

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 03 FEBRUARY 2006

**05/1224/FL: PROPOSED TWO STOREY SIDE EXTENSION
AT 42 WOODLANDS GROVE, KILMARNOCK
BY MR DAVID DAINERT**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for a two storey side extension forming garage, toilet and kitchen accommodation to the ground floor and two additional bedrooms to the upper floor. The proposals measure approximately 8.35 metres in length and 4 metres in width with a proposed maximum height of 7.6 metres. The proposed extension is proposed to be finished in facing brick

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report the application is in accordance with the development plan. The proposed extension is considered to comply with Policy ENV 7 of the EALP. 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 indicated in Section 6 of the report there are material considerations relevant to this application. The proposed extension will not have a detrimental impact on adjacent properties or the surrounding area. It is considered that the design and scale of the extension is appropriate to the building and the external finish will be in keeping with the property.

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 it will not require to be referred to the Development Services Committee, as that would not be a 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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BY MR DAVID DAINERT

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 full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a modern (1970s) two storey semi-detached dwelling house situated within a residential development of largely detached two storey and one-and-a-half storey dwellings of the same period. The application site is bound to the north, south and west by dwellinghouses whilst to the east of the application site is Dean Park.

2.2 **Proposed Development:** Full planning consent is sought for a two storey side extension forming garage, toilet and kitchen accommodation to the ground floor and two additional bedrooms to the upper floor. The proposals measure approximately 8.35 metres in length and 4 metres in width with a proposed maximum height of 7.6 metres. The proposed extension is proposed to be finished in facing brick and concrete roof tiles and replaces an existing garage and kitchen.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no adverse comments to make regarding the proposed development.

Noted.

3.2 Southcraigs/Dean Community Council has not responded to their consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

There are 2 objectors who have contacted the Council by letter plus a petition with 9 signatories all opposing the development, and a summary of their main grounds of objection is as follows:-

4.1 Concern that determination of the proposal was a "done deal".

The application is to be considered on its actual merits as submitted. Any advice given by officers at an earlier stage is no more than that. The application correspondence confirms that an earlier proposal was amended to increase the separation distance between properties and to address concerns expressed at that time. The correspondence confirms that it was given without committing the Council to any grant of permission.

4.2 The existing dwelling overshadows their side and rear garden and the proposed extension will increase the area in shadow and reduce the daylight reaching their side and rear garden to about one fifth of what it is at present and it will also overshadow their conservatory.

Noted. With the sun rising in the east and setting in the west, and given the orientation of the house, it is considered that the proposed extension will have no material impact on the amount of sunlight reaching the objector's garden. The proposals are for a side extension which does not exceed the depth or height of the existing dwelling house whilst there would be a separation distance of approximately 4.8 metres between the extension and the objector's dwelling.

4.3 A lack of light, especially in winter, will reduce the house temperature resulting in the heating system being on more and leading to increased heating costs.

Noted. Members are referred to 4.2 in relation to the objector's concerns relative to sunlight.

4.4 The extension is out of keeping with other dwellings in the street, leading to a terraced effect housing design.

Noted. The proposed extension is a two storey side extension on a two storey semi-detached dwelling house. The neighbouring property is a one-and-a-half storey detached dwelling. In addition the proposals allow for a 4.8 metre distance between the proposed extension and the neighbouring dwelling. A particular feature of the surrounding housing development is a staggered building line and the proposed extension would be approximately 7.5 metres behind the building line of the neighbouring dwelling. As such it is not considered that the proposals could lead to a "terraced effect" whilst the simple design of the extension is

considered to be in keeping with the design of the existing dwelling house.

4.5 The property to be extended will exceed the maximum floor space allowed as per the guidance notes. In addition the proposed extension is closer than 20 metres from the street.

Noted. The objector refers to East Ayrshire Council's Development Promotion Advice Note 2, which details the Regulations to which extensions to existing dwelling houses would have to adhere to not require planning permission.

4.6 The other detached houses in Woodlands Grove have not been allowed to build two storey extensions. All alterations have been single storey extensions, none of which overshadows the neighbouring property.

Noted. Each application is dealt with on its own merits and therefore the fact that there are no other two storey extensions within the vicinity is not a material justification for the refusal of this application.

4.7 There is a consistent gap between properties in Woodlands Grove and all extensions in the area have been designed not to overshadow neighbouring dwellings.

Noted. The distance between the proposed extension and the objector's dwelling is of a similar distance to the space between many of the properties in the immediate vicinity. Whilst Woodlands Grove is typified by generous distances between dwellings, due to the stepped building line and plot widths it is considered that the proposed extension would maintain an acceptable building to building distance that is in keeping with the character of the vicinity. It is not considered that the proposed extension should be refused on the basis of overshadowing.

4.8 The approval of this extension will set a precedent and may allow the other semi-detached properties to extend, leading to the objector's property becoming a linked property, leading to a decrease in property value.

Noted. As stated at 4.6 above each planning application must be considered on its own merits. As stated at 4.4 above a particular feature of the surrounding housing development is a staggered building line and the distance between the proposed extension and the nearest objector's dwelling is considered in keeping with the amenity of the area. Given the configuration of houses, it is not considered that the proposals could lead to a "terraced effect". Property values are not a material consideration in the determination of this planning application.

