

**DELEGATED REPORT**

**PLANNING APP No: 21/01458/FUL**

**Date Application Valid: 15<sup>th</sup> September 2021**

**KPI Deadline: 15<sup>th</sup> November**

**KPI Target Met? Y**

<b>Proposal</b>	<b>1.5 Storey Dwelling</b>		
<b>Address</b>	<b>Land To Rear Of 8 Bowling Green Road Chryston Glasgow North Lanarkshire G69 9DT</b>	<b>Case Officer:</b> Aisling Divin	
Local Plan Policies	<b>NORTH LANARKSHIRE LOCAL PLAN 2012 (NLLP)</b> <ul style="list-style-type: none"> <li>• HCF1A (Residential Amenity)</li> <li>• DSP 4 (Quality of Development)</li> </ul>		
Planning History	<ul style="list-style-type: none"> <li>• 03/00740/FUL Construction of a Dwellinghouse - Refused at Committee on 18<sup>th</sup> June 2003.</li> <li>• 98/01669/FUL Erection Of Dwellinghouse - Refused at Committee on 24<sup>th</sup> February 1999.</li> <li>• 99/01248/FUL Erection of Dwellinghouse - Refused at Committee on 17<sup>th</sup> November 1999.</li> </ul>		
Site Visit Date(s)	20 <sup>th</sup> October 2021		
Weekly List Date	30 <sup>th</sup> September 2021	Weekly List Expiry Date	21 <sup>st</sup> October 2021
Neighbour Notification Sent	17 <sup>th</sup> September 2021	Neighbour Notification Expiry Date	8 <sup>th</sup> October 2021
Advert Date	N/A	Advert Expiry Date	N/A

<b>Detailed Considerations</b>	<b>COMMENTS</b>
Siting	This application proposes the construction of a 1.5 storey dwelling on land to the rear of 8 Bowling Green Road, Chryston.
Design and Materials	<p>The application site for the proposed dwelling has an area of approximately 275 square metres.</p> <p>The proposed house would be orientated such that its principle (front) elevation would face onto the rear of 8 Blowing Green Road</p> <p>The proposal is a 1.5 storey, two-bedroom, detached dwelling. The proposal measures 8.82 metres long by 8.74 metres wide and a height of 6.2 metres. The proposal can also accommodate 2 off-street car parking spaces. The proposal will be finished with a facing brick on the basecourse, rendered walls, double glazed windows and doors with dark grey roof tiles.</p> <p>The proposal incorporates two dormer windows to the rear elevation. The dormer projects 3.035m from the roof plane and measures 2.82m by 2.084m. The dormers will be finished in a colour coated weathering boarding material.</p>
Daylight/Sunlight	Due to the design and scale of the house and its positioning within the plot and distance to other neighbouring properties along with the level differences it is considered that this would not be an issue.
Boundary Treatment	The existing site is bounded by a brick wall which measures approximately 1.34m high.
Privacy	Due to the positioning of windows on the proposed dwellinghouse, the location of windows on neighbouring properties and difference in ground levels it is not considered that there would be any significant adverse impact.
Adjacent Levels	Relatively Flat.
Landscaping (including garden ground)	The proposed plot would have a rear garden area of approximately 77 square metres with a depth of 6.3 metres
Access, Parking & Turning	The proposal can accommodate 2 off-street parking spaces which would be appropriate for this size of dwelling.
Site Constraints	The site is located within a Low-Risk Coal Mining Area.
Consultation Responses	<p><b>NLC Environmental Health (including Pollution Control)</b> – No comments were received from this consultee however if planning permission were granted the standard conditions for erecting a house on a plot could be attached.</p> <p><b>NLC Traffic &amp; Transportation</b> – No comments were received, however from a planning</p>

