

Report

Report to:	Planning Committee
Date of Meeting:	11 October 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/0498
Planning proposal:	Demolition of existing garage and shed and erection of new shed and gym

1 Summary application information

Application type:	Householder
Applicant:	Mrs Kirsty Archer Ritchie
Location:	20 Stonehouse Road Sandford Strathaven ML10 6PD

2 Recommendation

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

- (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: Euan Anderson
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): Policy 3 General Urban Areas
Policy 5 Development Management and Placemaking
Policy DM2 House Extensions and Alterations
Policy NHE6 Conservation areas

◆ Representation(s):

▶	6	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

None

Planning Application Report

1 Application Site

- 1.1 The application site consists of a modern one and a half storey building, located at 20 Stonehouse Road. It was originally constructed as a new build dwellinghouse in the late 1990s and is part of a small development which was approved under Planning Application EK/95/0201, and an amendment to the original consent was approved under Planning Application EK/98/021. The development was constructed using traditional materials and has a distinctive character to reflect the rural setting and the proximity to Sandford Conservation Area. Condition 6 of the original planning application EK/98/0201 removes all the householder permitted development rights, therefore, planning consent is required for all development proposals within the housing development.
- 1.2 Part of Stonehouse Road is located within Sandford Conservation Area and the application site is adjacent to the boundary of the Conservation Area. There is a mixture of house types along Stonehouse Road including single storey and one and a half storey cottages, and two storey dwellinghouses. The property is bound to the north by Stonehouse Road and by residential properties on all other sides.

2 Proposal

- 2.1 The applicant seeks consent for the removal of the existing garden buildings and the erection of a new building containing a home gym and store at the rear of 20 Stonehouse Road in Sandford. The property is located within an established residential area.
- 2.2 When the application was originally submitted, the plans for the building had a mono pitched metal roof with cedar and render finishes to the walls and was constructed at an angle on the western elevation. The applicant had also noted in the plans that the existing leylandii hedge, which bounds the site to the south would be removed. The Planning Service expressed concerns relating to the design and materials in relation to the setting and the loss of the boundary hedge which would screen the proposal. Amended plans were subsequently submitted which includes a gable roof with slate effect tiles, rendered walls to match the colour of the existing house and the removal of the angle on the west elevation. The applicant also advised that the existing leylandii hedge would be retained. The applicant has also submitted a Tree Survey Report which contains detailed guidance on the tree protection requirements during construction.

3 Background

3.1 Local Plan Status

- 3.1.1 In terms of the South Lanarkshire Local Development Plan 2 (adopted 2021), the site is located within a general urban area, and is therefore subject to an assessment against the following policies:-

- ◆ Policy 3 General Urban Areas and Settlements
- ◆ Policy 5 Development Management and Placemaking
- ◆ Policy DM2 House Extensions and Alterations
- ◆ Policy NHE6 Conservation Areas

3.2 Relevant Government Advice/Policy

- 3.2.1 Given the nature and scale of the proposal, there is no specific government guidance relevant to the determination of this application.

3.3 Planning Background

- 3.3.1 As stated above, the property was constructed in the late 90's as part of a small rural development. The property has been extended on two previous occasions. Planning application EK/04/0355 for a one and a half storey side extension was approved on 1 September 2004 and planning application EK/14/0331 for the erection of a single storey rear extension and timber decking was approved on 18 December 2014.

4 Consultation(s)

- 4.1 Given the scale and nature of the development, no consultations were required for the proposal.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken, and six letters of objection were submitted in response to the neighbour notification process. Five of the objections were submitted by the occupants of the property to the rear of the site and one was submitted by the occupant to the west of the site. The grounds of objection and matters raised are summarised below:-

- a) That the plans submitted do not show the neighbouring property and are inaccurate.**

Response: The agent submitted updated plans which included the property to the rear of the application site.

