

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>14 December 2021</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/21/0662
Planning proposal:	Erection of single storey front and rear extension to existing semi-detached dwelling

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr Sabir Zazia
Location:	62 Fernbrae Avenue Rutherglen G73 4AE

## 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: Keith Edwards
- ◆ Council Area/Ward: 11 Rutherglen South
- ◆ Policy Reference(s): South Lanarkshire Local Development Plan 2021  
Policy 3 General Urban Areas  
Policy 5 Development Management and Placemaking  
Policy DM2 House Extensions and Alterations

### ◆ Representation(s):

▶	14	Objection Letters
▶	0	Support Letters
▶	7	Comment Letters

- ◆ Consultation(s): Building Standards Services

# Planning Application Report

## 1 Application Site

- 1.1 The application site relates to a residential dwelling at 62 Fernbrae Avenue in Rutherglen. The property is a semi-detached dwelling surrounded by residential properties to the west, north and east and the entrance to Fernhill School is opposite to Fernhill Road to the south. The property and surrounding properties are accessed by a footpath network off Fernbrae Road. The site has a large front garden with two terraced levels and the rear garden slopes from south to north and the rear garden has terraced sections at three levels. The properties to the rear of the site on Craignure Road are set at a lower level as a result of the local topography.

## 2 Proposal(s)

- 2.1 The applicant seeks consent for the erection of a single storey front and rear extension. The applicant also intends to convert the loft area to provide an additional bedroom, however, this would not require planning consent, and this can be completed under current permitted development legislation. The front extension would project 2.7 metres, with a 2.4 metre internal space, would be 3.9 metres in height and 4.9 metres in width and would provide a front porch area. The rear extension would project 3.9 metres from the existing rear building line, measure 5 metres in height at the highest point, 5.7 metres wide and would provide a sun lounge.
- 2.2 When the application was originally submitted, the proposed front extension projected 4 metres from the existing front building line. The Planning Service requested a reduction in this projection and an amended plan was submitted with the projection reduced to 2.7m. Following a site appraisal by the Planning Officer and consideration of the representations submitted, the applicant has revised the proposal by removing the volume of glazing in the front and rear extension.
- 2.3 A complaint was received in relation to the property by the Planning Enforcement Team regarding the height of fence posts at the site. At the site visit, relating to the planning application, the Planning Officer raised this issue and the fence posts have been reduced to the same height of the fence.

## 3 Background

### 3.1 Local Plan Status

#### 3.1.1 Adopted South Lanarkshire Local Development Plan 2 (SLLDP2) 2021

The application site is on land identified as General Urban Area within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2) 2021 and contains the following policies against which the proposal should be assessed:-

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

### 3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (Revised 2020) (SPP) advises that proposals that accord with up-to-date plans should be considered acceptable in principle.

### 3.3 Planning Background

- 3.3.1 The application site has had no previous planning applications submitted.

#### **4 Consultation(s)**

- 4.1 **Building Standards Services** - the stability of the retaining wall at the rear of the site should not be affected by the proposal

**Response:** Noted.

#### **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken. A total of 14 objections and 7 letters of comment have been received. A planning consultant submitted an objection on behalf of 5 of the objectors. The concerns in relation to the proposal will be responded to in this report.

- a) **That the proposal will have an impact on the structural integrity of the retaining wall at the rear of the site which could be fatal to neighbours if this collapses.**

**Response:** The retaining wall at the rear of the site is located 8 metres away from where the proposed extension would be located. A Building Warrant will be required for the proposal and an assessment of the structural impact of the development will be considered in this assessment. In an initial review of the plans submitted, Building Standards Services have advised that the structural integrity of the retaining wall should not be affected by the proposal.

- b) **That the proposal will have a detrimental impact on the privacy of the surrounding properties.**

**Response:** When the application was submitted, the rear extension had glazing panels along the whole extent of the west and north elevation, the corner of which would have been 2.2 metres from the boundary of 9 Craignure Road. The rear garden of 9 Craignure Road is relatively well screened by existing boundary fencing and planting, however, it was considered that the glazing panels on the corner of the proposed rear extension may increase the potential for overlooking at the neighbouring property. The glazing panels on the corner of the proposed extension have been removed in the amended submission. The window-to-window distance between the proposed extension and the property to the rear of the site meets the 20-metre minimum distance as set out in the South Lanarkshire Residential Design Guide. The revised plans contain two side windows in the western elevation. The windows would be located 4 metres from the neighbouring boundary at 64 Fernbrae Avenue where the rear garden is screened by an existing boundary fence, therefore, it is not considered the proposed extension would have a significant detrimental impact on overlooking at this location. The original submission for the front extension included three glazing panels along the eastern elevation of the proposal. The amended submission contains one repositioned window to prevent direct overlooking into the neighbouring property.

