

# South Lanarkshire

Planning and Regulatory Services

## Local Development Plan 2

Supporting planning guidance

Development at a dwellinghouse

November 2022



Community and Enterprise Resources

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## Introduction

### 1.0 Introduction

- 1.1** This Supporting Planning Guidance (SPG) has been prepared to provide guidance to homeowners proposing to extend or alter their house. It is one of a series which supplements and supports the policies and proposals of the adopted [South Lanarkshire Local Development Plan](#) (SLLDP2). In particular, Policy 5 Design and Placemaking and Policy DM2 House Extensions and Alterations of the adopted SLLDP2 should be read alongside the advice provided in this SPG. The SPG is a material consideration in the determination of planning applications and will be used to assist the decision making process alongside relevant planning policies.
- 1.2** This guide seeks to promote design that will protect and enhance the appearance of your house and neighbourhood, and the amenity of your neighbours. Following the design principles set out here aims to help to ensure that your proposed build will be sympathetic to your existing house and to the character of the local area. The guide will encourage you not to overdevelop your property at the loss of sufficient garden ground and accessible access. The guidance also covers proposals for using the property for work or business purposes, including as a short term let.

**The need for planning permission is separate from the need to submit a building warrant or other licensing issues. The onus is on the houseowner to carry out checks for all consents necessary.**

#### Permitted Development

- 1.3** As a householder you have a range of permitted development rights under The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (GPD0), which can allow you to build an extension or carry out alterations without having to apply for planning permission.

- 1.4** The Scottish Government has created a guide for [householder permitted development](#) which sets out, with the support of sketch examples, when permission is not required. It also includes advice for proposed changes to flatted dwellings (where different rules can apply) and microgeneration. Please refer to this guide in the first instance to establish if your proposed development can be carried out without the submission of a planning application.
- 1.5** Where a planning application is submitted, a development proposal will be guided by the criteria set out in this SPG. So while aspects of a proposal may fall within the definition of permitted development rights, this may not be sufficient justification to support a proposal which fails to meet all of the relevant criteria on the type of development proposed and may result in a refusal of the application. South Lanarkshire has [householder guidance](#) on how to submit an application.

#### Certificate of Lawfulness

- 1.6** This is a means of obtaining a decision from the Council as to whether proposed works require planning permission. If it is not clear whether a proposal needs permission or where a householder requires to have a formal decision taken by the Council, then an application for Certificate of Lawful Use of Development should be submitted. Further details on how to submit a Certificate of Lawfulness and the associated fees can be found on the Council's website. Please note that, where an application for a [Certificate of Lawfulness](#) concludes that planning permission is required, a further fee will be required to be paid for the planning application.
- 1.7** A Certificate of Lawfulness can also be submitted for existing development which can confirm that it is lawful and exempt from enforcement action. An example of when this may be useful is for the purposes of selling a property.



### Accessibility

- 1.8** When planning any extension or alteration to a dwellinghouse, consideration must be given to ensure that the existing inclusive environment, both external and internal, is not compromised and can be improved where possible. It is worthwhile to remember that many extensions and alterations are permanent and may remove accessible living or increase the cost to retrofit accessible access solutions in the future. Houses often change hands with each household having different needs, and so it is important to consider futureproofing to provide an inclusive environment.
- 1.9** A level access of minimum 1.0m wide without obstructions (for example down pipes) should be retained to the rear garden area of a house from the public footpath. There is value in having a direct accessible access to the garden area, in addition it supports houses where the current level access into the house is to the rear.
- 1.10** Inclusive design can take the form of ramped access, level thresholds, accessible apartments, and accessible sanitary facilities. House designs also normally include features to aid future adaptation, such as space for a shower on the accessible entrance level and space to allow the installation of a stair-lift. The external environment can also contribute to accessibility, in particular having level hard surfaces which allow manoeuvrability and ease of access.
- 1.11** Alterations and extensions should consider their impact on existing accessibility and manoeuvrability with the aim of maintaining or improving it and the ability to adapt the property in the future. Further advice on this can be sought from the Building Standards service and the [guidance on our website](#)

### Flooding and Drainage

- 1.12** When proposing an extension to a property or the erection of structures within garden ground, it is important that possible flood

risk and drainage design are taken into account at the early stages. Where an application site is located within an identified flood risk area the Planning Officer may consult the Council's Flood Risk Management team for advice. It can be of benefit for you as the home owner to liaise with the Council's Flood Risk Management Team via the [Roads and Transportation website](#)

- 1.13** Structures such as decking are unlikely to be acceptable where they extend directly into a watercourse or the floodplain of a watercourse. Although ownership may extend to the midpoint of the watercourse, for reasons of public safety, integrity of the river embankment and flood risk both localised and further downstream, it is unlikely proposals will be supported through the submission of a planning application.
- 1.14** The onus is on the homeowner to contact Scottish Water and SEPA to discuss any licence requirements relating to public water supply or public sewer connections, and private drainage implications.