- b) That the plans are also inaccurate as the parking area does not include the parking spaces and this needs to be accurate to show the available parking for a 4/5-bedroom house.**

Response: The amended plans show the two parking spaces at the rear of the property within the application site boundary. The proposal does not impact on the existing parking at the site and the proposal does not form the type of additional accommodation which would require additional parking spaces.

- c) That the structure is excessive in size in relation to the existing property, will impact on the available light to the neighbouring property and the removal of the trees will impact visual amenity.**

Response: The existing rear garden measures approximately 212 square metres and the footprint to the existing property measures 145 square metres. The footprint of the proposed building measures 60.3 square metres and would be 4.5 metres in height at the highest point from ground level. While the proposal is considered to be a relatively large structure, an adequate amount of garden ground would remain available for amenity purposes and is not considered excessive in relation to the existing property or rear garden. In the original submission, the plans stated that the existing leylandii hedge would be removed. The Planning Service recognises that the hedge has amenity value in screening the rear garden and proposed building at the site and the applicants have agreed to retaining the hedge. The revised plans show that the proposed building would be located 1.5 metres from the rear boundary to allow for the retention of the hedge. Although a leylandii hedge is not normally considered appropriate for retention or protection, it is recognised that at this location, the hedge has significant amenity value in context with the proposal. Therefore, condition one of the decision notice ensures that the trees at the site cannot be the lopped, topped, pollarded, or felled without consent from Council. The ridge of the gable roof would now be 3.75 metres from the rear boundary and predominantly screened by the existing hedge which measures approximately 3.8 metres in height. In addition, the materials for the roof would be a slate effect tile rather than metal in the original submission, which reflects the character of surrounding development.

- d) That the proposed render finish on the southern elevation of the proposed building is not in keeping with the surrounding development.**

Response: The Planning Service also had concerns relating to the design and materials in the original plans submitted. The original housing development was carefully designed to reflect the rural character of the setting and the proximity to Sandford Conservation Area. The amended plans are considered to address these concerns in relation to the design and materials. The amended design, with the gable roof finished with slate effect tiles and the rendered walls to match the colour of the existing property, are considered to reflect the character and materials of the surrounding development.

- e) That the structure would have a negative impact on the value of neighbouring properties.**

Response: The value of properties is not a material planning consideration.

- f) That the building should not be used for a garden room or granny flat.**

Response: The use of the building as a garden room would be permitted as this would be an acceptable use ancillary to the residential dwelling. However, the use as a separate residential annexe would not be permitted. Condition 3 of the decision notice prohibits the use as a separate residential annexe and any commercial activity in, or from the building.

- g) That the removal of the 12 trees at the site will have an environmental impact.**

Response: As stated previously in part **c)** of this section, the leylandii trees will be retained as it is recognised that the hedge has significant value at this location in terms of amenity value and sustainability.

- h) That the access route is not suitable for the delivery of building materials.**

Response: There is a road with a turning area to the rear of the site. The applicant would be responsible for ensuring that the delivery vehicles for materials can access the site and be aware of any legal restrictions relating to access on the private road. If any obstruction occurs, this is a Police matter, and this service should be contacted

- i) The drawings state they are not to scale therefore do not indicate the impact on the back garden of a house that has already been extended.**

Response: The standard point relating to scale is normally an advisory reference for the builders/contractors for the works. The plans submitted have a scale and measurements on the drawings which details the dimensions and proportions of the proposal. As stated in section **c)** above, the proposal is not considered to be excessive for the site or in context with the existing dwelling.

- j) That the new plans submitted containing the name of the property is in the wrong location.**

Response: The location of the name of the property at the rear on the Ordinance Survey base map does not affect the assessment of the proposal as the location of the property is shown in context with the proposed development.