- c) **That the proposal will have a significant detrimental impact on neighbouring visual amenity and loss of light.**

**Response:** The scale of the proposal is not considered excessive for a residential property. The extensions are both single storey with the rear extension projecting 3.9 metres and the front extension projecting 2.7 metres, therefore, the proposal is not considered to have a significant detrimental impact on the surrounding visual amenity. The proposed rear extension would be on the north elevation of the property. The Council has carried out a shadow test of the proposed extensions. The proposed extension would be 5 metres in height and the existing building measures 8.5 metres in height. Therefore, the existing building would produce a higher degree of shadow than the proposed extension due to the orientation of the property at the application site. There would be 2.5

metres between the front of the proposed extension and the rear of the property at 64 Fernbrae Avenue maintaining an opening for light to the rear garden at this point. On the eastern elevation the extension would overshadow the lounge window of the applicant's property. Furthermore, from mid-afternoon, the front of the properties at 60 and 62 Fernbrae Avenue would be overshadowed by the existing properties at 66 and 64 Fernbrae Avenue as these properties are positioned 11.5 metres forward of the building line at number 62 and 60. Given the sites orientation and that the extensions proposed are single storey, it is not considered that the proposal would result in a significant loss of light to the neighbouring properties.

- d) **That bats use the space between the properties to the rear as a flight path and a bat survey has not been completed to assess the impact on commuting routes between bat roosts.**

**Response:** A survey relating to the flight path for bats is not required for a domestic residential development proposal of this scale. An advisory note can be attached to the decision notice, if approved, detailing the legal responsibilities of the applicant if a bat roost is found during construction works.

- e) **That the proposal is an over development which will look completely out of place.**

**Response:** The application site measures 330 square metres, and the footprint of the extended property would measure 65 square metres. This would mean that 80% of the site would be garden ground which would not be considered an over development of the site.

- f) **That the noise levels will impact on surrounding properties and neighbours working night shift.**

**Response:** Environmental Services enforce the legislation relating to noise disturbance. An advisory note can be attached to the decision notice, if approved, which details BS 5228 – Noise control on construction and open sites and the acceptable audible construction times.

- g) **That an oversized property will have a negative impact on the streetscape.**

**Response:** The front of the properties at this location has a staggered building line leading onto a triangular area of open space which fronts the road and the property at 62 Fernbrae Avenue is set back 31 metres from the road line. It is not considered that the front extension would have a significant detrimental impact on the existing streetscape given the distance from the road, the lower level of the site, the staggered building frontages and the scale of the single storey proposal.

- h) **That the dust levels will impact on drying washing at the neighbouring properties.**

**Response:** The construction of the proposal would not require a significant level of demolition works which would result in raised dust levels. Therefore, it is unlikely that neighbouring washing would be impacted to a significant level during construction works.

- i) **That the proposal will open the floodgates for further overdevelopment of properties in the area.**

**Response:** The proposal is not considered to be an overdevelopment of the site. Each planning application is considered on an individual basis and assessed in accordance with the policies in the local development plan. Properties also benefit from permitted development rights where extensions can be built without

the requirement for planning consent. Normally a rear extension projecting 3.9 metres, on a semi-detached property, would not require planning consent. In this case, planning consent was required due to the level differences at the rear of the property which takes it over the permitted height of 4 metres. Any front extension exceeding 3 square metres and 3 metres in height requires planning consent and any further applications in the area would be considered in terms of compliance with the relevant development plan policies.

- j) **That the proposal will impact on protected songbird species nesting at the side of the site.**

**Response:** The proposal would not require the removal of any trees at the site, therefore, would not impact on nesting birds.

- k) **That the proposal will impact on the drainage infrastructure for the surrounding properties and surface water drainage.**

**Response:** The proposed drainage arrangements would be assessed as part of the Building Warrant Application process. The proposed areas for development are currently hard standing, therefore, the extensions would not result in a loss of currently permeable land which would increase water run-off.

