

STATEMENT OF OBSERVATIONS

Planning Application No. P/20/0469

Sub-division of garden ground and erection of a two storey detached dwellinghouse 15 Dunedin Drive, East Kilbride G75 8QQ

1.0 Planning Background

- 1.1 A planning application was submitted by Mr C Mullan to South Lanarkshire Council on 4 April 2020 seeking permission for the sub-division of garden ground and erection of a two storey detached dwellinghouse at 15 Dunedin Drive, East Kilbride. Following the submission of amended drawings and a Design Statement, the application was validated on 21 April 2020. After due consideration of the application in terms of the Local Development Plan and all other material planning considerations, the planning application was refused by the Council under delegated powers on 28 August 2020. The report of handling dated 27 August 2020 explains the decision and the reasons for refusal are listed in the decision notice. This document is available elsewhere in the papers.
- 1.2 There were no pre-application discussions in respect of this proposal and there have been no previous applications submitted for this site. Statutory neighbour notification was undertaken as well as advertisement in the local press. Following this, 12 letters of objection and 1 letter of comment were received. The issues raised in these representations were set out in the report of handling.

2.0 Assessment against the development plan and other relevant policies

- 2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended requires that an application for planning permission is determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.2 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 state 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. It is considered that the proposed development would not make a positive contribution to the character and appearance of the environment and would not relate satisfactorily to adjacent surrounding development. As such, the proposal does not fully comply with these two policies.

2.3 Policy DM3 states that there will be a presumption against development within the curtilage of an existing dwelling unless certain criteria can be met. The proposal has been assessed in detail against the criteria as follows:

- (a) **That the proposed house is of a scale, massing, design and material sympathetic to the character and pattern of the area and does not result in a development which appears cramped, visually obtrusive or of an appearance which is out of keeping with the established character that is harmful to the amenity of the area;**

The proposed development would not make a positive contribution to the character and appearance of the environment and the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern. In particular, the large footprint of the house relative to the size of the plot, together with the two-storey height, elevated position, and the associated loss of trees, will result in a building that will dominate its immediate surroundings, resulting in a significant adverse visual impact.

- (b) **The proposed house plot and that remaining to the existing house is comparable with those nearby in terms of size shape and amenity, the proposal accords with the established pattern of development in the surrounding area;**

The new house plot resulting from the subdivision of the garden ground is substantially smaller than that of the existing house and surrounding properties. The proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern.

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

It is accepted that the proposed dwelling would have a proper road frontage and that a suitable access for the proposed dwelling could be achieved.

- (d) That the proposed vehicular access should be of an adequate standard and should not have any adverse implications for traffic safety or adversely affect the amenity of adjacent properties;**

It is accepted that a suitable access for the proposed dwelling could be achieved.

- (e) The garden space of the proposed house and remaining for the existing house should be sufficient of the recreational, amenity and drying needs of the occupants;**

The space required for the proposed dwelling within the existing garden results in the useable garden ground, particularly for the existing house being insufficient in terms of area and nature being made up of small areas to the rear and side of the remaining property.

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

Although the rear of the property faces directly towards the rear garden of 17 Dunedin Drive the window to window is greater than 20m and the windows are not directly facing onto each other. Similarly there are a limited number of windows on the side of the proposed property towards 2 Inglewood Crescent, all of which are non-habitable rooms. Although the rear garden length is 8m there is not considered to be a significantly unacceptable level of overlooking from the proposed property.

- (g) That the new development will not overshadow adjacent properties to a degree which will result in loss of amenity or itself be significantly adversely affected by overshadowing;**

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

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

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

- (i) That adequate parking can be provided for both the proposed and the existing house, and must not be harmful to the character of the established character and amenity of the area;**

In respect of the proposed and the existing dwelling, adequate on-curtilage parking is achievable.

- (j) That the new development must not jeopardise any further desirable development in the area;**

It is not considered that the proposal would jeopardise further development in this area.

- (k) The proposal should take account of any supplementary guidance prepared by the Council, where relevant;**

The proposal has been assessed above against the relevant Supplementary Guidance.

2.4 The above assessment against Policy DM3, demonstrates that the proposal is contrary to criteria (a), (b) and (e) as detailed above.