- k) That the plans do not clearly demonstrate the impact of the proposed structure on the neighbouring property and will dwarf the neighbouring property.**

Response: The building in the original submission and the removal of the boundary hedge was considered to have a detrimental impact on the visual amenity of the neighbouring property. The amended proposal includes a pitched roof and the retention of the hedge which together will reduce the visual impact in comparison to the original submission. The ridge height of the building would be

4.5 metres at the highest point and the existing hedge measures 3.8 metres. The amended roof type and distance from the boundary of the ridge level will also reduce the visual impact of the proposal. The proposal is therefore not considered to dwarf the neighbouring property as it will be predominantly screened by the boundary hedge and the single storey ridge line would be below that of the neighbouring property.

l) That the noise from the equipment in the gym would have an impact on noise levels to the neighbouring property.

Response: The proposed gym is for personal use and the equipment would be of a domestic scale which is unlikely to have a significant impact on noise levels from the building. An advisory note relating to any nuisance would be attached to the decision notice, however, should issues arise in relation to noise levels, Environmental Services should be contacted on 0303 123 1015.

m) That the proposed development will exacerbate the impression of higher density building which is immediately adjacent to the boundary of the conservation area where the buildings are low-density with large gardens.

Response: The application site is located adjacent to the boundary of Sandford Conservation Area within a development which was carefully designed to reflect the rural character of the setting. Supporting guidance in the carrying out of development at a dwellinghouse, relating to ancillary detached buildings states that a usable amount of garden ground should remain undeveloped to allow for drying clothes, bin storage and general amenity. Permitted Development Rights allow for 50% of the garden to be developed without requiring planning consent. In this case, while over 50% of the garden remains undeveloped, the development height exceeds the permitted height of 4 meters by 0.5 metres. In addition, Permitted Development Rights were removed for all development in the original consent for the development, therefore planning consent is required in all cases. It is considered that a usable amount of garden ground remains for the purposes specified above and that the proposal complies with this guidance. As such, the proposal is not considered to result in over-development of the site.

n) That the proposal will impact on the viability of the neighbouring beech tree which enhances the local setting and conservation area and would have a negative impact on nature conservation. That the tree should be inspected by an arboreal consultant in accordance with BS5837.2012.

Response: The site is located adjacent to the boundary of Sandford Conservation Area and the tree referred to above is located within the Conservation Area. Although the tree is in the rear garden of the neighbouring property and not clearly visible in the streetscape, it is considered to make a positive contribution to the Conservation Area setting. In the original plans submitted, the building was set at an angle adjacent to the western boundary which would have been positioned over the root system of the tree. The amended proposal squares the building off which leaves a space nearest the tree to minimise potential damage to the root system. The applicant was also asked to provide a Tree Survey Report which assesses the impact on the trees at the site and the required tree protection at the site. As part of this assessment, trial pits were dug to assess the root spread at the site. The report also set out the position of tree protection barriers which would be required during the construction of the proposal. The report advised that there would be minimal loss of important rooting volume and that the proposal would have minimal effect on the survivability of the tree. Given that the beech tree and the leylandii at the site contribute to the setting and assist in screening the proposed building, the protection of these trees is considered necessary during construction of the building. The Tree Survey Report commissioned by the applicant contains detailed

guidance on how these works should be carried out. The applicant has advised that some pruning work would be required from within the site to facilitate the construction of the proposal. Details of the tree works at the site will be submitted to the Council for assessment prior to the commencement of works. Condition two of the decision notice requires the submission of a scheme of protection for the trees in accordance with BS 5837:2012 and that the development will be implemented in strict accordance with the approved details.

- o) That the revised drawings are still inaccurate in showing the location of the neighbouring property and that a site visit would confirm this.**

Response: The location of the neighbouring property is shown in the revised plans. The positioning of the name of the property does not affect the assessment of the proposal and a detailed site visit and survey was completed on 19 May 2022.

- p) That measurements of the revised plans are not correct.**

Response: The amended plans did not contain the correct measurement of the length of the structure. An amended plan has been submitted which shows the measurement amended from 13.4 metres to 11.2 metres.

