

Report

Report to:	Planning Committee
Date of Meeting:	21 June 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/0089
Planning proposal:	Erection of two-storey side extension to existing attached garage to form enlarged garage with habitable rooms above.

1 Summary application information

Application type:	Householder
Applicant:	Mr Graeme Balmer
Location:	57 Royal Gardens Bothwell G71 8SY

2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other information

- ◆ Applicant's Agent: Angus Design Associates
- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2**
Policy 2 - Climate Change
Policy 3 - General Urban Areas
Policy 5 - Development Management and Placemaking
Policy DM2 - House Extensions and Alterations

Representation(s):

▶	9	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

Consultation(s):

Roads Development Management Team

SEPA Flooding

Planning Application Report

1 Application Site

- 1.1 The application site is roughly rectangular in shape and extends to approximately 880 square metres in area. It is located at 57 Royal Gardens, Bothwell.
- 1.2 The site is located within an existing residential area and is bounded by the street, Royal Gardens, to the north and west, and other two-storey dwellings to the south and east. These dwellings are located between approximately 4 and 12 metres from the applicant's dwelling.
- 1.3 The topography of the site is largely flat, with Royal Gardens gradually sloping upwards to the east, resulting in a grass verge on the north boundary that gradually drops from the street level to the ground level of the site.
- 1.4 The application site is a corner plot and is therefore open to the street along its north boundary and most of its west boundary. The rear garden is enclosed by a brick wall along the west boundary, a neighbouring detached garage along the south boundary and a timber fence around the remainder.

2 Proposal(s)

- 2.1 The applicant seeks permission for the erection of a two-storey extension to an existing attached garage, to form an enlarged garage with habitable rooms above at 57 Royal Gardens, Bothwell. The extension will be located in the front garden of the property.
- 2.2 The proposed extension will project 4 metres from the north elevation of the existing garage and will measure 6.12 metres in width (to match the width of the existing garage). It will be situated approximately 3.4 metres away from the kerbside of Royal Gardens to the north.
- 2.3 The upper-floor extension will occupy/cover the footprint of the extended garage below. It will feature a hipped roof, measuring 5.23 metres in height to its eaves (matching the eaves height of the existing dwellinghouse) and 8.38 metres in height to its apex. It will feature two rooflights on the east-facing pitch of the roof.
- 2.4 A new garage door will be formed at ground level on the west elevation of the extension, while the west elevation of the upper floor will include two French doors with Juliet balconies. An additional window will be included on the upper level of the south elevation of the proposal.
- 2.5 The application site as existing features a driveway of sufficient size to accommodate four or more cars. This level of parking provision will be unaffected by the proposal and sufficient off-street parking availability will remain.

3 Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan 2, the site falls within the general urban area where Policy 3 – General Urban Areas applies. Policy 5 – Development Management and Placemaking, is also of relevance to the proposal. In addition, the proposal is to be assessed against Policy 2 – Climate Change and Policy DM2 – House Extensions and Alterations, both of which are relevant to the assessment of the application.

- 3.1.2 Policy 3 – General Urban Areas and Settlements states that proposals that are ancillary to residential areas will be assessed on their individual merits regarding their effect on the amenity and character of the area. It is considered that the proposed extension will have no significant adverse impact upon the amenity or character of the area and therefore complies with this policy.
- 3.1.3 Policy 5 – Development Management and Placemaking states that the Council should ensure that the proposal will not result in any significant adverse impact on nearby buildings or the streetscape by way of layout, scale, massing, design or external materials. It is considered that the scale of the proposal is appropriate for the size and positioning of the site, and that its overall design is sufficiently in-keeping with that of the residential development of which it is part.
- 3.1.4 Policy 5 also states that development should have no unacceptable adverse impacts by way of overshadowing, overlooking or any other loss of residential amenity. It is considered that the proposed extension will not result in any significant overlooking and that any increase in shadows generated will be minimal in comparison to the existing. As such the proposal complies with this policy.
- 3.1.5 Policy DM2 states that house extensions and alterations will be considered favourably where it can be demonstrated that the proposal complies with several criteria. The siting, scale and design of the proposal should respect the character of the existing dwelling and the wider area and should not dominate or overwhelm the existing dwellinghouse and streetscape. Furthermore, it should not significantly adversely affect adjacent properties in terms of overlooking or loss of privacy and daylight, and sufficient off-street parking and useable garden ground should remain. The proposal is considered to meet all of the above criteria and therefore comply with this policy.

