

Application No: S/06/00943/FUL

Date Registered: 1st June 2006

Applicant: **Mr & Mrs J Walker**
Windyknowe
Stewart Grove
Harhill
ML7 5PZ

Agent: Hardie Associates
78 Hopetoun Street
Bathgate
WH48 4PD

Development: **Erection of Semi-Detached Dwellinghouse**

Location: **Windyknowe**
Stewart Grove
Harhill
Shotts
North Lanarkshire
ML7 5PZ

Ward: 20 Benhar Councillor Charles Cefferty

Grid Reference: 290596 664310

File Reference: S/PL/B/17/21(106)

Site History: S/05/01062/FUL Proposed Semi-Detached Dwellinghouse. Refused
7th March 2006.

S/05/01438/FUL Proposed Rear Extension and Garage. Approved
21st October 2005

S/91/00254/OUT Residential Development. 5 House Plots.
Approved 4th September 1991.

Development Plan: The site is within an Established Housing Area in the Southern Area
Local Plan Finalised Draft (Modified 2001, 2004 & 2005)

Contrary to Development Plan: No

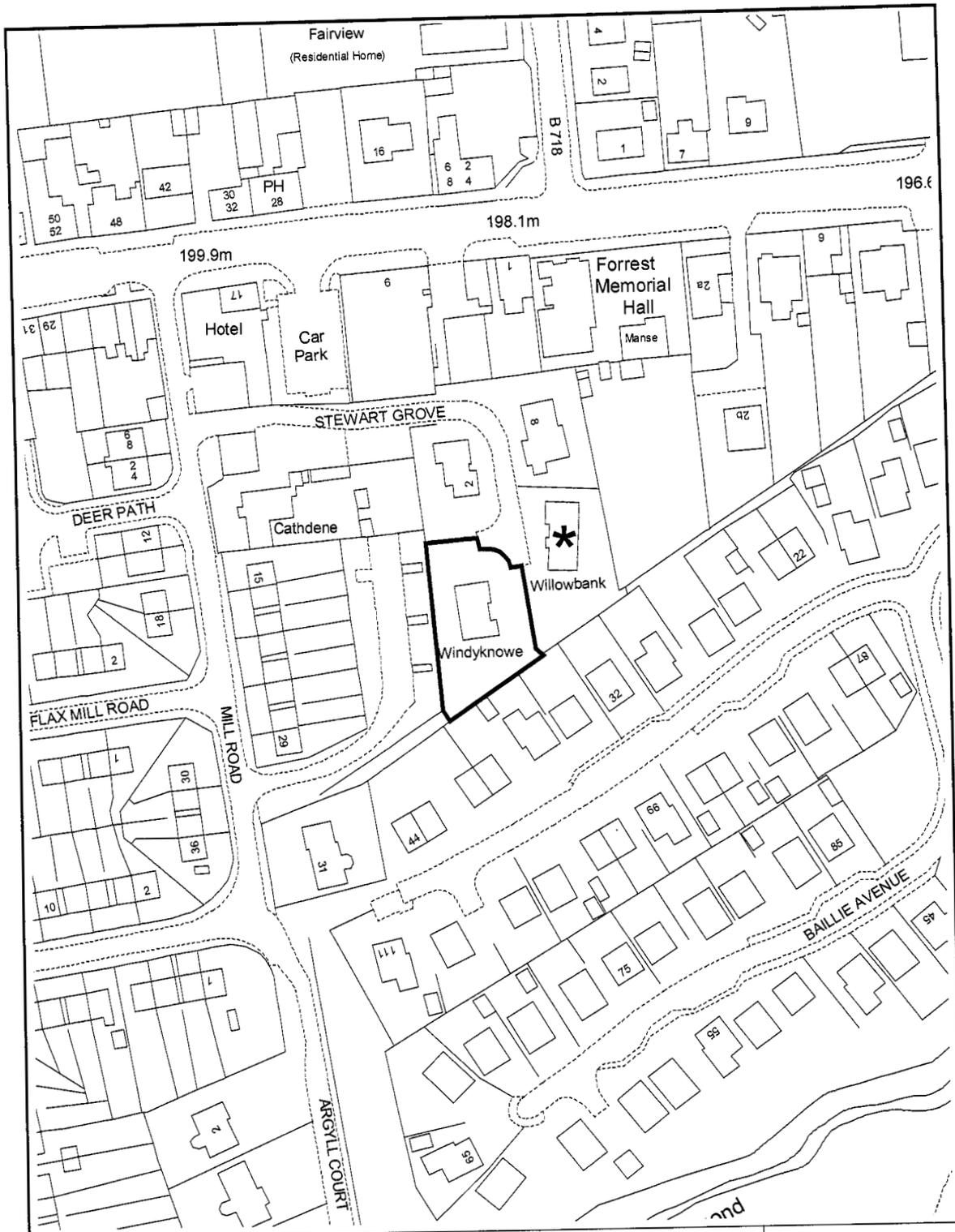
Consultations: Scottish Water No Objections
British Gas No Objections
Scottish Power No Objections

Representations: One Letter of representation.

