

Report of Handling for Application 25/00800/FUL

ADDRESS:	47 Oykel Crescent Glasgow G33 1FD	Item 3 11th November 2025
PROPOSAL:	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.	

DATE OF ADVERT:	This application did not require to be advertised.	
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	11 neighbour notification letters were issued, and the application was included on the Weekly List of Applications. 1 representation was received with an objection. The grounds of objection were as follows: <i>"As residents living locally to this property, we oppose this application."</i> Comment: Noted, though the representation does not raise any material reasons for the objection. See the 'Other Comments' section below for the assessment of the proposal and reasons for the decision.	
PARTIES CONSULTED AND RESPONSES	None.	
PRE-APPLICATION COMMENTS	None.	

EIA - MAIN ISSUES	NONE
CONSERVATION (NATURAL HABITATS ETC) REGS 1994 – MAIN ISSUES	NOT APPLICABLE
DESIGN OR DESIGN/ACCESS STATEMENT – MAIN ISSUES	NOT APPLICABLE
IMPACT/POTENTIAL IMPACT STATEMENTS – MAIN ISSUES	NOT APPLICABLE
S75 AGREEMENT SUMMARY	NOT APPLICABLE
DETAILS OF DIRECTION UNDER REGS 30/31/32	NOT APPLICABLE
NPF4 POLICIES	The National Planning Framework 4 (NPF4) is the national spatial strategy for Scotland up to 2045. Unlike previous national planning documents, the NPF4 is part of the statutory development plan and Glasgow City Council as planning authority must assess all proposed development against its policies. The following policies are considered relevant to this application: • Policy 1: Tackling the climate and nature crises • Policy 2: Climate mitigation and adaption

	Policy 16: Quality Homes
CITY DEVELOPMENT PLAN POLICIES	The City Development Plan consists of high-level policies with statutory Supplementary Guidance. The following policies were considered when assessing the application: CDP 1: The Placemaking Principle SG 1: Placemaking Part 2 – Residential Development & Commercial Premises
OTHER MATERIAL CONSIDERATIONS	None
REASON FOR DECISION	The proposal was considered not to be in accordance with the Development Plan, and there were no material considerations which outweighed the proposal's variance from the Development Plan.

Comments	
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Planning History	Development Management			
	Ref	Proposal	Decision Issued	Decision
	21/00413/FUL	Erection of extension to freestanding garage and use as habitable space ##WITHDRAWN##	12.03.2021	IW
	21/00716/FUL	Use of garage as habitable accommodation with associated alterations and erection of extension to rear of dwellinghouse	18.08.2021	GC
	23/00413/FUL	Use of granny flat as short stay accommodation.	21.04.2023	RF
	23/00448/FUL	Use of granny flat as short stay accommodation ##WITHDRAWN - DUPLICATE##	27.02.2023	IW
	23/02493/PLU	se of detached habitable outbuilding as bed and breakfast accommodation (Class 9)	18.03.2024	UL
Site Visits (Dates)	Application is determined using the submitted information and Google Maps.			
Siting	The application site is a detached single storey granny flat building converted from a garage (21/00716/FUL) 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.			
Design and Materials	The application seeks consent for the use of garage as long-term residential accommodation with associated alterations - Section 42 application to amend condition 01 of planning permission 21/00716/FUL. The application form advises "This application seeks to vary Condition 01 of the original planning permission 21/00716/FUL dated 18th Aug 2021 for the garage conversion at 47 Oykel Crescent, which currently restricts its use to a domestic outbuilding incidental to the main dwelling. We are requesting approval to allow the space to be used as a self-contained residential unit for long-term rental occupancy. No structural changes are proposed. The works covered under the original permission are complete." Condition 01 of the 21/00716/FUL is set out below:			

	01. <i>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.</i> Reason: To safeguard the amenity of the surrounding area The applicant has not suggested any revised wording to vary condition 01, but rather seeks the removal of the use restrictions specific to that condition. Removing condition 01 of the 21/00716/FUL application 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. Design (Approximate measurements): The proposed self-contained unit will have a floor area of approx. 30.7 sqm. Materials: Walls – Render to match the 100mm dense block. Windows – New double Glazes window to match the existing. Door – Glazed door to match the existing.
Daylight	N/A
Aspect	N/A
Privacy	The proposed self-contained unit is within the curtilage of the main dwellinghouse and has its main windows facing onto this curtilage. Furthermore, the dwellinghouse is accessed from the private garden to the rear of the main dwellinghouse. Therefore, the mutual overlooking between the proposed unit and the main dwelling house is likely to raise unacceptable privacy issues for residents of both properties.
Adjacent Levels	N/A
Landscaping (Including Garden Ground)	N/A
Access and Parking	The unit is accessed via a private driveway and private garden shared with the main dwellinghouse. The driveway has a maximum capacity for two cars; the owner claims that parking needs will be met using this driveway provision on site or designated visitors parking areas.
Site Constraints	Condition 01 of the 21/00716/FUL - <i>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.</i>
Other Comments	<u>Background information</u> The application proposal is a further application for planning permission under Section 42 of the Town and Country Planning (Scotland) Act 1997 (the Act) to vary Condition 1 of planning permission 21/00716/FUL. Section 42 <i>Determination of applications to develop land without compliance with conditions previously attached.</i>