3.2 Relevant Government Advice/Policy

- 3.2.1 Given the nature and scale of the proposed extension there is no specific government guidance relative to the determination of this application.

3.3 Planning Background

- 3.3.1 There are no records of any previous planning applications submitted for the site.

4 Consultation(s)

- 4.1 **Consult** – Roads Development Management Team

Response: Offer no objection and instead support the application. Consider the visibility splays and parking provision within the site to remain acceptable.

- 4.2 **Consult** – SEPA Flooding

Response: No adverse comments, referred to standing advice.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken, and nine letters of objection were received from eight neighbouring proprietors. The grounds of the objections are summarised as follows: -

- a) **The proposed extension is above the “legal height” based on original development guidelines.**

Response: The height of the proposed extension is 8.38 metres to its apex and the maximum height of the existing dwellinghouse is 10.21 metres. The height of the proposed extension is less than that of the existing dwellinghouse. Legal matters are separate from the planning process and are not material in the consideration of a

planning application. Appropriate legal advice/action should be taken by the parties concerned.

b) The proposed extension represents a road safety hazard as it obscures the sight of traffic exiting the street.

Response: The Council's Roads Development Management Team were consulted on the application and offered no adverse comments in this regard. Indeed, they advised that the visibility splays remained acceptable and offered their support of the application.

Vehicles accessing/egressing the street at the appropriate speed will still have the necessary lines of sight to allow them to do so safely.

c) The proposal is visually incongruent with the rest of the housing development and is not in-keeping with neighboring properties.

Response: The imposition of a planning condition, should consent be granted, will ensure that the facing materials for the external walls and roof of the proposal shall match the materials of the existing dwellinghouse. Further to this, the proposed windows and garage doors will closely match those found on the existing dwellinghouse. The proposed extension is considered to reflect the character of the surrounding residential area.

In addition, there are two properties in close proximity to this site which have garages located to the front of the property and which also have accommodation above the garage. Whilst both are slightly smaller than the current proposal, there are similarities in terms of location, style and scale.

There are numerous examples of properties within Royal Gardens featuring habitable rooms above attached garages. While it is noted that many of these take the form of dormers rather than an entire additional floor, 39, 41 and 61 Royal Gardens feature habitable rooms above their attached garages. The proposed extension is considered to be visually appropriate for the estate and will not detract from the overall appearance or amenity of Royal Gardens.

d) No permission was granted for habitable rooms above garages as part of the original consent for this housing development.

Response: As noted above, many properties within Royal Gardens feature habitable rooms above attached garages, generally in the form of dormer windows. Indeed, almost every property with an attached garage features such habitable rooms above (with the application site in its existing form being an exception).

Again, as noted above, there are examples of full habitable rooms above attached garages within Royal Gardens. Examples can be found at 39, 41 and 61 Royal Gardens. As such, there is clearly an existing precedent for habitable rooms above attached garages

e) If approved, this would be the first application to grant permission for development/extension to the front of a dwelling and would set a precedent for similar proposals in the future.

Response: As previously mentioned, a two-storey extension located within a similar position (to the front/side of the original dwelling) is located at 33 Royal Gardens. This development was approved under application HM/06/0313. As such, the proposed extension would not be the first development/extension to the front of a dwelling in Royal Gardens and it could be argued that the precedent referred to has already been set by the extension at 33 Royal Gardens.

f) The proposal will adversely affect the visual quality/aesthetic of the wider estate.

Response: The proposed extension will not impact negatively on the visual quality of the wider housing development, by virtue of its materials matching those of the original dwellinghouse, and the design/appearance of the extension reflecting many aspects of the surrounding area.

