

**EAST AYRSHIRE COUNCIL**

**NORTHERN LOCAL PLANNING COMMITTEE: 29 JANUARY 2010**

**09/0594/PP: CONVERSION OF OUTBUILDING TO FORM  
2 STOREY DWELLING AND ERECTION OF GARDEN WALL  
BY: CLAIRE BOLTON  
AT: 1 WEST FULLARTON STREET, KILMARNOCK, KA1 2QY**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 This proposal involves the conversion of the hayloft to a dwelling, in essence, adding an internal floor to allow for additional accommodation and some minor changes to the elevations to allow suitable door openings and windows.

**2. RECOMMENDATION**

**2.1 It is recommended that the application should be refused for the reasons indicated on the attached sheet.**

**3. CONCLUSIONS**

3.1 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal does not accord with Policies RES 5 and RES 22 of the Adopted East Ayrshire Local Plan and the application should therefore be refused unless material considerations indicate otherwise.

3.2 The material considerations detailed in Section 4 of the report, show that there is a substantial body of objections to the application and the proposal fails to accord with Policies RES 4, RES 5 and RES 26 of the Alteration to the East Ayrshire Local Plan. Therefore the application should be refused.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to the full Council as this would not constitute a significant breach of policy.

**Alan Neish**  
**Head of Planning and Economic Development**

**Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.**

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### **Report by Head of Planning and Economic Development**

#### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Northern Local Planning Committee under the scheme of delegation as it is subject to more than ten objections.

#### **2. APPLICATION DETAILS**

2.1 **Site description:** The application site comprises a single storey, traditionally built hayloft outhouse in the rear garden ground of 1 West Fullarton Street. The building is constructed of local 'Kilmarnock' brick, and has existing dormers which appear original. The slate roof has a steep pitch of some 45 degrees.

2.2 The surrounding area is residential in nature, and the application site is bounded to the north by garden ground of Fullarton Court, to the east by garden ground of Fullarton Street, to the west by the garden of the adjacent dwelling.

2.3 **Proposed Development:** This proposal involves the conversion of the hayloft to a dwelling, in essence, adding an internal floor to allow for additional accommodation and some minor changes to the elevations to allow suitable door openings and windows.

#### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 Bonnyton Community Council have submitted an objection on a number of grounds namely, amenity; backland development; and parking and access.

***All these issues are explored more fully at Section 4 of this report.***

3.2 East Ayrshire Council Roads and Transportation Division has no objections if 2 off street parking places are supplied. Noting that these cannot be provided within the off location site, Roads comment that a refusal is proven.

***Noted.***

3.3 East Ayrshire Council Environmental Health and Licensing Division has no objections in principle but offer standard conditions, if the application is to be approved, on noise during construction; drainage to be to the satisfaction of Scottish Water/ SEPA; and what to do in the event that contamination is discovered.

***The above requirements can be addressed by attaching relevant conditions and advisory notes should Members decide to grant planning consent.***

#### **4. REPRESENTATIONS**

4.1 Thirty five individual letters of objection, and a petition containing thirty-four signatures has been received relating to the proposed development. The main points of objection are as follows:

##### Amenity

4.2 There will be a loss of amenity privacy, as well as detrimental overlooking issues.

***In this respect, 17 and 19 Fullarton Street will be the properties most affected by overlooking or privacy issues; this from a first floor bedroom window. Whilst the conversion of the outhouse to residential use would have an impact on the rear views from surrounding properties, this is not a material planning issue.***

##### Design

4.3 The design does not accord with the surrounding Victorian architecture of the area and the introduction of render to the building would be inappropriate for the area.

***The design will remain largely as per the existing traditional design with minimal changes to the windows, doors etc. The introduction of render in this location is not consistent with the materials in the locale.***

### Site Layout

4.4 The proposal would result in overdevelopment of the site, there is a lack of garden ground associated with the proposed dwelling, and the approval of the development may lead to an undesirable precedent.

***At 53 sq metres of garden ground, there is insufficient area associated with the dwelling to meet the Division's Design Guidance and Local Plan Policy RES 22, private open space provision.***

### Parking and Safety issues

4.5 A number of issues have been raised by the objectors in respect of safety for pedestrians and vehicles entering or exiting the site, and in respect of the adjacent road network nearby. No parking provision has been submitted as part of the proposal, and the plans indicate a dropping off facility only. Furthermore, the roadway area around the site is already congested with on street parking.

***This Division generally shares the concerns of the objectors in relation to lack of parking provision and the difficulties which may be experienced in terms of vehicle access and egress to the property. In that the 2 off street car parking spaces requested by the Road Division cannot be achieved, a favourable recommendation would not be appropriate.***

### Disability Discrimination Act

4.6 The dwelling as proposed does not meet with the Disability Discrimination Act (DDA) requirements for ambulant/ wheelchair movement.

