

Report

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

Application no.	P/22/0246
Planning proposal:	Demolition of rear conservatory, garage and chimney and erection of side and rear extensions with associated raised decking at rear.

1 Summary application information

Application type:	Householder
Applicant:	Miss Katie Fairfull
Location:	19 Fergus Gardens Hamilton ML3 7DF

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: Euan Anderson
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 2 Climate change
Policy 3 General Urban Areas
Policy 5 Development Management and Placemaking
Policy DM2 House Extensions and Alterations

◆ **Representation(s):**

▶ 6
▶ 0
▶ 0

Objection Letters
Support Letters
Comment Letters

◆ **Consultation(s):**

None

Planning Application Report

1. Application Site

- 1.1 The application relates to a semi-detached single-storey dwellinghouse at 19 Fergus Gardens, Hamilton which is a street characterised by houses of various scale and design and steep level changes.
- 1.2 The rectangular site is approximately 445m² with the house and a small front garden sited by the roadside, a detached single garage to the side of the house, and a larger rear garden which is set noticeably lower than the house. Either side and the rear of the site is bound by other residential properties.
- 1.3 The existing house has: a 63m² rectangular footprint; a gable roof finished in concrete tile with a ridge height of 5.3m; external walls finished in a mix of brown/grey brick and brown render; and a 17m² rear conservatory with a wall head along the boundary of the attached neighbour.

2. Proposal(s)

- 2.1 The proposed development relates to demolition of the garage and the erection of a single-storey extension on the side elevation, the demolition of the rear conservatory and replacement with a single-storey extension, the erection of rear decking, and other alterations including the removal of the chimney and a refreshing of the render in off-white.
- 2.2 The proposed side extension will have: a 43m² roughly rectangular footprint projecting between 4.2m to 4.8m from the existing side elevation; a gable roof as a continuation of the existing and finished to match; and external walls finished in off-white render.
- 2.3 The proposed rear extension will have: a 17m² rectangular footprint projecting 2.5m from the existing rear elevation; a low-pitched roof siting 361mm to 441mm above the existing wall head which will be finished in a single-ply membrane and have a small skylight; and external walls finished in off-white render.
- 2.4 The proposed rear deck will have a 16m² rectangular footprint in the rear corner between the two extensions which mostly sits 0.5m above the existing ground level but will have a 1.1m drop and staircase at the rearmost edge due to a drop in the garden levels. This is revised from a full-width deck at the rear which would have caused overlooking.
- 2.5 The driveway will be extended into the front garden to provide at least two 3.0m by 6.0m off-street parking spaces.

3. Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan 2: all applications are assessed against Policy 2 – Climate Change and Policy 5 – Development Management and Placemaking; the site falls within the general urban area where Policy 3 – General Urban Areas applies; and the application is for the extension of a dwelling therefore Policy DM2 – House Extensions and Alterations also applies.
- 3.1.2 Policy 2 – Climate Change identifies that all development should seek to minimise and mitigate the effects of climate change, however, the extension of existing dwellinghouses is not considered to have a significant impact on the climate.

- 3.1.3 Policy 3 – General Urban Areas and Settlements states that proposals that are ancillary to residential areas will be assessed on their individual merits regarding their effect on the amenity and character of the area.
- 3.1.4 Policy 5 – Development Management and Placemaking states that the Council should ensure that the proposal will not result in any significant adverse impact on nearby buildings or the streetscape by way of layout, scale, massing, design, or external materials. Development should also have no unacceptable adverse impacts by way of overshadowing, overlooking or any other loss of residential amenity.
- 3.1.5 Policy DM2 – House Extensions and Alterations states that house extensions and alterations will be considered favourably where it can be demonstrated that the proposal complies with several criteria. The siting, scale and design of the proposal should respect the character of the existing dwelling and the wider area and should not dominate or overwhelm the existing dwellinghouse and streetscape. Furthermore, it should not significantly adversely affect adjacent properties in terms of overlooking or loss of privacy and daylight, and sufficient off-street parking and useable garden ground should remain.

3.2 Relevant Government Advice/Policy

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

3.3 Planning Background

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

4. Consultation(s)

- 4.1 None.

5. Representation(s)

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

a) The proposal represents overdevelopment of the site

Response: The combined footprint of the proposed extensions is less than the footprint of the original house and a proportionate front and rear garden will remain, therefore the proposal is not considered overdevelopment.

b) The proposal is not in-keeping with the existing house, neighbours, or the locale.

Response: The proposal will maintain the form and general design style of the original house, the side extension is less than the width of the original house and does not protrude forward of the principal elevation, and houses on Fergus Gardens are of various scale and design. Consequently, it is considered that the proposal will not have significant material impact on the character of the house or its surroundings.

c) The resultant house will be less than 1m from the boundary thus restrict access including for emergency services.

Response: The resultant house as originally proposed was within 1m of the boundary, however, this was amended to maintain a minimum distance of 1m between buildings and the boundary in the interests of accessibility.

d) The proposed study is essentially a 4th bedroom.