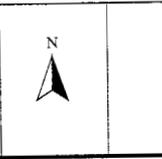
Newspaper Advertisement: Not Required

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



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 Planning and Environment
 Headquarters
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PLANNING APPLICATION No. S / 06 / 00943 / FUL
 ERECTION OF SEMI-DETACHED DWELLINGHOUSE
 WINDYKNOWE, STEWART GROVE, HARTHILL, SHOTTS
 * Representation

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

2. That before the development hereby permitted starts, full details of all external materials to be used in construction, including walls, roofs, windows, doors, gutters and downpipes, shall be submitted to, and approved in writing by the Planning Authority.

Reason: To enable the Planning Authority to consider these aspects in detail.

3. That before the development hereby permitted starts, full details of the design and location of all fences and walls to be erected on the site shall be submitted to, and approved in writing by the Planning Authority.

Reason: To enable the Planning Authority to consider these aspects in detail.

4. That before the dwellinghouse hereby permitted is occupied, all fences, or walls, as approved under the terms of condition 3 above, shall be erected.

Reason: To safeguard the residential amenity of the area.

5. That before the dwelling hereby permitted is occupied, all of the associated parking and turning areas shown on the approved plans, shall be levelled, properly drained and surfaced in a material which the Planning Authority has approved in writing before the start of surfacing work and clearly marked out. The parking areas shall thereafter be maintained as parking areas.

Reason: To ensure the provision of adequate parking facilities.

6. That notwithstanding the terms of condition 4 above a 1.8 metre high side boundary fence adjacent to the proposed parking area marked BLUE on the approved plans shall be constructed, details of which shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site.

Reason: In the interests of residential amenity.

Background Papers:

Application form and plans received 1st June 2006 and amended plans received 21st December 2006.

Memo from Transportation Manager received 19th June 2006

Memo from Head Of Protective Services received 14th June 2006

Letter from Scottish Water received 12th June 2006

Letter from British Gas received 7th June 2006

Letter from Scottish Power received 8th June 2006

Letter from Mr & Mrs Brodie, Brodies Funeral Services Ltd, 9 West Main Street, Harthill, ML7 5QD received 19th June 2006.

Letter from Stanley C Cook Planning and Development Consultant, 12 Beveridge Terrace, Mossend, ML4 2RJ received 3rd July 2006.

Southern Area Local Plan, Finalised Draft (Modified 2001, 2004 & 2005).

Any person wishing to inspect these documents should contact Mr McLennaghan at 01698 302137.

Date: 3rd January 2007

APPLICATION NO. S/06/00943/FUL

REPORT

1. Description of Site and Proposal

- 1.1 Planning permission is sought for a new semi-detached dwellinghouse at Windyknowe, Stewart Grove, Harthill.
- 1.2 The site forms part of the garden ground lying to the north side of the property known as Windyknowe. The proposed dwelling would be attached to the north gable of Windyknowe and would replace both of the existing integral garages currently attached to the existing dwelling. The proposed two-storey dwelling would measure 9.1 metres in width and 9.8 metres in depth. The proposed dwelling would be 8.2 metres in height, replicating the existing dwelling with the exception that the window for the front north side bedroom has been relocated onto the gable. The house will sit within a plot measuring 350 square metres in area.
- 1.3 A previous application S/05/01062/FUL for the erection of a larger semi detached dwelling was refused by the Planning and Environment committee on 1st March 2006, for the reason that it constituted overdevelopment of a restricted site.

2. Development Plan

- 2.1 The application raises no strategic issues and can therefore be assessed in terms of the local plan policies.
- 2.2 The site is zoned as HSG8 (Established Housing Area) in the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 & 2005). This policy seeks to protect and enhance the character of existing and new housing areas. Policy HSG 11 (Infill Housing Development) is also a material consideration in the assessment of this application and states that in determining applications the Council will take account of certain criteria.

