

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 30 JUNE 2004**

**04/0365/FL: PROPOSED EXTENSION TO PROPERTY  
AT 15 DEAN VIEW, KILMARNOCK  
BY MR & MRS BLAIR**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought for a 2-storey side extension and a single-storey rear conservatory. The proposed side extension is to be finished in red facing brick and concrete roof tiles while the proposed rear conservatory is to be constructed in a facing brick base course, UPVC windows and doors and a polycarbonate roof finish. The proposed 2-storey extension measures 9.35 metres in length and 3.1 metres in width while the proposed single storey rear conservatory extension measures 6.13 metres in width and 4 metres in depth. The proposed side extension is to be located 1 metre from the common boundary between 15 Dean View and numbers 5-11 Dean View.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As is indicated in Section 5 of the report the application is considered to be contrary to the Development Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are material considerations relevant to the determination of this application consisting of the consultation responses received and the planning history of the site. The consultation responses received have no adverse comments to make on this application. In terms of planning history, an identical application was refused under delegated powers by the Head of Planning Development and Building Standards on 16 February 2004. It was considered that the proposed 2 storey side extension was detrimental to the residential and visual amenity of the adjacent dwellinghouses by reason of its scale, bulk and mass. It is considered that the proposed two storey elements of the extension located to

the northern elevation of the existing dwellinghouse would have a detrimental impact on the adjacent dwellings and their rear gardens in particular as the scale of the extension would create an overbearing effect on this private amenity space of the neighbouring dwelling at No. 9 Dean View in particular and its design is therefore unacceptable. The applicant was advised that the proposal was considered to be excessive and was asked to consider a single storey side extension including conservatory, but has not pursued this option.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning, Development and Building Standards it will not require to be referred to the Development Services Committee, as there would be no significant breach of Council Policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

**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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BY MR & MRS BLAIR

### Report by Head of Planning, Development and Building Standards

#### 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 Local Planning Committee under the scheme of delegation as it is recommended for refusal.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a 2-storey semi-detached dwellinghouse constructed in the late 1990's by Ogilvie Homes and which is finished in buff facing brick and red concrete roof tiles. The property forms part of a 56 dwelling development of similar 2-storey semi-detached and detached villas, detached single storey bungalows, and 2-storey cottage flats. The application site is located to the northeast of New Farm Loch, with Dean View being accessed from Kennedy Drive. The application site is bound on all boundaries by similar residential properties.

2.2 **Proposed Development:** Full planning consent is sought for a 2-storey side extension and a single-storey rear conservatory. The proposed side extension is to be finished in red facing brick and concrete roof tiles while the proposed rear conservatory is to be constructed in a facing brick base course, UPVC windows and doors and a polycarbonate roof finish. The proposed 2-storey extension measures 9.35 metres in length and 3.1 metres in width while the proposed single storey rear conservatory extension measures 6.13 metres in width and 4 metres in depth. The proposed side extension is to be located 1 metre from the common boundary between 15 Dean View and numbers 5-11 Dean View.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 The consultation responses for the previous identical planning application (03/1038/FL) refused under delegated powers on 16 February 2004 have been carried over in the determination of this application. These consultations are as follows:-

3.2 The East Ayrshire Council Roads and Transportation Division, Transco and Scottish Water have no adverse comments to make.

***Noted.***

3.3 There is no New Farm Loch Community Council to consult in respect of this application.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 No letters of representation have been received as a result of the statutory neighbour notification process.

#### **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).

##### Approved Ayrshire Joint Structure Plan

5.2 There are no relevant policies in the AJSP which would affect the determination of this application

##### Adopted East Ayrshire Local Plan

5.3 Policy ENV7 of the EALP is relevant and advises that all developers will be expected to fully comply with the Council's Design Guidance and policy documents relating to and advising on the particular type of development proposed. The Design Guidance advises that extensions to existing properties shall be sited and designed to minimise any overlooking of neighbouring properties and to ensure maximum provision of privacy and daylight. The materials and colours used in the construction of extensions to residential properties should match the finish of the existing dwellinghouse.

