

	<b>Delegated Report</b>	Reference no.	P/20/0469
		Date	27 August 2020

**Planning proposal:** Sub-division of garden ground and erection of a two storey detached dwellinghouse  
**Location:** 15 Dunedin Drive  
East Kilbride  
G75 8QQ

**Application Type :** Detailed planning application

**Applicant :** Mr C Mullan  
**Location :** 15 Dunedin Drive  
East Kilbride  
G75 8QQ

**Decision:** Application refused

**Report by:** Area Manager (Planning & Building Standards)

#### **Policy reference:**

#### **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

#### **Assessment**

Impact on privacy?	No
Impact on sunlight/daylight?	No
Impact on amenity?	Yes
Traffic issues?	No
Adheres to development plan policy?	No
Adverse comments from consultees?	No

#### **Representation(s):**

▶	12	Objection letters
▶	0	Support letters
▶	1	Comment letters



## Planning Application Delegated Report

### 1 Application Site

- 1.1 The application site relates to a detached dwellinghouse and its garden ground at 15 Dunedin Drive in East Kilbride. The site is bounded by detached dwellings on Dunedin drive to the north, and across Dunedin Drive to the east. It is also bounded by detached dwellings to the west on Inglewood Crescent and to the south across Inglewood Crescent. The site is generally level although raised up slightly from Inglewood Crescent. The garden runs parallel to Inglewood Crescent and has mature trees and shrubs along the rear boundary. The site area of the proposed plot is 476 sqm and the existing house and garden plot is approximately 1050 sqm.

### 2 Proposal(s) and Background

- 2.1 The applicant seeks detailed planning permission for the subdivision of garden ground and the erection of a two 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.
- 2.2 The proposed dwelling provides accommodation on the ground floor of living room, family dining kitchen room with utility, study and cloakroom/wc. On the upper floor 4 double bedrooms two with ensuite and a family bathroom would be provided. The proposed house would be situated adjacent to the original dwelling in the rear garden, facing onto Inglewood Crescent. The external materials proposed are render with brick base layer, timber cladding feature and concrete roof tiles.
- 2.3 There were no pre-application discussions in respect of the proposed development and there have been no previous applications at the property. The applicant submitted a Design Statement in support of the application.

### 3 Consultation(s)

- 3.3 **Arboricultural Services** – Requested to defer any decision until further information had been submitted including a Tree Survey, Tree Retention Removal Plan, Tree Protection Plan and Arboricultural Impact Assessment, however the view is taken that the current application is unacceptable and therefore the information has not been requested.  
**Response:** Noted.
- 3.4 **Environmental Services** – No objections to the proposed development subject to advisory notes being attached to any consent issued.  
**Response:** Noted.
- 3.5 **Roads Development Management Team** - No objections subject to conditions in respect of visibility splays, kerbing, surfacing, parking space provision, driveway construction and location of gates.

**Response:** Noted.

#### **4 Representation(s)**

4.1 Statutory neighbour notification was undertaken as well as advertisement in the local press. Following this, 12 letters of objection and 1 letter of comment were received. The issues raised in these representations can be summarised as follows:

- (a) **The proposal is overdevelopment of the site. The resulting plots are too small and out of character with the surrounding plot sizes / plot ratios both in Dunedin Drive and Inglewood Crescent resulting in an unacceptable density.**

**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.

- (b) **The proposed dwelling is located too close to the footway on Inglewood Crescent, approximately 2m, in comparison with surrounding properties which are all more than 8m from the edge of the footway altering the established building line making it contrary to policy.**

**Response:** The proposed dwelling is located close to the footway and is forward of the existing building line. 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.

- (c) **The garden area for the proposed house and that for the remaining house are too small and significantly smaller than surrounding properties.**

**Response:** 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.

- (d) **The new house is not required as there is a significant number of new houses being built in East Kilbride with a number of major housing developments being constructed.**

**Response:** Each application is considered on its own merits. Development of individual houses within the settlement boundary are considered taking account of Local Development Plan policies, the specific location and design of the house proposed.