### Car parking and access provision

- 1.15** Where an extension increases the number of bedrooms, the number of parking spaces needed might also increase. An extension might remove existing car parking, such as building over a driveway. This will be considered when we consider an application for an extension, and the application can be refused if insufficient parking is provided.
- 1.16** As a guide:

Table 1.1 Number of parking spaces per number of bedrooms

Number of bedrooms	Number of parking places
1	1
2 to 3	2
4 or more	3

## Introduction

- 1.17** A parking space is 3m x 6m, and must not overlap. An exception may be made for parking spaces to reduce to 2.75m x 5.5m as a minimum. Car parking spaces are to be shown on block plans when planning applications are submitted. This will also help guide you as the homeowner to consider whether or not the proposed build is overdevelopment.
- 1.18** A garage is not considered a car parking space unless it measures 7m x 3m internally. A double garage only counts towards a maximum of one parking space, and must meet the internal space size.
- 1.19** The desirable maximum driveway gradient shall be 8% and absolute maximum shall be 10%, however, where the driveway forms part of the property pedestrian access then the maximum gradients permitted under the Building Regulations shall be considered.

### Section 56 Agreement / Road Opening Permit

- 1.20** This may be required if the proposed extension includes a new vehicle access that crosses a public footpath from a road. Please consult the Council's Roads and Transportation Services for more information.
- 1.21** Planning permission is not required to form a new driveway unless the property is on a classified road or is a flat. However, please check the need for planning permission to create hard surfaced areas, or where the access involves the removal of a wall within a Conservation Area or listed property.

### Sightlines

- 1.22** Any works should ensure that sufficient visibility splays are provided and maintained to maximise vehicle and pedestrian safety. Such works, for example the erection of a fence or garage, should make sure that they do not block the visibility splays of a neighbouring access. Where there are concerns over road safety, the planning application may be refused.

- 1.23** To discuss any of the matters raised above, please contact the Council's Roads and Transportation Services for advice at [roadsandtransportation@southlanarkshire.gov.uk](mailto:roadsandtransportation@southlanarkshire.gov.uk)

### Building Warrant

- 1.24** A building warrant may be required for development proposals, even if planning permission is not. For example, internal work such as converting a loft needs to meet building regulations. Some work, such as the erection of a shed, garage, summer house or other detached building within your property, may also require a building warrant. Depending on the design and siting, such work may require consideration of the fire performance of elements of the building, particularly when close to another building or boundary. Even where a building warrant is not required, work must comply with all relevant building regulations.
- 1.25** Please be advised that any extension to the boundary will need to make sure that external level access into the house is not removed or impaired.
- 1.26** We encourage you to submit any building warrant application online using [eBuildingStandards](#) Scotland - this lets you pay online too.
- 1.27** Further information on the Building Standards system in Scotland and the customer journey is available on the [Scottish Government website](#)
- 1.28** Please contact the [Building Standards team](#) if you need further advice.

## Guiding principles

## 2.0 Guiding principles

- 2.1** Alterations and extensions should fit in with the design and scale of the existing house, while not appearing out of character with the appearance of the surrounding residential area. The physical and visual impact on neighbours will be carefully considered. Applications for householder development will be assessed against the following criteria:
- a. The extension should be kept in proportion to the existing house and not over dominate the existing house - the extension should appear secondary. Similarly any extension should not, by virtue of its sheer physical/visual presence or scale, dominate adjacent properties or main public views such that the visual amenity of the area is adversely affected.
  - b. The design should enhance or protect the character of the existing house and surrounding area. Material finishes should be appropriate for the existing house and its setting. This can include materials which match those on the existing property or more modern approaches which are appropriate in the context of the overall design of the proposal. The use of composite materials can often improve the visual interest of blank walls. The design and materials will be unique to each property, and will be assessed considering the immediate built environment.
  - c. Extensions should not result in a significant loss of privacy to neighbouring houses or their garden ground. The distance between windows of directly facing habitable rooms should be 18 metres. Habitable rooms are considered to include: bedrooms, living rooms, studies and dining rooms. Bathrooms, dressing rooms, kitchens, utilities and hallways are not considered habitable. The recommended distance of 18m can be relaxed where the line of view between the windows is at an angle – the appropriateness of this will be individually assessed. Please refer to Appendix 1 and 2 which includes a matrix that will be used to assess acceptability. Where overlooking would occur the application may be required to include proposals to provide screening to mitigate the impact where appropriate
  - d. Upper floor side windows will generally be acceptable where they relate to non-habitable rooms and hallways. Bathroom windows and dressing rooms should use obscured or opaque glazing – and this should be annotated on submitted plans as part of any planning application. Habitable rooms on the first floor should avoid windows on the side elevations, in particular where this overlooks neighbouring houses or their gardens – in such a scenario only high level windows will be supported to prevent overlooking at eye level.
  - e. The extension should not result in a significant loss of daylight or sunlight to neighbouring houses or their useable garden ground, nor cause overshadowing, detrimental to the amenity of adjacent properties. The Building Research Establishment (BRE) document - 'Site Planning for Daylight and Sunlight: A Guide to Good Practice', (2011) may be used to assess any impact on daylighting. In general, the impact of any extension should not overshadow a neighbouring habitable window by more than 50% when a 45-degree angle is used.
  - f. When extending a property to the side boundary with the adjoining property, the impact on the external inclusive accessibility to the rear garden, visual impact, and the effect on the character of the area, will be carefully considered when assessing proposals. Proposals that result in the appearance of a terraced or continuous row of houses when viewed from the streetscene will only be supported where this will not lead to a detrimental impact on the area and/or incorporate design features that reduce this impact.
  - g. Notwithstanding (f) above all extensions should be kept a minimum distance of 1.0m from the side boundary. This is to ensure: - an existing access around the house for garden equipment and refuse bins is maintained. Exceptions may be made where a route will be maintained via a garage, a small