- q) That there has been a substantial revision, are details of the discussions with the Planning Officer relating to the amendments of the proposal available and that neighbours were not notified of the amendments.**

Response: The Planning Officer contacted the agents for the applicant on 26 May 2022 advising that the Planning Service had concerns relating to the design and visual impact of the proposal. That the existing housing development was of a distinctive character and that the removal of hedge to the rear of the proposal should be reconsidered. Further neighbour notification was not considered as the proposal was a reduction in scale and was not considered to have an additional impact on neighbouring amenity.

- r) That the structure is of commercial dimensions and a precedent will be set in the conservation village of Sandford.**

Response: Condition number 3 of the planning decision notice prohibits commercial activity in or from the building. The application site is not located within Sandford Conservation Area, however, given the close proximity to the Conservation Area and the distinctive design of the existing modern development, the amended design and materials are considered to better reflect the surroundings. Each planning application is considered on its own merits and assessed in terms of the development plan policies and the individual setting.

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

6 Assessment and Conclusions

6.1 The applicant seeks consent for the removal of the existing garden buildings at the rear of the property and the erection of a new building containing a home gym and store in the rear garden of the property. The proposed development requires to be assessed against the provisions of the South Lanarkshire Local Development Plan 2 (adopted 2021). In this instance Policies 3, 5, DM2 and NHE6 of the development plan and the associated guidance are applicable.

6.2 Policy 3 – General Urban Area/Settlements of the adopted plan supports the principle of residential developments in residential designated areas such as the area within which the application site is located and seeks to ensure that proposed developments do not adversely affect the surrounding area in terms of issues such as layout, scale, massing, and amenity. With regard to the specific design and layout of the site, Policy

5 – Development Management and Placemaking requires all proposals to take account of and be integrated with the local context and built form, should be appropriately designed, and scaled, with no adverse amenity impacts. The policy states that development proposals should have no significant adverse impacts on the local community in terms of issues such as noise, smell, disturbance and traffic or public safety issues.

- 6.3 Policy DM2 generally reflects the content of Policies 3 and 5 of the adopted plan and states that proposed developments are required to relate satisfactorily to nearby development in terms of scale, massing, and materials. Additionally, the policy requires that development proposals do not adversely affect neighbours by overshadowing or overlooking their property.
- 6.4 In terms of Policy NHE6 – Conservation Areas, although the property is not within Sandford Conservation Area, the site is located directly opposite the conservation area, therefore it is considered appropriate to assess the proposal in terms of the impact on the Conservation Area and its setting. Policy NHE6 states that trees which are considered by the Council to have amenity value and contribute to the character and appearance of the Conservation Area shall be preserved.
- 6.5 When the application was originally submitted, the design and materials of the building were not considered to reflect the character of the surrounding development. The site is located within a small development which was approved in planning application EK/95/0201 and the further amendment application EK/98/021. The approval detailed the very specific use of materials and removed the Householder Permitted Development Rights to enable the Planning Authority to assess all development proposals within the site in order to ensure that all development proposals were appropriately designed and scaled, reflecting the character of the area. The mono-pitched roof, angular design and modern cladding were not considered compatible with the design and finishing materials of the surrounding development. The plans also noted that the existing leylandii hedge would be removed and showed the angular section of the building to the west was in close proximity to a mature beech tree within the adjacent Conservation Area. Although the site is not within Sandford Conservation Area, it is directly opposite the boundary and the original consent for the development contained specific criteria relating to design and finishing materials. It is therefore considered that careful consideration is required to the design and proposed materials to ensure the proposed development reflects the character and surroundings of this particular setting.
- 6.6 After discussions with the Planning Service, and the consideration of representations, the applicant submitted a revised proposal. The amended design of the building has a pitched roof and is set further off the rear boundary to ensure that the leylandii hedge is retained and impact on the neighbour is mitigated. The angular section to the western boundary has been removed to allow for a greater distance from the root network of the beech tree within the Conservation Area in accordance with Policy NHE6 – Conservation Areas. The applicant has also submitted a Tree Survey Report which has set out the tree protection area which would minimise the impact on the trees at the site. In addition, the finishing materials have been amended and include a slate effect tile on the roof and the walls would be rendered and painted in a colour to match the existing dwellinghouse at the site. This is considered a more traditional palette of materials appropriate for this location.
- 6.7 The proposal is not considered to significantly impact the neighbouring properties in terms of overshadowing or loss of light given its orientation, scale, and location from other properties. In addition, the existing boundary hedge to the rear is of a similar