***It is considered that the materials to be used in the construction of the proposed extensions are in-keeping with the original dwellinghouse and there are no windows creating a new overlooking issue relative to neighbouring residential properties. Due however to the two storey element of the extension located on the northern elevation of the dwellinghouse being of such height as to reach the ridge of the existing property, it is felt that the proposed extension would have a detrimental impact on the***

***visual amenity of the area and in particular on those residential properties at 9 and 11 Dean View by reason of its scale, bulk and mass. The two storey extension is of solid design which would be a dominant structure 'hemming in' and creating a feeling of enclosure to the properties at 9 and 11 Dean View. 9 Dean View has also been previously extended in its rear garden by a glazed conservatory. It is considered that the rear gardens of these properties would then have a very 'enclosed' character which would be to their detriment. Although enclosed by fencing, these gardens are fairly open and this is enhanced by the significant distances between them and the house at the application site. They benefit from the feeling of space which would be lost as a result of the proposed two storey extension. The distance between the proposed two storey extension and the rear elevation of those neighbouring dwellings at numbers 9 and 11 Dean View would be reduced to approximately 12 metres and indeed less in respect of the extended number 9. As a result it is felt to be unacceptable in terms of the residential amenity of the neighbouring dwellings. The estate built by Ogilvie Homes is fairly new and is of high design quality. It is characterised by well spaced plots and more extensive distances between houses than is sometimes the case in other housing estates. This results in a high amenity feel to the estate. It is considered that the proposed side extension (which would be the first of its scale) would compromise the overall high residential amenity of the estate for the above reasons.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses that are addressed in Section 3 of this report and the Planning History.

### Consultation Responses and Representations Received

6.2 It is not considered that any aspects of the consultation responses indicate that the application should be refused.

### Planning History

6.3 03/1038/FL: A proposed two storey side extension with rear conservatory to the dwellinghouse identical to this current planning application was refused under delegated powers by the Head of Planning, Development and Building Standards on 16 February 2004. The reasons for refusal were:-

- 1. The proposed extension is contrary to Policy ENV7 of the Adopted East Ayrshire Local Plan, being two storey in height it would have a detrimental impact on the residential and visual amenity of the adjacent existing dwellinghouses by reason of its scale, bulk and mass.*

2. *The proposed extension would have an adverse effect on the setting and character of the residential area.*

## **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 As is indicated in Section 5 of the report the application is considered to be contrary to the Development Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are material considerations relevant to the determination of this application consisting of the consultation responses received and the planning history of the site. The consultation responses received have no adverse comments to make on this application. In terms of planning history, an identical application was refused under delegated powers by the Head of Planning Development and Building Standards on 16 February 2004. It was considered that the proposed 2 storey side extension was detrimental to the residential and visual amenity of the adjacent dwellinghouses by reason of its scale, bulk and mass. It is considered that the proposed two storey elements of the extension located to the northern elevation of the existing dwellinghouse would have a detrimental impact on the adjacent dwellings and their rear gardens in particular as the scale of the extension would create an overbearing effect on this private amenity space of the neighbouring dwelling at No. 9 Dean View in particular and its design is therefore unacceptable. The applicant was advised that the proposal was considered to be excessive and was asked to consider a single storey side extension including conservatory, but has not pursued this option.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application 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, Development and Building Standards it will not require to be referred to the Development Services Committee, as there would be no significant breach of Council Policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

22 June 2004  
(BD/MMM)

FV/MMM

### **LIST OF BACKGROUND PAPERS**

1. Application Forms and Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Planning Application No: 03/1038/FL.

Anyone wishing to inspect the above papers please contact Barry Douglas on 01563 576770.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

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

04/0365/FL

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Site of Proposal:	15 Dean View KILMARNOCK	KA3 7SY
Nature of Proposal:	Proposed Extension to Property	
Name & Address of Applicant:	Mr & Mrs Blair 15 Dean View KILMARNOCK	KA3 7SY
Name & Address of Agent:	J Robertson 25 Wilson Avenue KILMARNOCK KA3 7AP	

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DPOs Reference: BD/MMM

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

1. The proposed extension is contrary to Policy ENV 7 of the Adopted East Ayrshire Local Plan because, being two storey in height, it would have a detrimental impact on the residential and visual amenity of the adjacent existing dwellinghouses by reason of its scale, bulk and mass.
2. The proposed extension would have an adverse affect on the setting and character of the surrounding residential area which is a modern spacious residential estate laid out in a manner such as to ensure a well designed estate with significant separation distance between residential properties.

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VIEWING PLEASE CONTACT (01563) 576790.**