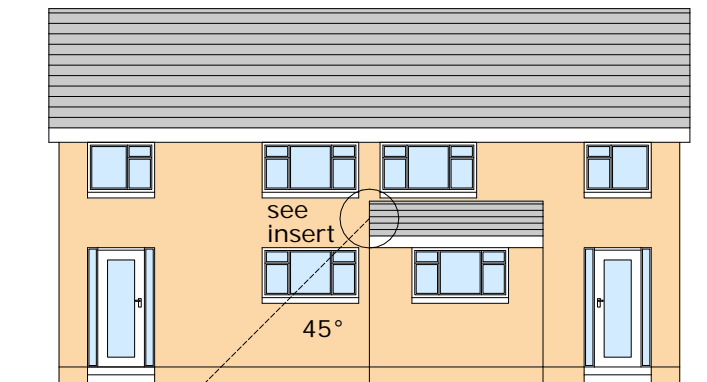
## Guiding principles

utility room or an access from the rear garden on to a footpath and;- a minimum 1.0m accessible access to the rear garden and any level access into the property is created and maintained. The importance of level access provision is reiterated in the separate building warrant process [see 1.3 above]- maintenance of the application site and the adjoining property and avoiding the creation of an inaccessible gap that can collect debris.

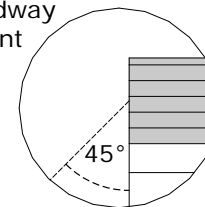
- h. Bin storage is preferred to the rear or side of a property where it is not highly visible. If the bin storage needs to be relocated to the front of the house, this should be shown on the proposed block plan. The bin storage area should be located outwith car parking spaces and level access paths and incorporate screening.
- i. Attention should be paid to windows and other details of the extension - and should be aligned with those of the existing house where possible.
- j. A usable amount of garden ground is to be remained for drying clothes, bin storage and general amenity. Over development of garden ground can remove the ability to enjoy private outdoor space, in particular family sized houses.
- k. An adequate level of off-street parking to serve the existing house is to be maintained. Any building should not adversely impact on vehicular access, visibility splays or pedestrian safety. Car parking spaces should not over dominate the front garden to an extent that prevents a footpath being provided from the pavement to the house.
- l. Upper floor balconies will only be permitted where they do not cause a significant adverse impact on the privacy of neighbouring properties. Consideration should be given to side screening of the balcony and included in the application. The visual impact of any screening will be taken into consideration in determining the application.
- m. Where any build is proposed on a shared boundary, no part of the development should extend beyond the boundary – in particular gutters or eaves should not overhang neighbouring land, and

surface water run-off should be trapped and discharged within the application site.

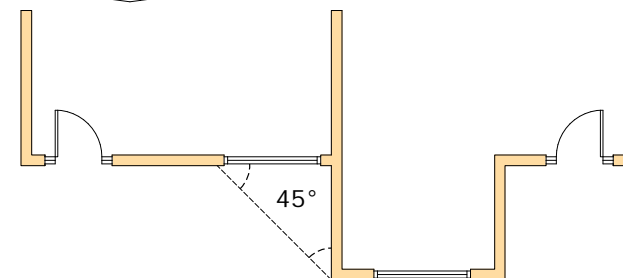
**Rear Elevation**



midway point



Failure in both the elevation and footprint could result in a significant loss of daylight to the room in the neighbouring house



**Footprint**

# House extensions and alterations

## 3.0 House Extensions and Alterations



**3.1** In addition to the guiding principles above, the following sections provide further details on specific topics and will form part of the decision making process.

1. Decking and raised platforms
2. Dormer extensions
3. Single storey extensions
4. Two storey extensions
5. Garages, car ports and integral garage conversions
6. Porch outside any external door
7. Ancillary detached buildings
8. Fences and walls
9. Open plan estates
10. Renewable energy
11. Flats
12. Listed Buildings and Conservation Areas

13. Working from home
14. Short term lets/ Self-catering

### Decking and raised platforms

**3.2** As decking and raised platforms can offer direct panoramic views over adjoining properties and gardens, there is the potential to significantly impact upon the residential amenity of neighbours. Where a planning application is required the assessment will focus on privacy, overlooking and overshadowing. Where there is significant underbuilding and screening the visual impact will also be considered.





## House extensions and alterations

- 3.3** In all cases where the development would result in overlooking of adjoining properties the application should include proposals to reduce it to a reasonable level. Where this involves fencing it should not result in an increase in overshadowing of the adjoining property to an unacceptable degree.

### Dormer extensions

- 3.4** The following criteria should be taken into account when considering the formation of dormer windows. Dormers should:
- Be stepped below the ridgeline of the existing roof and drawn back from the eaves.
  - Aim for a minimum set back of 0.3m from the edge of the roof, including any adjoining roof boundary with a neighbouring semi-detached or terraced property.
  - Where located on a prominent or visible frontage, they should not extend the full width of the roof. Two small dormers on the same elevation can offer a suitable alternative to one large dormer, which may be out of scale with the existing house.
  - Rear dormers will be assessed in relation to how visible they are from public view and how they impact on the privacy of adjacent houses and gardens. In certain cases a longer dormer, rather than two smaller separate dormers, may be acceptable.
  - The roof and walls of the dormer should be finished in materials which either match or are visually compatible with the existing house. Please annotate the materials on elevation plans submitted as part of a planning application.

