

	<b>Delegated Report</b>	Reference no.	P/20/1115
		Date	January 2021

<b>Planning proposal:</b>	Erection of detached dwellinghouse
<b>Location:</b>	45 Hunthill Road Blantyre G72 9SR

**Application Type :** Detailed planning application

**Applicant :** Mr & Mrs Maurice Duffy

**Location :** 45 Hunthill Road  
Blantyre  
G72 9SR

**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 DM3 - Subdivision of garden ground

##### **Proposed South Lanarkshire Local Development Plan 2 (2018)**

Policy 3 – General urban area/settlements

Policy 5 - Development Management and Placemaking

Policy DM3 - Subdivision of Garden Ground

#### **Assessment**

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

#### **Consultations**

#### **Summary of response**

Roads Development Management Team

A previous application submitted in August 2019 under planning reference P/19/1295 was subsequently withdrawn. This earlier application included proposals for a new four-bed detached dwelling being accessed off a driveway serving the existing residential property at 45 Hunthill Road.

We previously identified that the existing driveway was too narrow to support multiple properties.

The proximity of an existing boundary wall belonging to 43 Hunthill Road created a pinch point restricted to 2.70metres wide. Our previous recommendation was for the existing driveway to be widened to 5.0metres to accommodate passing vehicles on what would become a shared access. This information was shared with the applicant at a site meeting on 5<sup>th</sup> November 2019.

### **Proposals**

The current application shows proposals for a new four-bed detached dwelling on what is currently designated as private garden ground associated with 45 Hunthill Road.

Based on the SCOTS National Roads Development Guide the applicant should provide a minimum of three parking spaces to serve the proposed four-bedroom house. There are three spaces shown on the site layout allocated to the proposed dwelling. These spaces should be provided in 3.0metre by 6.0metre modules and their outline/extents should be clearly marked on the site layout to ensure that they can satisfactorily accommodated. These three new spaces are separate to the three parking spaces shown serving the existing property at 45 Hunthill Road.

There is a shared driveway to the front of both car parking areas; this appears to adequately facilitate the turning of vehicles such that they can enter and exit the access in a forward gear.

The proposed site plan, drawing L01, shows an access width dimension of 4.13metres at the heel kerb line; the minimum driveway width for a shared access should be 5.0metres. However, the access remains constrained by the existing pinch point referred to above which prevents two-way vehicle movement. The current application does not include any proposal for removal of the existing 2.70metre wide pinch point to create a widened shared access.

Our office spoke with the applicant on Wednesday 23<sup>rd</sup> September 2020 to discuss the application and we were advised that they are not in a position to secure the land owned by 43 Hunthill Road to facilitate a widening of the access.

### **Conclusions**

Given all of the above, we are unable to support the application until such times as the applicant has demonstrated that two-way vehicle movements can be accommodated within the access.

Environmental Services

No response to date.

Scottish Water

No objection

**Representation(s):**

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

## **Planning Application Delegated Report**

### **1 Application Summary**

- 1.1 The applicant seeks planning permission for the sub division of garden ground and the erection of a dwellinghouse at 45 Hunthill Road, Blantyre.
- 1.2 The built layout of the immediate surrounding area at this part of Hunthill Road is relatively conventional in character with most houses having a proper road frontage. The houses are generally single and one and a half storey properties and whilst it is acknowledged that two storey properties can be found in the wider area these are remote from the application site.
- 1.3 The proposed house will have four bedrooms (2 ensuite), will have accommodation over 2 stories and will be positioned in the rear garden of the existing 'donor' house behind the adjacent neighbours property at 43 Hunthill Road. The proposed site would utilise the existing access off 45 Hunthill Road with a shared driveway.
- 1.4 In terms of planning history, a planning application (P/19/1295) for a similar proposal was withdrawn following concerns raised by the Planning Service. It should also be noted that the applicant has also had pre-application discussions and both Planning and Roads and Transportation Services raised concerns in relation to the proposal. It should also be noted that planning consent was granted for a rear extension (HM/08/0159) in July 2008.
- 1.5 The determining issues in the consideration of this application its compliance with the South Lanarkshire Local Development Plan (2015) and in particular Policy 4 – Development management and placemaking and Policy 6 – General urban area/settlements. In addition Policy DM3 – Subdivision of garden ground of the Development management, placemaking and design supplementary guidance is also relevant to the assessment of this application.
- 1.6 On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to the adoption stage. For the purposes of determining planning applications the Council will assess proposals against the policies contained within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are nevertheless a material consideration. In this instance Policy 3 – General urban area/settlements, Policy 5 – Development Management and Placemaking, and Policy DM3 - Subdivision of garden ground is also relevant to the assessment of this application. A full assessment of the proposal against these specific policies is contained in Section 3 of this report.

### **2 Representation(s)**

- 2.1 Statutory neighbour notification was carried out and the application was advertised for neighbour notification purposes. Four letters of representation were submitted, three

objecting to the proposal and one which appears to have been submitted by the applicant in support of their planning application. The contents of the letters are summarised below.

