

# NORTH LANARKSHIRE COUNCIL

## SUPPLEMENTARY REPORT

AGENDA ITEM NO. 26

To: PLANNING AND ENVIRONMENT COMMITTEE	Subject: PLANNING APPLICATION C/01/01591/FUL ERECTION OF SINGLE GARAGE (IN RETROSPECT) AT PLOT 28 PERSIMMON HOMES, DRUMMORE AVENUE, CARNBROE, COATBRIDGE
From: DIRECTOR OF PLANNING AND ENVIRONMENT	
Date: 20 March 2002	Ref: C/PL/01/01591/FUL/GL/KH

### **Purpose of Report**

- 1.1 The purpose of this report is to provide additional information on the above planning application following the submission of amended plans and the withdrawal of the only objection to the proposal.

### **Background**

- 2.1 Members will recall that this application relates to the erection of a single garage (in retrospect) at 123 Drummore Avenue, (plot 28) Carnbroe. 3 letters of objection were received from the owners of the neighbouring property. The main grounds of objection were based around a land ownership dispute with Persimmon Homes, specifically in relation to a section of front garden ground over which the proposed driveway was to be taken.
- 2.2 At the meeting of the Committee on 20 February 2002 the matter was continued for a site visit and hearing. Persimmon Homes have subsequently submitted plans illustrating an amended site boundary and driveway location, and the objection to the application has been formally withdrawn. The objector has also withdrawn his request for a site visit and hearing.

### **Considerations and Conclusion**

- 3.1 The design and appearance of the garage is considered to be acceptable while its size and configuration within the site results in no unreasonable impact on surrounding properties in terms of loss of sunlight or visual amenity. The proposed access as illustrated in the amended plans allows adequate off-street parking provision. While the dispute between the applicant and the owners of the neighbouring dwellinghouse has been acknowledged, ownership disputes of this nature are generally civil legal matters and do not constitute material planning considerations. Nonetheless, amended plans have now been submitted and the objection formally withdrawn. The issue of land ownership is therefore no longer a factor.
- 3.2 Taking all of the above into account, the proposal remains acceptable from a planning viewpoint and on the basis of the amended plans there are no objections to the development. The application is therefore recommended for approval, subject to the following conditions.

## RECOMMENDATION

Grant, subject to the following conditions

1. That before the dwellinghouse is brought into use the first two metres of the driveway shall be paved over its entire width and provided with a drainage facility, to the satisfaction of the Planning Authority.

Reason: In the interests of pedestrian and vehicular safety and to prevent deleterious material being carried out onto the public highway.

2. That before the dwellinghouse is brought into use, a dropped kerb vehicular access shall be constructed across the access, as shaded red on the approved plans to the satisfaction of the Planning Authority.

Reason: To ensure adequate access to the site.