### Single storey extensions

- 3.5** Single storey extensions to the side of a property do not need to be stepped back from the front elevation unless this would prevent the introduction of a terraced effect. Extensions that project forward of

the front elevation must be well proportioned to visually fit in with the appearance of the existing dwelling. In addition, the streetscape should

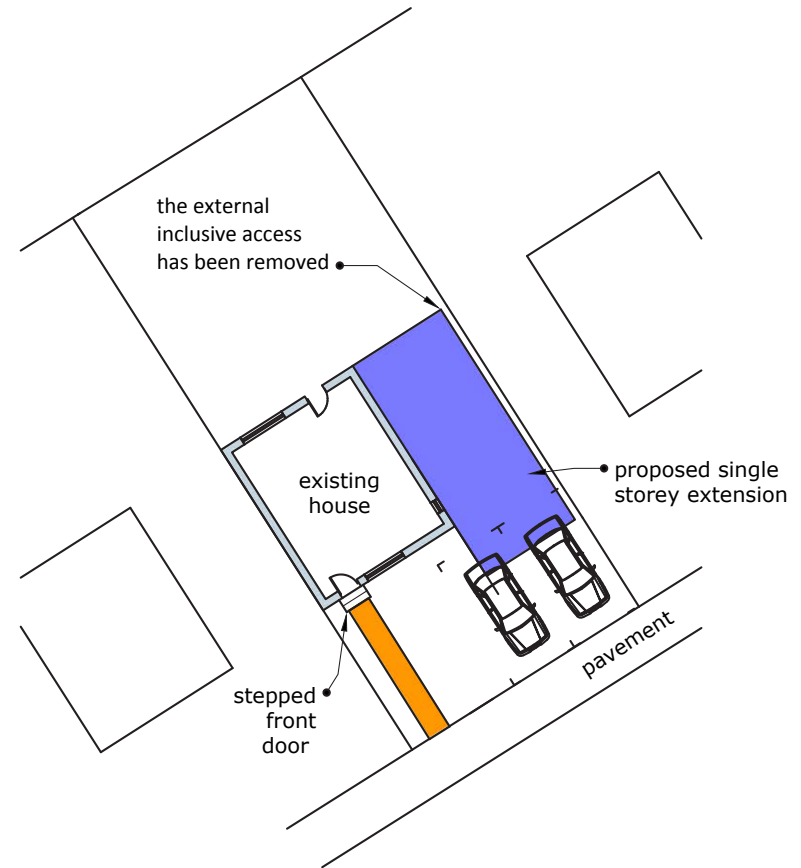
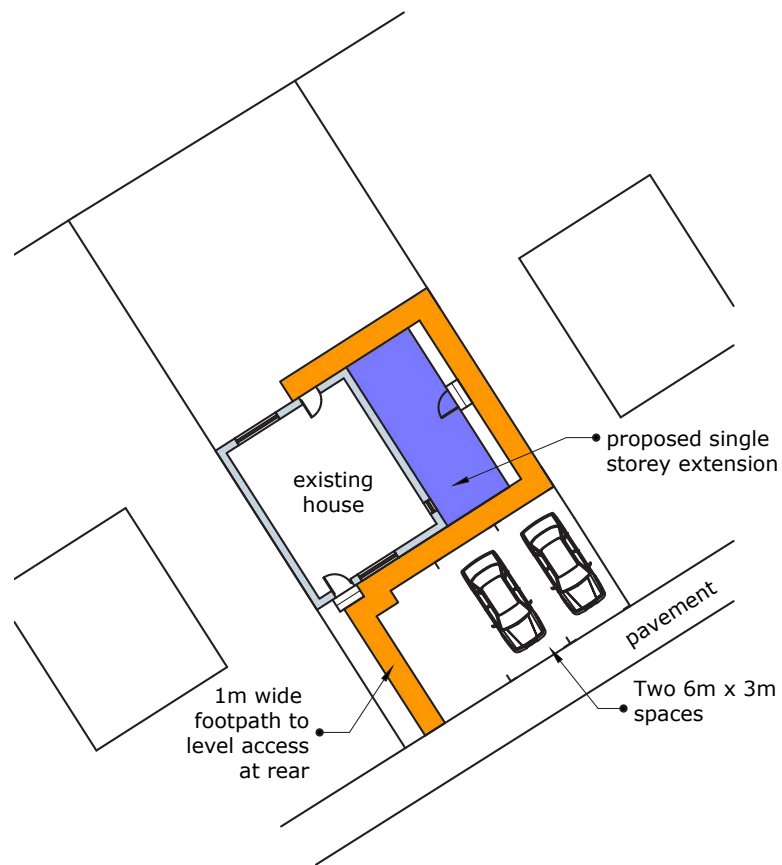
- 3.6** not be adversely impacted upon by an excessive or out of character addition that doesn't respect the building line.
- 3.7** Design considerations may reduce the visual impact and potential physical impact of an extension to protect neighbouring residential amenity. Forming a pitched roof gable end or reducing the slope of a roof may be appropriate in certain circumstances.
- 3.8** Where flat roofs are acceptable, you are encouraged to install a green living roof to make a positive contribution towards reducing the impact on climate change.

### Two storey extensions

- 3.9** Two-storey extensions should:
- Not have a flat roof unless the existing house is flat-roofed, or the proposal would tie into an existing flat roof extension.
  - Carry through the line of the eaves of the existing house, and a roof pitch that matches the existing roof.
  - Set the ridge line below the existing ridge and be stepped back from the front elevation to delineate the original dwelling from the extension, so that it will appear secondary to the main dwelling.
  - Where the extension will be close to a neighbouring house of a lower ridge height (such as a bungalow), the potential impact on the neighbouring house may require the design and scale of the extension to be altered. Mitigation measures that could be considered is stepping back a further distance from the shared boundary, a reduction in ridge height and use of dormer windows.

