

## **EAST AYRSHIRE COUNCIL**

### **PRINCIPAL PLANNING COMMITTEE – 24 OCTOBER 2007**

#### **DECISION OF THE NORTHERN AREA LOCAL PLANNING COMMITTEE HELD ON 19 MAY 2006 RELATING TO PLANNING APPLICATION NO 05/1074/FL: CHANGE OF USE OF DOUBLE GARAGE TO ONE AND A HALF STOREY DWELLINGHOUSE AT 3 BANKWOOD, GALSTON BY MR J HODGE**

#### **Report by the Depute Chief Executive/Executive Director of Corporate Support**

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

- 1.1 The purpose of this report is to inform the Committee of the decision of the Northern Area Local Planning Committee held on 19 May 2006 regarding the above planning application.

#### **2. BACKGROUND**

- 2.1 The Northern Area Local Planning Committee on 19 May 2006 considered a report dated 9 May 2006 by the Head of Planning, Development and Building Standards and agreed that this application be referred to the Principal Planning Committee with a recommendation for approval on the grounds that the application does accord with Policy RES 7 of the East Ayrshire Local Plan and would enhance the amenity of the area.
- 2.2 Since the meeting on 19 May 2006, the application has been required to be assessed against the Habitat's Directive and further information with regard to ownership clarification has been obtained. As a result, an updated report dated 15 October 2007 is attached as an appendix by the Head of Planning and Economic Development.
- 2.3 Two objections were submitted in respect of this application. No Hearing took place at the meeting of the Local Planning Committee held on 19 May 2006 as the objectors were either not present at the meeting or were present and did not wish to be heard. Therefore, there is no requirement for a Hearing at this meeting.

#### **3. FINANCIAL/LEGAL IMPLICATIONS - Nil.**

#### **4. POLICY IMPLICATIONS**

- 4.1 The Committee are referred to the report dated 15 October 2007 by the Head of Planning and Economic Development, attached as an Appendix to this report.

## **5. RECOMMENDATION**

- 5.1** It is recommended that this Committee consider the planning application with reference to the report dated 15 October 2007 by the Head of Planning and Economic Development and with consideration to the recommendation of the Northern Area Local Planning Committee, as detailed in Paragraph 2.1 above.

Elizabeth Morton  
Depute Chief Executive/Executive Director of Corporate Support

16 October 2007  
RB/KS

### **LIST OF BACKGROUND PAPERS**

**NIL**

Any person wishing further information on this report should contact Bill Walkinshaw, Head of Democratic Services on telephone number (01563) 576135.

**Implementation Officer: Robert Beaton, Administrative Officer.**

**EAST AYRSHIRE COUNCIL**

**PRINCIPAL PLANNING COMMITTEE: 24 OCTOBER 2007**

**05/1074/FL: CHANGE OF USE OF DOUBLE GARAGE TO ONE AND A HALF  
STOREY DWELLINGHOUSE  
AT 3 BANKWOOD, GALSTON  
BY MR J HODGE**

**EXECUTIVE SUMMARY SHEET**

**DEVELOPMENT DESCRIPTION**

1.1 The applicant proposes to convert the existing free-standing double garage, into a one and a half storey detached dwellinghouse. The property will be converted within the footprint of the existing garage, with the upper level accommodation being achieved by raising the roof pitch of the structure. The property will contain a bedroom, living room, dining room, kitchen and hall on the ground floor, with two bedrooms and a bathroom within the roof space. The house will be finished in materials to match the existing garage.

The access to the site is proposed through an area of 'common ground' linking to the public highway.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As detailed in Section 5 of the report, the proposal fails to accord with the Development Plan. Therefore, the application should be refused unless material considerations indicate otherwise.

3.2 As indicated in Section 6, there are material considerations relevant to the determination of this application, however, none of these are considered to be of sufficient weight that would warrant approval of the proposal.

**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.*

## **EAST AYRSHIRE COUNCIL**

**PRINCIPAL PLANNING COMMITTEE: 24 OCTOBER 2007**

**05/1074/FL: CHANGE OF USE OF DOUBLE GARAGE TO ONE AND A HALF  
STOREY DWELLINGHOUSE  
AT 3 BANKWOOD, GALSTON  
BY MR J HODGE**

### **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 planning application for the change of use of a double garage to one and a half storey dwellinghouse. The application requires to be considered by the Principal Planning Committee following a recommendation of approval from the Northern Area Local Planning Committee on 16 May 2006, this recommendation is considered to be contrary to the development plan.

1.2 Following the recommendation of the Northern Area Local Planning Committee on 16 May 2006, new guidance relating to the Habitats Directive, required that this information be sought prior to determination of any related planning application. The applicant was advised of this requirement in July 2006, however the ecological assessment was not submitted until 08 January 2007. This raised some issues to do with bats and works within the bird breeding season, both could be dealt with by conditions if necessary. During this period, concerns were expressed about the ownership of the site and further clarification was sought in respect of this matter.