- (e) **The proposed house will result in a loss of privacy and overlooking for neighbouring properties, particularly in respect of 17 Dunedin Drive and 2 Inglewood Crescent. Directly overlooking the rear garden and rear windows and preventing the owners of these properties having privacy in their own properties.**

**Response:** Although the rear of the property faces directly towards the rear garden of 17 Dunedin Drive the window to window is greater than 20m and the

widows are not directly facing onto each other. Similarly there are a limited number of windows on the side of the proposed property towards 2 Inglewood Crescent, all of which are non-habitable rooms. Although the rear garden length is 8m there is not considered to be a significantly unacceptable level of overlooking from the proposed property.

- (f) **The proposal would result in overshadowing and loss of light to neighboring properties.**

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

- (g) **The proposed development would result in a loss of trees from the existing garden together with the tree that have recently been removed by the owner this would have an adverse impact on the character of the area.**

**Response:** It is agreed that the proposed development does not reflect the character of the surrounding area, however the trees in the rear garden of the existing property are not protected and could be removed by the owner without planning consent.

- (h) **The development of the rear garden would result in the loss of green space and have an adverse impact on wildlife.**

**Response:** The rear garden space is not protected green space and it is not considered that the development would have a significant adverse impact on wildlife.

- (i) **The proposed development has insufficient and unsuitable parking which will resulting road safety issues caused by parking on street and on the pavement in this location where children play and which is busy at school drop off times.**

**Response:** The applicant has provided 3 off street parking spaces for each property and Roads and Transportation Services have no objection to the proposed development.

- (j) **The design of the proposed house is bland.**

**Response:** Noted.

- (k) **The development would set a dangerous precedent for similar developments in the area changing the character of the area.**

**Response:** It is agreed that the proposed development does not reflect the character of the surrounding area and does not accord with the established pattern of development.

- (l) **The construction of the proposed development would result in unacceptable traffic, dust, noise, disruption to services and due to lack of space result in materials being stored on the street causing a safety hazard.**

**Response:** Noted. The development is not considered to be acceptable.

- (m) **Previous planning applications at the property were refused.**

**Response:** There are no records of any previous formal planning applications at the property.

- (n) **No. 1 Inglewood Crescent has an absentee landlord and no.16 Inglewood Crescent is owned by trustees who were not consulted.**

**Response:** Formal neighbor notification process was undertaken and letters sent out directly to properties. An advert was also placed in the local press. A letter of representation has been received from no. 16 Inglewood Crescent and taken into consideration with other representations received.

- (o) **The title deeds of properties in Dunedin Drive prevent the land from being developed and part of the land in the rear of all the properties was sold to all the owners by the East Kilbride Development Corporation in 1979 on the basis that it was to be used for garden ground.**

**Response:** This is a legal matter for the owners of the properties and not a valid planning consideration.

- (p) **Request for a Declaration of Vested Interests – all those who have any function in assessment and approval of the application must make a clear and concise statement that they have no vested interest in the application or that they know the applicants, objectors or any of their agents. This should include Planning Officers and Councillors but the declaration request is not exclusive to them.**

**Response:** All planning applications are assessed and decisions reached through formal planning procedures which requires that any vested interests are declared by officers or elected members. The applicant has confirmed on the application form that they or their spouse or partner are not a member of the staff of the planning service or an elected member of the Council.

- (q) **Has consideration been given to the inability to hold face to face meetings during the current COVID situation?**

**Response:** During this period site visit was undertaken by the case officer and any meetings and discussions have been undertaken electronically. This has not affected the assessment of the application.

- (r) **The proposed development would adversely affect the potential for adjacent properties to extend their homes.**

**Response:** Each planning application is assessed on its own merits.

- (s) **South Lanarkshire Council have a reputation for permitting singularly inappropriate constructions and developments and the planning process does not allow appeals by objectors.**

**Response:** Each planning application is assessed on its own merits following full assessment. The planning process does not provide for third party appeals at present. The development is not considered to be acceptable.

- (t) **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.