# House extensions and alterations

Left: Extension proposal meets criteria. Right: Proposal is oversized for the plot



## House extensions and alterations

### Garages, car ports and conversion of integral garages

- 3.10** As reflected in the National Roads Development Guide (Scotland), a garage is not considered a car parking space unless it is **7m x 3m (internal size)**. A private driveway of at least six metres long must be provided in front of any new garage or car port (measured from the edge of the footpath), and any garage doors and driveway gates must not open out over the car parking space, public road, or footpath.
- 3.11** The design and location of a proposed garage should be in harmony with the existing dwelling and surroundings; they should be located either at the side or rear of a house, providing that sufficient garden ground remains available.
- 3.12** Garages to the front can often appear out of character with the streetscape and established building lines, and careful consideration to its acceptability will be required. The garage should preferably be set back from the front elevation of the house and should not obscure it, be over dominant or be positioned forward of the building line such that it looks out of place or forms an intrusive feature in the street or plot.
- 3.13** The ridge height of the garage should consider the impact on neighbouring properties, and its prominence within the streetscape. This is particularly relevant where a storage space is proposed in the garage roof space and the roof would be steeply pitched.
- 3.14** The conversion of an integral garage into additional accommodation to serve the house usually does not require planning permission. However, there are cases where the original planning consent for the property will include a condition to prevent the garage from being converted. Where a planning application for the conversion of integral garages to form a habitable room is submitted, you must ensure appropriate car parking provision is provided as described elsewhere in this guide.

### Porch outside any external door

- 3.15** Where a porch requires permission, the visual prominence and impact on the streetscape will be carefully considered. The scale of any porch should appear proportionate with the dwellinghouse.
- 3.16** Where proposals for front access porches include the formation of a toilet, the scale is often defined by minimum internal size requirements and accessible door standards through the Building (Scotland) Regulations. The provision of adaptations to improve the accessibility and liveability of an existing dwelling to cater for the changing needs of homeowners should be supported. However, given the visual prominence on a main elevation, the size of such porches should aim for the minimum size necessary.

### Ancillary detached buildings

- 3.17** This section relates to the erection of sheds and greenhouses as well as structures such as summerhouses and gazebos. As best practice, consideration should be given to the orientation of the structure to minimise noise disturbance and overlooking to neighbouring properties. Where a planning application is required, the following criteria should be met:
- Be positioned, where possible, within the rear garden and not forward of any principal elevation.
  - Be in proportion to the size of the garden - a usable amount of garden ground should remain undeveloped to allow for drying clothes, bin storage and general amenity.
  - Not adversely affect neighbours by overshadowing or overlooking their property.
  - Be constructed of materials appropriate to the existing dwelling.
  - Where the visual impact is of concern, or the structure would be visually prominent from the wider street scene, careful positioning will be a requirement and, in some cases, additional landscaping should be considered where this may mitigate the impact.

## House extensions and alterations

**3.18** Buildings within this category of development are generally considered to be for the personal use of the homeowner or ancillary to the dwellinghouse. The use of the building for a business may require planning permission separately – please see guidance in section 5.

### Fences and walls

**3.19** Fences and walls, particularly in front gardens, can have a significant effect on the appearance of the property and surroundings. Generally, fences should be stepped back from the public footpath to retain an open plan approach to the streetscape. When erected beside driveways or on the corner of the street, they can also have an impact on sightlines and traffic safety. In such cases the advice of the Roads and Transportation Service may be sought.

**3.20** The height of the fence or wall to be erected is measured from the ground level of the applicant's curtilage. Where a fence along a neighbouring boundary is higher than 2 metres, an assessment will be carried out whether this would have an acceptable impact on overshadowing and appearance.

### Open Plan Estates

**3.21** Some residential estates are subject to a condition on the original planning permission that prohibits the erection of walls and fences in front gardens. This reflects the contribution that the open plan concept can make to environmental quality and seeks to avoid a proliferation of boundary treatments of different design and materials. There will be a general presumption against permitting front walls/fences within residential areas where the open plan character has largely been maintained, with few breaches having occurred.

**3.22** In private residential areas where an open plan condition exists, but where a significant number of breaches have taken place which have resulted in the erosion of the open plan character to such an extent that it is no longer worth preserving, there will be a general

presumption in favour of permitting front walls/fences subject to compliance with the following criteria:

- a. No fence or wall shall exceed 1 metre in height and shall be constructed in facing brick or finished in render to match the house. Alternative proposals of suitable design and colour may be permitted where considered appropriate.
- b. The introduction of a front wall/fence shall not adversely affect the visual amenity of an area by way of:
  - its relationship with adjacent properties within the layout,
  - its effect on streetscape,
  - its prominent/inappropriate location with particular regard to corner plots, plots adjacent to footpaths and areas of public open space,
  - the basic concept or character of the layout itself,
  - by affecting sightlines/visibility as required to access the property itself, adjacent properties or at road junctions or, its design and material.

### Renewable energy

**3.23** The use of micro-renewables are valuable contributors to CO2 emission reduction. Where possible, proposals for extensions and alterations should be designed to incorporate the use of sustainable materials and micro-renewables to contribute to meeting these targets. Proposals should also reflect the current Building Regulations.