height to the proposal and closer to the property to the rear. The overall massing is not considered to be overbearing due to the separation and hedge. In terms of car parking, the proposal would not impact on the available parking at the site. Conditions have been added to the decision notice which prohibit the felling of the trees at the site and to protect the leylandii and beech tree during the construction of the proposal. A condition has also been included which prohibits commercial activity from the building and the use as a separate residential annex. It is therefore considered that the amended proposal complies with the relevant adopted policies outlined above, and carefully considers the surrounding setting and previous design principles of the development.

- 6.8 As a result of the statutory neighbour notification process, six letters of objection and one letter of comment were received in relation to this application. The contents of these representations are addressed in section two above.
- 6.9 In summary, following a full and detailed assessment of the proposed development, it is considered that it would have no significant adverse impact upon residential or visual amenity, or the character of the adjacent Conservation Area, and that it is in accordance with the relevant policies of the adopted South Lanarkshire Local Development Plan 2 (2021). As such, the granting of planning permission is recommended.

7 Reasons for Decision

- 7.1 The proposal is considered acceptable in terms of the proposed use, scale, design and siting, the potential impact on residential and visual amenity, and is in accordance with Policies 3, 5, DM2 and NHE6 of the adopted South Lanarkshire Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 29 September 2022

Previous references

- ◆ EK/95/0201
- ◆ EK/98/021
- ◆ EK/04/0355
- ◆ EK/14/0311

List of background papers

- ▶ Application form
 - ▶ Application plans
 - ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
 - ▶ Neighbour notification letter dated
 - ▶ Representations
- | | |
|--|----------------------|
| Mrs Sandra Ogg, Culag House, Stonehouse Road, Sandford,
ML10 6PD | Dated:
29.04.2022 |
| Dr Michael Park, 18 Stonehouse Road, Sandford,
Strathaven, ML10 6PD | 28.04.2022 |

Mr Alister Ogg, Culag House, Stonehouse Road, Sandford, ML10 6PD	29.04.2022
Sandra Ogg, By Email	21.04.2022
Mr Alister Ogg, Culag House, Stonehouse Road, Sandford, Strathaven, ML10 6PD	04.07.2022
Sandra Ogg, 31 Carron Place, East Kilbride, G75 0YL	05.07.2022

Contact for further information

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

Evelyn-Ann Wilson, Planning Officer, Floor 6, Council Offices, Almada Street, Hamilton,
ML3 0AA

Phone: 07551 842 952

Email: evelyn-ann.wilson@southlanarkshire.gov.uk

Conditions and reasons

01. Notwithstanding the development hereby approved, no trees within the application site shall be lopped, topped, pollarded, or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees and other landscape features within the site.

02. Prior to the commencement of the development hereby approved (including any demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the installation of boundary treatment works.
- e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist
- n) Reporting of inspection and supervision
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping
- p) Veteran and ancient tree protection and management.

The development shall thereafter be implemented in strict accordance with the approved details.

