

Application No: N/06/01477/FUL

Date Registered: 4th September 2006

**Applicant:** **Kenneth Diack**  
**30 Glen Lochay Gardens**  
**Craigmarloch**  
**Cumbernauld**  
**G68 0DY**

**Development:** **Alterations and Extensions to a Dwellinghouse**

**Location:** **30 Glen Lochay Gardens**  
**Craigmarloch**  
**Cumbernauld**  
**G68 0DY**

Ward: 56 Balloch W, Blackwood E & Craigmarloch Councillor Barry McCulloch

Grid Reference: 273579 675581

File Reference: N/06/01477/FUL

Site History: Permitted development rear dining room extension

Development Plan: Cumbernauld Local Plan 1993: Policy HG4 applies

Contrary to Development Plan: No

**Consultations:** None required

**Representations:** 2 letters of representation

Newspaper Advertisement: Not required

**Recommendation: Grant Subject to the Following Conditions:-**

1. That the development hereby permitted shall be started within five years of the date of this permission

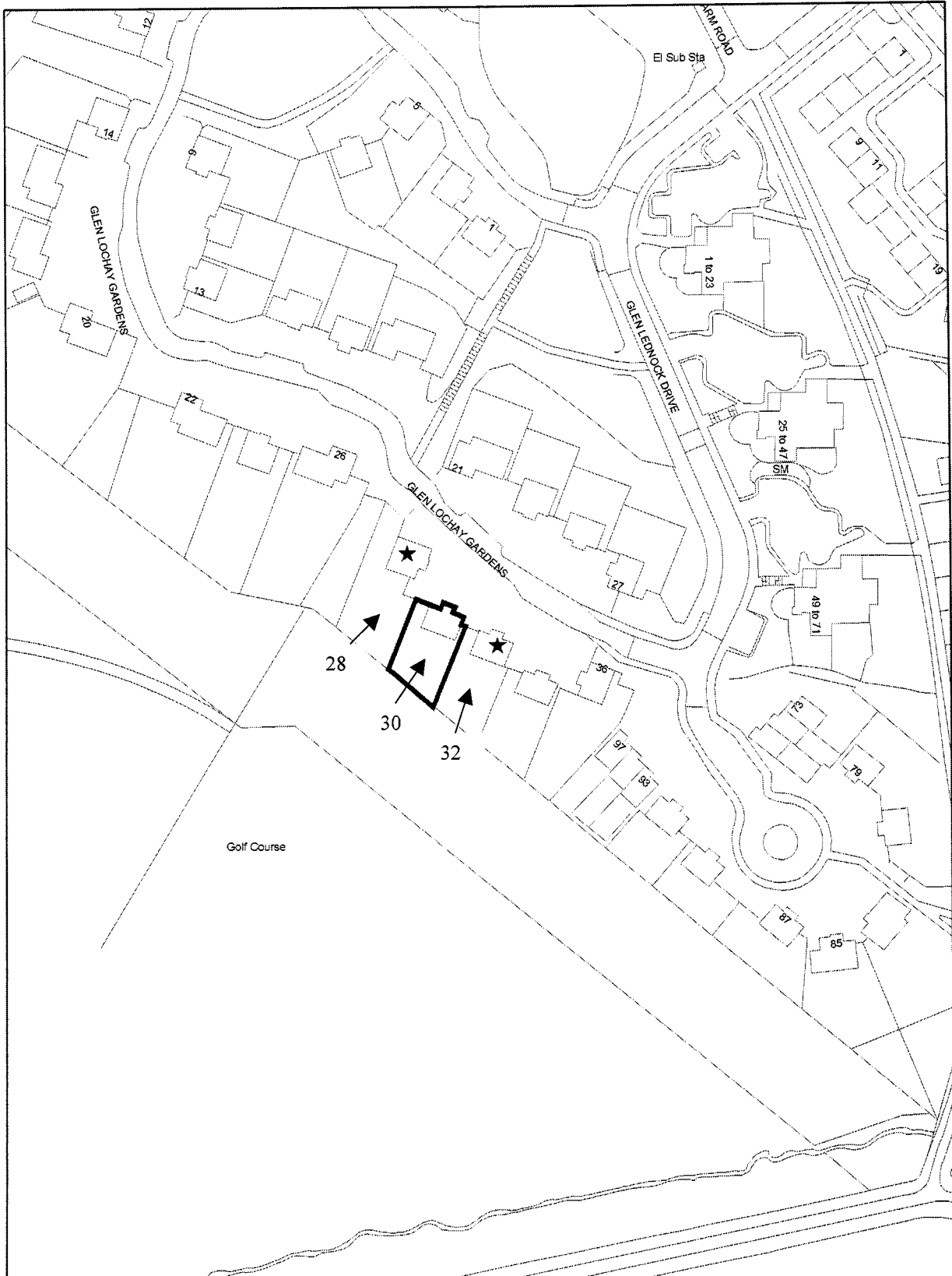
**Reason:** To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.

2. That the facing materials to be used for the external walls and roof shall match in colour and texture those of the existing building.

**Reason:** To safeguard the residential amenity of the area.

3. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, the extension shall be completed in accordance with the approved plan and thereafter, no alterations to the dimensions of the windows shall be carried out and no additional windows shall be installed without the approval of the Planning Authority.

**Reason:** To safeguard the residential amenity of the area.



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**N/06/01477/FUL**  
**Kenneth Diack**  
**30 Glen Lochy Gardens**  
**Craigmarloch Cumbernauld**  
**Alterations & Extension to a Dwellinghouse**  
 ★ Representations



1:1,250

**Background Papers:**

Application form and plans received 4th September 2006

Letter from Mr & Mrs F Fagan, 28 Glen Lochay Gardens, Craigmarloch, Cumbernauld, G68 0DY received 14 September 2006.

