

Application No: C/06/01770/FUL
Date Registered: 26th October 2006
Applicant: Gary W McFaulds
91 Sherdale Avenue
Chapelhall
Airdrie
North Lanarkshire
ML6 8UE
Development: Erection of Decking to Rear of Dwellinghouse (In Retrospect)
Location: 91 Sherdale Avenue
Chapelhall
Airdrie
North Lanarkshire
ML6 8UE
Ward: 51 Chapelhall Councillor Thomas Curley
Grid Reference: 277615 662986
File Reference: C/PL/CHS221/091/GD/LR
Site History: 06/00649/FUL Erection of Raised Decking Area and Screen Fence to Rear Garden (partially completed) Permission Refused 23rd June 2006.
Development Plan: The Adopted Monklands District Local Plan 1991 Policy HG9 (Policy for Existing Housing) would apply.
Contrary to Development Plan: No
Consultations:
Representations: 1 Letter of Representation
Newspaper Advertisement: Not Required

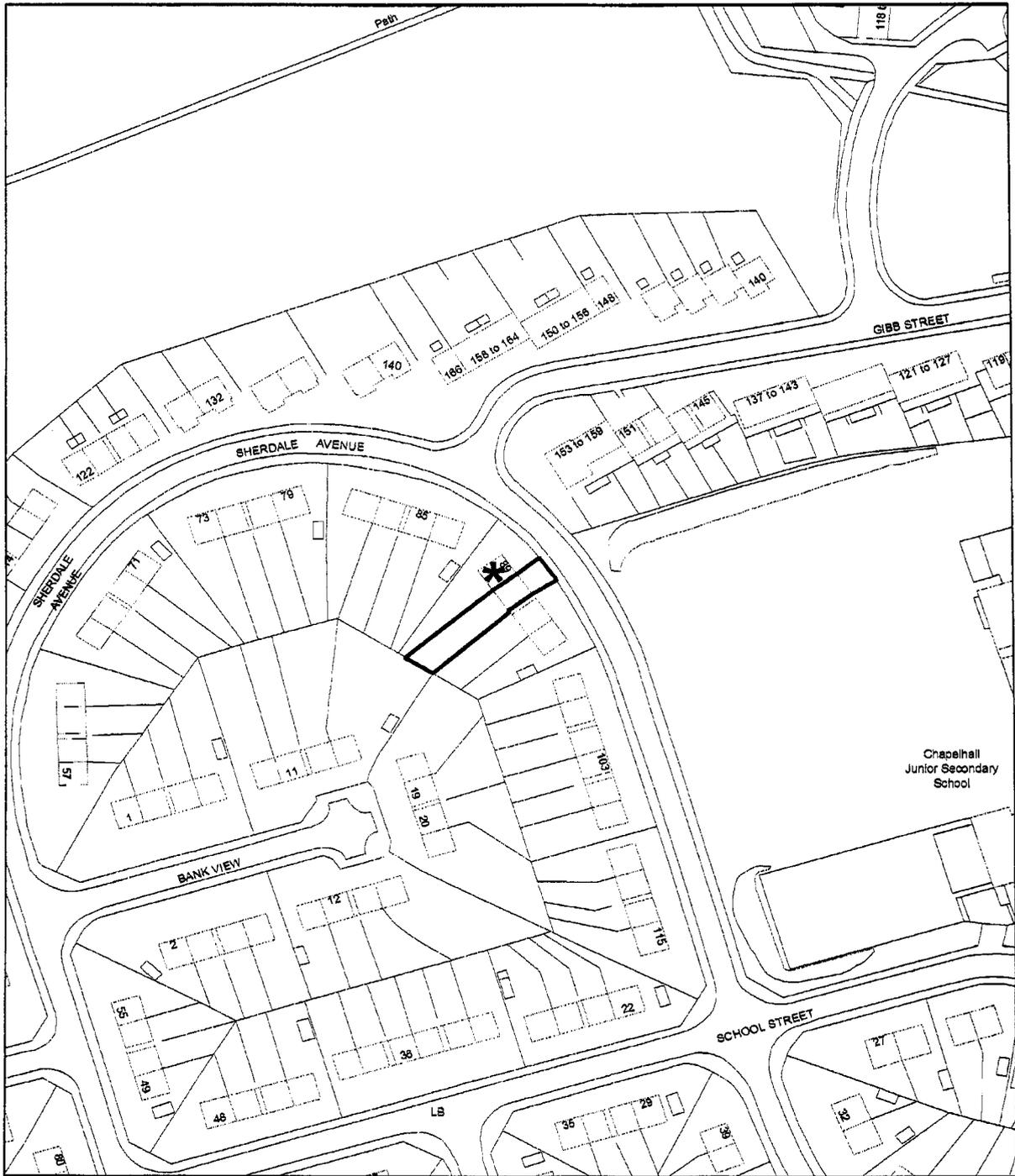
Recommendation: Grant.