Response: The resultant house is proposed as a three-bedroom, is considered to be proportionate to the site, and will provide minimum parking standards in-line with those set out in the Council's Residential Design Guide.

e) Evidence of and risk of subsidence on the site and to neighbours

Response: The cracks in the existing house are the result of water damage, however, the Coal Authority has designated the area as low risk and the Applicant/Developer has a responsibility to contact the Coal Authority should any evidence of coal mining features be discovered. Furthermore, the Applicant/Developer has a responsibility to ensure building works are carried out as per any building warrant, which is sought through a separate process to planning permission, and to prevent damage to any neighbouring properties or services.

f) Proposed parking area is too small.

Response: It is proposed to provide two 3m by 6m off-street parking spaces within the front garden which is more than adequate for a three-bedroom house.

g) Proposed parking area will cause drainage problems.

Response: The proposed driveway is to be finished in a porous material which will maintain the exiting drainage provision of the site.

h) Proposed parking removes greenspace.

Response: The planting in private gardens is not a material planning consideration in this instance.

i) Proposed parking will result in excessive noise from car movements.

Response: Front driveways and passing traffic are a normal feature of residential neighbourhoods and noise from the parking of a car is not material planning issue in this instance.

j) Construction of the parking area could disturb neighbouring gardens.

Response: The Applicant/Developer has a responsibility to ensure building works are carried out as per any building warrant, which is sought through a separate process to planning permission, and to prevent damage to any neighbouring properties or services.

k) Proposal could result in pavement parking to the detriment of local disabled residents.

Response: Heavy parking including on the pavement is a feature of residential neighbourhoods and the prevention of pavement parking is not currently the remit of the Planning Authority, however, we do require minimum off-street parking standards in the interest of parking and road safety which have been met for this proposal.

l) Reduced light to no.17 from increased roof height of rear extension over the exiting conservatory.

Response: The proposed rear extension will be 361mm to 441mm higher than the existing boundary wall which will result in an increase in the length of the shadow cast onto the rear of elevation of no.17 but not to a degree to cause significant concern and this will be mainly over the roof.

m) The proposed rear patio door/picture window and deck would cause overlooking to no.17.

Response: The rear deck as originally proposed did cause significant concern for overlooking to no.17, however, this was removed from the plans and the patio door changed to a picture window. Considering that the picture window replaces a fully glazed conservatory at approximately the same level, then the overall effect of overlooking to no.17 will be lessened.

n) If a taller boundary fence is erected, then it would overshadow no.17

Response: No change to the boundary fence is proposed, however, under permitted development legislation, rear fencing can be erected up to 2m in height without planning permission.

o) The waste pipe of no 21. combines with no.19 under the area of the proposed extension at an inspection point, consequently a diversion will have to take place which could disrupt services in the short and long-term.

Response: Should no.21 have wastewater facilities in the landownership of no.19 then these are generally covered by a servitude which is not a planning consideration. The Applicant/Developer has a responsibility to ensure building works are carried out as per any building warrant, which is sought through a separate process to planning permission, and to prevent damage to any neighbouring properties or services.

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

6. Assessment and Conclusions

6.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 (LDP2) and its impact on the amenity of the adjacent properties.

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

- ◆ As the application is for an extension to an existing house, the development will not result in a significant material impact on the climate.
- ◆ It is considered that in terms of scale, design, and materiality that the proposed extensions will be sympathetic to the character and setting of the existing house and its surroundings. The proposal will maintain the form and general design style of the original house; the side extension is less than the width of the original house and does not protrude forward of the principal elevation; the combined footprint of the proposed extensions is less than the footprint of the original house and a proportionate front and rear garden will remain; and houses on Fergus Gardens are of various scale and design. Consequently, it is considered that the proposal will not have significant material impact on the character of the house or its surroundings. The imposition of a planning condition, should consent be granted, will ensure that the facing materials for the external walls and roof of the proposed extensions shall match the existing dwellinghouse.
- ◆ The application site and neighbouring properties are within an established residential area where a degree of mutual overlooking already occurs. The rear extension will sit on the footprint of the existing conservatory with less glazing and only a minor increase in height; the side extension will sit north of the

neighbour and has only one small, frosted bathroom window on the side; and the rear decking will sit only 0.5m above the existing garden level except for the stairs to access the lower garden. Therefore, it is not considered that the development will result in a significantly adverse impact on neighbouring properties in terms of privacy, overlooking, or overshadowing.

- 6.3 Overall, the design, scale, position, and relationship of the proposed extension with neighbouring properties is considered to be acceptable since it will not have an unacceptable impact on the character of or the amenity of the surrounding residential area. Consequently, the proposal accords with the considerations of Policies 2, 3, 5, and DM2 of the South Lanarkshire Local Development Plan 2.

