

	<b>Delegated Report</b>	Reference no.	P/19/0873
		Date	4 Nov 2019

<b>Planning proposal:</b>	Subdivision of garden ground and the erection of a one and a half storey detached dwellinghouse and the retention and improvement of the existing vehicular access
<b>Location:</b>	Tigh Na Bruaich Braehead Road Thorntonhall Glasgow South Lanarkshire G74 5AQ

**Application Type :** Detailed planning application

**Applicant :** Mr T Swanson  
**Location :** Tigh Na Bruaich  
Braehead Road  
Thorntonhall  
Glasgow  
South Lanarkshire  
G74 5AQ

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

**Representation(s):**

▶	3	Objection letters
▶	0	Support letters
▶	0	Comment letters

## **Planning Application Delegated Report**

### **1 Application Site**

- 1.1 The application site relates to a detached dwellinghouse known as Tigh-na-Bruaich and its garden ground on the north side of Braehead Road, Thorntonhall. The site is bounded by two storey detached dwellings on Ardbeg Lane, to the northeast, and by Braehead Road to the south with two detached residential properties beyond. To the northwest, a detached one and a half storey house was approved, as a previous sub-division of the garden of Tigh-Na-Bruaich, under Planning Reference No. EK/15/0203. This consented dwelling is currently being constructed. The remains of a mature hawthorn hedge and shrubs bound the site with Braehead Road and the existing vehicular access consists of a gravel drive with entrance walls and gates set back from the road. This access was required to be removed under a recent consent (reference EK/16/0273) for the formation of a new driveway for the existing house and has not to date been removed. The site is relatively level in its southern half with the northern section becoming steeply sloping downwards towards its northern boundary where crib walling retention and planting exists along the rear boundary of the gardens of the dwellinghouses on Ardbeg Lane, which sit at a lower level, some 6 to 8 metres lower than the existing house.

### **2 Proposal(s) and Background**

- 2.1 The applicant seeks detailed planning permission for the subdivision of garden ground and the erection of a one and a half storey detached dwellinghouse and the retention and improvement of the existing vehicular access to serve the new dwellinghouse.
- 2.2 The proposed dwelling would utilise Tigh-Na-Bruaich's existing vehicular access which would be widened with the existing gates and walls removed. As stated above the existing dwelling is now accessed via a recently constructed vehicular access from Braehead Road (Planning Consent EK/16/0273). The proposed dwelling provides accommodation on the ground floor of living room, family dining kitchen room with sun lounge, utility, study and cloakroom/wc. On the upper floor in the roof space 3 double bedrooms one with ensuite, family bathroom, a master bedroom suite with ensuite would be provided. The house would be situated adjacent to the original dwelling on the eastern part of the site. The external materials proposed are render with stone features around the windows, stone and brick base layer, stone chimney feature, timber windows and dark concrete roof tiles.
- 2.3 The property has been the subject of a number of applications for residential development. An application in 2013 (EK/13/0362) for subdivision of the garden ground and construction of two detached dwellings was refused and a subsequent appeal to the Scottish Government (PPA-380-2046) was dismissed. In 2015 an application (EK/15/0203) for a detached dwelling to the north of the existing dwelling was granted consent and is under construction at present. In 2016 planning consent (EK/16/0273) was granted for the formation of a new access to the existing house. Also in 2016 an application (EK/16/0289) for the erection of a detached dwelling on the current application site was refused.

- 2.4 The current proposal is of similar size and scale to the previous proposed dwelling. It has been reoriented and relocated on the site being positioned further away from Braehead Road although closer to properties in Ardbeg Lane. The dwelling is of a similar footprint although the overall height of the dwelling has increased by over 1 metre to 7.5 metres from ground level. The proposed dwelling is of a more traditional design than the previous proposal and has full sized windows on the upper floor rather than velux windows as in the previous proposal.

### **3 Consultation(s)**

- 3.1 **Roads Flood Risk Management** – No objections to the proposed development.  
**Response:** Noted.
- 3.2 **Jackton & Thorntonhall Community Council** - No response to date.
- 3.3 **West of Scotland Archaeology Service** – No objections to the proposed development as the developed area does not extend as far as the kilns and quarry and as a result, is unlikely to affect any of these industrial remains, consequently, archaeological work is not necessary.  
**Response:** Noted.
- 3.4 **Environmental Services** – No objections to the proposed development subject to a condition being attached to any consent in respect of limitation of construction noise.  
**Response:** Noted.
- 3.5 **Roads Development Management Team** - Requested further information and plans detailing the design of the proposed access, visibility splays, a new footway to the east and 3 no. parking spaces. This information has been requested and has yet to be provided, however the view is taken that the current application is unacceptable and therefore the information has not been requested again.  
**Response:** Noted.