As previously referred to, there are existing examples of both habitable rooms over garages and at least one example of a two-storey side extension on a corner plot within Royal Gardens.

If approved, the proposed extension will sit a similar distance away from the kerb/roadside as the existing extension at 33 Royal Gardens does. Notably, 57 Royal Gardens sits on a less elevated plot and therefore the visual impact of the two-storey extension would arguably be less than that of the extension at 33 Royal Gardens.

g) The proposal will create a visual barrier to the entrance of the nearby playpark and will reduce visibility of drivers approaching said playpark.

Response: The proposed extension will be situated over 50 metres away from the entrance to the playpark. Indeed, another dwellinghouse (47 Royal Gardens) is sited between the application site and the playpark and the playpark is located uphill from the proposal site.

The proposal will not act as a visual barrier to the entrance to the playpark. The sightlines of vehicles approaching the playpark will not be impacted upon by the proposed extension and there will be no safety implications for users of the park resulting from the proposal.

h) The height of the proposed extension is imposing/overbearing.

Response: The proposed extension will measure 8.38 metres in height to its apex, while the existing roof of the dwellinghouse measures 10.21 metres in height to its apex. The proposed roof is set sufficiently below the ridgeline of the existing house, and will not be overly imposing or overbearing at this location.

i) The upper-floor window of the extension will directly overlook the rear garden of 50 Royal Gardens

Response: The upper-floor windows of the proposed extension will be located over 20 metres away from the rear boundary fence of 50 Royal Gardens. As such, they will not permit a significant degree of overlooking or result in any unacceptable loss of privacy.

j) The proposal will significantly impact 55 Royal Gardens by way of overshadowing, overlooking, and overbearing as the result of a formation of a “fortress wall” along the side boundary between 57 and 55 Royal Gardens.

Response: All forms of development will generate a shadow of some description and therefore it is the extent and duration of shadow that is important. The proposal has been subject to a daylight/shadow assessment completed by a Planning Technician. The outcome of this assessment indicates that overall, there will be little-to-no increase in overshadowing of the front garden of 55 Royal Gardens.

Indeed, any overshadowing of said garden already occurs due to shadows cast by both the original dwellinghouse and the property at 55 Royal Gardens. The proposed extension will only result in a minimal increase of shadowing during the late evening of summer months, and even still this shadowing is limited to the front garden/elevation of the property. The impact is not considered to create a significant enough degree of overshadowing to warrant the application being refused.

The application site is within an established residential area and a degree of mutual overlooking is inevitable. There are no windows proposed for the elevation of the extension that faces onto 55 Royal Gardens, except for two rooflights. The proposed extension will not result in any significant overlooking or loss of privacy for 55 Royal Gardens.

Whilst such a blank elevation is in many cases not preferable, the inclusion of any regular windows on the south-east elevation (facing 55 Royal Gardens) would prove more problematic in terms of potential overlooking than the elevation as it is proposed.

In any case, the proposed extension will not significantly overbear 55 Royal Gardens. Indeed, the existing garage roof measures 6.5 metres in height, whilst the proposed will measure 8.38 metres in height.

k) The proposed Velux windows will significantly overlook 55 Royal Gardens and result in a significant loss of privacy.

Response: The proposed rooflights will be situated on the rear pitch of the roof of the extension, angled upwards. The floor to eaves height of the upper floor of the proposal will measure 2.4 metres, and the rooflights will be situated above this height. As such, the rooflights are located significantly above human eye-line and therefore are unlikely to cause unacceptable overlooking or loss of privacy.

l) The proposed extension will reduce visibility of vehicles exiting the driveway off 55 Royal Gardens and will create a blind spot with potential road safety implications.

Response: The proposed extension will be set-back 3.4 metres from the roadside of Royal Gardens to the north. Vehicles accessing/egressing the driveway of 55 Royal Gardens will still have appropriate sightlines to allow them to see approaching traffic and join the carriageway safely.

