



Report

Report to:	Planning Committee
Date of Meeting:	26 January 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/1180
Planning proposal:	Sub-division of garden ground and erection of a single storey detached dwelling and associated parking

1 Summary application information

Application type: Detailed planning application

Applicant: Mr and Mrs Robertson
Location: 55 Dunedin Drive
East Kilbride
G75 8QF

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

(1) Refuse detailed planning permission for the reasons attached.

2.2 Other actions/notes

- (1) The Committee has delegated powers to determine this application.
- (2) This application would normally be determined under delegated powers, however, local member Councillor McAdams has requested that it be determined by Planning Committee.

3 Other information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 Development management and placemaking
Policy 6 General urban area/settlements

**Development Management, Placemaking and
Design Supplementary Guidance (2015)**

Policy DM1 Design

Policy DM3 Sub-division of garden ground

**Proposed South Lanarkshire Local
Development Plan 2**

Policy 3 General Urban Areas

Policy 5 Development Management and
Placemaking

Policy DM1 New Development Design

Policy DM3 Sub-division of garden ground

♦ **Representation(s):**

▶	2	Objection Letters
▶	1	Support Letter
▶	1	Comment Letter

♦ **Consultation(s):**

Environmental Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site relates to a detached dwellinghouse and its garden ground at 55 Dunedin Drive in East Kilbride. The site is located in an established residential area. The site is bounded by detached dwellings on Dunedin drive to the south, and across Dunedin Drive to the east. It is also bounded by detached dwellings to the west on Winton Park and to the south across Winton Park on Dunedin Drive. The site slopes from south to north. The garden runs parallel to Dunedin Drive and is bounded to the south by a fence beyond which there are mature trees. The existing side/rear garden which forms the proposed plot is separated from the road frontage by a wall. The site area of the proposed plot is approximately 340 sqm and the existing house and garden plot is approximately 900 sqm.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the subdivision of garden ground and the erection of a single storey detached dwellinghouse and the creation of a double vehicular access and parking to serve the new dwellinghouse in the rear garden of the existing property.
- 2.2 The proposed dwelling provides accommodation of living/dining room, kitchen, internal utility, shower room, cloak room and two double bedrooms. The proposed house would be situated adjacent to the original dwelling in the rear garden, facing onto Dunedin Drive. No details have been provided as to the external materials proposed. Due to the topography of the site, it would be levelled by lowering the southern end and raising the northern end to create a level platform for the dwelling. The ridgeline of the proposed dwelling would sit slightly below that of the existing dwelling house to the north.
- 2.3 The applicant has submitted a Design Statement and a further Statement in support of the current application.

3 Background

3.1 Local Plan Status

- 3.1.1 In determining this planning application, the Council must assess the proposed development against the policies contained within both the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 In land use terms, the application site is identified, within the adopted South Lanarkshire Local Development Plan (SLLDP) as being located within the general urban area/settlement (Policy 3). A number of other policies within the adopted SLLDP are considered appropriate to the determination of this application, namely Policy 2 – Climate Change and Policy 4 - Development Management and Placemaking. These principle policies are supported by its specific policy guidance provided through approved Supplementary Guidance on Development

Management, Place Making and Design SG 3, where Policy DM 1 – Design and Policy DM3 – Sub-division of garden ground are also relevant.

- 3.1.3 Within the Proposed South Lanarkshire Local Development Plan 2 (SLLDP2), the application site is identified as being located within the general urban area/settlement. On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of SLLDP2 and a number of modifications to the Plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications, the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers. For the purposes of determining planning applications the Council will, therefore, assess these against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed South Lanarkshire Local Development Plan. In this regard, the application site and associated proposal is affected by Policy 3 General Urban Areas, Policy 5 Development Management and Placemaking, Policy DM1 New Development Design and Policy DM3 Sub-division of garden ground. As SLLDP2 is now approved for adoption when considering planning applications, greater weight should be given to the policies and guidance contained in this Plan.

