

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 30 JUNE 2005

**05/0404/FL: PROPOSED ERECTION OF DWELLINGHOUSE
AT PLOT OF GROUND, CHAPMANS TERRACE, KILMARNOCK
BY MR AND MRS PRATT**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of one dwellinghouse. It is proposed to reduce the ground level to suit the adjacent properties, as the site of the proposed dwellinghouse is approximately 0.7m higher than the donor property. The proposed dwellinghouse would comprise 4 bedrooms, and be 1 ½ storey in height with 2 dormer windows and 2 velux windows on the front elevation and four velux windows to the rear elevation. The external materials proposed are facing brick and concrete roof tiles. A 1.8 metre high timber boundary fence is proposed on the north, south and west boundaries of the site.

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 indicated at 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 of the Town and Country Plan (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

3.2 As indicated at Section 6 of the report there are material considerations relevant to this application and they are not supportive of the proposal. The size of the existing garden ground of No. 1 Chapmans Terrace is typical for the immediate surrounding area. If the application site was developed, the existing property would retain a very small rear garden with an inadequate distance between the rear of the house and the new side garden boundary. Such garden ground would be at variance with the majority of dwellinghouses in the immediate area. The proposed siting and location of the dwellinghouse would be out of character with the surrounding properties. The visual amenity of immediate properties would be seriously impaired by the development.

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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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 subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site covers an area of approximately 420m², which currently comprises part of the garden of 1 Chapmans Terrace, and vacant land. The site is surrounded on all sides by residential dwellings, to the west are ex Council houses characterised by long rear gardens, to the east by terraced dwellinghouses, to the north by flatted properties and to the south by No. 1 Chapmans Terrace. The site as existing can be described as being split in two; the south east section is currently paved immediately adjacent to 1 Chapmans Terrace, and the remainder is grassed, with the grassed area being approx 0.7 metres higher, with a garden hut in the north west. The north west section of the site is currently all grassed, and is on the same, level, as the paved area and No. 1 Chapmans Terrace. The site is enclosed by a 1.5 metre high timber fence to Chapmans Terrace, and by hedges and fencing to the rear.

2.2 **Proposed Development:** Full planning permission is sought for the erection of one dwellinghouse. It is proposed to reduce the ground level to suit the adjacent properties, as the site of the proposed dwellinghouse is approximately 0.7m higher than the donor property. The proposed dwellinghouse would comprise 4 bedrooms, and be 1 ½ storey in height with 2 dormer windows and 2 velux windows on the front elevation and four velux windows to the rear elevation. The external materials proposed are facing brick and concrete roof tiles. A 1.8 metre high timber boundary fence is proposed on the north, south and west boundaries of the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objections provided three parking spaces for the dwellinghouse, are accessed independently. The existing footway should be altered to form a dropped kerb for the driveway.

The applicant has subsequently submitted amended plans to show all parking spaces accessed independently. The parking spaces on the plans do not meet the minimum size criteria, however there is sufficient space on site and this may be resolved by attaching a condition should consent be granted. The additional comments from the Roads Division may also be addressed by condition, or advisory notes, should consent be granted.

3.2 Scottish Water have advised that the applicant must make a separate application for permission to connect to the public wastewater system, and if a water main or wastewater system is affected, then no building shall be erected over, or in such a way as to interfere with their right of access.

The requirements of Scottish Water can be addressed by attaching a suitably worded note to any grant of planning consent.

3.3 Transco (now Blackwater SCA) and Piersland and Bentinck Community Council have no adverse comments to make regarding the proposed development.

Noted.

4. REPRESENTATIONS

4.1 There is one objector to the proposed development; the points of the objection are addressed below:-

4.2 The proposed access appears to be made over ground which may be commonly owned by 3, 5, 7 and 9 Chapmans Terrace, but which may at some time have been incorporated into the garden of 1 Chapmans Terrace.

The applicant has advised that the land is owned by themselves, and part by East Ayrshire Council and has signed the relevant ownership certificate.

4.3 The proposed new access point appears to be in an area which is used at various times for resident and visitor parking, thereby potentially causing problems at peak parking time.

The required number of parking spaces has been provided for the proposed dwellinghouse, and the Roads Division have raised no concerns in relation to visitor or resident parking, therefore parking is not considered to be a significant issue at this location.

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 (EALP).

Ayrshire Joint Structure Plan

5.2 The proposed development does not raise any strategic issues.

East Ayrshire Local Plan

5.3 Policy RES 5 is supportive of the subdivision of existing house curtilage's for the development of dwellinghouses subject to criteria being met as follows.

- (i) The proposal being fully in keeping with the existing residential character and appearance of the area within which it is located
- (ii) The proposal meets all the design requirements of the Council and does not create unacceptable damage to the amenity of surrounding properties; and
- (iii) Acceptable levels of privacy being maintained to neighbouring properties and to the new housing proposed.

