

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 19 AUGUST 2005

**05/0714/FL: PROPOSED ERECTION OF DOUBLE GARAGE
AT 2 ROBERT NOBLE PLACE, KILMARNOCK
BY MR S McLEOD**

Report by Head of Planning, Development and Building Standards

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of a double garage to be located in the south east corner of the rear garden. The garage measures approximately 5.0 metres by 7.0 metres, and 3.8 metres in height. 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 approved subject to the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report, the application is considered to be in accordance with 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 approved unless material considerations indicate otherwise.

3.2 As is indicated in Section 6 of the report, there are material considerations relevant to this application. East Ayrshire Council's Roads and Transportation Division have no adverse comments and the concerns of Bonnyton Community Council are not considered to be of sufficient weight to justify a refusal of this application. The proposed garage is of an appropriate size, scale and design that is compatible with the surrounding area. The proposed garage is not considered to have a detrimental impact the amenity of adjacent residential properties and complies with Policy ENV 7 of the EALP.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused 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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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.

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 dwellings to the sides and front of the house, in the same style as No. 2. There are also flatted properties to the rear, separated by a footpath. There is an existing garage on the site, and the rear garden and driveway leading to the garage is paved.

2.2 **Proposed Development:** Full planning consent is sought for the erection of a double garage to be located in the south east corner of the rear garden. The garage measures approximately 5.0 metres by 7.0 metres, and 3.8 metres in height. 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 Bonnyton Community Council object to the proposed garage as it would result in the loss of amenity to neighbouring property.

The proposed garage is larger in size and higher in height than the existing garage on site, however the proposed garage is of a size and height that can be accommodated on site without having a detrimental impact on the amenity of adjacent residential properties. The proposed garage has been reduced in height by approximately 0.4 metres and in width by 1.2 metres from the previous application 05/0018/FL which was withdrawn by the applicant.

4. REPRESENTATIONS

4.1 There is one objector to the proposed development from Bonnyton Community Council which is detailed in Section 3.2 of the report.

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.

Approved Ayrshire Joint Structure Plan

5.2 It is not considered that the application raises any strategic issues in terms of the Ayrshire Joint Structure Plan.

Adopted East Ayrshire Local Plan

5.3 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. The existing garage on site is 6 metres by 3.9 metres with a height of 2.9 metres. It is intended to replace the present garage with a garage of 5.0 metres by 7 metres and 3.8 metres in height. It is not considered that the increase in the size and height of the garage would have a detrimental impact on the amenity of the property or adjacent residential properties. The design of the proposed garage will be an improvement on the existing garage. The applicant has also stated in writing that it is his intention to remove the timber decking from the rear garden to maximise the available garden ground. It is considered that the development complies with Policy ENV 7.

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.

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 are not sufficient to justify a recommendation of refusal. It is not considered that the garage will have an adverse impact on the neighbouring residential dwellings.

Planning History

6.3 Planning Application No. 05/0018/FL, Erection of Garage at 2 Robert Noble Place, Kilmarnock, approximately 6.2 metres by 7 metres and 4.16 metres high. The application was withdrawn by the applicant following discussions with this Division.

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 in accordance with 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 approved unless material considerations indicate otherwise.

8.2 As is indicated in Section 6 of the report, there are material considerations relevant to this application. East Ayrshire Council's Roads and Transportation Division have no adverse comments and the concerns of Bonnyton Community Council are not considered to be of sufficient weight to justify a refusal of this application. The proposed garage is of an appropriate size, scale and design that is compatible with the surrounding area. The proposed garage is not considered to have a detrimental impact the amenity of adjacent residential properties and complies with Policy ENV 7 of the EALP.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused 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

09 August 2005
(BD/MMM)

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.
7. Application No: 05/0018/FL

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0714/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: BD/MMM

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

1. The proposed development shall be carried out in accordance with the application form and application site plan received on 22 June 2005 and the amended plans received by the Planning Authority on 09 August 2005.

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

2. Notwithstanding the approved plans the footprint of the proposed garage shall be constructed in accordance with the plans submitted on 09 August 2005 and shall be constructed in the location indicated on the block plan.

3. The garage shall not be used for commercial purposes, other than those being incidental to the occupant's enjoyment of this residential property.

REASON To safeguard the residential amenity of the area.

4. All building materials associated with the proposed garage shall be stored within the application site at all times throughout the period of construction.

REASON In the interests of residential amenity and road/pedestrian safety.

NOTE: -

The applicant should make early contact with East Ayrshire Council's Roads and Transportation Division (01563 576310) prior to the commencement of development on site to ascertain if any permits for road/footway works are required.

**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.**