

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 2 APRIL 2004

03/0900/RM: PROPOSED ERECTION OF PRIVATE ONE AND A HALF STOREY DWELLINGHOUSE AT THE REAR OF 20 SOUTH HAMILTON STREET, KILMARNOCK BY MR & MRS J ROBERTSON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Detailed planning consent is sought for the erection of one dwellinghouse. The proposed dwellinghouse is one and a half storeys in height with pitched roof and external materials comprising white roughcast with red facing brick and grey slate effect tiles.

The property has four bedrooms. The three on the upper level have velux windows to the rear and two front windows on a projecting front extension area. At ground floor remaining accommodation comprises lounge, kitchen, single bedroom, family room with dining area and utility space. There is also a small entrance porch with pitched roof.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the enclosed sheet.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Sections 25 and 37 (2) of the Town & Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report, there are material considerations relevant to this application. Whilst the objector's concerns are noted primarily in terms of road safety these concerns have not been echoed by the Roads Division. The design, layout and height of the proposed dwellinghouse will not have an adverse impact in terms of overlooking or be visually intrusive relative to adjacent properties. The proposed development is considered to be of an acceptable design and layout for the Conservation Area.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application 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 and Building Control

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

CENTRAL LOCAL PLANNING COMMITTEE: 2 APRIL 2004

03/0900/RM: PROPOSED ERECTION OF PRIVATE ONE AND A HALF STOREY DWELLINGHOUSE AT THE REAR OF 20 SOUTH HAMILTON STREET, KILMARNOCK BY MR & MRS J ROBERTSON

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a reserved matters 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 extends to some 0.026 hectares in area and currently forms part of the rear garden at the residential property at 20 South Hamilton Street. The site is accessed to and from Charles Place and would involve the demolition of an existing single brick built garage. The site is bounded by residential properties and is located within Dundonald Road Conservation Area.

2.2 **Proposed Development:** Detailed planning consent is sought for the erection of one dwellinghouse. The proposed dwellinghouse is one and a half storeys in height with pitched roof and external materials comprising white roughcast with red facing brick and grey slate effect tiles.

The property has four bedrooms. The three on the upper level have velux windows to the rear and two front windows on a projecting front extension area. At ground floor remaining accommodation comprises lounge, kitchen, single bedroom, family room with dining area and utility space. There is also a small entrance porch with pitched roof.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Transco, East Ayrshire Council Roads & Transportation Division and Scottish Water have no adverse comments to make regarding the proposed development.

Noted.

3.2 The Grange Howard Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

3.3 East Ayrshire Environmental Health and Waste Management Service have no objections although advise that any noisy work on site be restricted to 7.00 a.m. to 6.00 p.m. Monday to Friday, 8.00 a.m. to 1.00 p.m. on a Saturday and no noisy work on a Sunday.

A condition can be attached to any grant of planning consent to meet the requirements of Environmental Health with regard to restricting the hours of construction. It is considered more appropriate that the hours of construction should be 8.00 to 17.00 hours Monday to Saturday and at no time on a Sunday.

4. REPRESENTATIONS

4.1 There is one objector to the proposed development and the grounds of objection are as follows:

4.2 Any development as proposed will lead to developments on two neighbouring sites.

Each application must be considered on its individual merits and approval of this proposal is no guarantee that development will be appropriate to neighbouring land.

4.3 The current owner does not use the existing garage although parks three vehicles at the front of the property causing one to overlap over the pavement.

The Roads Division have recommended that off-street car parking spaces are provided within the curtilage of the proposed dwellinghouse. The existing dwellinghouse has sufficient car parking spaces to the front of the dwellinghouse.

4.4 The access to the new development is from Charles Place and not South Hamilton Street. Charles Street is totally inadequate and cannot deal with a further dangerous entrance.

Members are referred to Section 3.2 of this report which details the response of East Ayrshire Council Roads and Transportation Division. The Roads Division does not have any objections to the proposed development.

4.5 The entrance to the proposed development would be adjacent to the objectors garage on what is an unacceptably narrow street and the Council has been unable to upgrade current existing facilities on Charles Place so any further development is ridiculous.

Members are referred to Section 3.2 of this report which details the response of East Ayrshire Council Roads and Transportation

Division. The Roads Division do not have any objections to the proposed development.

4.6 The application is an absurd proposal given the size and shape of the rear garden, which is not large enough for this area of town.

Outline planning permission has been granted for the erection of a dwellinghouse within the development site. The size, height and design of the proposed dwellinghouse are considered acceptable and will not have a detrimental impact on the amenity of the surrounding area.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN.

5.1 Sections 25 and 37 (2) of the Town & 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 2003 (EALP).

Approved Ayrshire Joint Structure Plan

5.2 This application does not raise any strategic issues that would require consideration against the Structure Plan.

Adopted East Ayrshire Local Plan

5.3 Policy RES 5 relates to the subdivision of existing house curtilages for the development of dwellinghouses subject to the following criteria being met:

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

Outline planning consent was granted on 22 May 2003 for a dwellinghouse, therefore the principle of a dwellinghouse is approved. The siting, design and layout of the proposed development is considered acceptable and compatible with dwellinghouses on Charles Street and South Hamilton Street. The proposed dwellinghouse has been designed and sited to minimise its impact on the amenity of adjacent residential properties.