3.2 Planning Background

- 3.2.1 There were no pre-application discussions in respect of the current proposal. There were previous pre-application discussions for a very similar proposal with the applicant during 2017 and 2018 when the applicant was advised that the sub-division of the garden ground and erection of a single storey dwelling did not comply with South Lanarkshire Local Development Plan policy. There have been no previous applications at the property.
- 3.2.2 This application was considered by the Planning Committee on 1 December 2020, however, it was deferred by members for two specific purposes. Firstly, officers were advised that the applicant(s) has a health issue which they wished to have taken into consideration when assessing the application. The officer requested this information from the agent on 1 December 2020. In response, the agent advised on 7 December 2020 that he was not aware of these issues and advised that the matter should be taken up with the applicant. Subsequently, the agent submitted an additional statement in support of the application on 7 December 2020, together with a letter from the applicant on 9 December 2020, setting out health issues that were raised at the Planning Committee in December 2020. Secondly, the application was deferred to enable a further site visit to be undertaken by officers with the applicant and agent. Prior to the application being considered at Planning Committee on 1 December 2020, two previous site visits had been undertaken by the case officer. The outcome from these actions are discussed further in section 6 of the report.

4 Consultation(s)

- 4.1 **Roads and Transportation Development Management** – raised no objections to the proposed development as two car parking spaces have been proposed and the sightline visibility splay provided is acceptable.

Response: Noted

- 4.2 **Environmental Services** – raised no objections to the proposed development subject to advisory notes being attached to any consent issued.

Response: Noted. An advisory note could be attached if the Committee were minded to grant consent.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press in respect of Non-notification of Neighbours. Following this, 2 letters of objection, 1 letter of comment and 1 petition in support of the application were received. The issues raised in these representations can be summarised as follows:-

- (a) **The proposed dwelling and garden areas are too small and out of character with the surrounding area.**

Response: The proposed plot size for both the proposed and remaining dwelling are considerably smaller than those of the surrounding properties in the immediate area. It is, therefore, agreed that the proposed development does not reflect the character of the surrounding area and does not accord with the established pattern of development. The proposed garden space for the new dwelling and particularly for the remaining dwelling are not considered to provide sufficient useable garden ground and do not reflect the character of the surrounding area.

- (b) **The proposed house and boundary treatments will result in a loss of privacy for neighbouring properties, particularly in respect of 53 Dunedin Drive where the new dwelling will create privacy issues in the rear garden.**

Response: Although the side of the property faces towards the rear garden of 53 Dunedin Drive, the window to window distance is approximately 19.5m and the topography of the site would result in the new dwelling being lower than the rear garden of 53 Dunedin Drive. It is, therefore, not considered that there would be a significantly unacceptable level of overlooking from the proposed property.

- (c) **Not all the trees in the neighbouring property at 53 Dunedin Drive are shown on the plans and concerns that the existing trees will be damaged during the construction of the dwelling.**

Response: The four larger trees are shown on the plan, however, a couple of smaller sapling trees in the same group are not shown individually. The

conifer trees are not located within the application site, rather in the garden of the neighbouring property. Some of the branches of the trees overhang the application site and may require to be trimmed to accommodate the building.

- (d) **The proposed parking area for the new dwelling is not in keeping with the surrounding houses with cars being parked directly in front of the building.**

Response: The applicant has provided 2 off street parking spaces for the property and Roads and Transportation Services have no objection to the proposed development. The existing parking space for the existing house is located similarly directly in front of the house.

- (e) **Comment that the flora, fauna and species requires to be protected throughout the development process.**

Response: Given the nature of the proposed development and the development location, it is considered unlikely that there would be any such impacts in this case. However, the development is not considered to be acceptable.

- (f) **A petition, containing 9 signatures, expressed support for the development. No grounds for support were detailed.**

Response: Noted.

- 5.2 These letters and the petition are available for inspection on the planning portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for the subdivision of garden ground and the erection of a single storey detached dwellinghouse and the creation of a vehicular access and parking to serve the new dwellinghouse in the rear garden of the existing property. The main considerations in determining this application are its compliance with local plan policy, its impact on the amenity and character of the surrounding residential area and road/pedestrian safety and the previous planning application and planning appeal history of the site.

- 6.2 In terms of the South Lanarkshire Local Development Plan (adopted 2015), Policies 4 – Development Management, DM1 - Design and DM3 – Sub Division of Garden Ground are applicable. Policies 4 and DM1 resist any development that would be detrimental to residential amenity and that all planning applications should take account of the local context and built form. All development should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. The proposed development would not make a positive contribution to the character and appearance of the environment and would not relate satisfactorily to adjacent surrounding development. As such, the proposal does not fully comply with these two policies.