Background Papers:

Application form and plans received 26th October 2006
Letter from H. Shields, 89 Sherdale Avenue, Chapelhall, Airdrie, ML6 received 6th November 2006.

Any person wishing to inspect these documents should contact Mr Grant Douglas at 01236 812231.

Date: 21 November 2006



Produced by
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Planning Application No. C/06/01770/FUL
Erection of Decking to Rear of Dwellinghouse
91 Sherdale Avenue, Chapelhall, Airdrie
* Representation



Not to Scale

APPLICATION NO. C/06/01770/FUL

REPORT

1. Description of Site and Proposal

- 1.1 This application seeks permission, in retrospect, for the erection of raised decking to the rear of a dwellinghouse at 91 Sherdale Avenue, Chapelhall. The application site, accommodating a two-storey, terraced dwelling, lies within an established residential area and is bound by similar properties to all aspects of the rear boundary. The terraced housing at Sherdale Avenue lies on a slight gradient with the application site partially overlooking lower lying properties to the North and East. As an indication of this gradient the adjoining property at No. 89 Sherdale Avenue lies approximately 0.5 metres lower than the application site, as measured from the ridge of the roof.
- 1.2 A previous application for the same development was refused permission in June 2006 for the following reasons.
- The decking and associated screen fencing by reason of their elevated height above the adjacent garden ground will result in significant overshadowing of garden ground and an unacceptable impact on the amenity of that garden area. As such the proposals are considered to be contrary to the terms of Local Plan Policy HG9 (Policy for development that would adversely affect the amenity of established housing areas)
 - The proposed area of raised decking, when complete, would result in significant overlooking of lower lying properties within the vicinity of the application site to the overall detriment of residential amenity within the affected area.

Since this time significant alterations have been made on site in order to address the Departments concerns. Previously the structure rose to a maximum height of approximately 1.2 metres at its highest point with proposed 1.8 metre fencing starting at this point. This would have lead to a boundary of up to almost 3 metres in height, a point reflected in the reasons for refusal. The amended design extends to approximately 42 sq. metres as before however this time at a height of between 0.3 and 0.6 metres. The 1.8 metre screen fencing now begins at the existing ground level.

2. Development Plan

- 2.1 The application site is located within an area designated as HG9 (Housing Policy for Existing Residential Areas). This policy aims to protect the established character of existing and new housing areas from development that is incompatible with a residential setting or adversely affects the amenity of Established Housing. There are no strategic considerations.

3. Consultations and Representations

- 3.1 Owing to the nature of the development no consultations were required in the consideration of this application.
- 3.2 One letter of objection has been received on behalf of the resident at No. 89 Sherdale Avenue. The material terms of objection have been summarised as follows.
- a) There has been no variance from the original development, other than slight cosmetic changes, therefore there should be no reason to overturn the original refusal as these reasons remain.
 - b) The submitted plans are inaccurate and do not represent the position on site.