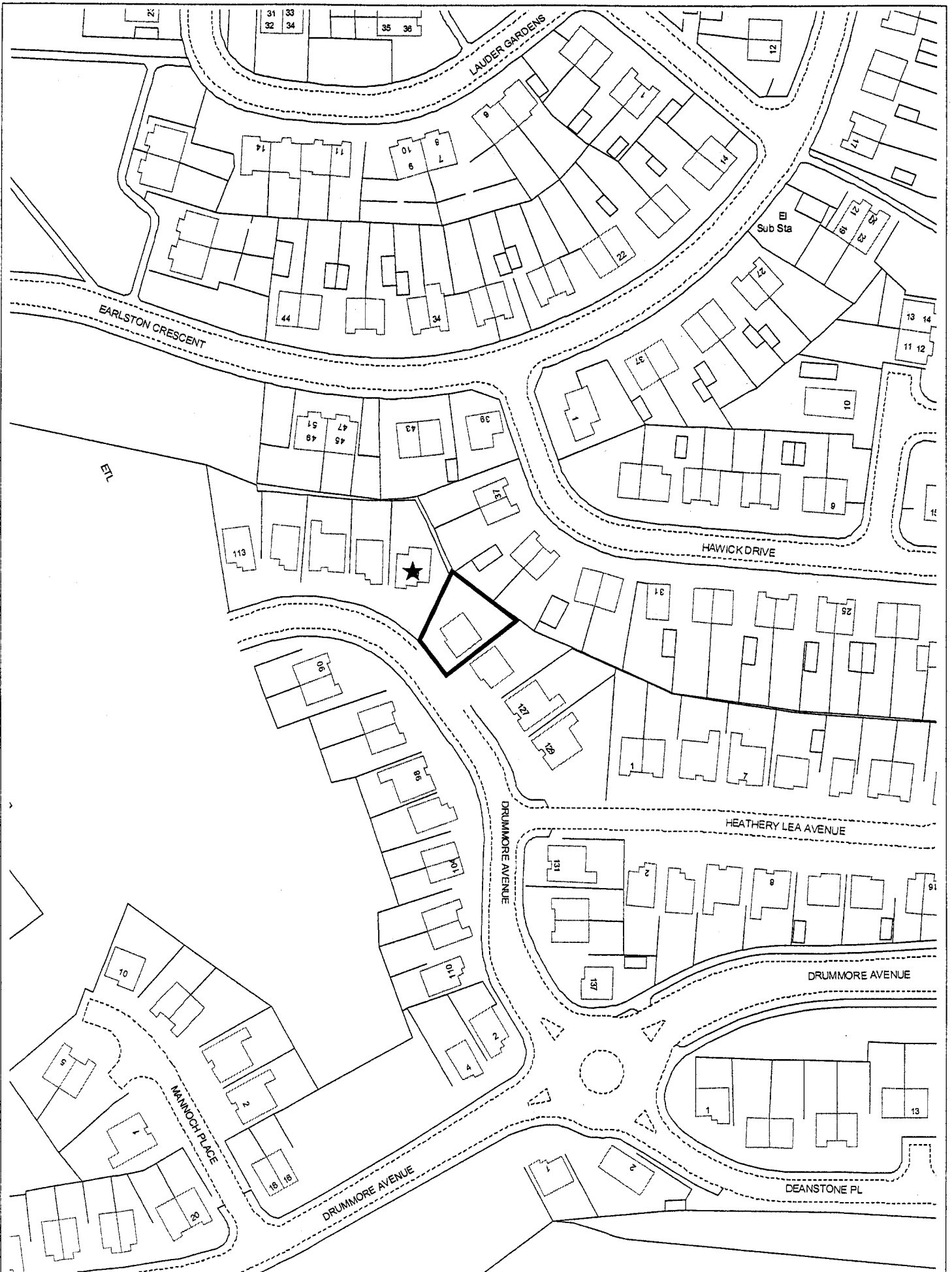
David M. Porch  
DIRECTOR OF PLANNING AND ENVIRONMENT  
13 March, 2002

For further information please contact Gordon Liddell on 01236 812374.

### List of Background Papers

- Application forms and accompanying plans received 30<sup>th</sup> November 2001.
- Amended application
- Adopted Monklands District Local Plan 1991.
- Committee Report C/01/01591/FUL dated 20<sup>th</sup> February 2002.
- Internal consultation response from Transportation Section NLC dated 30<sup>th</sup> January 2002.
- Letter of objection and copy of Land Certificate from Stuart and Audrey Clement, 121 Drummore Avenue, Carnbroe received 17<sup>th</sup> December 2001.
- Letter of objection and copy of letter between Land Register of Scotland and Applicant from Stuart and Audrey Clement, 121 Drummore Avenue, Carnbroe received 15<sup>th</sup> January 2002.
- Letter of objection from Stuart and Audrey Clement, 121 Drumore Avenue, Carnbroe received 4<sup>th</sup> February 2002.
- Fax from Persimmon Homes confirming neighbour notification, received 23<sup>rd</sup> January 2002.
- Amended Plans from Persimmon Homes dated 4<sup>th</sup> March 2002.
- Letter withdrawing objection and withdrawing request for site visit and hearing from Stuart and Audrey Clement, 121 Drumore Avenue, Carnbroe dated 11<sup>th</sup> March 2002.

