

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 13 APRIL 2005

**05/0018/FL: PROPOSED ERECTION OF DOUBLE GARAGE
AT 2 ROBERT NOBLE PLACE, KILMARNOCK
BY MR S McLEOD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of a double garage, approximately 6.2 metres by 7.0 metres, and 4.16 metres high, in the south east corner of the rear garden. The proposed garage is to be constructed with white roughcast walls, and red concrete tiles, and would replace the existing garage on 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 is indicated in Section 5 of the report, the application is contrary to the Adopted East Ayrshire Local Plan and 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 is indicated in Section 6 of the report, there are material considerations relevant to this application and they are not supportive of the development. The response received from Bonnyton Community Council and the objector are considered to be material in the determination of this application. If the proposed garage was erected it would leave a very small rear garden which would be out of character with the surrounding properties. The proposed garage is out of scale with the dwellinghouse and the surrounding residential area and would be detrimental to the residential and visual amenity of the area. It would set an unacceptable precedent for the approval of similar developments in the area.

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 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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AT 2 ROBERT NOBLE PLACE, KILMARNOCK
BY MR S McLEOD

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 objection and recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is the curtilage of a semi-detached dwelling, located on Robert Noble Place in Bonnyton. There are residential houses to the sides and front of the house, in the same style as No. 2, and there are flatted properties to the rear, separated by a footpath. There is an existing garage on the site, and the rear garden and runway leading to the existing garage are paved.

2.2 **Proposed Development:** Full planning consent is sought for the erection of a double garage, approximately 6.2 metres by 7.0 metres, and 4.16 metres high, in the south east corner of the rear garden. The proposed garage is to be constructed with white roughcast walls, and red concrete tiles, and would replace the existing garage on site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objections and have advised that no building materials should be stored on the public footway, and that all appropriate permits for road and/or footway operations must be obtained from the Roads Division.

The requirements of the Roads Division can be addressed by attaching a condition and a note to any grant of planning permission.

3.2 Transco have no adverse comments to make regarding the proposed development.

Noted.

3.3 Bonnyton Community Council have objected to the proposal on the basis of the potential loss of amenity to the neighbouring property.

See response to Section 4.2 below.

4. REPRESENTATIONS

4.1 There are two objectors to the proposed development (including one from Bonnyton Community Council which is detailed in Section 3.3 of the report). Their grounds of objection are as follows:

4.2 Loss of amenity to neighbouring property.

It is considered that given the height (4.16 metres) and size of this garage, (43.4 m² in floor area) it would have an unacceptable impact upon the amenity of the neighbouring properties, particularly the property adjacent to the southern boundary of the site. The dimensions of the proposed garage are such that it will be overly imposing, and detrimental to the residential amenity of area, and will leave very little garden ground for the property.

4.3 There is an existing garage on site. A new garage, with a pitched roof will block out light to a neighbouring property.

It is considered that due to the size of the proposed garage it may cast shadow on the upper part of the adjacent garden of No. 16 and have a detrimental impact on the amenity of that property in terms of its scale and height.

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 Adopted East Ayrshire Local Plan (EALP) and Ayrshire Joint Structure Plan. It is not considered that the application raises any strategic implications in terms of the Ayrshire Joint Structure Plan.

Adopted East Ayrshire Local Plan

5.2 Policy ENV 7 of the EALP is relevant and states that developers will be expected to comply fully with the Council's Design Guidance. It states that all freestanding garages will require to be located behind the front building line of the property and incorporate a dual pitched roof. The Guidance also states that: "...careful consideration should be given to the effect any changes will have on the property, on neighbouring properties and the surrounding area. Development that is out of scale and character with its surroundings can be detrimental to the appearance of the wider area."

The proposed garage is set behind the front building line, and incorporates a dual pitched roof and therefore meets this part of the guidance. However, it is considered that the proposal is contrary to the Design Guidance with regard to its scale and impact on the area. The footprint of the proposed garage is almost the same as the existing house (43.4m² for the garage in contrast to 47.86m² for the house). It is considered that this is over-development of the rear garden and it is out of scale with the existing dwelling house and plot size. It would also set an unacceptable precedent for similar development in the immediate area.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation replies detailed in Section 3 of the report and the letters of objection received, detailed in Section 4 of the report.

Consultation Responses and Representations Received

6.2 The consultations and representations received are addressed in Sections 3 and 4 of the report. The concerns of the Community Council and the objector are material in the determination of this application as the proposed garage will have an adverse effect on the residential and visual amenity of the 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 contrary to the Adopted East Ayrshire Local Plan and 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 is indicated in Section 6 of the report, there are material considerations relevant to this application and they are not supportive of the development. The response received from Bonnyton Community Council and the objector are considered to be material in the determination of this application. If the proposed garage was erected it would leave a very small rear garden which would be out of character with the surrounding properties. The proposed garage is out of scale with the dwellinghouse and the surrounding residential area and would be detrimental to the residential and visual amenity of the area. It would set an unacceptable precedent for the approval of similar developments in the area.

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 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

(CP/MMM)
05 April 2005

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LIST OF BACKGROUND PAPERS

1. Application form and plan.
2. Statutory Letters/Certificates.
3. Consultation Replies.
4. Letters of Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

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

05/0018/FL

Site of Proposal: 2 Robert Noble Place
KILMARNOCK

Nature of Proposal: Proposed erection of double garage

Name & Address of Applicant: Mr S McLeod
2 Robert Noble Place
KILMARNOCK

Name & Address of Agent:

DPOs Reference: CP/MMM

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

1. The proposed garage is contrary to Policy ENV 7 of the Adopted East Ayrshire Local Plan being of a size, scale and height which is inappropriate to the dwellinghouse to which it relates and the adjacent residential area.
2. The proposed garage constitutes an over-development of the rear garden and would result in a development which is out of scale with the general layout and setting of neighbouring residential area.
3. The proposed garage 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.**