



Glasgow City Council

Planning Local Review Committee

**Report by Executive Director of Neighbourhoods,
Regeneration and Sustainability**

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Item 1

11th November 2025

**25/00061/LOCAL – Use of garage as habitable accommodation with
associated alterations and erection of extension to rear of dwellinghouse -
Section 42 application to amend condition 01 of planning permission
21/00716/FUL. 47 Oykel Crescent Glasgow G33 1FD**

Purpose of Report:

To provide the Committee with a summary of the relevant considerations in the
above review.

Recommendations:

That Committee consider the content of this report in coming to their decision.

Ward No(s): 17 – Springburn/Robroyston Citywide: n/a

Local member(s) advised: Yes ☐ No ☐ consulted: Yes ☐ No ☐

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1 LOCATION, DEVELOPMENT PLAN DESIGNATIONS AND PROPOSAL

Location

- 1.1 The application site is a detached single storey granny flat building converted from a garage and a two-storey detached residential dwellinghouse located towards the southern end of Oykel Crescent. Oykel Crescent is in close proximity to Dochart Oval and Auchinleck Road. The dwellinghouse is in a newly established residential area towards the northeast of Robroyston and south of Lumloch Road. The site is in Local Ward 17 – Springburn/Robroyston.

Proposal

- 1.2 The application is for a Section 42 amendment to condition 01 of planning permission 21/00716/FUL. The original application sought to use the existing garage as a long-term residential accommodation with associated alterations.
- 1.3 The original proposal included the erection of a 30.7sqm granny flat of render, double glazed windows and matching glazed doors. This has shared amenity grounds with the main dwellinghouse on the plot.
- 1.5 A Section 42 proposal (“Determination of applications to develop land without compliance with conditions previously attached”) seeks to remove a previously agreed condition. Condition 01 for this application stated:
01. The granny flat hereby approved from the garage conversion shall be used only as a domestic outbuilding incidental to the enjoyment of the host dwellinghouse and for no other purpose without the prior written approval of the Planning Authority.
Reason: To safeguard the amenity of the surrounding area.
- 1.6 The proposal, therefore, seeks the removal of this condition. Effectively this would designate the property as a separate dwellinghouse and grant additional permitted development rights from no longer being classed as an ancillary development.

2 DEVELOPMENT PLAN POLICIES

- 2.1 The relevant National Planning Framework 4 (NPF4) and City Development Plan (CDP) policies and Supplementary Guidance are:
- **Policy 1:** Tackling the climate and nature crises
 - **Policy 2:** Climate mitigation and adaption
 - **Policy 13:** Sustainable transport
 - **Policy 16:** Quality Homes
- 2.2 The relevant City Development Plan policies and Supplementary Guidance are:
- **CDP1 & SG1:** The Placemaking Principle
 - **CDP11 & SG11:** Sustainable transport

3 REASONS FOR REFUSAL / RELEVANT CONDITION(S)

3.1 The reasons for refusal are set out below:

01. The proposal was not considered to be in accordance with the Development Plan as detailed below, and there were no material considerations which outweighed the proposal's variance with the Development Plan.
02. The proposal is contrary to Policy 16: Quality Homes of National Planning Framework 4 and policy CDP1 and SG1 'Placemaking' of the Glasgow City Development Plan in that removing the use restrictions of condition 01 of planning permission reference 21/00716/FUL would disassociate the use of the granny flat as ancillary accommodation to the main dwellinghouse, effectively creating a new dwellinghouse within the existing residential plot.
03. The resultant dwellinghouse would not provide quality accommodation that is suitable for residential use. The resultant dwellinghouse lacks a frontage on to a public street and has no private garden ground. The resultant dwellinghouse is accessed from the rear private garden of the main dwellinghouse and would result in unacceptable privacy and amenity conflicts with the main dwellinghouse. The proposal would not result in good quality accommodation with appropriate facilities and residential amenity.