	<p>perspective we acknowledge that the proposal can accommodate two off-street parking spaces which is acceptable for a dwelling of this size. The lane serving the proposed dwelling is of a poor standard but there is not considered to be any road safety issues associated with the development</p>
<p>Representations</p>	<p>Two letters of representation were received following the standard neighbour notification process and one letter of representation was received after the neighbour notification period. The points raised can be summarised as follows:</p> <p><b>Not only would this effect our property but it will also affect the natural light we get into our kitchen.</b></p> <p><b>Response:</b> As stated above, due to the positioning of the proposed dwellinghouse within the plot and distance to other neighbouring properties along with the level differences it is considered that this would not be an issue. Given the positioning of the windows, it is considered that the proposal will not create an adverse impact on the current privacy issues.</p> <p><b>The application was wrongly addressed, which caused confusion among the community.</b></p> <p><b>Response:</b> We changed the address of the application site but are of the view that this did not have an impact on the public viewing the proposal online and making their comments.</p> <p><b>Access road to this proposed property which is adjacent to our house contains deep potholes, surface water and drainage problems due the current issues. Any further usage would make the road conditions deteriorate further and the road may become unsuitable for vehicles.</b></p> <p><b>Response:</b> We acknowledge that the application can accommodate two off street parking spaces which is considered acceptable for a property of the size proposed. This is a private road so issues of the current state of the road/maintenance are for owners of the lane to address but it is not considered that an additional dwelling would present any road safety issues.</p> <p><b>Planning Permission has previously been refused 3 times and there has been no change since the following previous applications were refused:</b></p> <p><b>Response:</b> It is acknowledged that there have been previous attempts for similar proposal on this application site which were unsuccessful, however every application is determined on its own merit.</p> <p><b>Scottish Water have advised that a public sewer passes through the application site and that this would need to be diverted or protected. Also, that separate drainage system of foul and surface water sewers would be required. Both of which would cause major disruption and upheaval to the surrounding properties.</b></p> <p><b>Response:</b> If the application was approved then a standard condition for drainage in association with the construction of a dwelling could be attached to the permission. For drainage facilities to be provided on site to prevent surface water running from the site onto the public road.</p> <p><b>The design of the new dwelling has aimed to reduce the possibility for overlooking our property (8 Bowling Green Road), the design and orientation of the house is not in keeping with the style and character of the surrounding plots.</b></p> <p><b>Response:</b> We agree that the dwelling proposed and indeed the site itself are out of character to the existing properties within this area.</p> <p><b>The driveway of the proposed new dwelling is directly next to our only area of small garden and would therefore be detrimental to the use of this space by ourselves and our small child.</b></p> <p><b>Response:</b> We note within the Planning Assessment below that this site is not considered acceptable for a house. Whilst the parking provision is acceptable for a house of this size, it is considered that overall the development is unacceptable and out of keeping with the character of the area.</p> <p><b>An additional house would only add to this issue which is exacerbated at present with overspill parking from the Bowling Green and the number of park activities now taking place.</b></p> <p><b>Response:</b> The plans provided confirms two off-street parking spaces can be</p>

	<p>accommodated within the front curtilage. In relation to on street parking, unfortunately through the planning remit we do not have any control over indiscriminate parking, where members of the public park on the street, whether they are visiting this property or not. It is considered that the proposal for a dwellinghouse will not create a significant change in parking demands.</p> <p><b>This would set a new precedent for the area that could encourage other surrounding properties to also half their garden and begin to build additional houses.</b></p> <p><b>Response:</b> Whilst we acknowledge that every application is determined on its own merit, we do agree that if permission was granted then it could set a precedent within the area.</p> <p><b>Would like to raise the awareness of the growing of Japanese Knotweed on the land of the proposed building at 8 Bowling Green Road.</b></p> <p><b>Response:</b> In terms of Japanese Knotweed, this is dealt with under separate non-planning legislation and any issues regarding ongoing and historic treatment by neighbouring residents is a private legal matter between them and the developer.</p> <p>As mentioned above a late letter of representation was received which covered similar points already received and commented on above. Other points raised in this letter included the overall maintenance of the site and other civil matters which are not considered as planning matters and therefore cannot be addressed within the planning remit.</p>
Any Other Material Considerations	This site was previously part of the garden ground of number 8 Bowling Green Road and there have been 3 unsuccessful attempts to get planning permission for a house on this site. The separation of this land from the original house does not mean that this is a house plot

