

DELEGATED REPORT

PLANNING APP No: 21/00687/FUL

Date Application Valid: 28th April 2021

KPI Deadline: 28th June 2021

KPI Target Met? N – 17th September 2021

Proposal	2 Storey Side Extension		
Address	11 Kent Road Uddingston Bellshill North Lanarkshire ML4 3PN	Case Officer: Aisling Divin	
Local Plan Policies	NORTH LANARKSHIRE LOCAL PLAN (NLLP) 2012 <ul style="list-style-type: none"> • HCF 1A – Protect Residential Amenity • DSP 4 – Quality of Development 		
Planning History	<ul style="list-style-type: none"> • 01/01023/OUT Residential Development (In Outline) • 02/01404/FUL Residential Development Comprising 18 Flats and 69 Detached Dwellinghouses 		
Site Visit Date(s)	19 th July 2021		
Weekly List Date	6 th May 2021	Weekly List Expiry Date	27 th May 2021
Neighbour Notification Sent	4 th May 2021	Neighbour Notification Expiry Date	25 th May 2021
Advert Date	N/A	Advert Expiry Date	N/A

Detailed Considerations	COMMENTS
Siting	The proposal site is the side curtilage of a detached dwellinghouse in a well-established residential area of Uddingston.
Design and Materials	<p>The existing dwelling is finished in roughcast render, facing brick, concrete roof tiles with upvc windows and doors.</p> <p>The application proposal is for a two-storey extension which would extend 4.9m from the existing side elevation. The roof is a hipped roof design and measures 6.95m to the ridge and 5.4m to the eaves. The materials proposed will match that of the original dwelling.</p> <p>The ground floor level of the extension will accommodate space for a garage area and the first-floor level will accommodate space for a larger bedroom, bathroom, a walk-in wardrobe and en-suite.</p>
Daylight/Sunlight	The proposal has a significant and detrimental effect on the levels of sunlight/daylight for the dwelling house located at No. 13 Kent Road. This issue shall be discussed in the main body of the report.
Boundary Treatment	There is a 1.8 m high wooden fence bounding the rear curtilage.
Privacy	Due to its design, the proposal raises no direct window to window privacy issues.
Adjacent Levels	The applicant site slopes to the South.
Landscaping (including garden ground)	It is considered that while the proposal would result in some impact on the amenity space, adequate private amenity space would be retained within the site.
Access, Parking & Turning	The existing access, parking and turning area will not be affected by the proposed development.
Site Constraints	The site is located within a Low-Risk Coal Mining Area.
Consultation Responses	Protective Services have advised suitable seps are required 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. This matter is covered by an advice note to the applicant.
Representations	No representations were received in relation to this application.
Any Other Material Considerations	North Lanarkshire Council Local Development Plan Modified Proposed Plan

The Report of Examination was published on 24 May 2021 by the Scottish Government's Planning and Environmental Appeals Division (DPEA), following submission of the Modified Proposed Plan and supporting documentation to the Scottish Ministers on 21 July 2020. The council is currently analysing the proposed modifications identified in the Report of Examination and will prepare an Adoption Plan and associated documentation for publication in due course.

Relevant policies under the North Lanarkshire Council Local Development Plan Modified Proposed Plan include:

General Urban Area policy PP3 and AD3 which would seek to protect residential amenity as reflected in existing local plan policy HCF1A (above)

Policy EDQ3 (Development Quality) which would reflect the requirements of existing policy DSP 4 (above).

Report

This application seeks permission for the erection of a two-storey side extension, located at 11 Kent Road, Uddingston, Bellshill.

Under 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. The proposal raises no strategic issues and requires to be assessed against local plan policies HCF1A and DSP 4.

The application site is designated in the North Lanarkshire Local Plan (NLLP) as being within a residential area and as such policy HCF 1A applies. Policy HCF1 A has a presumption against developments detrimental to residential amenity in primarily residential areas. It is noted that, in these areas, an extension to an existing residential dwellinghouse is acceptable in principle subject to detailed assessment against policy DSP4.

Policy DSP 4 sets out that proposed developments should integrate successfully into the local area, avoid harm to neighbouring amenity by relating well to the existing context, and avoid adverse impact on existing or proposed properties through overlooking, loss of privacy, amenity, overshadowing or disturbance.

The proposal raises concerns in terms of available sunlight entering a ground floor window on the front elevation of No. 13 Kent Road. A site visit confirmed that No.13 has converted what was an integral garage to a habitable room replacing a garage door with window. The agent was asked to consider a redesign given the scale and massing of the original proposal which was considered to result in a significant loss of sunlight entering No. 13. Revised plans from the agent were submitted but whilst the size, positioning and roof design of the proposal have changed, the same concern regarding sunlight remains. The agent was advised of the remaining concern: however, they confirmed that they do not wish to make any further changes to revised plans and state that their client wishes the application to be assessed as it stands. The agent was approached again to see if their client was willing to make any changes to the proposal regarding the concerns the loss of sunlight/daylight to the neighbouring property along with creating a tunnelling effect to this property providing a sense of overbearing; however, this final opportunity to revise the extension design was refused. As such, the revised plans are assessed on their own merits.

Given the nature of the development a sunlight/daylight test has been carried out in accordance with BRE Press document "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" to assess the impact of the proposed extension to the neighbouring property. A 45-degree test was carried out and the results of this test conclusively show that the addition of the two-storey side extension to the dwelling house at 11 Kent Road would significantly overshadow and detrimentally affect the levels of sunlight entering the window on the front elevation of 13 Kent Road. It is acknowledged that the agent provided their own assessment and explanation that the existing dwellinghouse already overshadows the neighbouring property and that the proposed extension would provide 1metre maximum additional of the overshadowing that would happen after 6pm in the evenings. It is acknowledged that the revised block plans provided by the agent show this impact; however, an elevation drawing (A 45-degree test, as stated above) must also be assessed. From our assessment, using both proposed block and elevation plans, the extension is considered inappropriate in this location given its orientation and detrimental impact on available sunlight to No. 13.

It is noted that in terms of other DSP4 criteria the proposed design of the extension relates satisfactorily to the existing dwellinghouse and the proposed materials are considered acceptable, adequate rear garden ground will be retained, there would be no overlooking or privacy issues resulting from the extension and that the parking provision would remain acceptable.

Whilst we did not receive any objections to the proposal, the scale and massing of the proposal with the impact on sunlight or daylight to the window on the front elevation of No. 13, it is considered that the proposal is not in compliance with the Local Development Plan Policies HCF 1A and DSP 4.

In conclusion, it is considered that the proposal does not comply with the North Lanarkshire Local Plan 2012. The proposal would result in a significant negative impact on the levels of 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 proposed extension is considered overbearing to the neighbouring dwellinghouse. For these reasons it is recommended that planning permission be refused.

Date 14th September 2021

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.

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

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 of No. 13 Kent Road to the detriment of their residential amenity.