6.3 Policy DM3 states that there will be a presumption against development within the curtilage of an existing dwelling unless certain criteria can be met. The proposal has been assessed in detail against the criteria as follows:-

- (a) **That the proposed house is of a scale, massing, design and material sympathetic to the character and pattern of the area and does not result in a development which appears cramped, visually obtrusive or of an appearance which is out of keeping with the established character that is harmful to the amenity of the area**

The proposed development would not make a positive contribution to the character and appearance of the environment and the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern.

- (b) **The proposed house plot and that remaining to the existing house is 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 new house plot resulting from the subdivision of the garden ground is smaller than that of the existing house and surrounding properties. The proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern.

- (c) **The proposed house should have a proper road frontage of comparable size and form with those of surrounding curtilages**

It is accepted that the proposed dwelling would have a proper road frontage and that a suitable access for the proposed dwelling could be achieved.

- (d) **That the proposed vehicular access should be of an adequate standard and should not have any adverse implications for traffic safety or adversely affect the amenity of adjacent properties**

It is accepted that a suitable access for the proposed dwelling could be achieved.

- (e) **The garden space of the proposed house and remaining for the existing house should be sufficient for the recreational, amenity and drying needs of the occupants**

The space required for the proposed dwelling within the existing garden results in the useable garden ground, for both the existing and proposed houses being insufficient in terms of area and nature being on average only 7.5m deep and the site topography requiring levelling and retention measures.

(f) That the new development will not cause an unacceptable reduction in privacy to surrounding houses as well as the new house itself

The rear of the proposed property faces directly towards the rear garden of 1 Winton Park and the window to window distance is 12.5m, however, the windows are not directly facing onto each other and the proposed dwelling is single storey. Similarly, the kitchen window on the side of the proposed property looks towards 53 Dunedin Drive. The window to window distance, however, measures 19.5m and the topography of the site and the existing boundary fence would reduce any overlooking. Although the rear garden length is 7.5m, there is not considered to be a significantly unacceptable level of overlooking from the proposed property.

(g) That the new development will not overshadow adjacent properties to a degree which will result in loss of amenity or itself be significantly adversely affected by overshadowing

It is not considered that there would be a significantly unacceptable level of overshadowing or loss of light to existing properties from the proposed single storey property.

(h) That all existing features such as trees, hedges etc that contribute to the character of the area will be retained

It is agreed that the proposed development does not reflect the character of the surrounding area, however, there are no trees in the rear garden of the existing property which would be removed by the proposed development. As stated in section 5 (c) above, the conifer trees located in the garden of the neighbouring property, which have branches overhanging the application site, may require to be trimmed to accommodate the building.

(i) That adequate parking can be provided for both the proposed and the existing house, and must not be harmful to the character of the established character and amenity of the area

In respect of the proposed and the existing dwelling adequate on-curtilage parking is achievable.

(j) That the new development must not jeopardise any further desirable development in the area

It is not considered that the proposal would jeopardise further development in this area.

(k) The proposal should take account of any supplementary guidance prepared by the Council, where relevant

The proposal has been assessed above against the relevant Supplementary Guidance.

- 6.4 The above assessment against Policy DM3, demonstrates that the proposal is contrary to criteria (a), (b) and (e) as detailed above.
- 6.5 As noted above, following consideration of the application by the Planning Committee on 1 December 2020 and deferral of the application, a further site visit was undertaken on 15 December 2020 with Planning Officers, local member Councillor McAdams, the agents and the applicant in attendance. The applicant also submitted an additional statement in support of the application, together with a letter setting out health issues first raised at the Planning Committee in December 2020. At the further site visit, the agents and applicant demonstrated the position of the proposed dwellinghouse, the area of garden which would be available for both dwellinghouses and the nature of the surrounding plots.
- 6.6 The additional statement submitted in support of the application and points raised at the site meeting can be summarised as follows:-
- The proposed garden ground for both the proposed dwellinghouse and the remaining dwelling house is above the minimum garden ground guidance and the steep sloping area of side garden for the existing dwelling facing onto Winton Park should also be considered
Response: The Residential Design Guide 2011 confirms that the figures given are a starting point and stresses that where the property is larger the garden area should be significantly larger. Both rear gardens are less than 10m in depth at approx. 7.0m/7.5m and the side area fronting Winton Park could not be considered as usable garden ground
 - The statement sets out the variation in rear garden sizes in the surrounding area, referencing a number of properties in the wider area and argues that the proposal will simply become part of that
Response: A number of the properties referred to in the statement are located some distance away from this property, even numbers of Dunedin Drive being 10, 44, 46 and 50 being located some distance to the south in an area of the street with a different characteristic
 - Reference was made to an application for a large 2 storey side and rear extension with front porch and rear balcony at 14 Dunedin Drive, where the report stated "the street contains a wide range of house types, of various styles and sizes, with no uniform design type"
Response: The planning consent referred to is for a property located some distance away at the southern end of Dunedin Drive in an area of the street with a different characteristic. The application was for an extension rather than a separate additional dwelling
 - Reference was made to planning consent (EK/10/0007) for a garden ground sub division and erection of a detached dwelling at 13 Dunedin Drive where the rear garden ground was of a similar size to the current proposal
Response: The planning consent referred to was granted consent in 2010 under a previous development plan, has never been implemented and the consent, therefore, lapsed a number of years ago