As previously mentioned, the Council's Roads Development Management Team were consulted on the application and raised no concerns in this regard.

m) The proposal represents an unacceptable overdevelopment of the application site.

Response: The proposed extension will have a footprint of 24.48 square metres. The application site has a rear garden of approximately 255 square metres in size, as well as a sizeable front garden/driveway.

Given that the total site area measures approximately 883.3 square metres and the total area occupied by the existing dwellinghouse, an existing rear pavilion and the proposed extension will measure approximately 223.48 metres combined, over 50% of the total site area will remain undeveloped. Therefore, the proposal would not result in overdevelopment of the site.

n) The proposal will significantly impact 33 Royal Gardens by way of loss of sunlight/overshadowing.

Response: As previously stated, all forms of development will generate a shadow of some description and therefore it is the extent and duration of shadow that is important. The proposal has been subject to a daylight/shadowing assessment completed by a Planning Technician. The study indicates that a small area of the front garden/grass verge along the southern boundary of 33 Royal Gardens will be overshadowed by the development during spring and autumn. During summer months (specifically June) the proposed extension will overshadow no part of 33 Royal Gardens.

Given the above and that none of the shadows will be cast over the dwelling itself or any of its windows, the proposal will not result in a significant enough loss of light for 33 Royal Gardens to constitute the application being refused. Any overshadowing of the rear garden of 33 Royal Gardens would likely already stem from the existing boundary wall.

- o) The submitted drawings are inaccurate and include several inconsistencies and errors, notably with regards to the existing and proposed roof heights. Amended drawings have done little to resolve these issues or to confirm their accuracy.**

Response: The agent has submitted revised drawings on several occasions, correcting small inconsistencies/errors and adding dimensions to ease assessment of the proposal. The agent has further confirmed that the drawings are fully accurate and that the measurements/dimensions were derived using laser measuring techniques.

The application is to be assessed on the basis that all the information and drawings provided are correct. Should the application be approved, approval is only granted for the proposal exactly as it is indicated on said drawings.

As such, further consent would be required if the proposal once erected differed from these approved drawings/sizes. Furthermore, suitable enforcement action could be taken in any such instance.

- p) The drawings present the proposal as being less impactful than it would be in reality.**

Response: The drawings contain the relevant information and dimensions required to accurately convey the size and appearance of the proposal in relation to the existing dwellinghouse, and the site/location overall. It is not possible for drawings/plans such as those submitted to fully convey the scale/impact of a proposal. However, the drawings/plans contain all the information required for the planning department to thoroughly assess the proposal and its potential impacts.

- q) The daylight/shadowing study is marked as “Not to Scale” and, if undertaken based on incorrect/inaccurate drawings, is itself not accurate and should not be used in the assessment of the application.**

Response: The shadow analysis is completed at a scale of 1:500. When the PDF file is created, it is generated to “fit to page” in relation to the shadows for clarity when viewing. As a result of this, the PDF plans no longer conform to the 1:500 scale.

The “Not to Scale” notation is simply to avoid errors should any attempt be made to take measurements from the plans included in the study.

The shadow analysis has been undertaken based on the submitted drawings. Should the plans have been altered, it would indeed have been necessary to redo the assessment. However, this is not the case in this instance.

- r) No other property within Royal Gardens is situated in as close proximity as 57 Royal Gardens will be with 55 Royal Gardens as a result of this extension.**

Response: As existing, the above two properties are situated approximately 4.2 metres away from each other at their closest points. The proposed extension will be located no closer to the dwellinghouse at 55 Royal Gardens than the existing dwelling at 57 Royal Gardens is currently.

Distances of between 3 and 6 metres between neighbouring dwellinghouses are not uncommon across Royal Gardens as a whole.

- s) **The original drawings submitted for the application were not dimensioned. The later-submitted dimensioned drawings do not contain measurement values that are directly comparable across drawings, making the drawings difficult to interpret/assess.**

Response: Whilst it is noted that the original drawings were not dimensioned, updated drawings were later submitted with dimensions included and the previous drawings superseded. The drawings contain an appropriate level of information regarding the sizes/dimensions of the proposal to allow it to be assessed by the planning department.