4 APPEAL STATEMENT

4.1 A summary of the material points raised in the appeal statement is given below:

01. The officer incorrectly characterised the proposal as the creation of a new dwelling when the space was to be used as a self-contained residential unit for long-term rental occupancy.
02. The officer presented the case as not proposing an alternative to the condition but for its removal altogether, and the following alternative is proposed:

"The granny flat hereby approved shall only be occupied as a long-term residence by a single tenant/couple or a dependent relative of the hosts dwelling and shall not be "

This ensures ongoing planning control and addresses concerns about subdivision or intensification."

Committee should note:

- This alternative condition was not proposed as part of the original application.
03. The granny flat is consistent with NPF4 Policy 16 quality homes it has a clear frontage to Oykel Crescent, substantial usable garden space, and no detrimental impact on residential amenity.

04. Significant material considerations outweigh the residual concerns; it has been successfully let to a community worker for 3 months to no incident.
05. The removal of the condition does not seek to create a separate dwellinghouse as it will remain in the curtilage of the existing property.
06. The accommodation could be used by teachers or NHS doctors.
07. The public comments are generic concerns (amenity, noise, parking, 'subdivision', and precedent), that were submitted at the same time. The one that is not is heavily personalised and misrepresents guest reviews and activity.
08. The appellant submitted evidence of ongoing engagement with local councillor Graham Campbell.

5 RELEVANT PLANNING HISTORY

- 5.1 There are several previous planning applications for the property relevant to this review:
- 21/00716/FUL - Use of garage as habitable accommodation with associated alterations and erection of extension to rear of dwellinghouse - Decided - Grant Subject to Condition(s)
 - Committee should note: Upon site visit and as noted in the site photos enclosed in the appeal statement, there is a currently a breach of the second condition attached to this application:

02. The 1.8m high timber fencing surrounding the rear garden space shall be retained in perpetuity

Reason: In order to protect the privacy of neighbouring gardens This has been raised as a pending investigation by the enforcement team.
 - 22/00481/EN - Enforcement Enquiry –“ Alleged non-compliance with condition 01 attached to planning consent 21/00716/FUL for conversion of double garage to habitable accommodation.” Case Closed
 - 23/00413/FUL - Use of granny flat as short stay accommodation. - Decided – Refuse
 - 23/00033/LOCAL - Use of granny flat as short stay accommodation – Dismissed
 - 23/02493/PLU - Use of detached habitable outbuilding as bed and breakfast accommodation (Class 9) - Decided - Refuse Lawful Use
 - 24/00039/PLUA - Use of detached habitable outbuilding as bed and breakfast accommodation (Class 9) – Dismissed

- 25/00204/EN - Enforcement Enquiry- “Alleged Breach: Short Term Let” Investigation Suspended – Change
- 25/00800/FUL - Use of garage as habitable accommodation with associated alterations and erection of extension to rear of dwellinghouse - Section 42 application to amend condition 01 of planning permission (21/00716/FUL) - Decided – Refuse

6 REPRESENTATIONS AND CONSULTATIONS

- 6.1 There were sixteen representations received to the application, objecting to the proposal. The following points were raised:
- The use represents a shift in character and intensification of use of the premises.
 - Concerns for residential amenity, loss of privacy, pressure on shared green space and local infrastructure.
 - Risks undermining the established residential character of the Wallacefields Estate.
 - The repurposing of this building as an independent commercial unit would introduce a form of development incompatible with that character.
 - Impact on the Natural Environment: Increased residential density, even in the form of long-term tenancies, may result in more pressure on green spaces, boundary areas, and shared outdoor amenities.
 - Informal or unregulated conversions to commercial lets risk disrupting these communities, particularly in areas like Oykel Crescent, which is characterised by long-term owner-occupiers and stable family tenancies.
 - The Planning Committee has twice deemed this location unsuitable for commercial habitation and A short-term let licence was refused at committee level.
 - The Scottish Government has also rejected its use as a bed and breakfast and raised concerns regarding Mr Singh’s approach to planning procedures.
- 6.2 There were seven representations received to the review, objecting to the proposal. The following points were raised:
- The garage provides no frontage, defensible private space and shared access failing to meet Policy 16 of NPF4, it should remain ancillary.
 - Two separate households on one plot cannot enjoy reasonable amenity without conflict.
 - The space was approved only as ancillary accommodation, not as a new dwelling.
 - Increases in vehicle congestion and parking issues
 - There are previous enforcement cases for this site. *Committee should note that this is not a material consideration.*

7 COMMITTEE CONSIDERATIONS

- 7.1 Committee should consider if the following are in accordance with NPF4, the relevant City Development Plan policies and Supplementary Guidance, and if

there are material considerations which outweigh the Development Plan considerations.