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

- 4.1 Statutory neighbour notification was undertaken. Following this, 3 letters of objection were received. The issues raised in these representations can be summarised as follows:
- 4.2 (a) **Loss of privacy and overlooking.**  
**Response:** The plans show that the one and a half storey house has been positioned further away from Braehead Road than the position of the previously refused proposal, reducing any potential loss of privacy or overlooking with properties on Braehead Road. This relocation has resulted in the proposed dwelling being located closer to the rear elevations of No 9 and 11 Ardbeg Lane. It is therefore considered that the dwellinghouse would still have a dominant presence in relation to the dwellings to the rear due to the significant ground level change. Although the applicant has planted a buffer of mixed trees and shrubs

along the rear boundary of the site, the planting which has taken place is mainly deciduous and will not provide sufficient screening in the autumn and winter months. It is therefore agreed that the new dwelling and useable garden ground, despite being one and a half storey in height, would overlook the dwellings to the rear and in particular, the properties at 9 and 11 Ardbeg Lane.

(b) **Overshadowing and loss of amenity.**

**Response:** A shadow test which the Council undertook demonstrated that, despite the dwelling being one and a half storey and being positioned further away from Braehead Road than the position of the previously refused proposal, an overshadowing problem would still occur towards late afternoon during spring and autumn given the fact that the land is significantly higher than the existing dwellings in Ardbeg Lane, and that conservatories exist on some of the Ardbeg Lane houses.

(c) **Proposals fall outwith and is contrary to the Development Plan policies.**

**Response:** The proposal has been assessed against the relevant Local Plan policies including DM3. This is set out in Section 4 of the report. It is concluded that the proposal fails to comply with local plan policy in terms of loss of residential amenity and character to the surrounding area.

(d) **The previous decision of the Reporter reference PPA-380-2046 and the Council reference EK/16/0289 relating to previous applications should be taken into account, and in particular the conclusion that ‘the impacts on the privacy enjoyed by the adjacent properties on Ardbeg Lane are significant and unacceptable’.**

**Response:** Each application is considered on its own merits. Due to the level change between the site and Ardbeg Lane, the new dwelling would have an adverse impact on the amenity of the adjacent dwellings.

(e) **The tree planting which the applicants may argue is a screen is not being maintained and is growing rapidly, now causing lack of light.**

**Response:** Noted.

(f) **While the proposed house is only a storey and a half, it would be built directly in front of No 47 Braehead Road, and would directly face into a main living area, sitting area and bedroom level, resulting in privacy problems.**

**Response:** The dwelling is sited such that it meets with the minimum required window to window distance with the property to the south of Braehead Road, No. 47 Braehead Road. The distance between the proposed dwelling and No. 47 Braehead Road is over 21 metres, to the closest point.

(g) **Braehead Road is very narrow and during the construction period closure of Braehead Road may be required inconveniencing local residents.**

**Response:** In this instance the principle of development of this site is considered unacceptable. Notwithstanding this, these matters would normally be covered by condition if the Council was minded to grant consent.

## 5 Assessment and Conclusions

- 5.1 The applicant seeks detailed planning permission for the subdivision of garden ground and the erection of a one and a half storey detached dwellinghouse and the retention and improvement of the existing vehicular access to serve the new dwellinghouse. 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. Notwithstanding the height of the dwelling being of one and a half storey scale, and the position of the dwelling in the plot, due to the elevated nature of the site in relation to the dwellings located to the north on Ardbeg Lane, it is considered that the proposal would have an adverse impact in amenity terms on these adjacent dwellings. 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;**
- While it is accepted that dwellings of this footprint and scale do exist within the surrounding area, it is considered that in this instance this house type would still be dominant in relation to the adjacent dwellings in Ardbeg Lane given the contours of the site. It is considered that a dwelling of this footprint would appear incongruous in relation to the existing Tigh-Na-Bruaich, which is a much larger unit set further back from Braehead Road with generous garden ground. In addition the resulting plot would have a limited area of useable level garden ground and would be an irregular shape.
- (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 of Tigh-na-Bruaich is smaller than that of the existing house, and is irregular in shape. There are substantial levels differences in relation to surrounding, established development, and it is considered that the plot would not be comparable with the existing dwelling in terms of amenity and plot positioning.

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

In terms of providing a proper road frontage, the existing vehicular access would be altered to serve the proposed dwelling. An entirely new access has been formed from Braehead Road, to serve the existing dwelling. It is accepted that access for the proposed dwelling could be achieved provided sightlines can be shown to be achievable through the submission of additional engineering drawings.

- (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;**

The existing vehicular access would be altered to serve the proposed dwelling. An entirely new access has been formed from Braehead Road, to serve the existing dwelling. It is accepted that access for the proposed dwelling could be achieved provided sightlines can be shown to be achievable through the submission of additional engineering drawings.

- (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 dwelling has been positioned in such a way on the plot to attempt to achieve useable garden ground for the new dwelling. It is evident from a site inspection however, that the land falls steeply to the north rendering several metres unsuitable for recreational use. It is of concern that in order to achieve level useable garden ground substantial regrading, retaining features and or decked areas may be introduced which would exacerbate privacy issues with neighbouring properties.