**3.24** As Scotland seeks to achieve its greenhouse gas emissions targets it will be increasingly important that existing houses adapt to reduce their impact on climate change. Permitted development rights exist for a wide range of such development. Where a planning application is needed, there will generally be a presumption in favour of the development if it can be demonstrated that there would no adverse impact on the amenity of neighbouring properties or visual prominence within the streetscape. An application should be supported by



## House extensions and alterations

sufficient information to enable an assessment to be carried out, this may include for example a noise impact report.

**3.25 Free standing wind turbines** can have more of an impact due to their increased visibility, and potential for shadow flicker and noise. It is unlikely that free standing turbines proposed within garden areas in a residential area would be acceptable.

**3.26 Solar panels** have the potential to create an adverse impact on the historical character of listed buildings and conservation areas. In such cases, the solar panels should be located on roof elevations that are not highly visible from the main public views, and preferably to the rear facing elevation.



**3.27** When making an application for **air source heat pumps**, consideration should be given to the location of the pump to minimise noise and vibration levels for neighbouring properties.

**3.28** Similarly a planning application involving the provision of biomass or a wood burning stove should include details of the flue, including height, and should be included on elevational plans and block plans. If the property is located within an Air Quality Management Area, then

further information relating to type of fuel and particle emissions may be requested. It would be advisable to consult with the Council's Environmental Health service before submitting an application for advice on both of these matters.

### Flats

**3.29** Extensions to flats, including four-in-a-block cottage flats, do not benefit from 'permitted development' rights and planning permission is therefore required for such works. Planning permission is also required for structures to be erected within the curtilage of a flat. Please refer to the General Permitted Development (Scotland) Order 1992 (as amended) for full details of permitted development rights available to flatted dwellings.

**3.30** Additional issues in considering applications for extensions or alterations to flats include:

- a. access for maintenance,
- b. over looking to communal ground,
- c. over shadowing, and
- d. the visual amenity of cumulative alterations.

# Listed Buildings and Conservation Areas

## 4.0 Listed buildings and Conservation areas

- 4.1 The guidance contained within this section should be read in conjunction with Policy NHE 3 Listed Buildings and Policy NHE 6 Conservation Areas of the adopted South Lanarkshire Local Development Plan 2.
- 4.2 Historic Environment Scotland (HES) holds up to date lists of all listed buildings and their category listing which defines how important the building may be. HES provide advice to homeowners on a wide range of topics on their website – please see their Managing Change productions link below.

### [Managing Change in the Historic Environment Guidance Notes | HES](#)

- 4.3 A separate permission, **Listed Building Consent (LBC)**, will be required for any extensions and alterations to a Listed Building or to buildings or structures in its curtilage, which affect the character of the listed building. Please check with the Planning service for the need for LBC for internal changes prior to any works being carried out. Repairs and like for like replacement should also be discussed with the service.
- 4.4 Extensions to Listed Buildings or new outbuildings within the curtilage must be sensitively designed and of the highest quality. The LBC application should be accompanied by clear information to show the impact on the existing fabric and character of the building. Similarly, alterations to the existing building should be accompanied with details of what exists in comparison to what will replace it, such as replacement windows or stone repairs.
- 4.5 Extensions can be either traditional in design and materials to match existing, or of contemporary design with contrasting materials. Modern materials such as UPVC are generally unacceptable on architecturally important or visually prominent elevations. Materials should focus on timber in the first instance, however high-quality composite materials

may be considered in exceptional circumstances. Each approach will be considered on its individual merits as part of the application process.

- 4.6 Careful consideration is to be given to original windows, and where they are of notable historic importance, the repair of windows rather than their replacement should be investigated. Where double glazing is proposed, the glass and frame should be slim to provide a high-quality finish that respects the historic character of the building. Windows should have a sliding method of opening where appropriate
- 4.7 **Conservation areas** are areas of special architectural interest, where the character or appearance is desirable to preserve or enhance. Conservation Area Consent (CAC) is required if a proposal involves the demolition of any building or structure in a conservation area.
- 4.8 Development affecting the setting of a Conservation Area must be sensitively designed to ensure that it does not adversely affect the special character of the area. The building materials must be carefully chosen to match or at least complement those of the main building.
- 4.9 On unlisted buildings within a conservation area, elevations which are not visible from main public views may potentially have flexibility in what can be proposed.
- 4.10 If development is proposed on a main or visible elevation, the application may require to be advertised in the local newspaper (this will be carried out by the Planning Department).

## Working from home

### 5.0 Working from Home

**5.1** Small businesses make an important contribution to the economy of South Lanarkshire and often have their origin in the business operator's dwellinghouse. The use of one room of a house, a garden structure or the garden itself, or an existing or proposed garage for business use which generates no clients, traffic, noise, or smell will usually not require planning permission as there will be no material effect on the use of the property as a dwellinghouse or on the residential environment of the area.

**5.2** However, once the business activity increases and the business use of the property ceases to be ancillary to its use as a dwelling, a material change of use is likely to have taken place and planning permission will be required. The need for planning permission will be assessed on a site-by-site basis considering the site's context and on the individual merits of the case.

**5.3** Where there is uncertainty if planning permission is required a Certificate of Lawful Use will be required to make a formal decision. The application will be assessed against the following criteria, as set out in Policy DM12 Working from Home of the adopted local development plan, to decide whether a planning application is required:

1. The extent to which the main use of the property (including garden) remains as a dwelling.
2. The proportion of rooms/space in the dwellinghouse or flat to be used for business or professional purposes.
3. The extent to which non-residents of the household are employed on the premises.
4. The extent to which activities associated with the business are detrimental to the amenity of the area by virtue of noise, vibration, smell, fumes, smoke, ash, dust, or grit.