- a) **Concerns over road safety and that the proposal can't comply with Transport Scotland's required visibility splays. Width of access is not wide enough to allow lorry's/vans to enter the rear of the property to deliver building supplies. Potential disruption to neighbour entering and leaving their property outside which there have been numerous accidents over the years.**

**Response:** As detailed previously, Roads and Transportation Services are unable to support the application because the shared access is not wide enough.

- b) **It should be noted that the drawing LO1 submitted with the application earlier this year and in August is misleading in that it shows the boundary with Number 43 Hunthill Road on the wrong line contrary to land registry documents. The boundary between Nos 43 and 45 is a stone wall approximately 1.1m high and is the property of No 43. This drawing should be withdrawn. Note that the effect of a correction to show the wall will nullify the statement made on the drawing '120 x 2.5m visibility splay easily achievable'. The stone wall is on plan 'in the way' and is too high to satisfy requirements.**

**Response:** Potential ownership and boundary disputes are ultimately a civil matter to be resolved privately between the parties involved and must not therefore unduly influence the determination of this application. Nevertheless Roads and Transportation Services are unable to support the application as detailed previously.

- c) **Drainage on pavement is very poor outside number 45 Hunthill Road.**

**Response:** Given the sites location with an established urban area it is considered that it would be capable of being served. Furthermore, Scottish Water have offered no objection to the proposal.

- d) **Concerns over structure of neighbouring wall from vehicles parking.**

**Response:** This is ultimately a civil issue and does not constitute a material planning consideration in the assessment of this planning application.

- e) **The application form indicates there are no trees on site however there are trees on the boundary between 43 and 45 Hunthill Rd. The application form also indicates that the access will not be altered which needs clarified.**

**Response:** Noted. Roads and Transportation Services are unable to support the application as detailed previously

- f) **The applicant has commented in support of their current planning application that they had a back extension built over 10 years ago with no access or entry problems or comments from neighbours.**

**Response:** The planning history of the site has previously been noted. It is considered that this provides no justification for the current proposal which is contrary to policy as detailed in the assessment and conclusions below.

### **3 Assessment and Conclusions**

- 3.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, states that planning applications must be determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues therefore in the assessment of this application are whether the development is in compliance with national and local development plan policy and whether there are any other material planning considerations that would outweigh the provisions of the development plan.
- 3.2 Scottish Planning Policy (SPP) advises that proposals should be determined in accordance with the provisions of the development plan and all developments should contribute to sustainable development.
- 3.3 In terms of the South Lanarkshire Local Development Plan, Policy 4 seeks to ensure that all development proposals take account of the local context and built form. In this case the proposal is residential in nature and this accords with the surrounding land uses. That said the proposal fails to take into consideration and respect the character of the immediate area and surrounding properties. The built layout of the immediate surrounding area at this part of Hunthill Road is relatively conventional in character with most houses having a proper road frontage. The houses are generally single and one and a half storey properties and whilst it is acknowledged that two storey properties can be found in the wider area these are remote from the application site. Given the above context the introduction of a two-storey property within the site would be out of character and detrimental to the immediate area. Indeed the development of a detached dwellinghouse at the rear of the site would represent a form of backland development due to the absence of a proper road frontage. Given the proposed sites physical characteristics, being relatively long and narrow, and the requirement to utilise the existing access to the site, it is not possible to provide proper road frontage comparable with existing properties. The proposal therefore does not comply with the fundamental requirement of Policy 4 in terms of taking account of and being integrated with the local context and built form.
- 3.4 Policy 6 seeks to safeguard, protect and enhance the quality of life of the residents of South Lanarkshire within its main urban areas and small settlements. To achieve this the character and amenity of these areas has to be safeguarded and when possible enhanced. In this case it is considered that the proposed dwellinghouse is not in keeping with the character and settlement pattern of the immediate area as detailed above in paragraph 3.3 and on this basis it is considered that the proposal is not acceptable in terms of this policy. In addition, as detailed previously Roads and Transportation Services are unable to support the application because the shared driveway access width does not comply with minimum standards and therefore the applicant has failed to demonstrate that two-way vehicle movements can be accommodated within the access. On this basis it is considered that the proposal would have an adverse impact on pedestrian and vehicular safety, contrary to Policy 6.
- 3.5 With regards to Policy DM3 relating to the subdivision of garden ground, any proposal must be sympathetic to the character and pattern of development in the surrounding area in

terms of scale, massing and design. In this respect it is considered that the introduction of a dwellinghouse at this location is not consistent with the established pattern within the immediate area. The proposed dwellinghouse would not provide an appropriate road frontage of comparable size reflective of surrounding curtilages, a pre-requisite of Policy DM13. Additionally it would also have a substandard access contrary to the requirements of Roads and Transportation Services. Policy DM13 also requires that both the proposed and remaining plots are sympathetic to the character and pattern of development in the area and do not result in a development that appears cramped, visually obtrusive or be of an appearance that is harmful to the character and amenity of the area. In this connection it must be emphasised that the proposed dwellinghouse is a form of backland development which would generally be alien to the established character and pattern of development in the immediate area.

