



acGlasgow City Council

Planning Local Review Committee

Report by Executive Director of Neighbourhoods, Regeneration
and Sustainability

Item 1

4th February 2025

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24/00204/LOCAL - 118 Blackhill Drive Glasgow

Erection of fence (retrospective).

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): 15 – Maryhill

Citywide: N/A

Local member(s) advised: Yes ☐ No ☐

consulted: Yes ☐ No ☐

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1 LOCATION AND DEVELOPMENT PLAN DESIGNATIONS

- 1.1 The proposal site is 118 Blackhill Drive, a 2-storey dwellinghouse which sits on a corner of the drive. The site has an area of approximately 399sqm.
- 1.2 There are no relevant site constraints applicable to the proposed development.
- 1.4 The proposal seeks consent for the retrospective erection of a boundary fence along the southern corner of Blackhill Drive.
- 1.5 Currently, the site is subject to enforcement action for 'Unauthorised alterations to fence' (23/00568/EN). An investigation found that further action was necessary and that the site was in breach. The application - 24/01514/FUL proposes two key alterations to what is currently present. These are:
 - 01 'Chamfers' to the front of house and neighbour at driveway of 116 Blackhill Drive for the stated purpose of 'not to affect visibility splays' to corner of the road or the driveway. Currently the fence has no corners, which creates a blind spot for drivers both continuing along the corner of Blackhill Drive and parking into the driveway at 116 Blackhill Drive.
 - 02 As mentioned above – the proposed application includes a change in the fence height, decreasing by 51cm (as per 32072/3a) from the current height of 2.2m.
- 1.6 The fence being altered would run approximately 21.3m, with a depth of 0.3m and a height of 1.69m (see note 01 below). The fence would be constructed using dark grey painted timber. The proposal replaces the current fence, subject to enforcement action (1.7), which has no chamfers but has a perimeter of approximately 25m with a height of 2.2m.
 - 01 The proposed development elevations are to be 32072/3a (showing a fence height of 1.69m). The plan for 32072/3 (a total fence height of 2.13m) is an illustration of the fence height in its current form on site, which includes a trellis.

2. DEVELOPMENT PLAN POLICIES

- 2.1 NPF4 was adopted by the Scottish Ministers on 13 February 2023 and is part of the statutory Development Plan. Where there is an area of incompatibility it is expected that the newest policy document will take precedence, which will be NPF4 for the time being.

In this case, the relevant policies from NPF4 are:

- Policy 14: Design, quality and place
- Policy 16: Quality Homes

- 2.2 The relevant City Development Plan policies are:

- CDP1: The Placemaking Principle

- 2.3 The relevant Supplementary Guidance is:

- SG1: The Placemaking Principle (Parts 1 & 2)

- 2.4 Other relevant guidance is:

- Glasgow City Councils Design Guide for New Residential Areas (Part 3. Design Standards, Figure 3.2)

3 REASONS FOR REFUSAL

- 3.1 The reasons for refusal are set out below:

01. The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.
02. The development proposal is contrary to Policy 14: Design, quality and place and Policy 16: Quality Homes of the National Planning Framework 4 and CDP 1/SG 1- Placemaking: The Placemaking Principle, of the City Development Plan as specified below, and there is no overriding reason to depart therefrom.
03. The proposal is contrary to Policy 14: Design, Quality & Place of National Planning Framework 4 in that the proposed development has not been designed to improve the quality of the area. Furthermore, the proposed development has been poorly designed, will be detrimental to the amenity of the area and is inconsistent with the six qualities of successful places due to its siting, height, scale and design.
04. The proposal is contrary to Policy 16: Quality Homes of National Planning Framework 4 in that the proposed development will have a detrimental impact on the character and environmental quality of the home and the surrounding area in terms of its siting, height, scale and design.

- 05. The proposal is contrary to CDP 1 of the Glasgow City Development Plan in that, due to its inappropriate siting, height, scale and design, the proposed development fails to meet the highest standards of design while providing high quality amenity to existing and new residents in the City. Furthermore, the proposed development fails to respect the quality and character of the local built environment.
- 06. The proposal is contrary to Glasgow City Council's Design Guide New Residential Areas (which is based on Scottish Government's Designing Streets). Glasgow City Council's Transport Planning team recommend the proposal is unacceptable and should be refused as the fence exceeds 600mm in compliance with Figure 3.2 of the Design Guide New Residential Areas (below, p.5, section 4.1 – 09).

4 APPEAL STATEMENT

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

- 01. The Design Guide for New Residential Areas, is not easily understood as, apart from the text itself being grammatically suspect there are references in the text to X and Y on the drawings, but these do not appear on the drawing so are not capable of being interpreted. In short this is particularly confusing guidance which really should not form part of any assessment of the proposal which has been misunderstood by the planning officer.
- 02. The proposed fence is 1.69m in height which is permitted as it is under 2m according to the extract drivers need to be able to see obstructions 2 metres high down to 600mm above the carriageway and such language is confusing.
- 03. The visibility splays chamfer at 30 degrees and are acceptable. The visibility splays proposed are designed for the 20 mile an hour speed limit.
- 04. The area which is now enclosed by the new fence is all within the title of the applicant so ownership is not an issue.
- 05. Throughout the Report of Handling, there is emphasis on the loss of a shrub bed, but this could grow to a height that could obstruct the footpath.
- 06. Any reference to the character of the estate has to have regard to the fact that as there are other examples of fencing on the perimeter, the presence of such features are now a feature of the estate and accordingly part of the character of the area and part of the streetscape. Photos have been supplied by the applicant.
- 07. 'Privacy and security' and providing additional space are reasons for the erection of the fence at its current height of 2.2m.