5. The number/frequency of commercial vehicles and visitors.
6. The manner and extent of retailing that takes place from the property.
7. The number/frequency of delivery or dispatch vehicles generated by the business.
8. The extent to which external storage of materials or goods takes place at the dwelling.



**5.4** In addition in cases where it is determined that planning permission is not required but the business subsequently intensifies in use or attracts complaints the original decision will be reviewed. It is always advisable to seek advice before expanding the use.

## Working from home

- 5.5** Further advice on more commonly requested businesses operating from home is as follows:
- 5.6** **Vehicle repairs** and alterations for commercial purposes is considered a material change where planning permission is required. There is potential for noise and road safety implications with such businesses, and preferably such businesses should be relocated to unit within an industrial or business area or potentially a farm steading.
- 5.7** A **child-minding** business from a house can be carried out without planning permission where there is no more than six children and one staff member at the property at any one time. Where there is an increase in activity, planning permission may be required, and it is best to discuss your proposal with a Planning Officer. Child minding may require suitable outdoor space and car parking to be provided, and the impact on neighbouring amenity will be considered through the submission of any planning application required.
- 5.8** The use of one room within the dwelling or a detached building for **beauty, hairdressing or therapy** may not require planning permission and will depend on the site context and individual circumstances, in particular the maximum number of customers at any one time, availability of car parking and the cumulative impact of other similar businesses within the immediate area.
- 5.9** Commercial **dog grooming** and day care may cause noise disturbance to neighbouring properties, and requires planning permission.
- 5.10** Where it is decided a proposed business use from a dwelling constitutes a material change of use and requires planning permission, the proposal will have to comply with the following:
- a. There will be no adverse impact on the residential amenity of neighbouring properties in terms of noise, disturbance, smell, and dirt generated by the business or by members of the public visiting the premises.
  - b. There will be no adverse impact on traffic or public safety resulting from traffic generated by the use.
  - c. There is provision for satisfactory car-parking and servicing facilities. This can either be in curtilage, or available to the public within easy reach of the site.
  - d. There will be no adverse impact on neighbours caused by activities taking place outside socially acceptable hours and at weekends.
  - e. Any required storage of materials/vehicles is satisfactorily accommodated on the site without any adverse impact on neighbouring properties.
  - f. A supporting statement is submitted to include the following information: description of business and activity carried out, hours of operation, number of staff, number of visiting members of the public at any one time, details of deliveries and storage requirements, and available car parking. During the planning application process additional information may be requested by the Planning Officer to enable a full assessment to be carried out.



## Short term lets/Self catering

### 6.0 Short term lets/Self catering

#### Designated short term let control areas.

**6.1** The Planning (Scotland) Act 2019 introduces powers for planning authorities to designate short term let control areas where the use of a dwellinghouse for providing a short term let will require planning permission. **Currently within South Lanarkshire Council there are no designated short term let control areas** as there is no evidence that there is a high concentration of short term let properties to the detriment of the character of that area, or to the extent that housing stock is being reduced. However this will be kept under review.

#### Bed and breakfast

**6.2** A short term let or the use of a property for self catering, is not to be confused with bed and breakfast provision. In terms of planning legislation a house can be used to offer bed and breakfast without planning permission where no more than two bedrooms are used for this purpose, or in the case of premises having less than four bedrooms only one bedroom is used for that purpose. A flat cannot generally be used to offer bed and breakfast without planning permission.

#### What is a short term let?

**6.3** If you are considering letting out your property, please check the following criteria to confirm if it meets the definition of a short term let as set out in the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022:

- sleeping accommodation is provided to one or more persons for one or more nights on a commercial basis,
- no person to whom sleeping accommodation is provided is an immediate family member of the person by whom the accommodation is being provided,

- the accommodation is not provided for facilitating the provision of work or services to the person who is providing the accommodation or to another member of that person's household,
- the accommodation is not provided by an employer to an employee in terms of a contract of employment or for the better performance of the employee's duties, and
- It does not involve a dwellinghouse that is part of a hotel, boarding house, guest house, hostel, a hospital or care home, a refuge or student accommodation.

#### When has a material change of use taken place?

- 6.4** In general terms planning permission will be required for use of a dwellinghouse as a short term let if this results in a material change of use of the property. Each proposal will be considered on its individual merits - this allows a flexible approach to be taken across the varied property and locational characteristics. More guidance on this can be found at Scottish Governments Planning Guidance for Hosts and Operators – [Short Term Lets in Scotland](#)
- 6.5** Flats are considered separately from houses, as flats do not fall within the same use class (flats are sui generis) and planning permission will likely be required to operate as a self catering unit or short term let regardless of the location of the property.
- 6.6** Matters that the Planning Authority will take into account when deciding if a material change of use has occurred include:
- How guests arrive and depart.
  - Likely frequency and intensity of noise or other unsociable behaviour.
  - Impact on public services and resident's amenity.
  - The ability to provide in-curtilage car parking.
  - Cumulative impact on the character and amenity of a neighbourhood.
  - Capacity of the property

## Short term lets/Self catering

**6.7** Outwith town centre locations as identified in the adopted SLLDP2, proposals that meet any of the following criteria will automatically require planning permission:

1. A dwellinghouse containing five or more bedrooms,
2. The use of a detached building within the curtilage of a dwellinghouse.