Letter from Mr & Mrs G Pearce, 32 Glen Lochay Gardens, Craigmarloch, Cumbernauld, G68 0DY received 14 September 2006.

Any person wishing to inspect these documents should contact Ms Erin Louise Deeley at 01236 616464.

**DATE : 8 December 2006**

## **APPLICATION NO. N/06/01477/FUL**

### **REPORT**

#### **1. Description of Site and Proposal**

- 1.1 The application property is a 2 storey detached dwellinghouse at 30 Glen Lochay Gardens. Both neighbouring properties are 2 storey, with No. 28 being positioned further forward towards the road while No. 32 is marginally further back and has a single storey rear extension with a west facing utility room window and door. No. 30 has a single storey rear dining room extension that was built using the applicant's permitted development rights. The rear elevation dining room glass doors open out on to a patio that measures the width of the house. Beneath the patio, the garden ground slopes down to a lower level than the house. A 2-metre high boundary fence surrounds the rear and east sides of the garden. No. 28 has established trees measuring approximately 4 metres in height which act as a boundary on the west side of the site.
- 1.2 The proposal is for the erection of a rear conservatory, east of the dining room, measuring approximately 4.5 metres deep X 2.7 metres wide and a first floor element above the existing dining room creating an additional bedroom.
- 1.3 It should be noted that building works commenced on the first floor element of the extension without planning permission and that this is a retrospective application. While the works are near completion, they ceased after the extension was made wind and water tight so that the planning position could be resolved. As result of neighbour notification, two objections have been received from the occupiers of Nos. 28 & 32 and a request for a site visit and a hearing has been made by the occupiers of No.28.

#### **2. Development Plan**

- 2.1 This proposal raises no strategic issues in terms of the Glasgow and the Clyde Valley Joint Structure Plan 2000 and can therefore be assessed against local plan policy.
- 2.2 In the Cumbernauld Local Plan 1993, the site lies within a defined residential area where policy HG4 (Residential Amenity) applies.

#### **3. Consultations and Representations**

- 3.1 There have been no consultations concerning this application.
- 3.2 The original plans submitted with the application raised planning concerns. The proposed west facing side window faced towards the neighbouring garden at No. 28. Although the neighbours' 4 metre high boundary trees prevent the ability to directly overlook into their property, it was considered that if these trees were to be removed or reduced in height, the window would impact on their privacy.
- 3.3 It was suggested to the applicant that he remove the aforementioned window, however the applicant was unwilling to do this. It was then suggested that he replace the window with a high level window which would substantially reduce the ability to overlook into the neighbours' garden if the trees were removed or considerably lopped or felled. Furthermore, this measure would reduce the perception of being overlooked within the garden. Amended plans were eventually submitted demonstrating a high level window. The amended plans were sent to the objectors advising them that they might wish to consider withdrawing their objections. However, neither objection has been withdrawn.

3.4 The objections may be summarised as follows :-

- The conservatory would overshadow my property (ie. No. 32) and cause a disturbance in terms of noise. I also feel it would be an invasion of privacy

**Comment:** The conservatory is proposed to be 3.5 metres in height. No. 32 has a rear extension measuring 3.9 metres in height and would be located approximately 5 metres from the conservatory. There are no windows on the elevation facing No. 30. There is a utility room window on the south elevation. It should be noted that a utility room is not regarded as a habitable room and therefore its window should not be given the same consideration and weight as a bedroom or a living room window in terms of overshadowing. Given the dimensions of the proposal, the resulting proximity between the properties and the 2-metre mutual boundary screen fence, it is considered that there would be no invasion of privacy or overshadowing to No 32.

- The west facing window overlooks my garden (ie. No. 28), adversely affecting my privacy. Should I decide to reduce the height of my trees, then the impact would be increased.

**Comment:** Looking out of the original void for the window on the extension's west facing elevation, it was not possible to see into No. 28 because of the boundary trees. The amended high level window would be 1.8 metres high from the floor level of the extension. It is considered that even if the neighbour does decide to lop or fell the trees, this amendment substantially reduces the ability to overlook into the garden of No. 28 and the neighbour's perception of being overlooked within his garden.

#### **4. Planning Assessment and Conclusions**

- 4.1 In terms of Section 25 of the Town & Country Planning (Scotland) Act 1997, planning applications must be determined in accordance with the relevant development plan unless material considerations indicate otherwise. In this case, the proposal complies with policy HG4 as it is considered it will not have a detrimental impact on the residential amenity of neighbouring properties.
- 4.2 Notwithstanding the objection concerning the conservatory, it is considered that at 3.5 metres in height, located approximately 5 metres from No.32's extension and with a 2 metre boundary fence currently separating the properties, the proposal is not considered to result in overshadowing, be domineering or have a significant visually intrusive impact on No.32's utility room window.
- 4.3 The applicant was advised of the concerns regarding the original proposed west-elevation window and he amended his plans accordingly, proposing a high level window in order to minimise the potential to overlook No.28's garden and their perception of being overlooked. The neighbour was advised of the amendment, but has not withdrawn his objection. I consider that the neighbour's concerns have been addressed by the alteration to the window detail.
- 4.4 Having considered all the relevant issues in this case, it is recommended that planning permission be granted.
- 4.5 Please note that the occupiers of No.28 have requested that the Planning and Environment Committee carry out a site visit and hearing before determining this planning application.