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

Due to the scale and proximity of the proposed dwelling and the fact that it would sit at a higher level than the existing adjacent houses located to the north, it is considered that there would be an unacceptable impact on residential amenity and a potential for a privacy issue to arise in some dwellings to the rear as a result of the use of any patio or decked area within the new dwelling's garden.

- (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;**

The Council has undertaken a shadow study to ascertain if there is an overshadowing issue with the dwellings located to the north. The sun path diagrams show the shadow cast in the afternoon in spring, autumn and winter months. When the height difference between the proposed dwelling and the existing properties in Ardbeg Lane is taken into account, an overshadowing issue would exist, during the spring, autumn and winter months.

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

In order to meet the Council's Roads & Transportation Service requirements, a footpath along the Braehead Road frontage of the application site would be required to be constructed. This would entail the removal of the mature hawthorn hedgerow and established ornamental shrubs together with regrading, thus resulting in a detrimental effect on the rural character of this part of Braehead Road.

- (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), (e), (f), and (g) 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 Residential proposals for this site have been subject of detailed discussion between that Council's Planning Service and the applicant and his agent through previous applications which the applicant withdrew or the Council refused, most recently in December 2016 (reference EK/16/0289). The applicant appealed the decision in respect of the refusal of application EK/13/0362, in 2014 which was dismissed by the Reporter. While it was concluded by the Reporter that the proposal complied in general terms with the development plan, it was considered that the adverse impacts on privacy enjoyed by the adjacent properties on Ardbeg Lane were significant and unacceptable. The refusal of the similar application in 2016 (reference EK/16/0289) was not appealed by the applicant who has chosen to submit this current application. The current proposal is similar to the application refused in 2016. It is of a similar size and scale although it has been reoriented and relocated on the site. The overall height of the proposed dwelling has increased. It remains the view of the Planning Service that the development is unacceptable in amenity terms.

- 5.7 In conclusion, careful consideration of this proposal has been undertaken and although the site is located within an area designated for residential land use and the house is one and a half storey design, given the difference in ground levels, it is considered that this development would be detrimental to the amenity of the surrounding area due to the mass and scale of the proposed dwelling and its over dominance with the adjacent existing dwellings to the north. A shadow test which the Council undertook demonstrated that an overshadowing problem would still occur in the afternoon in spring, autumn and winter months. Furthermore, in order to achieve safe pedestrian linkage with the rest of Thorntonhall, a footpath along the site frontage would require to be constructed which would result in the removal of a mature hawthorn hedge and other shrubs/vegetation, together with regrading which is considered undesirable in amenity terms. 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: 5.11.19**

### **Previous references**

- ◆ Planning Application EK/13/0143 - Withdrawn
- ◆ Planning Application EK/13/0362 - Refused
- ◆ Planning Appeal PPA-380-2046 - Dismissed
- ◆ Planning Application EK/14/0285 – Withdrawn
- ◆ Planning Consent EK/15/0203
- ◆ Planning Consent EK/16/0273
- ◆ Planning Application EK/16/0289 - Refused

### **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 02.07.2019
  
- ▶ Consultations

WOSAS	04.07.2019
Roads Development Management Team	12.07.2019
Environmental Services	11.07.2019
Roads Flood Risk Management	16.09.2019

► Representations	
Alex Galbarait, 9 Ardbeg Lane, Thorntonhall, Glasgow, G74 5DA,	Dated: 17.07.2019
Peter And Teresa Lovebkrands, 47 Braehead Road, Thorntonhall, Glasgow, South Lanarkshire, G74 5AQ	Dated: 17.07.2019
Kirsty Munro, 11 Ardbeg Lane, Thorntonhall, Glasgow, G74 5DA,	Dated: 16.07.2019

### **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/19/0873

### Reasons for refusal

01. In the interests of amenity in that the proposed development by virtue of its size and location in relation to the adjacent properties would be out of character with and would constitute an over dominant form of development within the immediate locality.
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 would have a significant adverse impact on the amenity of the adjacent dwellings.
03. The proposal is contrary to Policy DM3 of the adopted South Lanarkshire Local Plan as it does not comply with criteria (a), (b), (e), (f) and (g) 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, 5, 6 and 7 of the said Policy.
04. The proposal is contrary to Policy 4 of the adopted South Lanarkshire Local Development Plan and Policy 5 of the proposed South Lanarkshire Local Development Plan 2 as it would have a significant adverse impact on adjacent properties in terms of privacy and amenity and would adversely affect the rural character of the area.

### 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
L(0-)01 REV A LOCATION PLAN	A	Refused
L(0-)02 REV A PROPOSED SITE PLAN PLOT	A	Refused
L(2-)01 PROPOSED GROUND FLOOR PLAN PLOT 2	-	Refused
L(2-)02 PROPOSED FIRST FLOOR PLAN	-	Refused
L(2-)03 PROPOSED	-	Refused

ELEVATIONS PLOT 2

L(0-)10 SITE SECTIONS -

Refused