**6.8** Enquiries by an owner to establish if planning permission is required for the letting of a dwellinghouse can be addressed through the submission of a Certificate of Lawfulness (see section 1.2). Confirming that a material change of use is required, or has occurred, does not indicate the potential outcome of a planning application, only that planning consent is required.

### Assessing a planning application

**6.9** Where planning permission is required the ability to manage the self-catering unit will focus on protecting the amenity of predominantly residential areas where the proposals could impact upon parking provision, and adversely impact upon the character of the area and residential amenity. This approach aims to achieve a balance between the benefits of self-catering to tourism and the local economy, and the impact upon the areas in which they are located.

**6.10** Where a self-catering use requires planning permission, the proposal shall consider the following criteria:

- a. There will be no adverse impact on the residential amenity of neighbouring properties in terms of noise or disturbance.
- b. There is a suitable waste collection/disposal arrangement in place
- c. There is provision for satisfactory car-parking. Depending on the nature of the site, in curtilage, or long stay public parking within easy reach of the site, may be considered.
- d. The use of garden ground, in particular communal gardens, will not be adversely disruptive to neighbouring residents.

**6.11** Where planning permission is approved, a temporary consent for ten years will be given. After this date, and without a renewal of the consent in place, the property will revert to residential use.

### Flatted Dwellings

**6.12** It is a concern that blocks of flats generally do not lend themselves to short-term letting as well as other properties given the opportunity for noise and other amenity impacts in a common stair and shared means of access. This is particularly relevant in residential areas located outwith town centre locations.

**6.13** In addition to the criteria listed above, proposals for flatted dwellings will also require the following to be considered when determining a planning application:

- a. Access into the property. How access is given to ensure minimal disruption to neighbouring residents whilst also ensuring that safety within the communal stairway is maintained.
- b. The impact of noise on neighbouring residents is likely to be greater in a tenement, an apartment building or similar.

### Town Centre locations

**6.14** Proposals for short term let proposals within established town centre locations as identified in the adopted SLLDP2 will generally be supported in principle. This applies to both dwellings and flatted dwellings. The character of such areas is predominantly commercial, food and leisure, with an element of residential. It is considered that proposals would not adversely impact upon the active character, could utilise existing public parking facilities and public transport, and would support the economic function of the town centre.

### Licensing

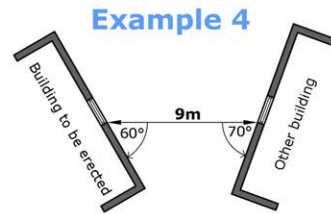
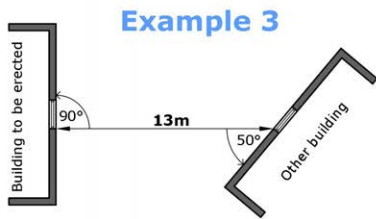
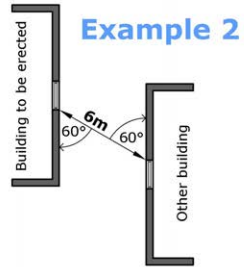
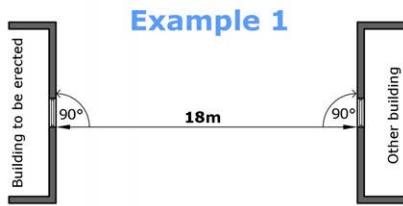
**6.15** The Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022. This legislation came into force on 1 March 2022 and

## Short term lets/Self catering

introduces a licensing scheme intended to ensure short term lets are safe and fit for purpose, and to deal with problems faced by neighbours. It will allow local authorities to better understand the extent of short term letting in their area, to consider the effects, and how to deal with any potential problems.

- 6.16** After 1 October 2022, new hosts and operators will need to have a licence. This means that, if you were not using your premises to provide short-term lets before 1 October 2022, you can advertise but not take bookings or receive guests until you have obtained a licence. Existing hosts or operators (those using accommodation to provide short-term lets before 1 October 2022) have until 1 April 2023 to apply for a licence. During this period you can operate without a licence (by continuing to take bookings and receive guests) unless your licence application has been determined and refused. After 1 April 2023, existing hosts can only continue to operate if they have submitted an application for a licence on or before 1 April 2023 that has not yet been determined or been granted a short-term let licence. Should you have an enquiry relating to licensing please see our [Short term lets in Scotland - licensing scheme](#) webpage.
- 6.17** The Planning Service will be consulted on applications for a license to determine whether planning permission is required. In cases where it is unclear whether a material change of use has or will occur the applicant will be asked to submit a Certificate of Lawful Use Development application. Applicants for licences should be mindful of potential timescales and fees to complete this process.

# Angles and distances between buildings





## Matrix of angles and distances

		Angle at window of building to be erected not more than									
		90°	80°	70°	60°	50°	40°	30°	20°	10°	0°
Angle at window of any other building not more than	90°	18	18	18	18	13	9	6	4	3	2
	80°	18	18	18	13	9	6	4	3	2	
	70°	18	18	13	9	6	4	3	2		
	60°	18	13	9	6	4	3	2			
	50°	13	9	6	4	3	2				
	40°	9	6	4	3	2					
	30°	6	4	3	2						
	20°	4	3	2							
	10°	3	2								
	0°	2									

- 'Angle' means the horizontal angle included between:
  - the shortest line joining any part of one window opening to any part of the other
  - the vertical plane of the opening of the window.
- Distances shall be interpolated for intermediate angles.