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

2.1 **Site Description:** The application site comprises a 0.08 ha site located in the countryside to the south-east of Galston. The site comprises an existing double garage, granted consent in April 1996 (KL/E/FL/87/019D), and an unmade up access track to the garage, leading from an area defined as 'common ground' adjacent to the public road. The site slopes down from the existing access point in a south to north direction. The area of the site to the north of the garage is heavily wooded, with a line of mature trees continuing along the eastern edge of the site, with this boundary defined by a mature beech hedge running along the side of the road. To the south and west of the site lie the two previously converted properties at Plots 1 and 2 Bankwood and their associated garden ground. On the opposite side of the public road, towards the east, the site faces onto open fields.

**2.2 Proposed Development:** The applicant proposes to convert the existing free-standing double garage, into a one and a half storey detached dwellinghouse. The property will be converted within the footprint of the existing garage, with the upper level accommodation being achieved by raising the roof pitch of the structure. The property will contain a bedroom, living room, dining room, kitchen and hall on the ground floor, with two bedrooms and a bathroom within the roof space. The house will be finished in materials to match the existing garage.

The access to the site is proposed through an area of 'common ground' linking to the public highway.

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

3.1 East Ayrshire Council's Roads and Transportation Division advise that they have no objections subject to conditions relating to the provision of a service layby within the adopted road and sightlines of 2.5 m x 90.0 m at the junction with the public road. They also advise that the public road immediately serving the site is too narrow to permit the passage of two-way traffic and passing places should be provided from the development access to the nearest public road which permits two way traffic. All passing places and the layby construction are to be completed prior to the commencement of building works on site.

***Should the Committee be minded to grant approval of this proposal, it should be noted that the present access to the public road and the requirements of the Roads Division lie outwith the submitted red line application site, probably in third party ownership, and could not be conditioned as part of this approval.***

***Therefore, failure to achieve a satisfactory resolution of the concerns of the Roads Division would result in a recommendation of refusal from Roads.***

3.2 Galston Community Council have no objections to the proposal.

***Noted.***

### **4. REPRESENTATIONS**

The proposal was advertised in the Kilmarnock Standard as Development Contrary to the Development Plan and two letters of objection from four parties were received.

The objectors raised the following concerns:-

4.1 The garage was built for the sole purpose of garaging equipment used in the building of Plots 1 and 2 and this is stated in the Title Deeds for Plot 1.

***From the description of development submitted by the applicant in 1996, it clearly stated that the purpose was for a "storage shed/garage for use ancillary to a dwellinghouse". The dwellinghouse in question was referred to as Plot 1, Bankwood on the application forms. Therefore, the garage was clearly intended to be an ancillary structure to the house at Plot 1, Bankwood.***

***The Division is not aware if this requirement was reflected in the Title Deeds for Plot 1.***

4.2 The garage was only given permission on condition that it remained attached to Plot 1 and it remained as a garage.

***The garage was clearly only given permission as a garage or storage shed to be used incidental to the occupants at Plot 1's enjoyment of their house. Condition 3 on planning approval KL/E/FL/87/019D taken with the then applicant's wording of his application, clearly show this as the intention at that time.***

4.3 The garage as it stands is currently in breach of planning and can see no justification for the existence of the garage.

***The question of any breach of planning control is presently being investigated by the Council's Enforcement Officer.***

4.4 That the land within the red line site does not all belong to the applicant and will retain their objection until this matter is resolved.

***The applicant has certified that he owns all the application site delineated in red.***

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

***5.1 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. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (AJSP) and the Adopted East Ayrshire Local Plan (EALP).***

## **Ayrshire Joint Structure Plan**

5.2 Policy G1 of the Structure Plan indicates that only development which accords with the Local Plan Policies is acceptable outwith settlement boundaries.

***The proposed development does not accord with the principle of Policy RES 7 of the East Ayrshire Local Plan.***

### **East Ayrshire Local Plan**

**5.3 Policy RES 7 of the East Ayrshire Local Plan encourages the rehabilitation or conversion of existing, and traditionally designed and constructed buildings to residential use, subject to a set of stated criteria being met, as follows;**

- (i) the Council will require to be satisfied that the structural condition of the building is suitable for its conversion to residential use;**

The applicant has submitted a structural inspection report which concludes that the structure has been robustly built and is suitable for further development.

- (ii) the proposal is capable of being implemented while retaining, to at least eaves level, the existing external walls of the building. Any extension shall be limited to a maximum of 50% of the ground floor area of the existing building and a minimum 50% of the external wall area in the complete conversion/rehabilitation shall be formed from the external walls of the original building;**

The proposed alterations to the roof will result in the creation of additional floorspace equivalent to a greater than 50% extension to the existing ground floor area of the garage. Therefore, the alterations are considered to be contrary to the requirements of this criteria.

- (iii) the development meets the service requirements of all appropriate statutory undertakers and the Council as Roads Authority;**

The applicant has failed to address the concerns of the Roads Authority. As stated earlier, the access to the site lies outwith the control of the applicant and outwith the delineated application site. Similarly, the requirements of the Roads Division are outwith the control of the applicant and therefore cannot be satisfactorily achieved under this application.