- l) **That the plans submitted do not meet the standard guidance prescribed in the Heads of Planning Scotland (HOPS) in that the surrounding road and property names and numbers are not detailed on the plans, all land and buildings within a 20m radius of the site are not identified on the block plan, there are no written dimensions showing distances to the boundaries, eaves or ridge height and the scale bar cannot be verified and the application should not have been validated.**

**Response:** The plans submitted are considered to clearly identify the site and the proposals. The agent was requested to amend a scale bar and add some dimensions to the amended plans for clarity.

- m) **That if the invasive security lights are closer to the surrounding properties, this will impact on the enjoyment of local residents enjoying the night sky from increased light pollution.**

**Response:** Issues regarding light pollution are investigated and monitored by Environmental Services. Complaints regarding light pollution should be directed to this service who will advise if there is a breach of standards and advise on any action required or suggest any mitigating measures.

- n) **That the proposal will impact on the viability of neighbouring trees.**

**Response:** The proposal would not impact on neighbouring trees. Any damage to existing boundary treatments as a result of construction would be a legal matter to be resolved between the parties involved. It was noted at the site visit that significant tree cutting and pruning had recently occurred at neighbouring properties.

- o) **That construction parking will have a severe impact on the parking adjacent to the school opposite where zig zag lines should be observed, and the site has no suitable access or parking for the increased accommodation.**

**Response:** The area has limited available parking with the restricted zone to the front of the school and none of the surrounding properties have access to off-street parking. The owner of any vehicle parking in the area would be responsible for observing the parking restrictions in the locality. The existing property contains three bedrooms, and an additional bedroom is proposed in the loft conversion. The Planning Service would normally request the provision of an additional off-

street parking space given the increase in the accommodation. However, as the property does not currently have access to off street parking, is unable to provide this and as the loft conversion could be completed as permitted development, it would not be considered reasonable to refuse the proposal on the basis of parking provision.

- p) **That there are no site levels showing the complexity of the sites topography and that sections should be submitted to give an accurate indication of the proposed development.**

**Response:** A proposed section drawing of the dwelling was submitted showing the level differences between the front and rear of the property. The topography of the site was assessed at the site visit by the Planning Officer which was taken into consideration when requesting the amendments to the proposal.

- q) **That the proposal has potential Human Rights implications for neighbours in terms of alleged interference with privacy, home or family life.**

**Response:** A planning application is assessed in terms of the adopted policies in the local development plan and Scottish Government planning legislation. Any other beach of legislation would be a legal matter and the responsibility of the parties involved.

- r) **That clarity openness and fairness are essential elements of the planning system and commentary should be made available on any further submissions.**

**Response:** The representations submitted in relation to the proposal have been considered and a comprehensive site assessment was completed. An amended proposal has been submitted, however, the alterations in removing the amount of glazing in the proposal is considered to improve neighbouring amenity. Therefore, the amendment is not considered a material change which would further impact on the neighbouring properties and further consultation was not considered necessary.

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

## **6 Assessment and Conclusions**

6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the adopted South Lanarkshire Local Development Plan 2021 (SLLDP 2).

6.2 In the adopted South Lanarkshire Local Development Plan 2021 (SLLDP 2) the application site is located on land designated as being in the General Urban Area of Rutherglen. Policy 3 General Urban Area seeks to ensure proposals do not adversely affect the amenity and character of predominately residential areas. The proposal relates to a front and rear extension to a residential property which is considered to be an appropriate use and type of proposal for the surrounding area. The height and projections of the extensions are not considered excessive at this location, and they would not be considered overbearing or have an unacceptable visual impact on the amenity of the surrounding area.

6.3 Policy 5 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. The application site is located within a small group of properties where the rear gardens are connected at differing levels and have irregular spacing. The site

slopes downwards from south to north with the properties to the rear on Craignure Road set at a lower level. The scale of the proposed extensions is not considered to be of an excessive scale and this type of proposal is widely constructed on many residential households within South Lanarkshire Council. The ground floor extensions would have an internal space of 2.4m at the front and 3.6m at the rear which is not considered disproportionate for an extension to residential accommodation. The adopted SLLDP2 does not contain specific guidance relating to front extensions, related guidance is under development. However, in this case the frontage of the properties do not have a regular, linear road frontage where a front extension would be prominent. The properties have a staggered, irregular frontage, with large front gardens and open space which fronts the road. In addition, the reduction in the original projection of the extension maintains a gap for light to the rear of the neighbouring property. In this case the front extension is not considered to have a significant detrimental impact on the existing streetscape or the visual amenity of the surrounding area.