<p><b>Report</b></p> <p>The application seeks planning permission for the erection of a 1.5 storey dwelling on the land rear of 8 Bowling Green Road, Chryston.</p> <p><b>Planning Assessment</b></p> <p>Under Section 25 of the Town and Country Planning (Scotland) Act 1997 planning decisions must be made in accordance with the relevant development plan unless material considerations indicate otherwise. The application raises no strategic issues in terms of the Glasgow and the Clyde Valley Strategic Development Plan and therefore it can be assessed in terms of local plan policy.</p> <p>The application site is located in an area designated as HCF 1 A in the North Lanarkshire Local Plan 2012 which seeks to protect the residential character and amenity of existing housing areas. The proposal is for residential development and is therefore a compatible use with the surrounding area and as such the principle of developing a house plot is acceptable. Policy HCF 1A requires such proposals to be assessed against the criteria of DSP 4 which considers issues such as size, materials, and road safety, and which states that proposals must integrate successfully with the surrounding area by avoiding harm to the neighbouring amenity.</p> <p>The application site has been subdivided from 8 Bowling Green Road. No.8 Bowling Green Road is under a different ownership and now this creates a separate ownership of land. It is noted that there have been several attempts to erect a dwelling house within this application site, these proposals were all refused at the time. I refer to the latest proposal back in 2003, (planning reference - 03/00740/FUL) this application was presented to the Planning Committee on 18<sup>th</sup> June 2003 and was recommended to be refused on following reasons:</p> <ul style="list-style-type: none"> <li>• the proposal failed to meet the requirements set out in the Council's Guidance on the minimum space around new dwellings</li> <li>• the size of the plot does not allow for the construction of a dwelling which would be in keeping with those in the immediate surrounding area,</li> <li>• the proposal would result in the over development of the plot with insufficient garden ground resulting in unacceptable level of residential development. The proposed dwelling will also adverse the level of amenity currently enjoyed by the surrounding residents</li> <li>• Failing to meet the requirements of the Council's Road Authority in terms of parking provisions and failing to create any impact on the access sightlines</li> <li>• Finally, if approved, would be likely to set an undesirable precedent and encourage further applications for similar developments which would be unacceptable</li> </ul> <p>Whilst the current application is assessed against the current Local Development Plan (NLLP 2012) many of the same concerns are still present. The current proposal fails to meet the Council's Guidance on the minimum space around new</p>
--

dwelling. The depth of the rear garden is 6.3m and whilst we acknowledge the overall area is 77sqm, the shortfall of meeting the minimum rear garden depth of 10m can create an unacceptable environment for living and is also out of character with the area which is typified by semi detached or detached dwellings on large plots and it is considered that this development would as a result cause harm to the amenity of the wider area

We have communicated our concerns to the agent, and whilst we appreciate the design and layout of this proposal has been devised in more sensitive matter than previous proposals and has tried to minimise any privacy or overshadowing impacts this does not overcome our fundamental concern which relates to the application site itself. The site is not considered to be an acceptable housing plot and would result in a development that would be out of keeping with the character of the area. As a result, the development proposed for the application site does not integrate successfully into the existing area as the area is predominantly residential (although there is also a commercial premises and a Nursery) and the majority of the residential houses are semi-detached or detached properties with large gardens. For these reasons the application is considered contrary to policy DSP4 in the NLLP. The agent indicates that Number 8 Bowling Green has a smaller garden area; however, the reason for this is as a result of the inappropriate subdivision of the original plot.

In addition to the above, if this application was approved, it is likely to set an undesirable precedent and encourage other property owners to subdivide their large garden ground and propose similar developments.

As stated above, we did consult NLC Environmental Health (including Pollution Control) & NLC Traffic & Transportation but did not receive any comments. In terms of NLC Environmental Health (including Pollution Control), if the application was to be granted then the standard conditions for erecting a house on a plot could be attached.

In relation to roads matters, it is noted from a planning perspective that the proposal can accommodate two off-street parking spaces which is acceptable for a dwelling of this size. There is not considered to be any road safety issues and in the previous application, NLC Traffic & Transportation stated that access sightlines of 2.5 metres by 20 metres should be formed and thereafter maintained, and again this could be covered by planning condition of permission were to be approved.

For these reasons discussed above it is considered that the proposal is contrary to policies HCF1A Residential Amenity and DSP4 Quality of Development in the North Lanarkshire Local Plan 2012 and it is therefore recommended that planning permission be refused

**Date 10<sup>th</sup> November 2021**

### **Reasoned Justification**

The proposed dwellinghouse would be contrary to local plan policy and would fail to integrate successfully nor would it properly reflect the established character of the area.

### **Recommendation: Refuse for the following reason.**

1. The proposed dwellinghouse and plot fails to accord with policies HCF 1 A Residential Amenity and DSP4 Quality of Development in the North Lanarkshire Local Plan 2012 in that it does not integrate successfully into the local area by virtue of its design, size of the plot and restricted rear garden depth and thereby fails to relate well to the existing wider context or character of the area and as such would have an adverse impact on local amenity.
2. If permission were to be granted for this development it would set an undesirable precedent making it difficult to resist similar proposals.