- (iv) the proposal is fully in keeping with the character and appearance of the area within which it is located;**

The proposal relates to an existing relatively modern detached double garage. The present structure has the appearance of an ancillary

structure and is not fully in keeping with the character and appearance of this rural location.

- (v) ***the proposal meets all the design requirements of the Council and reflects the style and design of the original building located on the site;***

The proposal although existing, does not comply with the traditionally designed and constructed definition of buildings suitable for conversion contained in the local plan. This defines traditionally designed and constructed buildings as:

"Buildings which are traditional to vernacular Ayrshire architecture being generally of modest scale, 1 or 1½ storeys in height based on a long, narrow floor plan with steep pitched roof (over 40 degrees), with a predominance of wall over wall openings and with wall openings having a vertical emphasis. Traditional construction is normally of stone walling ie ashlar, random rubble or squared random rubble. Some older brick buildings may also be accepted in this definition as traditional".

- (vi) ***the proposal does not damage the architectural integrity of the building and re-uses wherever possible, any existing traditional building materials found on site.***

The proposal does not involve major changes to the building, other than the roof, however, the building itself is not of a type considered appropriate for conversion as defined in the local plan.

***5.4 Policy RES 22 of the East Ayrshire Local Plan requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.***

In the event that a house was granted on this site, there would be sufficient land, albeit wooded, to achieve the minimum open space standards.

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, letters of representation, planning history and the impact on the amenity of the area.

### Consultation Responses

6.2 Of the consultation responses received, although the Roads Division propose certain conditions, these cannot be achieved within this application. Therefore, the applicant has failed to satisfy their requirements.

### Letters of Representation

6.3 The letters of representation have been covered in Section 4 of the report and are supportive of the recommendation, requesting that the garage be utilised in the manner it was intended.

#### Planning History

6.4 KL/E/EU/87/19C - Proposed conversion of agricultural buildings to form dwellinghouse. Approved with conditions 18 January 1996.

6.5 KL/E/EU/87/19B - Proposed rehabilitation and extension to form dwellinghouse. Refused 28 March 1996.

6.6 KL/E/EU/87/19D - Proposed storage shed/garage for use ancillary to dwellinghouse at Plot 1. Approved with conditions April 1996 (conditions - use only once dwelling completed and occupied and no commercial purposes).

6.7 KL/E/EU/87/19A - Proposed conversion of agricultural buildings to form dwellinghouse - Plot 1. Refused 25 October 1999.

6.8 96/0427/FL - Proposed rehabilitation and extension of buildings to form dwellinghouse. Approved with conditions 20 December 1996.

#### Impact on the Amenity of the Area

6.9 In terms of the impact on the amenity of the area, the conversion may result in an improvement to the visual appearance of the site, however, it is likely to have a detrimental impact on the trees within the site and the neighbours' enjoyment of the area.

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

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

### **8. ConclusionS**

8.1 As detailed in Section 5 of the report, the proposal fails to accord with the Development Plan. Therefore, the application should be refused unless material considerations indicate otherwise.

8.2 As indicated in Section 6, there are material considerations relevant to the determination of this application, however, none of these are considered to be of sufficient weight that would warrant approval of the proposal.

## **9. RECOMMENDATION**

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

*Alan Neish  
Head of Planning and Economic Development*

**15 October 2007  
(WS/RH)**

### *LIST OF BACKGROUND PAPERS*

- 1. Application Form and Plans.**
- 2. Statutory Notices and Certificates.**
- 3. Consultation Responses.**
- 4. Letters of Representation.**
- 5. Planning History.**
- 6. Adopted East Ayrshire Local Plan (2003).**
  - 7. Approved Ayrshire Joint Structure Plan.**

***Anyone wishing to inspect the above papers please contact William Stewart, Principal Planning Officer, on 01563 578165.***

Implementation Officer: Dave Morris

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/1074/FL

---

Site of Proposal: 3 Bankwood  
GALSTON  
KA4 8LH

Nature of Proposal: Change of Use from Double Garage to a One  
and a Half Storey Dwellinghouse

Name & Address of Applicant: Mr J Hodge  
Glen Place  
3 Joppa  
COYLTON  
Ayr  
KA6 6JW

Name & Address of Agent: James W Mair  
25 Woodside Avenue  
KILMARNOCK  
KA1 1TU

---

DPO'S REFERENCE: WS/RH

The above FULL application should be refused for the following reasons:-

1. The proposed development does not comply with the requirements of Policy RES 7 of the Adopted East Ayrshire Local Plan and Policy G1 of the Ayrshire Joint Structure Plan, as it is considered to be an unacceptable development in the countryside, not comprising of the rehabilitation or conversion of a traditionally designed and constructed building.
2. The proposed development does not provide adequate on site access from the public road to the application site and fails to provide the necessary requirements of the Council's Roads and Transportation Division and is therefore contrary to the requirements of Policy RES 7(iii) of the Adopted East Ayrshire Local Plan.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**