7. Reasons for Decision

- 7.1 The proposal will not result in a significant adverse impact on either residential or visual amenity and complies with the provisions of Policies 2, 3, 5 and DM2 of the adopted 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: 26 May 2022

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 2 March 2022

- ▶ Consultations:

None

- ▶ Representations:

Dated:

Mr and Mrs Blacker,
23 Fergus Gardens, Hamilton, South Lanarkshire, ML3 7DF

16.03.2022

Mr John Craig,
21 Fergus Gardens, Hamilton, South Lanarkshire, ML3 7DF

29.03.2022

Mr David Fraser,
16 Fergus Gardens, Hamilton, ML3 7DF

21.03.2022

Miss Ann Buchanan,
17 Fergus Gardens, Hamilton, ML3 7DF

15.03.2022

Mr Brian Alexander,
18 Fergus Gardens, Hamilton, ML3 7DF

18.03.2022

Ann Buchanan,
By Email

19.04.2022

Contact for further information

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

Mark Ripley
Planning Officer
Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 07385516141

Email: mark.ripley@southlanarkshire.gov.uk

Detailed Planning Application

Paper apart – Application number: P/22/0246

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.

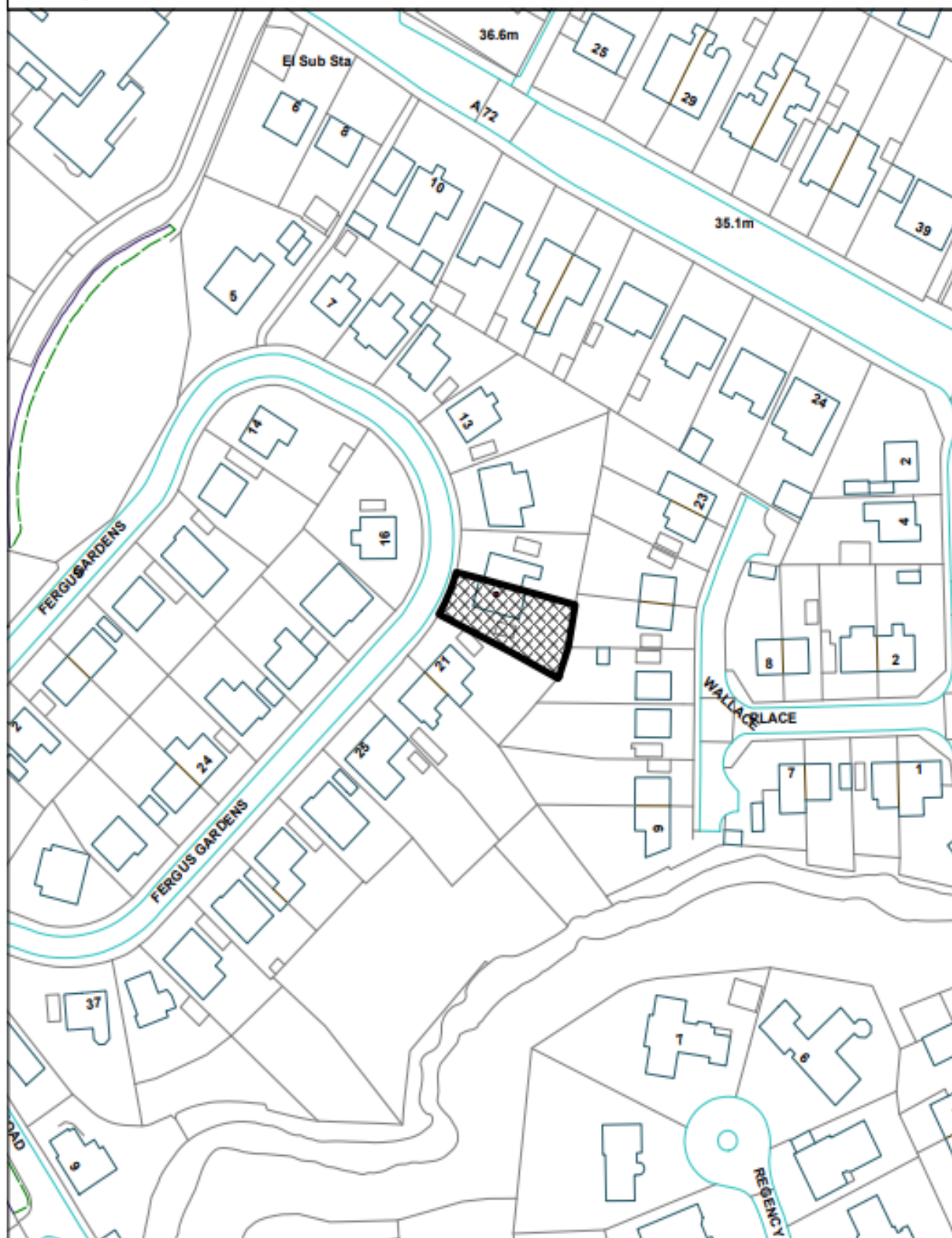
Reason: To ensure satisfactory integration of the proposed development with the existing building both in terms of design and materials.

02. That before the development hereby approved is completed or brought into use, 2 no. parking spaces (2.9m x 5.8m modules) shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking facilities within the site.

P/22/0246

19 Fergus Gardens, Hamilton



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



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development