2.5 On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of SLLDP2 and a number of modifications to the plan are recommended. At the Planning Committee on 1 December 2020 members agreed to the approval of all of the modifications; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers. For

the purposes of determining planning applications the Council will therefore assess these against the policies contained within the adopted South Lanarkshire Local Plan and those within the proposed South Lanarkshire Local Development Plan. As SLLDP2 is now approved for adoption when considering planning applications greater weight should be given to the policies and guidance contained in this Plan. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. In this instance Policies 3, 5, DM1 and DM3 are relevant and the proposal has been assessed as set out above against these policies. As set out above it is considered that the proposal does not accord with Policies 5, DM1 and DM3 in that the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern and the resulting useable garden ground, particularly for the existing house is not considered to be satisfactory in terms of area or nature.

- 2.6 In conclusion, careful consideration of this proposal has been undertaken and although the site is located within an area designated for residential land use it is considered that the size and character of the proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern and the resulting useable garden ground, particularly for the existing house is not considered to be satisfactory in terms of area or nature. In this regard, the proposal is not deemed to be in accordance with the Policies 4, DM1 and DM3 of the South Lanarkshire Local Development Plan (adopted) and also Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2.

3.0 Observations on applicants Notice of Review

- 3.1 Through an agent, the applicants have submitted a statement to support their review. This was submitted partly to respond to the matters raised in the Officer Report. The grounds are summarised below:

- (a) The Applicant is by no means proposing to break a very rigid or repetitious pattern of development, there is quite an extensive variation**

in house types. All the surrounding houses have been individually built, mainly in the 1960s and 70s. They comprise a varied mixture of one, one-and-a-half and two-storey properties. House sizes, garden sizes, house orientations and general streetscape are not regimented.

Response: As set out in the report of handling and set out above in paragraph 2.3, the new house plot resulting from the subdivision of the garden ground is smaller than that of the existing house and surrounding properties. The proposed house plot and that of the remaining plot for the existing house are not considered to be compatible with the surrounding street pattern. The house plots in this part of Dunedin Drive and Inglewood Crescent are of generally similar proportions to that of the existing property, prior to sub-division of the ground.

- (b) The applicant does not agree that the proposal does not accord with 3 parts of Policy DM3 (i.e. parts a, b & e). Reference is made to a previous consent at 13 Dunedin Drive (Reference EK/10/0007) and references other properties with similar plot sizes.**

Response: The planning consent referred to was granted consent in 2010 under a previous development plan. The consent has never been implemented therefore the consent lapsed a number of years ago. In respect of the other properties referenced, these all have larger plot sizes than the proposed dwelling, are regular in shape providing greater useable garden ground compared to the proposed irregular shaped garden of the remaining house at 15 Dunedin Drive.

- (c) The Applicant appreciates that the garden for the existing house will not be a regular shape, the existing house has always had an irregular shaped garden. That is due to the front elevation of the house directly facing the corner of Dunedin Drive and Inglewood Crescent as opposed directly parallel onto either street. The nature of this garden layout has not precluded enjoyment of the garden. Furthermore, the existing house will benefit from a relatively generous garden compared to most new builds. The total rear garden space in addition to the substantial front and side gardens is more than sufficient. The applicant references an example elsewhere in East Kilbride, at Decluka House,**

Lindsay Road with a small garden which was granted consent for change of use to a residential property in 2004 (reference EK/04/0617).

Response: The existing garden ground of the property, prior to any development of an additional dwelling, benefits from the large rear / side rectangular garden rather than just the proposed remaining irregular shaped garden ground surrounding the house. The property referenced Decluka House is a conversion rather than a sub-division of an existing garden and new build additional property, and is located in a completely different area of East Kilbride. The site is different in nature, located on a lane, and is not comparable to the property at 15 Dunedin Drive. (The reference provided at EK/04/0167 in the consultant's report should read EK/04/0617)

- (d) The applicant disagrees that the proposed dwelling is located close to the footway at circa 2m from the footway and is forward of the existing building line. Reference is made to other properties in Inglewood Crescent where the property is close to the footway giving examples with distances ranging from 3.8m to 4.6m from the footway.**

Response: .The proposed dwelling is forward of the existing building line on Inglewood Crescent and is located significantly closer to the footway than the properties referenced.

4.0 Conclusions

- 4.1 In summary, 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 2015 (adopted) and the associated Supplementary Guidance and contrary to Policies 5, DM1 and DM3 of the proposed South Lanarkshire Local Development Plan 2.