- 6.7 The health information provided by the applicant, sets out a number of health issues which the applicants' wish to have considered in support of the need for the proposed development. The health issues raised at Planning Committee and subsequently, detailed in a letter from the applicant, had not previously been raised with the Planning Service. The health issues raised include a number of conditions which the applicants' consider will limit their ability in the future to keep up with the demands of the existing large house and garden. Whilst officers recognise the concerns the applicants' have in respect of health, they would not generally be considered as matters which would override other planning concerns in this case where the proposal is for a separate dwelling rather than an integrated annex associated with the existing dwellinghouse.
- 6.8 Section 3.1.3 of the report explains that the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) as modified (in accordance with the modifications recommended in the Examination report) was approved by the Planning Committee on 1 December 2020. Notice has now been given by the Council of the Intention to Adopt the Plan. The weight attached to SLLDP2 as a material consideration in determining this application is, therefore, significant. The proposal has been assessed as set out above and it is considered that the proposed subdivision of garden ground and the erection of a single storey detached dwellinghouse and the creation of a vehicular access and parking is contrary to Policies 3, 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2.
- 6.9 In conclusion, careful consideration of this proposal has been undertaken and although the site is located within an area designated for residential land use, it is considered that the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern and the resulting useable garden ground, particularly for the existing house, is not considered to be satisfactory in terms of area or nature. Although the additional site visit and additional statements were helpful, they do not change the planning view that the proposal is unacceptable in this location. In this regard, the proposal is not deemed to be in accordance with the Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (adopted) and also Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2. As such, it is recommended that the application is refused.

7 Reason for Decision

- 7.1 The proposal would have an adverse impact on the amenity of the surrounding residential area and is contrary to Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (adopted) and the associated Supplementary Guidance and contrary to Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

6 January 2021

Previous References

- ◆ Planning Committee – 1 December 2020

List of Background Papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 18.09.2020

- ▶ Consultations
 - Environmental Services 09.10.2020
 - Roads Development Management Team 05.10.2020

- ▶ Representations
 - Dr Heather Campbell, 3, Apple Way East Kilbride, Glasgow, G75 0GB Dated: 07.10.2020
 - Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS 07.10.2020
 - Ms Alexandra McGowan, 53 Dunedin Drive, East Kilbride, G75 8QF 05.10.2020
 - John Abernethy, 98 Dunedin Drive, East Kilbride, Glasgow, South Lanarkshire, G75 8QH – Petition with 9 signatures 09.12.2020