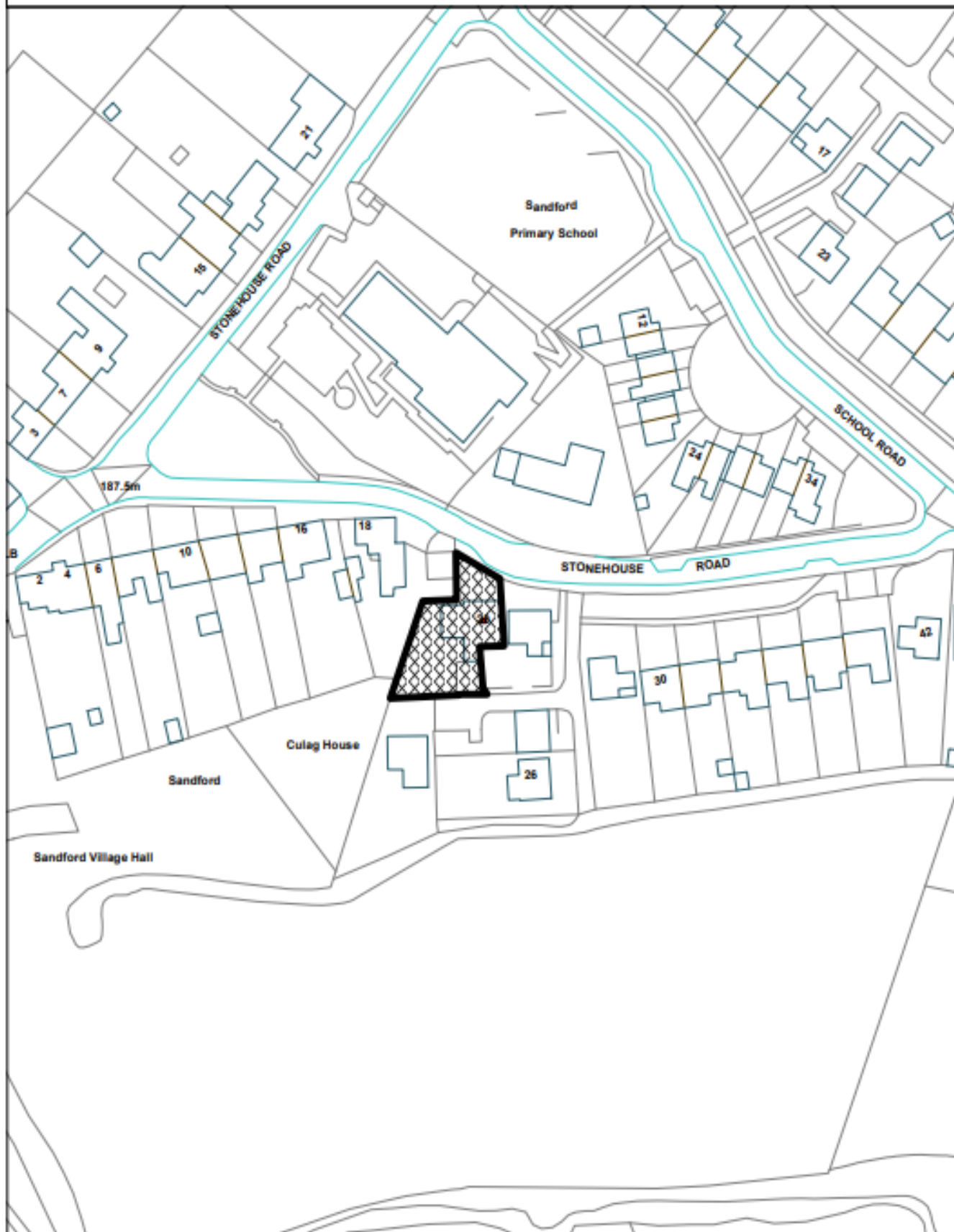
Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

03. The outbuilding hereby approved shall be used for domestic use only for the purposes incidental to the enjoyment of the dwellinghouse at 20 Stonehouse Road, Sandford, Strathaven, ML10 6PD, and shall be used for no other purpose without the express grant of planning permission from the planning authority. For the avoidance of doubt, no commercial activity shall be carried out in or from the building hereby approved, and the use as separate residential accommodation is prohibited.

Reason: To safeguard the residential amenity of the area and to enable the planning authority to consider the implications of any subsequent change of use on the amenities of the area.

P/22/0498

20 Stonehouse Road, Sandford



© 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:
16/09/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development