

## **EAST AYRSHIRE COUNCIL**

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

### **04/0078FL: PROPOSED BRICK BUILT GARAGE AT 4 MELVILLE STREET, KILMARNOCK FOR MR JOHN BROWN**

#### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 The applicant proposes to remove the single timber garage which measures some 6.41 metres in length and is situated within the side garden area. He intends to replace it with a brick built garage finished in good quality external materials of render to match the house and if he is unable to source natural slate, a good quality substitute. The new garage will be located as per the existing garage although it would be 8 metres in length and 3 metres wide, located 1 metre from the communal boundary.

1.2 The applicant was asked to amend his plans to reduce the length of the garage. The applicant has advised that he wishes the application to be determined as it stands. Following discussion the applicant has however lodged amended plans which do not project the garage beyond the front elevation of the dwellinghouse.

#### **2. RECOMMENDATION**

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

#### **3. CONCLUSIONS**

3.1 As indicated in Section 5 of this report it is considered that the application is not in accordance with the development plan. Therefore in accordance with 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 The design and location of the garage does not conflict with Policies ENV 4 or ENV 7 of the EALP as it is located within the side garden area where there is an existing garage and the materials are traditional in nature and will be in keeping with the Conservation Area. It is with regard to the size and scale of the structure that the proposal departs from the Local Plan. It is considered that this garage is more extensive than the existing structure and will be a dominant structure which will, as a result of the angle of garage, be to the rear and positioned close to the existing dwellinghouse that has also

been previously extended. It is considered that the size of the garage is inconsistent with the Conservation Area and will be inappropriate to the existing dwellinghouse in terms of its siting within the curtilage. The applicant was requested to reduce the length of the garage but has declined to do so.

### **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, the application will not require to be referred to the Development Services Committee because 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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#### 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 because it is recommended for refusal and is the subject of objections and was continued from the meeting of 04 June 2004 to allow for a site visit by Members.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a two storey semi detached dwellinghouse with a single storey side extension and single timber garage. The site is a corner plot with triangular shaped side and rear gardens surrounded by established beech hedging. The site is bound by similar residential properties to the north, south and west and to the east by Melville Street. The site lies within the Piersland Park Conservation Area and is generally to a high standard in the terms of aesthetics, visual amenity and residential quality. The external materials comprise a natural slate roof, a wet dash render painted cream and white upvc windows. The application site is generally level although it is set at a higher level than the neighbouring residential properties to the north and west.

2.2 **Proposed Development:** The applicant proposes to remove the single timber garage which measures some 6.41 metres in length and is situated within the side garden area. He intends to replace it with a brick built garage finished in good quality external materials of render to match the house and if he is unable to source natural slate, a good quality substitute. The new garage will be located as per the existing garage although it would be 8 metres in length and 3 metres wide, located 1 metre from the communal boundary.

2.3 The applicant was asked to amend his plans to reduce the length of the garage. The applicant has advised that he wishes the application to be determined as it stands. Following discussion the applicant has however lodged amended plans which do not project the garage beyond the front elevation of the dwellinghouse.

### 3. REPRESENTATIONS RECEIVED

3.1 East Ayrshire Council Roads and Transportation Division, The Coal Authority and Scottish Water have no objections to the application although Scottish Water have recommended that early contact is made with their office.

***Noted. Should Members choose to grant consent an advisory note can be attached for the applicant to make early contact with Scottish Water.***

3.2 Piersland Bentinck Community Council have not responded to their consultation at the time of writing this report.

### 4. REPRESENTATIONS RECEIVED

7 letters of objection have been received representing 8 parties (4 letters are from one dwellinghouse). The points of objection are as follows:-

4.1 The size of the garage at 8m in length seems excessive for a typical domestic garage given that the existing garage is only some 5 metres. The garage will be positioned practically on the boundary with the neighbouring property which could give rise to access concerns regarding construction and maintenance.

***Concerns regarding access for maintenance and construction are a legal issue between the relevant property owners. The applicant has applied for a domestic garage of which there is no specific standard size. This Division does however echo the concerns about the 8 metre length of garage which will create a dominant structure which will be inappropriate in visual amenity terms relative to the surrounding area which forms part of the Conservation Area.***

4.2 The garden area where the garage is proposed has an existing single storey extension. The retained garden ground is small and to allow the garage would lead to over-development and insufficient remaining garden ground.

***The existing extension is detailed in paragraph 6 below. There is garden ground to the side of the property although the size and scale of the garage would significantly reduce the garden ground to the side of the property.***

4.3 The applicant's property is within a Conservation Area which is protected by guidelines and policies for any alterations that occur.

***Section 5.2 of this report discusses the effect of the proposal on the Conservation Area.***

4.4 The applicants have erected a upvc canopy above the front door of the dwellinghouse which would require planning permission.

