

Notice of Review – 45 Hunthill Road, Blantyre, G72 9SR

Statement of Observations

Planning appeal - Erection of detached dwellinghouse (P/20/1115).

1 Planning Background

- 1.1 Mr. and Mrs. Maurice Duffy submitted a planning application (reference: P/20/1115) on 26 August 2020 to South Lanarkshire Council for the erection of a detached dwellinghouse at 45 Hunthill Road, Blantyre, G72 9SR. After due consideration of the application in terms of the Development Plan and all other material planning considerations, planning application P/20/1115 was refused by the Council under delegated powers on 27 January 2021 for the reasons listed in the decision notice.
- 1.2 The report of handling dated January 2021 explains in detail all material planning considerations and the reasons/justification for the decision. The reasons for refusal are listed in the decision notice which along with the Report of Handling are available elsewhere in the papers accompanying the Notice of Review.

2 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 The development plan in this instance comprises the Adopted South Lanarkshire Local Development Plan (2015) and its associated supplementary guidance. The provisions of the Clydeplan, the Strategic Development Plan, are not applicable given the nature and scale of the proposal (now appeal).
- 2.3 The appeal site is located within a general urban area/settlement in terms of the Local Development Plan and is covered by a number of policies which are set out within the report of handling. In this regard of particular relevance are Policy 6 – General Urban Areas/Settlements - which states inter alia, that residential development may be acceptable, provided they do not have a significant adverse effect on the amenity and character of the area. Policy 4 – Development Management and Placemaking complements this requiring all development proposals to take account of and be integrated with the local context and built form.
- 2.4 In addition to the above Policies, further guidance is set out within the approved Supplementary Guidance on Development Management and Placemaking (Policy DM3 Sub-division of Garden Ground.) Again this policy supports and

supplements the aims of Policy 6. In particular and of significant importance to this appeal is Policy DM3 which advises that new houses within the curtilage of an existing house will be considered favourably where it can be demonstrated that the proposed house is of a scale, massing and design sympathetic to the character of the area and does not result in a development that appears cramped, visually intrusive or which is so out of character that it is harmful to the amenity of the area. It also requires that the properties should have a proper road frontage of comparable size and form to surrounding curtilages.

- 2.5 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 were recommended which have been carried through to the adoption stage. For the purposes of determining the planning application the Council assessed the proposal against the policies contained within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. As the SLLDP2 is now approved for adoption, when considering application P/20/1115 and any related appeal, greater weight must be given to the policies and guidance contained in this Plan. The proposed application was considered against the relevant policies in the proposed Local Development Plan 2 and it was noted that these policies were broadly consistent with the South Lanarkshire Local Development Plan.
- 2.6 As part of the planning application process, consultations were undertaken and statutory neighbour notification was carried out. In response 3 letters of objection were received. These consultation responses and objections were material to the assessment of the application and provide a broad illustration of the views held by neighbours adjoining the site and the concerns of the Roads department. The Report of Handling concisely summarises the issues raised and provides an appropriate planning response.

3 Observations of applicants 'Notice of Review'

- 3.1 The appellant has commented that there are several properties similar to their planning application. In particular the appellant highlights the property at 43 Hunthill Road, Blantyre and other properties at Hunthill Lane, Blantyre. In addition the appellant highlighted that planning consent has been granted for a dwellinghouse behind the Doon Inn public house at 93 Broompark Road, Blantyre and for dwellinghouses at Shott House, Hamilton Road, Blantyre, both of which gain access from B classified roads. The appellant considers that their property which has a narrow entrance (approximately 4.13 metres wide) off a B road with good visibility is similar in ways to these properties and that this justifies the issue of consent.

Council's Response to Appellants comments on refusal:

- 3.2 Firstly it is important to highlight that in the submitted 'Notice of Review' and accompanying documentation the appellant has failed to provide any detail or justification for why they consider their proposed development complies with the relevant policies of the development plan. Compliance with the development plan is a fundamental consideration when determining planning applications. Indeed planning law requires all planning proposals to comply with development plan policies.
- 3.3 The appellant suggests that the physical characteristics and nature of their proposal provides them with a 'similar case' to the sites that they have referred to. This cannot be substantiated in planning terms as all of the sites referred to by the applicant were acceptable from a roads engineering perspective and complied with development plan policy.
- 3.4 Roads and Transportation Services were unable to support the appellant's proposal because the proposed shared driveway access width (approximately 4.13 metres) did not comply with minimum standards and therefore the applicant failed to demonstrate that two-way vehicle movements can be accommodated within the access. On this basis it was considered that the appellant's proposal would have an adverse impact on pedestrian and vehicular safety. Similar concerns regarding the impact of the appellant's proposal on road safety were highlighted in two of the neighbour's objection letters to the associated planning application.
- 3.5 Planning consent was granted in 2005 (HM/05/0447) for the dwellinghouse at 43 Hunthill because the site was being used for the storage of caravans which was a non-conforming use. The local plan considerations were also different at that time. Notwithstanding the different local plan considerations the current proposal requires to be assessed against current policy which the appellant's proposal is contrary to.
- 3.6 Planning consent (P/19/1684) was granted for the erection of a dwellinghouse and detached double garage at the Doon Inn public house, 93 Broompark Road, Blantyre. The site has a road frontage of approximately 40 metres onto Watson Street (which is a private road) therefore the physical characteristics are very different from the appellants site which has a narrow entrance of approximately 4.13 metres.
- 3.7 Planning consent (HM/17/0282) was granted for the erection of 4 detached dwellings with associated detached garages at Shott House. Again the physical characteristics of this site are different from the appellant's site. This development involved the creation of a new road providing the proposed dwellinghouses with appropriate frontages/access.

- 3.8 The Council contends that the appellant's examples do not provide a justification for their current proposal. The appellant and appointed agent were advised several times at pre-application stage including meetings with various officers of the Council (and during the processing of a previously withdrawn planning application) that their proposal was contrary to development plan policy and that various sites which they referred to that had been developed or had planning consent provided no justification for their proposed development.
- 3.9 It is well established that every planning application must be assessed individually on its own merits. In terms of the other proposals highlighted by the appellant these are assessed in terms of the sites location, context and physical character. Seldom, if ever, are two sites identical even within the same settlement/area. The applications referred to were not identical and were assessed on their merits on the basis of the information submitted. Relevant policy was considered and it was determined that these applications were acceptable. That said even if it was accepted that poor judgement had been exercised previously this does not automatically mean that it should be repeated.

4 Conclusion

- 4.1 As required by planning law, application P/20/1115 has been assessed in terms of the development plan and all other material considerations. In this respect the report of handling provides a detailed summary of all relevant considerations and a reasoned justification as to why the appeal proposal does not accord with Local Development Plan policy.
- 4.2 In very simplistic terms, the introduction of a dwellinghouse at this location is contrary to development plan policy. The proposed dwellinghouse would not provide an appropriate road frontage of comparable size reflective of surrounding curtilages, a pre-requisite of Policy DM3. Additionally it would also have a substandard access contrary to the requirements of Roads and Transportation Services. Policy DM3 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.
- 4.3 From a planning point of view it is clear that the proposed development raised significant concerns in terms of the impact on the amenity and character of the area and surrounding properties and in terms of road safety. The application failed to comply with policy requirements of both the adopted Local

Development Plan and the proposed replacement Plan. There are no other material planning considerations that outweigh the Development Plan policies and the reasons for refusal are sound, clear cut and merit support in planning terms.

- 4.4 Given the above, it is respectfully requested that the Planning Local Review Body dismiss the applicants request to overturn the refusal of planning permission.