7.2 The following are the relevant policy considerations:

7.3 **Climate change and mitigation**

National Planning Framework 4: NPF4 Policy 1 Tackling the climate and nature crises and Policy 2: Climate Mitigation and Adaptation states that “when considering all development proposals significant weight will be given to the global climate and nature crises” and that “development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.”

Committee should note that:

- The area has a below-base public transport accessibility.
- No cycle storage has been proposed for this site.
- Objections have been raised on the grounds that the proposal would put more pressure on existing green infrastructure. This concern is noted as there would be no green amenity within the proposal area.
- Granting permission for this site to be used as a separate dwellinghouse would in effect allow additional Permitted Development rights - including extensions around the curtilage of the new property – and therefore amount to an intensification of use.

Committee should consider whether:

- the proposal will have a positive effect on the climate crisis?
- the climate crisis and climate mitigation has been sufficiently considered in this proposal?
- they are satisfied with the lack of garden ground within the boundaries of the proposed area, should permission be granted for the property to act as a separate property from the main dwellinghouse?

7.4 **Residential amenity**

General principles:

SG1 - The Placemaking Principle (Part 2)

2.51 **Conversion and Subdivision to Residential Use:** The aim of this guidance is to ensure that conversions and subdivisions result in good quality accommodation with appropriate facilities and residential amenity.

2.52 **General Standards:** Proposals for conversions and subdivisions should comply with the following general standards:

- b) all habitable rooms (see Definition) should receive natural daylight and ventilation. No residential accommodation should be formed solely in basement cellars or under buildings. *A minimum of 18*

metres should be provided between habitable room windows directly facing windows in buildings on adjacent sites, wherever possible. Where the adjacent site is vacant, no new habitable room windows should be formed on an elevation less than 9 metres from the common boundary;

2.60 **Residential Development in Lanes and Gardens:** The City contains many detached and semi-detached houses with generous gardens to the side and/or rear of the properties. Development of part of these gardens for additional dwellings, however, can often result in overdevelopment of the site, to the detriment of the residential amenity of both the existing and the new properties.

2.61 Proposals for residential development will require to meet all the following criteria:

- a) the new plot(s) being created should comply with the average residential plot size of similar dwellings in the surrounding area;
- b) the development should match the scale and massing of adjacent residential property;
- c) the development must have a frontage on to a public street; and
- d) all other relevant standards should be met.

Other relevant standards include:

2.6 **Privacy and Overlooking:** The following guidance applies:

- a) there should be no adverse impact on existing or proposed accommodation;
- b) windows of habitable rooms (see Definition) should not increase direct overlooking into adjacent private gardens or rooms;
- c) at ground floor level, screening of 1.8 metre high will usually be required along boundaries where new windows face neighbouring properties;
- d) above ground floor level, windows of habitable rooms which directly face each other, including dormers, should be at least 18m apart and at least 10m from the site boundary. These distances do not apply to rooflights; and
- e) Obscure glazing in windows of habitable rooms (see Definition) is not considered an acceptable means to mitigate against privacy issues.

Committee should note:

- Approval of this proposal would render the property effectively separate from the existing dwellinghouse and therefore without a private back garden.
- The original application did not give a rationale for the removal of the condition, though the application was submitted in response to an enforcement action against the property being allegedly used as a short term let.
- On average, plot sizes in the square block around the proposal site are between 240m² to 400m². The subdivided area, including the driveway, would be 40m² in total, contrary to policy.
- Approval of this proposal would mean that the French doors of the habitable room facing the main dwelling would be overlooking the garden of the main dwelling, contrary to policy. A privacy screening would be required, but it is unclear how this would be practicable.