- 6.4 Concerns relating to potential privacy issues were considered and several glazing panels have been removed in the rear and front extensions to address these concerns. The proposal also meets the minimum standard regarding window-to-window distances for directly opposite windows. In terms of overshadowing, it is not considered that the proposals will have a significant detrimental impact on the surrounding properties due to the scale of the proposed development and the orientation of the site. There are parking constraints at the site, however if approved, conditions can be added to the decision notice requiring the submission of construction vehicle parking and access to the site. In addition, a condition can be added to ensure the materials match those of the existing property, to ensure the development does not appear out of character. While it is recognised that the proposed development will introduce an element of change in the locality, the scale of the proposal is not considered unreasonable for residential extensions.
- 6.5 The representations received have raised concerns relating to noise and light pollution and protected species at the site. The responses to these concerns are detailed above and are not considered to warrant refusal of the application.
- 6.6 In summary, it is considered that the proposal conforms to development plan policy and that the proposal raises no significant amenity issues. Following a full and detailed assessment of the proposed development, it is considered that the proposed development is in accordance with the adopted South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and on that basis, it is recommended that planning permission is granted.

## **7 Reasons for Decision**

- 7.1 The proposal seeks planning permission for the erection of a single storey front and rear extension to a residential property in a residential area. The proposal would have no significant adverse impact on amenity, and it complies with Policies 3, 5 and DM2 of the adopted South Lanarkshire Local Development Plan 2 (2021).

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 24 November 2021

## Previous references

- ◆ None

## List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letters dated 26 May 2021 and 26 July 2021

### ▶ Consultations

Building Standards Services 15.07.2021

▶ Representations	Dated:
G McAleer, 13 Craignure Road, Rutherglen, Glasgow, South Lanarkshire, G73 4AW	19.08.2021 19.08.2021
Michelle Lamont, 64 Fernbrae Avenue, Rutherglen, Glasgow, South Lanarkshire, G73 4AE	19.08.2021 19.08.2021
Mr Barrie Monteith, 9 Craignure Road, Rutherglen, Glasgow, South Lanarkshire, G73 4AW	19.08.2021 19.08.2021
Mihail Dragos Stoian, 11 Craignure Road, Rutherglen, G73 4AW	23.06.2021 23.06.2021
Janice Clarke, 7 Craignure Road, Rutherglen, Glasgow, South Lanarkshire, G73 4AW	16.06.2021 16.06.2021
Ian M Neilson, 5 Craignure Road, Rutherglen, Glasgow, South Lanarkshire, G73 4AW	16.06.2021 16.06.2021
Mr Gregg McAleer, 13 Craignure Rd, Fernhill, Rutherglen, g734aw	07.06.2021
Mr Barrie Monteith, 9, Craignure Road, Glasgow, G734aw	14.06.2021
Miss Brenda McLaren, 60 Fernbrae Avenue, Rutherglen, Glasgow, G73 4AE	14.06.2021
Miss Michelle Lamont, 64 Fernbrae Avenue, Glasgow, G73 4AE	15.06.2021
Mrs Grace Lamont, 68 Fernbrae Avenue, Glasgow, G73 4AE	14.06.2021
Miss Lindsey Aga, 9 Craignure Rd, Rutherglen, G734aw	14.06.2021
Michelle Lamont, Via Planning Objections Scotland	25.06.2021
Mihai Dragos Stoian, Via Planning Objections Scotland	25.06.2021
Gregg McAleer, Via Planning Objections Scotland	25.06.2021



Brenda McLaren, Via Planning Objections Scotland	25.06.2021
Barrie Monteith, Via Planning Objections Scotland	25.06.2021
Mr Barrie Monteith, 9 Craignure Road, Rutherglen, Glasgow, South Lanarkshire, G73 4AW	25.06.2021
Lindsey Aga, Via Email	25.06.2021
Miss Lindsey Aga, No 9, Craignure Rd, Rutherglen, G734aw	14.06.2021
Mihail Dragos Stoian, 11 Craignure Road, Rutherglen, Glasgow, South Lanarkshire, G73 4AW	19.08.2021

**Contact for further information**

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

Evelyn-Ann Wilson, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,  
ML3 6LB

Phone: 01698 455059

Email: [evelyn-ann.wilson@southlanarkshire.gov.uk](mailto:evelyn-ann.wilson@southlanarkshire.gov.uk)

Detailed planning application

Paper apart – Application number: P/21/0662

**Conditions and reasons**

01. That the facing materials to be used for the external walls and roof of the extensions 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.

