13 of SLLDP. There is no detriment to the amenity of the surrounding area as the site is secluded and the remaining factors of noise, smell, air pollution, disturbance or public safety do not apply to this development
- ◆ as indicated in the Design Statement, the requirements set out in Policy DM3 of the SLLDP and SLLDP2 have been met. The subdivision of the site meets policy requirements. It is comparable to standards nearby and both properties have adequate frontages to both Holm Avenue and Prospect Avenue
- ◆ the application does not have an adverse impact on the local community or environment and meets the requirements of Policy 5 of SLLDP2
- ◆ the development will safeguard and enhance residential amenity and is not contrary to Policy 3 of SLLDP2

- 3.16 In reviewing the case, the PLRB considered the size and shape of the application site and concluded that the proposed houses would appear to be cramped and would not satisfactorily relate to houses in the immediate vicinity and in the wider area. It further considered that the proposed houses would not have an appropriate road frontage and that the proposal would have a detrimental impact on the character and amenity of the area.

4. Conclusion

- 4.1 The PLRB considered a request to review the decision taken by the appointed officer, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/19/0890 for the partial demolition of a house, the erection of an extension, including new roof, and the erection of a house 2 Holm Avenue, Uddingston. The PLRB concluded that the proposal would result in a development which appeared cramped in nature and would not satisfactorily relate to houses in the immediate vicinity and in the wider area. It further concluded that the proposed houses would not have an appropriate road frontage and that the proposal would have a detrimental impact on the character and amenity of the area. As a result, the PLRB concluded that the proposal was contrary to Policies 4, 6, DM3 and DM13 of the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance and Policies 3, 5 and DM3 of the Proposed South Lanarkshire Local Development Plan 2.

- 4.2 The PLRB, therefore, upheld the decision to refuse planning permission for planning application P/19/0890 for the reasons stated on the Council's decision notice dated 14 February 2020.

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 2013.



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.