4.9 The houses in the vicinity all have the same roof pitch at present, the proposed extension will change that.

Noted. The roof of the proposed extension is the same pitch as the existing dwelling. Furthermore the variety of house types in the locality includes two storey detached and semi detached and one-and-a-half storey detached dwellings. As such there is a variety of roof pitches in the locality.

4.10 The objector questions the applicant's child's disability having an input into the size of the extension and they fail to understand how additional upstairs accommodation will ease problems of a mobility nature.

Noted. The applicants have advised they require a down stairs toilet as part of the proposals in-order to improve their child's lifestyle due to a disability.

4.11 The objectors believe a loft conversion and single storey side and/or rear extension would provide the extra accommodation the family require and such an extension would be in keeping with the rest of Woodlands Grove.

Noted. It is not considered that the proposed extension is out of character with the locality. Any extension to the rear of the dwelling would have an impact on the small existing rear garden, reducing the small amount of available private rear amenity space.

4.12 The proposals involve a larger garage and the objectors are concerned that there will be an increase in buying and selling of vehicles and associated noise as the applicant is involved in the motor trade.

Noted. This Division has not received any complaints to our Enforcement Officers relative to car repairs/sales at the premises. An appropriately worded condition can be attached to any grant of planning consent that the use of the garage will remain incidental to the enjoyment of the dwelling house at all times and not be used for commercial purposes.

4.13 The proposals bring the extension closer to the objector's boundary than the guidance suggests

Noted. The applicant has provided a distance of 800mm from the common boundary with 44 Woodlands Grove, this will allow rear access to the property which is not available at present as a result of the existing single storey extension.

Petition of Support and Third Party Letter of Support

4.14 One third party letter of support and a petition containing twenty six names was received in support of the application. These claim that there is

no motor repair business at the dwelling and that the proposed development would not be detrimental to the environment and character of the area. They also state that there is a child with limited mobility resident at the address.

Statement by Applicant

4.15 The applicant has responded to the objector's comments by stating that they have a disabled son and indicate that they have only repaired vehicles/motorbikes in their ownership at their address. They claim that they are not employed in the motor trade and have not received complaints from neighbours in relation to noise from motorbikes or cars. They believe the proposed extension was designed to minimise any impact on their neighbour and are not of the opinion that their proposals will result in the applicant having increased heating costs or lead to a loss of sunlight. They claim that their existing garage was built by the developer of the estate 35 years ago and claim that no applications have been submitted for a two storey extension in Woodlands Grove from 1996-2005 in response to the objectors claims that other properties have not been allowed two storey extensions. They indicate a single storey extension would not meet their needs as they require to have a bedroom in close proximity to their disabled child who requires assistance at night.

There is no record of planning consent having been issued for a two storey extension in Woodlands Grove, indeed there is no record of such an application having previously been submitted to East Ayrshire Council.

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).

Approved Ayrshire Joint Structure Plan (AJSP)

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 ENV7 of the East Ayrshire Local Plan is relevant and expects all developers to comply fully with the Council's Design Guidance and Policy documents relating to and advising on the particular type of development proposed. The Design Guidance advises that extensions to existing properties shall be sited and designed to minimise any overlooking of neighbouring properties and to ensure maximum provision of privacy and

daylight. The materials and colours used in the construction of extensions to residential properties should match the finish of the existing dwelling house.

It is not considered that the proposed side extension would have a detrimental impact on the residential amenity of neighbouring properties as there are no windows overlooking neighbouring properties and the extent of any impact on daylight would be limited. The size, design and materials of the side extension are considered to be in keeping with the existing dwelling house and immediate vicinity.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultation Replies and Letters of Representation

6.2 It is not considered that the issues raised by the consultation replies, the two objections or the petition of opposition containing nine signatories, indicate that the application should be refused. A letter of support and a petition of support containing 26 signatories has also been received.

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 in accordance with the development plan. The proposed extension is considered to comply with Policy ENV 7 of the EALP. 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 indicated in Section 6 of the report there are material considerations relevant to this application. The proposed extension will not have a detrimental impact on adjacent properties or the surrounding area. It is considered that the design and scale of the extension is appropriate to the building and the external finish will be in keeping with the property.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions 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 it will not require to be referred to the Development Services Committee, as that would not be a significant breach of Council Policy.

Alan Neish
Head of Planning and Building Control

26 January 2006
(BD/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/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 Barry Douglas on 01563 576770.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/1224/FL

Location: 42 Woodlands Grove
KILMARNOCK
KA3 1TZ

Nature of Proposal: Proposed Erection of Two Storey Extension
to Dwellinghouse

Name and Address of Applicant: David Dainert
42 Woodlands Grove
KILMARNOCK
KA3 1TZ

Name and Address of Agent: William B Barnaby
29A Crosshouse Road
Kilmaurs
KILMARNOCK
KA33 2SA

DPOs Reference: BD/MMM

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

1. Notwithstanding the submitted plans, all external materials to be utilised in the proposed extension shall match the external finishes of the existing dwelling.

REASON In the interests of visual amenity.

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

REASON In the interests of residential amenity.

3. The garage hereby approved 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.

NOTE:-

1. The applicant should make early contact with East Ayrshire Council's Roads and Transportation Division (Tel No: 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.**