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

6 Assessment and Conclusions

- 6.1 The application site is located within a residential area, where policies 2, 3, 5 and DM2 are applicable. Collectively these policies seek to minimise and mitigate against the effects of climate change, seek to promote the principles of sustainability in development and aim to make a positive contribution to the character and appearance of the environment in which they are located, taking account of and being integrated with the local context and built form.

- 6.2 It is considered that the proposed development raises no unacceptable issues from a development management perspective. In relation to Policies 3, 5 and DM2 of the South Lanarkshire Local Development Plan 2 it is noted that:-

- ◆ It is considered that the proposed two-storey extension will not have a negative impact on the visual quality and amenity of neighbouring properties and the local environment. The imposition of a planning condition, should consent be granted, will ensure that the facing materials for the external walls and roof of the proposal shall match the materials of the existing dwellinghouse.
- ◆ The application site and neighbouring properties are within an established residential area where a degree of mutual overlooking already occurs. Given the distances and position of the proposed extension and all neighbouring properties it is considered that the proposal will be within acceptable parameters and will not result in an unacceptable loss of privacy that would merit refusal of the application.
- ◆ Given the position of the existing dwellings and the proposed two-storey extension, along with the travel path of the sun, it is considered that there will not be a significant or unacceptable impact in terms of overshadowing/loss of sunlight.
- ◆ The application site is within an established residential area in which there is at least one other example of a similarly positioned two-storey extension, and numerous examples of habitable rooms above attached garages. Whilst the proposal is large and located in a prominent location, it is considered that the proposal would not be out of scale or have an overbearing impact at this location and is in keeping with the local context. In general, it is unlikely to have a significant adverse impact on residential or visual amenity.

- 6.3 Overall it is considered that the proposal will have no significant adverse impact upon residential or visual amenity in the local area and is generally in accordance with Policies 2, 3, 5, and DM2 of the South Lanarkshire Local Development Plan 2. The design, scale, and location of the proposal is acceptable in this instance and the granting of planning consent is therefore fully justified.

7 Reasons for Decision

- 7.1 The proposal will have no significant adverse impact on amenity, and it complies with the relevant policies of the adopted Local Development Plan 2 (Policies 2, 3, 5 and DM2). There are no other material considerations that would justify refusing planning permission.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 1 June 2022

Previous references

- ◆ HM/06/0313 - Erection of two storey side extension (*at 33 Royal Gardens*), Application Approved

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 28.01.2022
- ▶ Daylight/Shadow Study

- ▶ Consultations

Roads Development Management Team 18.02.2022

SEPA Flooding 27.01.2022

- ▶ Representations Dated:

Dr Barry McGhee, 33 Royal Gardens, Bothwell, Glasgow, G71 8SY 15.02.2022

Mr and Mrs H Thorburn, Received Via Email 23.02.2022

Mrs Ellen Lawrie, 55 Royal Gardens, Bothwell, Glasgow, G71 8SY 16.02.2022

Mrs Tracey Sunter, 47 Royal Gardens, Bothwell, G71 8SY 24.02.2022

Mr Malcolm Strang, 39 Royal Gardens, Bothwell, Glasgow, G71 8SY 11.05.2022
(2 objections submitted on same day)

