

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 08 DECEMBER 2006

**06/0849/FL: PROPOSED ERECTION OF SINGLE DWELLINGHOUSE,
ASSOCIATED GARAGE AND EXTERNAL WORKS
AT: 3 MILTON ROAD, KILMARNOCK
BY MR J RAEBURN**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of one detached dwelling house. Proposed accommodation comprises lounge, dining room, kitchen, utility, W.C. family room, three bedrooms, two with en-suite facilities and a bathroom. The proposed dwelling house is two storeys in height with pitched roof and external materials comprising white roughcast, white smooth render base course and white smooth render window bands. The roof is proposed to be covered in grey slate effect tiles. A single storey contemporary "addition" to the rear of the proposed dwelling is proposed providing family room and utility room accommodation to be finished in timber cladding with north facing patio doors and patio windows. Access to the proposed dwelling and existing dwelling is to be taken from the existing driveway access although this is to be upgraded to provide two separate access/ egress points. A single storey double garage is proposed to the north-west of the application site to be utilised by the existing and proposed dwelling. The existing hedging to the frontage of the application site is to be removed to provide the required sightlines whilst the existing hedge is to be largely retained on the boundary of the application site with Milton Avenue; new planting is proposed to the north of the application site.

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 it is not considered that the design, layout and height of the proposed dwelling house will have an adverse impact in terms of overlooking or be visually intrusive relative to adjacent properties. It is not considered that the proposed dwelling will lead to an overshadowing and overbearing impact on the neighbouring dwelling house immediately to the north of the application site. The proposed development is considered to be of an acceptable design and layout for the area and is compatible with the existing Wellpark House to which the proposed development most closely relates.

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 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 extends to some 0.086 hectares in area and currently forms part of private garden ground associated with Wellpark House, a red sandstone two and a half storey Victorian villa. The site is accessed from Milton Road and would involve the demolition of an existing large single storey brick built garage/outbuilding. The application site is surrounded at all boundaries by modern residential dwellings' of varying designs and storey heights. The application site is bounded by a substantial hedge along Milton Road and Milton Avenue.

2.2 **Proposed Development:** Full planning consent is sought for the erection of one detached dwelling house. Proposed accommodation comprises lounge, dining room, kitchen, utility, W.C. family room, three bedrooms, two with en-suite facilities and a bathroom. The proposed dwelling house is two storeys in height with pitched roof and external materials comprising white roughcast, white smooth render base course and white smooth render window bands. The roof is proposed to be covered in grey slate effect tiles. A single storey contemporary "addition" to the rear of the proposed dwelling is proposed providing family room and utility room accommodation to be finished in timber cladding with north facing patio doors and patio windows. Access to the proposed dwelling and existing dwelling is to be taken from the existing driveway access although this is to be upgraded to provide two separate access/ egress points. A single storey double garage is proposed to the north-west of the application site to be utilised by the existing and proposed dwelling. The existing hedging to the frontage of the application site is to be removed to provide the required sightlines whilst the existing hedge is to be largely retained on the boundary of the application site with Milton Avenue; new planting is proposed to the north of the application site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scotland Gas Networks and New Farm Loch Community Council have no adverse comments to make regarding the proposed development.

Noted.

3.2 East Ayrshire Environmental Health and Waste Management Service have no objections although advise that any noisy work on site be restricted to 8.00 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 reflect the concerns of Environmental Health with regard to the hours of construction.

3.3 East Ayrshire Councils Roads and Transportation Division have no objections to the proposed development although advise that no surface water should be allowed to discharge from the application site onto the adjacent footway; that the proposed access shall require to be hard paved for a minimum distance of two metres from the rear of the footway to avoid over carry of loose materials; provide a 7.0 metre wide driveway; that any future gates shall require to open inwards away from the road; that the access crossing shall require dropped kerbs resulting in a roads opening permit being required; that the proposed hedge requires to be removed over the frontage of the application site with no structure or fence over one metre in height being permitted in this area and the public roadway/ application site requires to be clearly defined by the installation of a row of edging kerbs.