- c) The decking has been constructed on an area raised ground, which has been raised some 0.7 metres.
- d) The decking and fence are poorly constructed and as a result of various safety issues no use of the garden area has been available.
- e) The structure encroaches onto land not owned by the applicant.
- f) The development has resulted in significant water ingress and flooding to garden ground of the adjacent property.

4. Planning Assessment and Conclusions

- 4.1 Under the terms of the Town and Country Planning (Scotland) Act 1997 development proposals require to be considered in line with the development plan and any other material considerations. In assessing the current development in this manner Policy HG9 (Existing Housing) of the Adopted Monklands District Local Plan 1991; which aims to protect the established character of existing and new housing areas; maintains that house extensions will generally be permitted so long as they comply with the relevant Development Control Advice.
- 4.2 The nature of the development dictates that the main issue for consideration would be the privacy of surrounding residential property. At this stage it should be noted that due to the topography of the general area there exists some degree of overlooking from the application site to the lower lying properties on Sherdale Avenue and beyond. Additionally prior to the development of the decking and associated 1.8 metre high screen fencing the common boundary between the application site and No. 89 Sherdale Avenue consisted only of 1.2 metre high boundary treatment which would clearly facilitate some degree of overlooking between the two adjoining properties.
- 4.3 In terms of amenity and the material points of objection, these have been addressed as follows.
 - a) The Department maintains that there have been significant physical alterations to the decking at 91 Sherdale Avenue. As noted from the previous application the deck itself reached the existing floor level of the dwellinghouse and the doorsills at the rear of the property. There has now been an overall reduction of 0.6 metres as shown by the introduction of steps from the rear of the property down to the surface of the deck. In addition the fencing now runs the length of the common boundary at a uniform height of 1.8 metres. These changes not only eliminate the degree of overshadowing to No. 89 Sherdale Avenue but prevent any significant increase in overlooking to the lower lying Sherdale Avenue area.
 - b) The Department does concede that the submitted plans do not accurately portray the development on site. However, several site visits have now been conducted where a series of measurements taken by the Department have allowed a full and fair consideration of the physical development.
 - c) Further measurements taken from within the rear garden of No. 89 Sherdale Avenue have shown the ground level at No 91 to be between 0.4 metres and 0.2 metres higher than the objector's property. While there is evidence of previous hard standing beneath the decking which has caused some degree of re-grading to the levels of garden ground this is not considered to be of a level to require Planning Permission and it is unclear as to the extent of the natural gradient between the two properties. It should however be noted that the ground between Nos. 91 and 93 Sherdale Avenue rises again by up to 0.2 metres, which would seem to be indicative of the natural gradient of the land.

- d) The construction and finish of both the decking and fence are considered to be of a reasonable quality. Concerns over the structural integrity of the development and its impact upon exiting drainage would be considered more appropriately under the terms of the Building Standards for Scotland.
 - e) The physical position of any boundary between the two properties is not a material planning consideration and requires to be resolved by the proprietors by establishing the correct mutual boundary.
 - f) The purpose of this application is to consider the development of decking to the rear of 91 Sherdale Avenue. Having carried out a site visit during a period of rain there was no evidence to suggest that the decking itself would or has caused any flooding to garden ground at 89 Sherdale Avenue.
- 4.4 Development to the rear of 91 Sherdale Avenue, having been amended since a previous refusal of permission in June 2006, now stands at a maximum height of 0.6 metres. The development does not increase the possibility of overlooking to lower lying properties from the application site and to a certain extent the associated screen fencing adds to the privacy of surrounding properties. In conclusion the development is considered acceptable in that it has no impact upon residential amenity. Therefore it is recommended that permission be granted for this retrospective development.
- 4.5 **The committee is asked to note that the representation from the resident at No. 89 Sherdale Avenue requests a site visit and hearing.**