3. Consultations and Representations

- 3.1 My Transportation Section have recommended that the application be refused as Stewart Grove is substandard in terms of width as it is only 4.25 metres wide over its entire length. A visibility splay of 2.5 by 60 metres is required from Stewart Grove onto Mill Road, however splays of 2.5 by 18 metres to the right and 2.5 by 20 metres to the left are the maximum achievable due to obstructions out-with the applicants control. A shared driveway serving two properties should be a minimum of 5 metres in width to allow two vehicles to pass each other successfully. There is no footway provision along Stewart Grove for its entirety with no scope for improvement. Transportation therefore recommends refusal of the application for the reasons outlined above.
- 3.2 Protective Services have been consulted as part of this application and have offered no objections.
- 3.3 Scottish Water has been consulted and has offered no objection provided that the applicant contacts Scottish Water prior to the commencement of development
- 3.4 Transco and Scottish Power has been consulted as part of this application and have offered no objections.
- 3.5 The applicant has submitted a letter in support of the application, making the following points;
 - (a) A planning application was lodged in August 2005, to extend the property to create a new semi-detached dwellinghouse. Following lengthy consultations planning consent

was refused on the grounds of overdevelopment. Having had the opportunity to address the issue a new proposal has been submitted.

- (b) The footprint of the house has been significantly reduced, in order to allow more private garden space.
- (c) In addition, a new driveway is formed from the existing turning head, which deals with the issue of car parking and turning. With this taken into account, there is 130 square metres which can be classed as private garden space.
- (d) The footprint of the existing garage/utility (which is to be removed) is 52 square metres.

3.6 One letter of objection has been received from the occupier of Willowbank, Stewart Grove raising the following issues;

- (a) Having already objected to the original proposal rejected by the Committee, apart from foreshortening the planned dwellinghouse, by removing the internal garage, we can find no material changes in principle from the original rejected proposal.
- (b) The existing group of dwelling houses in Stewart Grove form a defined area of large residential units all of similar style, finish and architecture and the erection of an additional smaller house within the group will detract from the amenity and character of this small cul-de-sac. The original title deeds restrict to one family dwelling per plot.
- (c) The proposed development if permitted will result in gross overdevelopment of the existing curtilage of Windyknowe and severely detract from the visual amenity of the area.
- (d) The existing dwellings are served by Stewart Grove which is a private street and also serves a funeral undertakers and vehicle repair with MOT facilities. The proposed development, if permitted, will severely increase the traffic flows on this private road and lead to traffic safety and car parking problems. The present junction of Stewart Grove with the public road is substandard in terms of width, construction and visibility.
- (e) The proposed dwelling will severely restrict outlook from the objector's property and will also result in loss of privacy, sunlighting/daylighting and result in a general loss of amenity.
- (e) The property adjacent to ourselves was on the market for nearly a year, and plot one within the development has still to be developed, therefore there is no shortage of suitable areas for this type of housing within the area, and no justification for cramming.

4. Planning Assessment and Conclusions

4.1 In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

4.2 Policy HSG 8 indicates that the Council will seek to protect the established character of existing and new housing areas by opposing development which is incompatible with a residential setting or adversely affects the amenity of Established Housing Areas. It is considered that the proposed development will not adversely affect the amenity of the established housing area and that it can be accommodated without detriment to the surrounding residential properties. This will be discussed in more detail in the following paragraph.

4.3 Policy HSG 11 states that the Council when considering planning applications for infill residential developments on suitable gap sites within the urban area, will take account of the following criteria:

- 1) The overall impact of the proposal on the character and amenity of the surrounding area.
- 2) The dimensions of the site relative to the proposed development and associated private garden ground.
- 3) The effect of infill on the garden space, privacy and sunlight received by surrounding properties.
- 4) The consideration given to scale, materials, roof height/pitch and window patterns.

5) The provision of vehicular access and parking arrangements.

In assessing this particular proposal in terms of Policies HSG 8 and HSG 11, it is considered that the relevant determining factors are whether the proposed dwellinghouse is acceptable in terms of location, design, traffic safety and effect on adjoining neighbours. In land use terms the development of the site for a single dwelling would be in accordance with the designation set out in Policy HSG8. In terms of the dimension of the site, the proposed plot depth is 25 metres at its widest and 14 metres at its narrowest point with the width of the plot being 17.5 metres. It is considered that sufficient garden ground is provided as part of the development as the private garden area would measure 130 square metres in an L-shape in a combination of rear and side garden ground. Extensive garden ground would remain for the existing dwelling, well in excess of the Council's minimum standards.