The requirements of the Roads and Transportation Division can be addressed by attaching suitably worded conditions and notes to any grant of planning consent.

3.4 Scottish Water have no objections to the proposed development although have advised that their approval at this stage does not guarantee a connection to Scottish Water infrastructure. Scottish Water also notes the proposed development may involve building over or obstructing access to a public sewer. In this regard the applicant shall require to contact Scottish Water.

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

3.5 East Ayrshire Council Outdoors Amenities have not responded to the consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

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

4.2 The height of the proposed dwelling at 9.2 metres, plus the difference in ground levels, within the context of sunlight, will have an overbearing impact on their amenity. Their property has a south facing aspect which would be ruined by the proposed dwelling and garages.

The height of the proposed dwelling is lower than the existing Wellpark House whilst it is considered that the majority of the objector's rear garden is west facing. It is not considered that the proposed dwelling would have an adverse impact on the sunlight and daylight reaching the objectors garden. There is a distance of 14 metres from the rear elevation of the proposed dwellinghouse to the boundary with the objectors property; 21 metres from the 2 storey element. It is not considered the proposed garage block would lead to an adverse impact on the objector's amenity given this is considerably lower in height than the existing Wellpark House the proposed dwelling or the existing outbuilding which is to be demolished.

4.3 The removal of the mature trees would be detrimental to the appearance of the area.

A number of trees within the application site require to be removed to facilitate the development. It is considered that the remaining trees and the hedging adjacent the boundary with Milton Avenue, which is largely to remain intact, will ensure that the established amenity of the vicinity is not adversely impacted upon. Furthermore, a condition relating to the submission and implementation of a planting scheme for the application site can be attached to any grant of planning consent to ensure that the maximum numbers of trees are replanted within the site.

4.4 The finish of the proposed buildings would not be sympathetic to the main house or properties in the immediate area.

It is considered that the design and external finishes of the proposed development are acceptable and compatible with dwelling houses in the immediate vicinity. It is considered that the proposed dwelling has many features which amount to a modern interpretation of the existing traditional Victorian Wellpark house, whilst they do not appear to be out of character with the more modern 1960s-1970s dwellings in the vicinity.

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 (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 supports the subdivision of existing house curtilages for the development of dwelling houses 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.

The siting, design and layout of the proposed development is considered acceptable and compatible with dwelling houses in the immediate vicinity as there are a variety of different house styles and heights in the locality. It is considered that the proposed dwelling has many features which amount to a modern interpretation of the existing traditional Victorian Wellpark house, whilst not appearing out of character with the more modern 1960s-1970s dwellings in the vicinity. The proposed dwelling house 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, whilst the donor dwelling will also far exceed the minimum 100 square metres of private rear garden ground.

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 dwelling house is set within an established residential area and the application site is enclosed by a high mature hedge which is proposed to be largely retained to the north and east of the application site with new planting also proposed to the north of the application site. The existing and proposed planting will reduce any impact of the development on the neighbouring property to the north of the application site. The proposed design of the dwelling house is considered to be acceptable and is not detrimental to the adjacent dwellinghouses. It is not considered that the proposed dwelling house will 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 and letter of representation detailed in Section 3 and 4 of the report; the planning history of the site and the supporting statement submitted by the applicant.

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, whilst noted, are not considered of such significance as to warrant refusal of this application. The proposed dwellinghouse is in keeping with the residential area and would not have an adverse impact on the adjacent properties in terms of overlooking or loss of daylight.

Planning History

6.3 Previous planning application Ref: 05/1035/FL for the erection of a dwelling house was withdrawn by the applicant on 16 November 2005 following discussions regarding the design and siting of the dwelling.

Supporting Statement Submitted by Applicant

6.4 The applicant has submitted a supporting statement providing a detailed response to each of the objectors concerns relative to the perceived

impact of the height of the proposed dwelling on the objector's amenity; the perceived overbearing impact on the amount of daylight reaching the objectors property; the impact on the objectors privacy; the perceived detrimental impact on the amenity of the locality as a result of the removal of trees on-site. It also seeks to address the objector's concerns relative to the design and external finishes of the proposed dwelling. The applicant includes a detailed daylight study, providing a visual representation of the impact of the proposed dwelling on the amount of daylight reaching the neighbours property and provides photographs of the proposed trees to be removed as a result of the development.