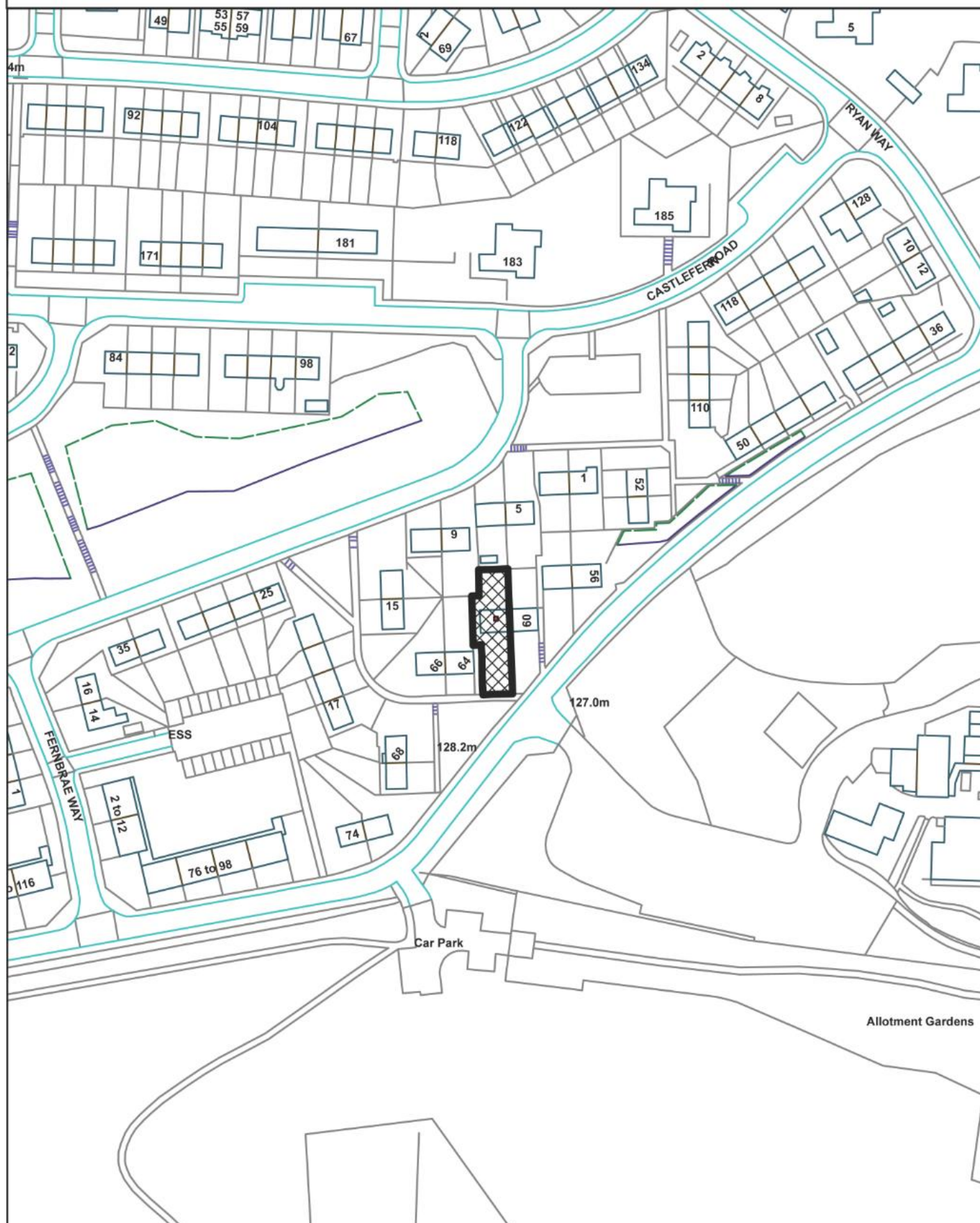
Reason: To ensure satisfactory integration of the proposed development with the existing building both in terms of design and materials.

02. That before any works commence on site, details of construction vehicle parking and materials access shall be submitted and approved by the Council, as Planning Authority.

Reason: In the interest of amenity and road safety.

P/21/0662

62 Fernbrae Avenue, Rutherglen



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Scale:  
1:1,500  
Date:  
18/11/2021



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development