***This is a matter for the applicants to satisfy at Building Warrant stage of the development process.***

### Loss of value to adjacent property

4.7 The proposal could result in the loss of value to adjacent properties.

***This is not a material planning consideration.***

## 5. ASSESSMENT AGAINST DEVELOPMENT PLAN

For the purposes of this application the development plan comprises the Adopted East Ayrshire Local Plan (EALP) (2007).

Adopted East Ayrshire Local Plan (EALP) (2003)

5.1 Policy RES5 states that, within Settlement Boundaries, the Council will be supportive of the sub-division of existing house curtilages for the development of dwelling houses subject to acceptable design; no damage being caused to surrounding properties; and acceptable levels of privacy being maintained.

***The proposed development would affect the amenity of the area by overlooking properties in Fullarton Street, thus having a detrimental impact in terms of levels of privacy to adjacent houses. The development is 'backland', and the setting is not appropriate. Furthermore there would be a detrimental impact on the amenity of the plot itself, due to the lack of garden ground, parking facilities and access arrangements.***

5.2 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.

***The proposed house fails to meet with the private open space standards of the Council and is therefore not acceptable in terms of policy RES 22.***

## 6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications), the consultation responses and letters of representation detailed in Section 3 of the report and the impact upon amenity.

Alteration To The East Ayrshire Local Plan (Finalised Draft With Modification)

***Policies RES 4 and RES 5 of the Alteration are in essence, Policy RES 5 of the adopted East Ayrshire Local Plan and this is assessed in the preceding paragraph 5.1. Similarly, as Policy RES 26 of the Alteration is the same as Policy RES 22 of the adopted Plan, the response is the same as preceding paragraph 5.2.***

## Consultation Responses

6.5 The consultation responses are not wholly supportive and raise issues that would warrant the refusal of this application.

## Representations Received

6.6 The objections received, generally relate to loss of amenity, design, lack of parking and road safety. The objections have merit as detailed above.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council in the determination of this application.

## **8. CONCLUSIONS**

8.1 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal does not accord with Policies RES 5 and RES 22 of the Adopted East Ayrshire Local Plan and the application should therefore be refused unless material considerations indicate otherwise.

8.2 The material considerations detailed in Section 4 of the report, show that there is a substantial body of objections to the application and the proposal fails to accord with Policies RES 4, RES 5 and RES 26 of the Alteration to the East Ayrshire Local Plan. Therefore the application should be refused.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application should be refused for the reasons indicated on the attached sheet.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Economic Development, the application would not require to be referred to the full Council as this would not constitute a significant breach of policy.

**Alan Neish**  
**Head of Planning & Economic Development**

19 January 2010  
MF/KMc

FV/DVM

### **List of Background Papers**

1. Application form, plans and statutory notices/certificates;
2. Public Advertisements;
3. Statutory Consultations;
4. Representations received
5. Adopted East Ayrshire Local Plan;

Anyone wishing to inspect the above papers should contact Marion Fergusson on 01563 576769.

**Implementation Officer: Dave Morris**

**EAST AYRSHIRE COUNCIL**

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 09/0594/PP**

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Location	Proposed New Dwelling Rear Of No.1 West Fullarton Street Bonnyton
Nature of Proposal:	Conversion of outbuilding into a single dwelling - 2 storey; demolish existing annex and excavate loose fill to form garden and build new garden wall
Name and Address of Applicant:	Claire Bolton 1 West Fullarton Street Kilmarnock KA1 2QY
Name and Address of Agent	

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DPOs Reference: MF/KMc

The above application for Planning Permission should be refused for the following reasons:

1. The proposal is contrary to the provisions of Policy RES 5 of the Adopted East Ayrshire Local Plan, in that it would not maintain acceptable levels of privacy to neighbours' properties and would result in backland development to the detriment of the amenity of the area.
2. The proposal is contrary to the provisions of Policy RES 5 of the Adopted East Ayrshire Local Plan, in that it would not provide appropriate parking provision, and this would create unacceptable damage to the amenity of the surrounding properties and be prejudicial to road safety.
3. The proposal is contrary to the provisions of the Policy RES 22 of the Adopted East Ayrshire Local Plan, in that there is insufficient private garden ground associated with the dwelling.

4. The proposal is contrary to the provisions of Policy RES 4 of the Alteration to the East Ayrshire Local Plan in that it would not maintain acceptable levels of privacy and would result in backland development to the detriment of the amenity of the area.
5. The proposal is contrary to the provisions Policy RES 4 of the Alteration to the East Ayrshire Local Plan in that it would not provide appropriate parking provision, and this would create unacceptable damage to the amenity of the surround properties and be prejudiced to road safety.
6. The proposal is contrary to the provisions of Policy RES 5 of the Alteration to the East Ayrshire Local Plan in that the lack of private garden ground would adversely affect the amenity of neighbouring properties.
7. The proposal is contrary to the provisions of Policy RES 26 of the Alteration to the East Ayrshire Local Plan, in that there is insufficient private garden ground associated with the dwelling.