5.4 Policy RES 22 is also relevant and states that new detached residential properties must have a minimum provision of 100 square metres in private secluded garden.

The proposed development meets the terms of Policy RES 22.

East Ayrshire Council Design Guidance

5.5 Policy ENV 7 requires developers to comply fully with the Council's Design Guidance whereby the layout and house type for proposed individual residential development will require to reflect and respect the built form of the surrounding area and aim to integrate with 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. New housing development should not result in an unacceptable invasion of privacy or overlooking of properties adjoining the site. The minimum distance between windows of habitable housing in facing houses should be not less than 18 metres. The height and position of houses must not have an oppressive, overshadowing or visually intrusive impact on neighbouring properties.

The proposed dwellinghouse has been designed and sited to minimise its impact on adjacent houses. The proposed dwellinghouse is set within an established residential area enclosed by high boundary brick walls, which are a traditional feature of the area. This will reduce the impact of the development which has been amended by the applicant to be of a more traditional 'cottage' design. The proposed design of the dwellinghouse is considered to be acceptable for the Conservation Area and surrounding residential area. The proposed dwellinghouse will not have an oppressive, overshadowing or visually intrusive impact on adjacent properties.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultation responses, letter of representation detailed in Section 3 and 4 of the report and the planning history of the site.

Consultation Replies and Letter of Representation

6.2 None of the statutory consultees have raised any negative issues that would materially affect the determination of this application. The concerns of the objector are not of such significance as to warrant refusal of this application and have not been echoed by the Roads Division.

Planning History

6.3 Outline planning permission Ref.: 03/0305/OL for a dwellinghouse and garage within the rear garden ground of 20 South Hamilton Street was granted on 22 May 2003.

Outline consent was granted subject to conditions that the reserved matters application was to comprise a dwellinghouse of either single storey or one and a half storeys in height with the use of Velux windows only. The conditions also specified that the form, layout and design of the dwellinghouse were to reflect and be compatible with the existing property at 20 South Hamilton Street.

The applicant has amended the plans and this Division is now satisfied that the proposed dwellinghouse meets the terms of the outline consent. It is a one and a half storey property using Velux windows with a traditional fenestration and design and the use of appropriate external materials.

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 the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Sections 25 and 37 (2) of the Town & Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report, there are material considerations relevant to this application. Whilst the objector's concerns are noted primarily in terms of road safety these concerns have not been echoed by the Roads Division. The design, layout and height of the proposed dwellinghouse will not have an adverse impact in terms of overlooking or be visually intrusive relative to adjacent properties. The proposed development is considered to be of an acceptable design and layout for the Conservation Area.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the enclosed sheet.

CONTRARY DECISION NOTE

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

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Letters of Representation.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
7. Planning Application No: 03/0305/OL.

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

Implementation Officer: Dave Morris

24 March 2004 (FMF/IMB)

FV/DVM

030900RM20SouthHamiltonStIMB

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0900RM

Site of Proposal: Rear of 20 South Hamilton Street
KILMARNOCK

Nature of Proposal: Proposed Erection of Private One
and a Half Storey Dwellinghouse

Name & Address of Applicant: Mr & Mrs J Robertson
20 South Hamilton Street
KILMARNOCK
KA1 2DM

Name & Address of Agent:

DPOs Reference: FMF/IMB

The above RESERVED MATTERS application should be granted subject to the following conditions:

1. The proposed development shall be carried out in accordance with the application form submitted on 10 October 2003 and the amended plans submitted on 17 February 2004.

REASON To ensure that the development is carried out in accordance with the approved details.

2. No construction work, site clearance or preparation works shall take place before 08.00 hours and after 17.00 hours on Mondays to Saturdays nor at any time on Sundays.

REASON In the interests of residential amenity.

3. Notwithstanding the submitted plans details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

4. No materials other than top soil shall be brought onto the site for the purposes of infilling or upraising ground levels without the prior written consent of the Planning Authority.

REASON In order to control the development of the site and materials used in the making up of ground levels.

5. Notwithstanding the approved plans, details and samples of the proposed external materials, including windows shall be submitted to and approved by the Planning Authority before any development commences on site and implemented thereafter as approved.

REASON In the interests of visual amenity.

6. No trees shall be felled, lopped, have roots cut, or be the subject of any other works without the prior consent of the Planning Authority.

REASON In the interests of visual amenity.

7. Prior to the occupation of the dwellinghouse hereby approved, two off-street car parking spaces shall be formed within the site.

REASON In order to ensure adequate car parking facilities within the site.

NOTES:

1. Prior to the commencement of any works on site for the development hereby approved, the applicant should satisfy himself/herself as to the suitability of the site for construction purposes.
2. The applicant shall make early contact with Scottish Water, 35 Glenburn Road, Prestwick KA9 2NS regarding connection to the public sewerage system and relative levels shall be such as will allow the development to be connected at an acceptable gradient.

**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.**