## 5 Assessment and Conclusions

- 5.1 The applicant seeks detailed planning permission for the subdivision of garden ground and the erection of a two 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.
- 5.2 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.
- 5.3 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 of 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, particularly for the existing house being insufficient in terms of area and nature being made up of small areas to the rear and side of the remaining property.
- (f) **That the new development will not cause an unacceptable reduction in privacy to surrounding houses as well as the new house itself;**  
Although the rear of the property faces directly towards the rear garden of 17 Dunedin Drive the window to window is greater than 20m and the windows are not directly facing onto each other. Similarly there are a limited number of windows on the side of the proposed property towards 2 Inglewood Crescent, all of which are non-habitable rooms. Although the rear garden length is 8m 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 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 the trees in the rear garden of the existing property are not protected and could be removed by the owner without planning consent.
- (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.

- 5.4 The above assessment against Policy DM3, demonstrates that the proposal is contrary to criteria (a), (b) and (e) as detailed above.
- 5.5 On 29<sup>th</sup> 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 currently 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, 5, DM1 and DM3 are relevant and the proposal has been assessed as set out above against these policies.
- 5.6 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. 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.

## **6 Reason for Decision**

- 6.1 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.

**Delegating officer: G Rae**

**Date: 28.8.20**

### **Previous references**

- ♦ None

## 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 24.04.2020

### ▶ Consultations

Roads Development Management Team	13.08.2020
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Environmental Services	21.07.2020
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Arboricultural Services	09.07.2020
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### ▶ Representations

Mr Greg McNally, 16 Dunedin Drive, East Kilbride, G75 8QQ, ,	Dated: 02.05.2020
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Thomas Quinn, 3 Inglewood Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8QD	Dated: 12.05.2020
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Jill Hills, 17 Dunedin Drive, East Kilbride, G75 8QQ	Dated: 30.04.2020
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Mr R. N. Kay And Mrs M. R. Kay, 2 Inglewood Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8QD	Dated: 06.05.2020
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Mr Nigel Hoskins, 4 Inglewood Crescent, East Kilbride, G75 8QD, ,	Dated: 12.05.2020
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Mr Mark Kelly, 1A Inglewood Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8QD	Dated: 14.05.2020
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Mr And Mrs Philip And Geraldine McMahon, 21 Dunedin Drive, East Kilbride, Glasgow, South Lanarkshire, G75 8QQ	Dated: 13.05.2020
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Mr David Hills, Mr David Hills, 17 Dunedin Drive, East Kilbride, G75 8QQ,	Dated: 07.05.2020
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Kenneth Gorman, 11 Dunedin Drive, East Kilbride, Glasgow, South Lanarkshire, G75 8QS	Dated: 12.05.2020
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Mr J E Allan, 94 Franklin Place, East Kilbride, Glasgow, South Lanarkshire, G75 8LS	Dated: 07.05.2020
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David Hills, 17 Dunedin Drive , East Kilbride, G75 8QQ, ,	Dated: 07.05.2020
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Mr Gordon Robertson, 19 Inglewood Crescent, East Kilbride, G75 8QD	Dated: 28.07.2020
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Mr Kevin Mackenzie, 16 Inglewood Crescent, East Kilbride, G75 8QD, , Dated:  
04.06.2020

**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](mailto:morag.neill@southlanarkshire.gov.uk)

## Planning Application

Application number: P/20/0469

### 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, particularly for the existing house 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, particularly for the existing house 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.

### Reason(s) for decision

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.

### Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
T1.08_L(0-)01 EXISTING LOCATION PLAN	-	Refused
T1.08_L(0-)02 PROPOSED LOCATION PLAN	-	Refused
T1.08_L(0-)03 EXISTING SITE PLAN	-	Refused
T1.08_L(0-)04 PROPOSED SITE	-	Refused

PLAN

L 2 01 PROPOSED FLOOR PLANS	-	Refused
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L 2 02 PROPOSED ELEVATIONS	-	Refused
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T1.08_L(0)05 SITE PLAN PARKING/SIGHTLINES _ GARDEN MEASUREMENTS	-	Refused
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