<b>Application No.</b>	C/01/01591/FUL
<b>Date registered</b>	30 November 2001
<b>APPLICANT</b>	PERSIMMON HOMES LTD, PERSIMMON HOUSE, 77 BOTHWELL ROAD, HAMILTON, ML3 0DW
<b>Agent</b>	
<b>DEVELOPMENT LOCATION</b>	ERECTION OF SINGLE GARAGE (IN RETROSPECT) PLOT 28, PERSIMMON HOMES, DRUMMORE AVENUE, CARNBROE
<b>Ward No</b>	35
<b>Grid Reference</b>	274752.663171
<b>File Reference</b>	C/PL/CTD455123/GL/LR
<b>Site History</b>	00/00171/AMD Substitution of House Type, Granted 22.05.01 95/00028/FUL Erection of Residential Development, Granted 17.11.95
	Various other amendment applications for the development - not considered material to this application.
<b>Development Plan</b>	The site is zoned HG3 New Private Sector Housing Development in the Monklands District Local Plan 1991.
<b>Contrary to Development Plan</b>	No
<b>CONSULTATIONS</b>	
<b>Objection</b>	
<b>No Objection</b>	
<b>Conditions</b>	
<b>No Reply</b>	
<b>REPRESENTATIONS</b>	
<b>Neighbours</b>	One
<b>Newspaper Advertisement</b>	Not required
<b>COMMENTS</b>	<p>This application relates to the erection of a single garage (in retrospect) at 123 Drummore Avenue, (plot 28) Cambroe. 3 letters of objection have been received from the owners of the neighbouring property. The main grounds of objection are based around a land ownership dispute between the owners of the adjacent dwellinghouse and Persimmon Homes. The objections are summarised as follows:</p> <ul style="list-style-type: none"> <li>- That the applicant had not officially notified 121 Drummore Avenue in accordance with the neighbour notification process;</li> <li>- That the garage structure and associated driveway utilises a section of land under the ownership of 121 Drummore Avenue, to which there is a registered title;</li> <li>- That the area of land in question was demised to the owners of 121 Drummore Avenue and was landscaped and maintained as such for over a period of a year;</li> <li>- That the applicant has no right to apply for planning permission for land under the ownership of 121 Drummore Avenue;</li> </ul>



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PLANNING APPLICATION NO: C/01/01591/FUL  
 ERECTION OF SINGLE GARAGE AT  
 PLOT 28 PERSIMMON HOMES, DRUMMORE AVENUE,  
 COATBRIDGE

★ LOCATION OF OBJECTOR



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- That the latter letter of objection was as a result of continued lobbying of the Department of Planning & Environment, as the planning process had not been implemented as per statute. This is with reference to the delay in the applicant notice to neighbours being sent.

The application site, 123 Drummore Avenue forms part of the new build development although is currently unoccupied. Policy context for the site is HG3 New Private Sector Housing Development in the Monklands District Local Plan 1991 and the garage should be assessed against design guidance on House Extensions. Located to the side of the dwellinghouse, adjacent to the existing boundary with 121 Drummore Avenue the garage extends partially into the rear garden area. The siting of the garage and associated drive is such that while the garage has been erected, the driveway (currently unfinished) and shape of the plot illustrated in the application plans utilises an area of land currently forming part of the front garden ground of 121 Drummore Avenue separated by boundary fence.

The design and appearance the garage is considered to be acceptable while its size and configuration within the site results in no unreasonable impact on surrounding properties in terms of loss of sunlight or visual amenity. The proposed access as illustrated in the application plans allows adequate off-street parking provision. While the dispute between the applicant and the owners of the neighbouring dwellinghouse is acknowledged, ownership disputes of this nature are civil legal matters between the two parties and do not constitute material planning considerations. The applicant has the right to apply for planning permission although also takes the responsibility to ensure that the development can be carried out in accordance with the approved plans, including resolving all land ownership issues. With regard to neighbour notification, I have been advised by the applicant that the owners of 121 Drummore Avenue were officially notified on 22 January 2002. An additional 14 days were given from this date for the submission of any further comments.

Taking all of the above into account, the proposal is considered acceptable from a planning viewpoint and the dispute over land ownership is not considered a material planning consideration. The application is therefore recommended for approval, subject to the following condition.

## RECOMMENDATION

Grant, subject to the following condition:-

1. That before the dwellinghouse is brought into use the first two metres of the driveway shall be paved over its entire width and provided with a drainage facility, to the satisfaction of the Planning Authority.

Reason: In the interests of pedestrian and vehicular safety and to prevent deleterious material being carried out onto the public highway.

2. That before the dwellinghouse is brought into use, a dropped kerb vehicular access shall be constructed across the access to the satisfaction of the Planning Authority.

Reason: To ensure adequate access to the site.

### **List of Background Papers**

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Any person wishing to inspect the above background papers should telephone Coatbridge 812374 and ask for Gordon Liddell.