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 it is not considered that the design, layout and height of the proposed dwelling house will have an adverse impact in terms of overlooking or be visually intrusive relative to adjacent properties. It is not considered that the proposed dwelling will lead to an overshadowing and overbearing impact on the neighbouring dwelling house immediately to the north of the application site. The proposed development is considered to be of an acceptable design and layout for the area and is compatible with the existing Wellpark House to which the proposed development most closely relates.

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, Development and Building Standards 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. Letter of Representation.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Planning Application No: 05/1035/FL
7. Applicant's Supporting Statement

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

Implementation Officer: Dave Morris

27 November 2006
(BD/RH)

FV/DVM

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Site of Proposal: WELLPARK HOUSE
3 MILTON ROAD
KILMARNOCK
KA3 7HG

Nature of Proposal: ERECTION OF SINGLE
DWELLINGHOUSE, ASSOCIATED
GARAGE AND EXTERNAL WORKS

Name & Address of Applicant: JAMES RAEBURN
3 MILTON ROAD
KILMARNOCK
KA3 7HG

Name & Address of Agent:

DPOs Reference: BD/RH

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; elevation plans; garage plans; floor plans; sections and roof plans received on 7/9/06 and the amended location plan; existing site plan and proposed site plan received on 16 November 2006.

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

2. No external construction work, site clearance or preparation works shall take place before 08.00 hours and after 17.00 hours on Monday to Friday, before 08:00 hours and after 13:00 hours on Saturday nor at any time on Sundays.

REASON In the interests of residential amenity.

3. Notwithstanding the approved 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 and shall be implemented thereafter as approved.

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 shall be implemented thereafter as approved.

REASON In the interests of visual amenity.

6. Notwithstanding the approved plans a landscaping scheme including the treatment of the boundary of the site shall be submitted to and approved by the Planning Authority prior to the commencement of development on site. The scheme shall be implemented not later than the next planting season after the occupation of the dwelling and shall include details of suitable species of trees to replace those trees felled as a result of the proposed development.

REASON In the interests of visual amenity.

7. During the period of construction works the developer of the site shall ensure that adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction and any other vehicles.

REASON In the interests of public and road safety and residential amenity.

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

REASON To safeguard the residential amenity of the area and in the interests of road safety.

9. Notwithstanding the approved plans, the boundary of the development site onto the footway shall be clearly defined by a change of surface material or the installation of a row of edging kerbs, details of which shall be submitted to and approved in writing by the Planning Authority before any development commences on site and shall be implemented on site prior to the occupation of the dwelling.

REASON To delineate private garden ground from the public footway.

10. Notwithstanding the approved plans, the driveway will require to be paved for a minimum distance of 2 metres from the boundary with the public footway and shall be formed to a width of 7 metres prior to the occupation of the proposed dwelling.

REASON To avoid overcarry of loose material onto the public road/footway and in the interests of road safety.

11. Notwithstanding the approved plans, the existing boundary hedge shall be removed over the area (coloured orange) on the approved proposed site plan and no fence, wall, hedging or any planting over 1 metre in height shall be permitted along the frontage of the application site (coloured green on the approved proposed site plan). The existing hedge along Milton Avenue shall be retained intact unless otherwise agreed with the Planning Authority.

REASON In the interests of road and pedestrian safety.

NOTES:

1. The applicant shall make early contact with Scottish Water as the applicant must make a separate application to Developer Services for permission to connect to the public sewage system. Scottish Water can be contacted on 0845 601 8855.

2. The applicant shall make early contact with East Ayrshire Council's Roads and Transportation Division in relation to any road occupation permits or appropriate consents which may be required in relation to the proposed development. The Roads and Transportation Division can be contact on 01563 576310.

3. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.

4. The applicant should make early contact with Scotland Gas Networks as the development may affect their apparatus in the area. Scotland Gas Networks can be contacted on 0141 418 4093.

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