Committee should consider whether:

- an exception to policy regarding scale, massing and plot size can be made in this case?
- the amenity of the neighbouring residents has been sufficiently considered in this proposal?

Waste Management

SG1 (Part 2):

Waste, Recycling and Collection: All new developments must include appropriate and well-designed provision for waste storage, recycling and collection which meets the City's wider placemaking objectives.

General Standards (2.52): Proposals for conversions and subdivisions should comply with the following general standards: d) there should be internal access from each dwelling to both the front and rear of the building, to enable occupants to reach refuse/recycling facilities and private/communal amenity space (an exception may be made in properties where a path is provided around the side of the building;

Committee should note that:

- No waste management plan has been provided, and it is unclear where bin storage would occur if the property acted as a separate dwellinghouse from the existing plot.

Committee should consider whether:

- In the absence of a waste management plan, the proposal has properly considered waste management measures?

7.5 Parking

NPF4 Policy 13 and CDP11/SG11: Sustainable transport

These policies seek to ensure all development is designed and delivered to support and accommodate sustainable and active transport options. SG11 includes details of the standards expected, the below is for “Residential Parking in Conversions / Redevelopment / Subdivision”

Cycle Parking	Cycle storage should be provided at a rate of at least one space per dwelling. Car-free dwellings with more than one bedroom should provide for additional secure cycle storage at a rate of 0.5 extra spaces per additional bedroom, rounded up to the nearest whole number.
Vehicle Parking	Minimum standard is one space per dwelling unit for residents.

Variation, above or below these basic standards for vehicle parking shall be justified against the following:

- public transport accessibility so provision below the basic standard may be considered in areas of High Accessibility - (see Annex A);
- density and open space considerations (see SG 1 and SG6);
- placemaking, townscape and design requirements (see policy CDP 1: Placemaking and Design);
- house size and house form (i.e. flatted accommodation with the lowest requirement, through terraced and semi-detached, to detached with the highest requirement);
- car availability by household in the surrounding area;
- existing pressure on on-street parking in the surrounding area;

CDP 10 & SG 10: Meeting Housing Needs also requires an applicant “can demonstrate there will be no adverse impact on traffic congestion and parking”

Committee should note that:

- No cycle or vehicle parking provision is proposed.
- With the separation of this property from the existing dwellinghouse, parking could no longer be provided within the curtilage of the property for the existing primary dwellinghouse.

Committee should consider whether:

- The lack of cycle and car parking provision is acceptable in this case?
- The proposal could give rise to parking problems?

8 COMMITTEE DECISION

- 8.1 The options available to the Committee are:
- a) Refuse the Section 42 application, i.e. grant planning permission with the same conditions, or
 - b) Approve the Section 42 application, i.e. grant planning permission with conditions 01 deleted, and remaining conditions re-numbered.
- 8.2 *Section 43A(12)(a) of the Town and Country Planning (Scotland) Act 1997* requires that reasoning behind why the local review body has been decided be supplied in the decision notice.

Policy and Resource Implications

Resource Implications:

Financial: n/a

Legal: n/a

Personnel: n/a

Procurement: n/a

Council Strategic Plan: n/a

Equality and Socio-Economic Impacts:

Does the proposal support the Council's Equality Outcomes 2021-25? Please specify. n/a

What are the potential equality impacts as a result of this report? no significant impact

Please highlight if the policy/proposal will help address socio-economic disadvantage. n/a

Climate Impacts:

Does the proposal support any Climate Plan actions? Please specify:

n/a

What are the potential climate impacts as a result of this proposal?

n/a

Will the proposal contribute to Glasgow's net zero carbon target?

n/a

Privacy and Data Protection Impacts:

Are there any potential data protection impacts as a result of this report
N

If Yes, please confirm that a Data Protection Impact Assessment (DPIA) has been carried out

9 RECOMMENDATIONS

- 9.1 That Committee consider the content of this report in coming to their decision.