- 3.6 On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to the adoption stage. For the purposes of determining planning applications the Council will assess proposals against the policies contained within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are nevertheless a material consideration. The proposed development has been considered against the relevant policies in the proposed Local Development Plan 2 and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is therefore considered that the proposal does not accord with Policy 3, Policy 5 and Policy DM3 of the proposed Local Development Plan 2.
- 3.7 As detailed previously Roads and Transportation Services have raised concerns that the proposed shared access is substandard and therefore do not support the proposal. On this basis it is considered that the proposal would have an adverse impact on pedestrian and vehicular safety.
- 3.8 Neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser. The objections raised through third party representation, in terms of access width/road safety have merit and can be supported in this instance.
- 3.9 On the basis of the above, the proposal is considered to represent an unacceptable form of development at this location and it is recommended that planning permission be refused for the proposed development in this instance.

#### **4 Reason for decision**

- 4.1 The proposal is contrary to Policies 4, 6 and DM3 of the adopted South Lanarkshire Local Development Plan 2015 and Policies 3, 5 and DM3 of the Proposed South Lanarkshire Local Development Plan 2 and there is no justification for a departure from policy.

**Delegating officer: Bernard Darroch**

**Date: 22 January 2021**

### Previous references

- ◆ P/19/1295 – Erection of dwellinghouse withdrawn.
- ◆ HM/08/0159 - Erection of rear extension to dwelling, granted.

### 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 02.09.2020
  
- ▶ Consultations
  - Roads Development Management Team 29.09.2020
  - Scottish Water 02.09.2020
  
- ▶ Representations
  - Mrs Isobel Neeson, 74 Hunthill Road, Blantyre, G72 9SP, , Dated: 08.10.2020
  - Mrs Isobel Neeson, 74 Hunthill Road, Blantyre, Glasgow, South Lanarkshire, G72 9SP Dated: 16.09.2020
  - Mr Neil Mactaggart, 43 Hunthill Road, Blantyre, G72 9SR, , Dated: 14.09.2020
  - Mr Maurice Duffy, 45hunthill rd, Blantyre, Blantyre, G729sr, Dated: 29.09.2020

### Contact for further information

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

Murray Reid, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 453625  
Email: [murray.reid@southlanarkshire.gov.uk](mailto:murray.reid@southlanarkshire.gov.uk)



## **Planning Application**

**Application number:** P/20/1115

### **Reasons for refusal**

01. The proposal is contrary to Policy 4 of the adopted South Lanarkshire Local Development Plan and Policy DM3 of the associated Development Management, Placemaking and Design Supplementary Guidance in that the proposed house plot would not integrate satisfactorily with local context and built form and the development of the plot would adversely impact on the layout and design of the existing streetscape.
02. The proposal is contrary to Policy 6 of the adopted South Lanarkshire Local Development Plan and Policy DM3 of the associated Development Management, Placemaking and Design Supplementary Guidance in that the proposed house plot would not relate satisfactorily with adjacent and surrounding properties, and if approved would have a detrimental impact on the character and amenity of the area.
03. The proposal is contrary to Policy 6 of the adopted South Lanarkshire Local Development Plan and Policy DM3 of the associated Development Management, Placemaking and Design Supplementary Guidance in that the proposed shared driveway access width does not comply with minimum standards required by Roads and Transportation Services and therefore the applicant has failed to demonstrate that two-way vehicle movements can be accommodated within the access, to the detriment of pedestrian and vehicular safety.
04. The proposal is contrary to Policy DM3 of the Development Management, Placemaking and Design Supplementary Guidance associated with the adopted South Lanarkshire Local Development Plan in that the proposed house would not be in keeping within the established pattern of development in the immediate surrounding area. Furthermore, the proposed house would not retain a proper road frontage of comparable size and form to surrounding curtilages.
05. The proposal is contrary to Policy 3 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed house plot would not relate satisfactorily with adjacent and surrounding properties, and if approved would have a detrimental impact on the character and amenity of the area.
06. The proposal is contrary to Policy 5 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed house plot would not integrate satisfactorily with local context and built form and the development of the plot would adversely impact on the layout and design of the existing streetscape.
07. The proposal is contrary to Policy 6 and DM3 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed shared driveway access width does not comply with minimum standards required by Roads and Transportation Services and therefore the applicant has failed to demonstrate that two-way vehicle movements can be accommodated within the access, to the detriment of pedestrian and vehicular safety.

08. The proposal is contrary to Policy DM3 of the proposed South Lanarkshire Local Development Plan 2 in that the proposed house, would not be in keeping within the established pattern of development in the surrounding area. Furthermore, the proposed house would not retain a proper road frontage of comparable size and form to surrounding curtilages.

**Reason(s) for decision**

The proposal is contrary to Policies 4, 6 and DM3 of the adopted South Lanarkshire Local Development Plan 2015 and Policies 3, 5 and DM3 of the Proposed South Lanarkshire Local Development Plan 2 and there is no justification for a departure from policy.

**Informatives**

01. This decision relates to drawing numbers:

<b>Reference</b>	<b>Version No:</b>	<b>Plan Status</b>
Location Plan		Refused
L01		Refused
L02		Refused
Floor plans		Refused
Elevations		Refused