- 4.2 The applicant did not request any further procedure in the determination of the review.

5 REPRESENTATIONS AND CONSULTATIONS

- 5.1 There were two letters of representation received to the application, all objecting to the proposal. A summary of the comments received is given below:

- Issue relating to traffic, parking and access problems – the development could potentially obstruct their visibility when driving out of their driveway.
- Objection to fence height of 2 metres [Note: with the trellis, the fence height is 2.2m]

- 5.2 No letters of representation were received to this review.

- 5.3 Glasgow City Council's Transport Planning team was initially consulted. Their recommendation is as follows: "Application should be refused as the fence is too high. Fence should not exceed 600mm in compliance with Fig 3.2 of the residential design guide." All figures are given here will be shown in the presentation.

- 5.4 Following the appeal, further correspondence was made with the Transport Planning team and these comments are as follows:

- Visibility splays are considered necessary at both corners of the fence's current boundary to ensure that both oncoming traffic and the neighbouring onsite parking can be accessed safely.
- The policy in the Residential Design Guide, specifically page 102 and Figure 3.2 show that at junctions or corners, a driver must be able to see along the 'horizontal plane' – referring to what you would see if you were approaching the turn and looking towards the end of the turn (i.e. straight ahead). This is currently blocked by the fence in its current form which is subject to an enforcement breach notice. The next page (p.103) of Glasgow City Council's guidance a section is supplied which explains the use of X and Y distances. Regardless, neither this diagram nor X and Y points are referenced in the previous response.
- Given the areas speed limit of 30mph, forward visibility should be 43 metres along the junction. This means no obstruction over 600mm is permitted. This is based on the minimum SSD (Stopping Sight Distance) at p.103 of the Residential Design Guide (Table 3.1).
- Regarding the driveway, there is another Figure (3.5) which shows the need for a 3.3m distance along the back of the footway from the centre of the driveway.

6 COMMITTEE CONSIDERATIONS

- 6.1 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.
- 6.2 The following are relevant policy considerations:
- 6.3 **Policy 14: Design, quality and place and SG1: The Placemaking Principle (Part 1)**

Policy 14 intends to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. The policy required development to be designed to improve the quality of an area regardless of scale. Development will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Policy 14 states that proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. Further details of the six qualities of place can be found in Annex D of NPF4.

CDP/SG1 Part One includes the six Qualities of Place that apply to all development proposals:

- A place with character and identity: a place that is distinctive.
- A successful open space: a place that is useable, high quality and multi-functional.
- A legible and safe place: a place that is accessible, easy to navigate, and welcoming.
- A place that is easy to move around: a place that is well-connected and focussed on active travel.
- A vibrant and diverse place: a place that has multiple uses and high levels of street level activity.

- A place which is adaptable and sustainable: a place that is adaptable for future needs and demonstrates sustainable design.
- Committee should note whether this proposal is consistent with the qualities of successful places and if the loss of greenery on the site boundary has a detrimental effect on the area.

6.4 **Policy 16: Quality Homes**

Policy 16 states that householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials.

- Committee should consider if the proposal of an increased fence height along the site boundary has a detrimental impact on the character of the home and surrounding area.
- Committee should consider if the sighting/location of the fence is appropriate.

6.5 **CDP1: The Placemaking Principle (Part 2)**

This overarching policy states that new development should encourage placemaking by being design-led, aspiring towards the highest standards of design while directing development to the right place. All development should respect and protect the City's heritage by responding to its qualities and character of its site and surroundings. Development should make the City an appealing place to live, work and visit for all members of society, providing high quality amenity to existing and new residents.

SG 1: The Placemaking Principle

The guidance sets out the planning requirements for alterations to dwellings and gardens for particular types of householder developments, such as fences and boundary treatments. It outlines the criteria that must be met in relation to, for example design and materials. It seeks to ensure that alterations to houses are carefully designed, so that the visual amenity of residential buildings and areas is not adversely affected by over-dominant developments and that residential amenity is not reduced. At 2.31, the guidance states that 'where a level of privacy can be expected, walls and fences up to 2 metres are acceptable'.

- Committee should consider if this proposal is of a high design standard that respects the place design of the area or if it is an over-dominant addition to the property.
- Committee should consider if this proposal is incongruent with the general provision of perimeter fencing within the estate and is therefore detrimental to the visual amenity.
- Committee should consider if the height and depth of chamfers is acceptable..

6.7 **Design Guide for New Residential Areas**

The guidance draws together the council's key planning and road design requirements, aiming to support residential proposals that require planning. All development should not compromise or obstruct visibility in a manner that could reduce safety on the roads.

- Committee should consider if this proposal is acceptable according to the Transport Planning teams recommendation and if it exceeding 600m requirement at visibility splays would be safe and appropriate to the siting.

7 **COMMITTEE DECISION**

7.1 The options available to the Committee are:

- a. Grant planning permission, with the same or different conditions from those listed below; or
- b. Refuse planning permission.
- c. Continue the review to request further information.

8 **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

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