Mrs Eleonore Ferguson, 41 Royal Gardens, Bothwell, Bothwell, G71 8SY 12.05.2022

Abdul Majid, By Email 16.05.2022

Mr Alan Scott, 43 Royal Gardens, Bothwell, G71 8SY 12.05.2022

Contact for further information

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

David Grant, Graduate Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455103

Email: david.grant@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/22/0089

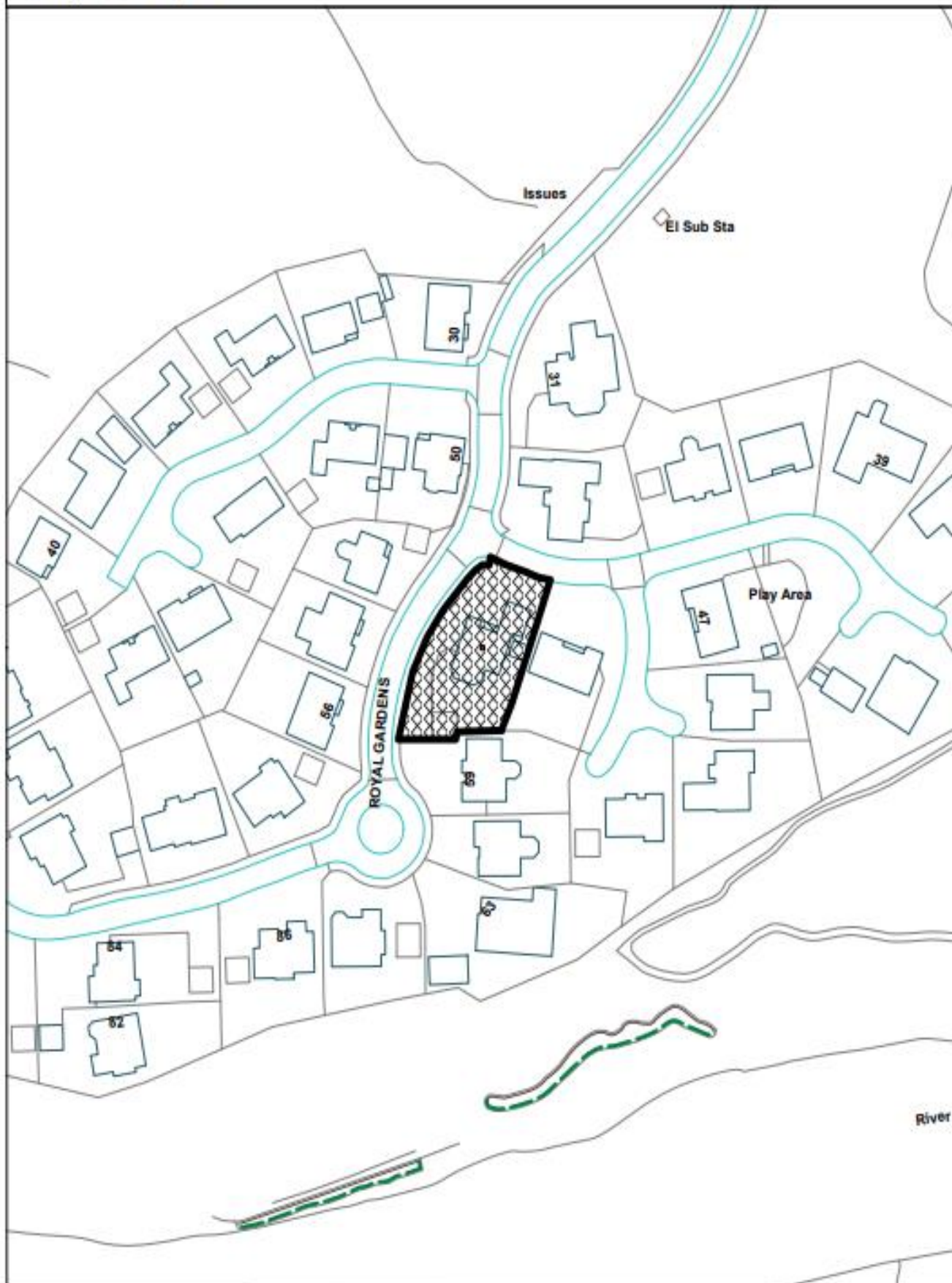
Conditions and reasons

01. That the facing materials to be used for the external walls and roof of the two-storey extension hereby approved shall match in colour and texture those of the existing adjoining building on the site to the satisfaction of the Council as Planning Authority.

Reason: To ensure satisfactory integration of the proposed development with the existing building both in terms of design and materials.

P/22/0089

57 Royal Gardens, Bothwell



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Scale:
1:1,250
Date:
27/05/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development