

Our Ref: 21/00687/FUL  
Your Ref:  
Contact: Aisling Divin  
Tel: 01236 632500  
E-mail: [Planningenquiry@northlan.gov.uk](mailto:Planningenquiry@northlan.gov.uk)  
Date: 14 September 2021



## **Enterprise And Communities**

Lorna Bowden  
Planning And Place Manager  
Fleming House  
2 Tryst Road  
Cumbernauld G67 1JW

Mr Stuart Docherty  
11 Kent Road  
Uddingston  
Bellshill  
North Lanarkshire  
ML4 3PN

Dear Sir,

**Town and Country Planning (Scotland) Act 1997**  
**Proposal: 2 Storey Side Extension**  
**Address: 11 Kent Road, Uddingston, Bellshill, North Lanarkshire, ML4 3PN**

I advise you that this application was **refused** on 14 September 2021.

I enclose a copy of the Decision Notice.

Should you wish to seek a review of this decision, please read the attached guidance notes to applicant. Any request for a review must be made within three months of the date of this decision.

Yours faithfully,

A handwritten signature in black ink that reads "L. Bowden".

**Lorna Bowden**  
**Planning And Place Manager**





**REFUSAL OF PLANNING  
PERMISSION**

**Delegated Decision**

Town and Country Planning (Scotland) Act 1997

No: 21/00687/FUL  
Date: 14 September 2021  
To: Mr Stuart Docherty  
11 Kent Road  
Uddingston  
Bellshill  
North Lanarkshire  
ML4 3PN

With reference to your application dated 28 April 2021 for planning permission under the above Act for the following development:

**Proposal: 2 Storey Side Extension**

**Address: 11 Kent Road, Uddingston, Bellshill, North Lanarkshire, ML4 3PN**

North Lanarkshire Council, in exercise of its powers under the above Act, hereby **REFUSES** planning permission for the reasons indicated in the paper apart.

The council's reasoning for arriving at the above decision is as follows:-

Reasoned Justification

The proposed development fails to meet the criteria set out in policies HCF 1A and DSP 4 of the North Lanarkshire Local Plan 2012. The proposal would result in a significant negative impact on the levels of available sunlight entering the window on the front elevation of No. 13 Kent Road to the detriment of their residential amenity. Furthermore; the scale, design and massing of the of the proposed extension is considered overbearing to the neighbouring dwellinghouse.

A handwritten signature in black ink that reads "L. Bowden".

**Lorna Bowden**  
**Planning And Place Manager**

## Paper apart

### Reasons

1. That the proposed development is contrary to Policies HCF1A and DSP 4, of the North Lanarkshire Local Plan 2012 as the extension is considered unacceptable in terms of its scale and massing resulting in it being overbearing in relation to the neighbouring dwellinghouse at No. 13 Kent Road and would also have a significant negative impact on the available sunlight and daylight to the front elevation of No. 13 Kent Road to the detriment of their residential amenity.

### Notes to Applicant

1. The site is located on potentially contaminated land. Where appropriate, suitable steps require to be taken to ensure that any measures previously provided in connection with the building, in relation to contaminated land remediation, are not damaged or compromised during construction.

If gas preclusion measures were incorporated into the original building then the same measures should also be incorporated into the proposed works.

Should the presence of any previously unsuspected contamination become evident during the development of the site it shall be brought to the attention of this Department within one week or earlier. At this stage, a more detailed site investigation to determine the extent and nature of the contaminant(s), and a site specific risk assessment of any associated hazards may be required.

### **Additional Notes to Applicant:**

#### **PLEASE READ THESE NOTES CAREFULLY.**

These notes do not constitute legal advice, and are not intended to be a comprehensive guide to laws which may apply to the development which you propose to carry out.

If you wish to obtain advice on which you will be entitled to rely, you must consult a solicitor or other appropriate professional adviser, e.g. an architect or chartered surveyor.

1. A copy of the plan which accompanied your application is returned docketed appropriately.
2. **Rights of aggrieved applicants to seek review of the decision:** If the applicant is aggrieved by this decision taken under delegated powers by the planning authority they may request that a review of the decision is undertaken by the council's Local Review Body. Any request for a review (Notice of Review) must be made within **three months** of the date of this decision and should be addressed to Committee Services, Civic Centre, Windmillhill Street, Motherwell ML1 1AB. The appropriate Notice of Review form is available online at [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk). In the event of a review, the Local Review Body may uphold the original decision or may reverse or vary any part of it and may deal with the application as if it had been made to them in the first instance, regardless of the specific issues raised in the Notice of Review.

3. If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice of his interest in the land in accordance with the provisions of Sections 88 to 94 of the Town and Country Planning (Scotland) Act 1997.
4. Where it appears to the planning authority that there has been a breach of planning control, they may serve enforcement and stop notices requiring the breach to be remedied.