- (1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.*
- (2) On such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—*
- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly;*
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.*
- (3) The Scottish Ministers may by regulations or a development order make special provision as regards the procedure to be followed in connection with such applications.]*
- (4) This section does not apply if the previous permission was granted subject to a condition as to the time within which the development to which it related was to be begun, and that time has expired without the development having been begun.*

Sections 25 and 37 of the Town and Country Planning (Scotland) Acts require that when an application is made, it shall be determined in accordance with the Development Plan unless material considerations dictate otherwise. The issues to be taken into account in the determination of this application are therefore considered to be:

- a) whether the proposal accords with the statutory Development Plan; and
- b) whether any other material considerations (including objections) have been satisfactorily addressed.

In respect of (a), the Development Plan comprises of NPF4 adopted 13th February 2023 and the Glasgow City Development Plan adopted on the 29th March 2017.

National Planning Framework 4

Although the proposed alteration to the garage will not have a detrimental impact on the character or environmental quality of the building and the surrounding area in terms of size, design and materials, the proposed use will not contribute to a quality home for long-term residents with its lack of residential amenities.

City Development Plan

With respect to the CDP1 & SG1: The Placemaking Principle.

CDP 1: is an overarching Policy which must be considered for all development proposals to help achieve the key aims of the Glasgow City Development Plan. The Policy aims to improve the quality of development taking place in Glasgow by promoting a design-led approach. This will contribute towards protecting and improving the quality of the environment, improving health and reducing health inequality, making the planning process as inclusive as possible and ensuring that new development attains the highest sustainability levels. CDP 1 states that new development should provide high quality amenity to existing and new residents and respect the environment by responding to its qualities and character.

2.50 The aim of this guidance is to ensure that conversions and subdivisions result in good quality accommodation with appropriate facilities and residential amenity.

2.53 Where the building and/or the site makes the provision of private garden space difficult, developers should look at the possibility of creative alternative solutions, such as shared roof gardens or private terraces or balconies for flats. Where little external common garden space is being provided, developers will be expected to bring forward mitigation measures to improve internal amenity, such as larger flats, more generous room sizes and the maximisation of window sizes in all habitable rooms.

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.

Comment:

The applicant has not suggested any revised wording to vary condition 01, but rather seeks the removal of the use restrictions specific to that condition. Removing the use restrictions of condition 01 of the 21/00716/FUL application 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.

The proposed change to condition 01 is found not to be acceptable for the following reasons:

- The proposed self-contained dwellinghouse would not provide quality accommodation that is suitable for residential use. The dwellinghouse lacks a frontage on to a public street and has no private garden ground. The 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.

	- No alternative solutions have been provided by the applicant to compensate for the lack of private garden space in the proposed self-contained unit. - The new plot being created does not comply with the average residential plot of dwellings in the neighbourhood, and is considered to represent overdevelopment of the plot. - The proposed self-contained unit does not match the scale and massing of adjacent residential properties. Conclusion The proposed development is not in compliance with the relevant policies of the Development Plan and NPF4. In respect of (b), the one representation submitted has been addressed above, and there are not considered to be any other material considerations that outweigh the proposal's variance with the Development Plan. Overall, and for the reasons listed above, condition 01 of permission 21/00716/FUL is considered necessary to ensure that the granny flat shall be used only as a domestic outbuilding incidental to the enjoyment of the host dwellinghouse and for no other purpose. It is therefore recommended that this application be refused.
Recommendation	Refuse

Date: 11/06/2025	DM Officer	Abiodun Johnson
Date: 16/06/2025	DM Manager	Ian Briggs

REASONS FOR REFUSAL

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.

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.

Drawings

The development shall not be implemented in accordance with the drawing(s)

1. 002 A LOCATION PLAN Received 09 April 2025
2. GA 002 FLOOR PLAN Received 09 April 2025
3. PLAN OUTLINING MANAGEMENT OF LONG-TERM RENTAL Received 09 April 2025

As qualified by the above reason(s), or as otherwise agreed in writing with the Planning Authority.