***This is a separate enforcement matter and does not form part of the consideration of the application.***

## **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 and the Adopted East Ayrshire Local Plan.

### Approved Ayrshire Joint Structure Plan

5.2 This application does not raise any strategic issues that would warrant assessment against this plan.

### Adopted East Ayrshire Local Plan (EALP)

5.3 Policy ENV 4 of the East Ayrshire Local Plan is relevant and states that the Council will seek to ensure that all development within or affecting the setting of a Conservation Area is sympathetic to the area in terms of its layout, size, scale, design, siting, materials and colour of finish. Whenever possible, proposals should have due regard to the architectural or historic qualities of the area concerned.

***The design and proposed external materials of the garage are not considered to be inappropriate to the amenity and character of the Conservation Area. This Division is concerned at the larger size and overall scale of the garage owing to its increased length of 8 metres. The surrounding area forms part of the Piersland Park Conservation Area and is generally of high amenity being visually attractive and featuring good quality housing. The designation of a Conservation Area does not mean that development cannot take place, but that such development needs to be tightly controlled to ensure it is of appropriate scale, size and design.***

***The side garden of the property is relatively compact and whilst it is considered that there is sufficient space to site a garage, the concern relates to the overall size and scale proposed. The proposed garage will be some 1.6 metres longer in length than the existing garage and it will be positioned 1 metre from the common boundary with 6 Melville Street. This property is set at a lower level than the application site and it is considered that the garage will be a dominant structure and therefore inappropriate to the Conservation Area.***

5.4 Policy ENV 7 is also relevant and states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. The Design Guidance requires all free standing garages to be erected within the curtilage of a dwellinghouse to be located behind the front building line of the property and incorporate a dual pitched roof. Extensions in Conservation Areas require to remain subordinate to the original building and their design should reflect and enhance the overall character and appearance of the Conservation Area in terms of size, scale, fenestration finish and materials used. Traditional finishes and details will require to be appropriate to the particular building concerned.

***The proposed garage is well designed and uses appropriate external materials. However as discussed in paragraph 5.3 above, the overall size and scale of the garage is of concern. It is for that reason that the garage is considered to breach the Council's Design Guidance.***

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

6.1 The principal material consideration relevant to the determination of this application are the letters of representation, statutory consultation responses and the planning history of the site.

### Representations Received

6.2 The issues raised by the letters of objection are covered in Section 4 of this report and some of the issues raised accord with this Division's view relative to concerns regarding the size and scale of the garage.

### Consultation Responses

6.3 None of the statutory consultees have raised any concerns relative to the proposal that would warrant its refusal.

### Planning History

6.4 The applicant's site has been previously extended (Ref. 99/0061FL granted 10 March 1999) into the side garden by a single storey extension. This extends to some 34 square metres and is well designed relative to the existing property. The extension is finished in natural slate and a cream painted wet dash render to match the dwellinghouse.

## **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 indicated in Section 5 of this report it is considered that the application is not in accordance with the development plan. Therefore in accordance with 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 The design and location of the garage does not conflict with Policies ENV 4 or ENV 7 of the EALP as it is located within the side garden area where there is an existing garage and the materials are traditional in nature and will be in keeping with the Conservation Area. It is with regard to the size and scale of the structure that the proposal departs from the Local Plan. It is considered that this garage is more extensive than the existing structure and will be a dominant structure which will, as a result of the angle of garage, be to the rear and positioned close to the existing dwellinghouse that has also been previously extended. It is considered that the size of the garage is inconsistent with the Conservation Area and will be inappropriate to the existing dwellinghouse in terms of its siting within the curtilage. The applicant was requested to reduce the length of the garage but has declined to do so.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons stated 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, the application will not require to be referred to the Development Services Committee because there would be no significant breach of Council policy.

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

18 June 2004  
(FMF/SA/MMM)

## **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Certificates.
3. Public Advertisement.
4. Statutory Consultations.
5. Letters of Representations.
6. Approved Ayrshire Joint Structure Plan.
7. Adopted East Ayrshire Local Plan.
8. Planning Application No. 99/0061/FL

Anyone wishing to inspect the above papers please contact Fiona Finlay on (01563) 576768.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0078/FL

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Site of Proposal: 4 Melville Street  
KILMARNOCK

Nature of Proposal: Proposed Brick Built Garage

Name & Address of Applicant: Mr John Brown  
4 Melville Street  
KILMARNOCK  
KA3 7AN

Name & Address of Agent:

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DPOs Reference: FMF/SA

The above FULL application should be refused on the following grounds:

(1) The proposed garage is contrary to Policies ENV 4 and ENV 7 of the Adopted East Ayrshire Local Plan being of a size and scale which is inappropriate to the residential and visual amenity of the adjacent existing dwellinghouses and the Piersland Park Conservation Area.

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