The policy further states that backland development (ie the erection of any dwellinghouse situated to the rear of an existing building and/or without a proper road frontage) will not be permitted where this would adversely affect the amenity of the area, the setting of either the proposed or original building on the site or the amenity of neighbouring properties.

It is considered that the proposed dwellinghouse constitutes backland development in terms of the above policy. The application site largely forms part of the rear garden ground of No. 1 Chapmans Terrace. It is considered that it would detrimentally affect the amenity of No. 1 Chapmans Terrace and the surrounding residential properties. It would have a detrimental impact on the character of neighbouring properties and more generally the surrounding area where a feature of the area is reasonable sized houses with long linear gardens. The proposal is not therefore considered to be acceptable in terms of Policy RES 5.

5.4 Policy RES22 requires a minimum of 100 square metres of private garden, per new dwellinghouse.

The new dwellinghouse has a minimum of 100 square metres of private garden, however the garden left for the existing dwellinghouse does not meet this criteria.

5.5 Policy ENV 7 states that all developers are expected to comply fully with the Council's Design Guidance. It states that the layout and house type for individual dwellinghouses should reflect and respect the built form of the surrounding area and aim to integrate with the existing surrounding land uses. House design shall recognise and reflect the scale, design features, rhythm of doors and windows, storey height, density and materials of surrounding buildings.

It is not considered that the proposed dwellinghouse complies with the Design Guidance and Policy ENV7. Although the proposed design of the dwellinghouse is acceptable, the siting and layout of the development is not considered to be a proposal that will be a complementary or harmonious feature within the area. It is a site that will introduce a form of development out of scale and proportion with other surrounding house plots

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations and representations received which are detailed in Sections 3 and 4 of the report, the planning history of the site and the impact upon the amenity of the surrounding area.

Consultations and Representations

6.2 The consultations and representations received are addressed in Sections 3 and 4 of the report neither of which indicate that the application should be refused. The concerns of the objector with regard to the parking have not been echoed by the Roads Division.

Planning History

6.3 Planning permission for alterations to 1 Chapmans Terrace to raise part of the roofline and erect a side extension (Ref: 00/0167/FL) was approved subject to conditions on 31 July 2000.

Amenity

6.4 It is considered that this proposal would be harmful to the amenity of the area due to its location, which is set to the rear of existing properties on the street. The proposed front building line of the proposed house is approximately 4 metres behind No 1 Chapman Terrace, and the rear building line is approximately 7 metres behind No 1. These differences mean it is unlikely that the property would sit well with existing housing at the location, and it would be clear that it is a later addition to the streetscene, contrary to the Design Guidance which recommends that infill development is designed to integrate with existing development. The property would be clearly visible from New Mill Road, and would look unsympathetic, again due to its lack of integration with the streetscene. It is also considered that an established feature of the area is the long rear gardens of Dunnet Avenue and New Mill Road. The erection of a dwellinghouse would reduce the openness of this area between Dunnet Avenue and New Mill Road, and thus detract from the residential amenity and established character.

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 at 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 of the Town and Country Plan (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise.

8.2 As indicated at Section 6 of the report there are material considerations relevant to this application and they are not supportive of the proposal. The size of the existing garden ground of No. 1 Chapmans Terrace is typical for the immediate surrounding area. If the application site was developed, the existing property would retain a very small rear garden with an inadequate distance between the rear of the house and the new side garden boundary. Such garden ground would be at variance with the majority of dwellinghouses in the immediate area. The proposed siting and location of the dwellinghouse would be out of character with the surrounding properties. The visual amenity of immediate properties would be seriously impaired by the development.

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

15 June 2005

FV/DVM

050404FLChapmansTerraceKilmarnockRH

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letter of objection
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Planning Application No. 05/0404/FL

Anyone wishing to inspect the above papers please contact Claire Peters on 01563 576779.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0404/FL

Site of Proposal:	Plot of Ground Chapmans Terrace Kilmarnock
Nature of Proposal:	Proposed erection of dwellinghouse
Name & Address of Applicant:	Mr and Mrs Pratt 1 Chapmans Terrace Kilmarnock KA1 3JH
Name & Address of Agent:	N/A

DPOs Reference:

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

1. The proposed development is contrary to Policies RES 5 and ENV 7 of East Ayrshire Local Plan, and would by reason of siting, scale and proportion have a detrimental impact on the general character and amenity of the established surrounding residential area.
2. The proposed constitutes an over development of the site and would result in a new dwellinghouse in garden ground which is out of scale and character with the general layout and setting of the neighbouring properties.
3. The proposed development would set an unacceptable precedent for the approval of similar developments which would be detrimental to the character and amenity of the area.

**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.**