Contact for further information

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

Morag Neill, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455053

Email: morag.neill@southlanarkshire.gov.uk

Detailed planning application

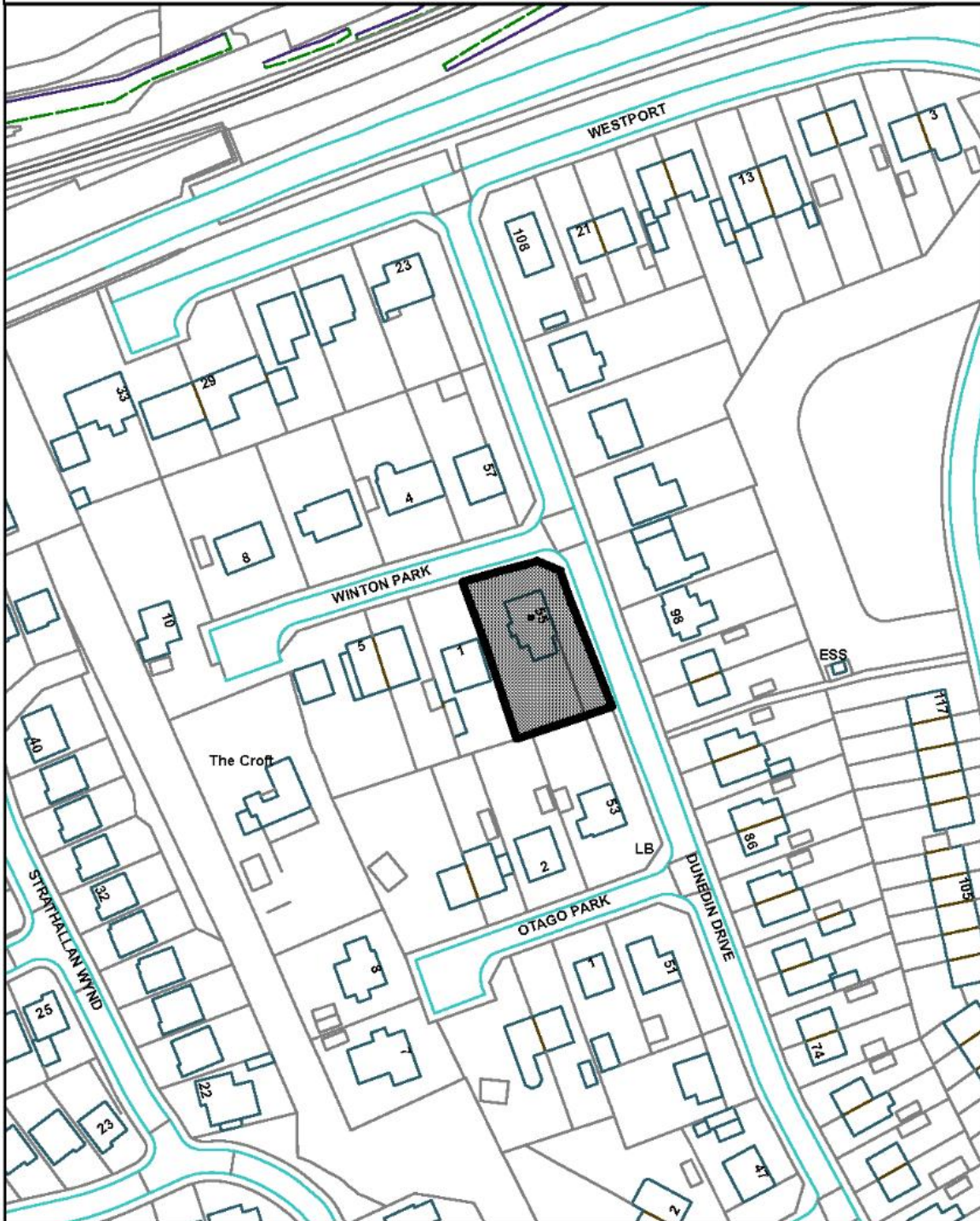
Paper apart – Application number: P/20/1180

Reasons for refusal

01. In the interests of amenity in that the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern and the resulting useable garden ground of both the existing and proposed houses is not considered to be satisfactory in terms of area or nature.
02. The proposal is contrary to Policy 4, DM1 and DM3 of the adopted South Lanarkshire Local Development Plan and Policy 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed development would not make a positive contribution to the character and appearance of the environment, would not relate satisfactorily to adjacent surrounding development and the resulting useable garden ground of both the existing and proposed houses is not considered to be satisfactory in terms of area or nature.
03. The proposal is contrary to Policy DM3 of the adopted South Lanarkshire Local Plan as it does not comply with criteria (a), (b) and (e) of the said Policy and Policy DM3 of the proposed South Lanarkshire Local Development Plan 2 as it does not comply with criteria 1, 2 and 5 of the said Policy.

P/20/1180

55 Dunedin Drive, East Kilbride G75 8QF



© Crown copyright and database rights 2019 OS
100020730. You are permitted to use this data solely
to enable you to respond to, or interact with, the
organisation that provided you with the data. You are
not permitted to copy, sub-licence, distribute or sell
any of this data to third parties in any form.



Scale:
1:1,250
Date:
18/12/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development