- 4.4 It is not considered there would be any detrimental impact on the character of the area, which would warrant refusal of the current application. The original outline planning consent for the wider site sought to create five low density dwellings which incorporated garden ground which although failing to meet the minimum standards for rear garden depth, included sizeable side garden areas which more than made up for the substandard garden depths. It is considered that the increase in density which would be caused by an additional semi-detached dwelling utilising both rear and side garden, can be accommodated within the original aim of the previous consent, and would not constitute overdevelopment with respect to the current proposal for this particular site.
- 4.5 In relation to the design of the proposed dwelling it is considered that the proposal would not adversely affect the visual amenity of the neighbouring properties as it is designed to reflect the style of the existing house that it is to be attached to. It is also proposed to finish the dwelling in facing brick and concrete interlocking roof tiles to match the surrounding dwellings. In relation to the amenity of the adjoining dwellings and privacy it is considered that there would be no significant adverse effects. The existing development at Stewart Grove does not achieve the normal minimum window to window distance of 18 metres. The proposed additional house would be set back 16.4 metres from the objectors' property opposite. Given the orientation of the objector's property and the proposed dwelling, the windows are at a slight angle and do not directly aspect into each other. In this instance it is considered that the development would be acceptable. Furthermore the applicant has amended the design to relocate the upstairs northernmost bedroom window from the front elevation to the northern gable elevation. In addition the proposed dwelling is located 16 metres from the dwelling to the north and would not adversely effect this dwelling or the adjoining dwellings in respect of loss of sunlight/daylight.
- 4.6 The Transportation Section object to the application, the reasons for which are outlined in section 3 above. Although the proposal does not fully comply with policy TR13 the original planning consent for the five dwellings was also approved contrary to Transportation's recommendation and it is not considered that an additional semi detached dwelling would have a significant impact on the current access and parking issues. The deficiencies in access road width and visibility splay are not considered sufficient to warrant refusal in this instance.
- 4.7 In relation to the points of objections I would comment as follows:-
- (a) The proposed alterations to the design, compared with the previous proposal, in terms of the reduction of the overall footprint of the dwelling, the removal of the integral garage and the relocation of the parking area are considered significant changes which warrant a full re-assessment of the proposal. It should be noted that with respect to the issue of the title deeds specifying one family home per plot that the issue is a legal matter and outwith planning control.
 - (b) Concerns regarding the addition of a smaller dwelling detracting from the amenity and character have been considered in paragraph 4.3 and 4.4 above. It is considered that the proposed dwelling can be accommodated without detriment to the amenity and character of the area.
 - (c) Concerns regarding overdevelopment and detracting from the visual amenity of the small cul de sac have been considered in paragraph 4.3 and 4.5 above. It is considered

that the proposed subdivision of the garden ground of Windyknowe can be accommodated without significant detriment to the surrounding residential properties. The proposed finish incorporating materials and a design to match the existing dwelling will ensure that the proposed dwelling will not detract from the visual amenity of the area.

- (d) The objectors concerns in relation to pedestrian and road safety have been addressed in paragraph 4.6 above. The main issue with the previous application was with the impracticable parking arrangement, which did not allow sufficient space for a standard vehicle to manoeuvre. The applicant now proposes a parking area located to the northern edge of the site. My Transportation Team Leader has no objections to the new proposed parking area. Despite some deficiencies in width and visibility from the end of Stewart Grove, this was accepted for the overall site consent (91/00254/OUT) and I do not consider the limited increase in traffic from one additional dwelling sufficient reason to refuse the application.
- (e) The objectors' concerns regarding the restriction of their outlook, privacy, sunlight/daylighting and general loss of amenity have been assessed in paragraph 4.5 above. It is not considered that the proposed development will have a significant impact on the objectors' property sufficient to warrant refusal in this instance. The proposed dwelling will have a minimal impact on the objectors' property in terms of sunlight/daylight and a sunlight/daylight test has been carried out to confirm this. The issue of privacy is considered at paragraph 4.5 above and the impact found to be satisfactory.
- (f) The availability of property and housing plots within the area is noted, however it is not a material planning consideration in the assessment of this application.

- 4.8 The applicant has provided a letter in support of the application the details of which are outlined in section 3.5 above. It is considered that the changes incorporated in the current proposal, specifically the reduction of the overall footprint of the dwelling, increased garden ground and the new parking arrangements, and the removal of a front bedroom window as detailed in paragraph 1.2, result in a proposal which meets the criteria set out in policy HSG 8 and HSG 11 of the Southern Area Local Plan Finalised Draft (Modified 2001, 2004 & 2005). The application is therefore recommended for approval subject to conditions. The objectors have, however, requested through their planning agent Stan Cook, that a Site Visit and Hearing be held before a decision is made on this application.