

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 02 JUNE 2006

**06/0258/FL: PROPOSED ERECTION OF DWELLINGHOUSE
AT 28 WILLIAM STREET, KILMARNOCK
BY MR & MRS LUKE**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a one-and-a-half storey detached 2 bedroom dwelling with wallhead dormers proposed to the front and rear. The proposed external finishes include Marley modern concrete roof tiles and facing brick with feature quoins. The principal elevation of the proposed dwelling house faces onto William Street with parking provision for two cars. The proposed dwelling is situated approximately 11.5 metres behind the building line of the other dwellings on William Street.

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 at Section 5 of the report, the application is considered to be contrary to the Adopted Local Plan. 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 indicated in Section 6 of the report, there are material considerations relevant to the proposed development. The Council's Roads Division have raised concerns regarding parking provision for the existing dwellinghouse. Concerns with regard to overshadowing of the property to the south are misguided. The amenity of the adjacent properties both to the north and south, however, would be seriously impaired by the development, as a result of the close proximity of the new house. It is considered that the proposed development would be out of character with the area and inconsistent with the building line to William Street. The new dwellinghouse would be out of scale and character with the general layout and setting of the properties onto William Street. The

proposed development would have an overbearing and detrimental impact on adjacent residential properties and 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 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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AT 28 WILLIAM STREET, KILMARNOCK
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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 because it is subject to an objection and recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site extends to approximately 0.06 acres in area, and is garden area associated with the adjacent semi detached traditional one and a half storey dwelling house at 28 William Street. The area of land is currently overgrown and in a poor condition. A 1.8 metre high brick wall divides the application site with 28 William Street. The site is accessed via an existing driveway from William Street and is surrounded on all elevations by residential properties. To the north and east of the application site are traditional single storey and one and a half storey semi-detached dwellings finished in natural sandstone. To the west of the application site is a vacant overgrown area of land, accessed via Thomson Street that currently consists of 10 derelict lock-up garages, which has consent for three terraced one-and-a-half storey dwellings. To the south of the application site there is a public car park and modern local authority built two storey semi detached and flatted dwellings.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a one-and-a-half storey detached 2 bedroom dwelling with wallhead dormers proposed to the front and rear. The proposed external finishes include Marley modern concrete roof tiles and facing brick with feature quoins. The principal elevation of the proposed dwelling house faces onto William Street with parking provision for two cars. The proposed dwelling is situated approximately 11.5 metres behind the building line of the other dwellings on William Street.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Scottish Environment Protection Agency (SEPA) has not responded to their consultation letter at the time of writing this report.

Noted.

3.2 East Ayrshire Council's Roads and Transportation Division has recommended refusal as the parking provision indicated for the existing dwelling at 28 William Street cannot be achieved.

The proposed development would remove the existing parking provision for the donor house. The new parking spaces proposed by the applicant cannot be achieved on site.

3.3 The North West Kilmarnock Community Council has no objections to the proposed development.

Noted.

4. REPRESENTATIONS

4.1 One letter of objection has been received. A summary of the main points of objection are detailed as follows:-

4.2 The location of the proposed dwelling would cut all natural light to the area where they sit in the summer and where their washing is dried. They would spend all daylight hours in the shadow of this house.

The sun rises in the east and sets in the west. Consequently the objector's house would lie to the south of the proposed dwelling and would not be in the shadow of that house. It is considered however that the proposed house would have an overbearing presence relative to the house and property retained relative to 28 William Street to the north.

4.3 The proposed development will have a detrimental impact on the value of their property.

The affect on the value of the adjacent property is not a material planning consideration in the determination of this application.

4.4 Have the Council already granted consent for this development as the owners are already laying foundations?

The objector's claim was investigated by the Planning Enforcement Officer and no evidence of building works are evident at the site at the time of writing this 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 Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (EALP).

Approved Ayrshire Joint Structure Plan (AJSP)

5.2 There are no policies in the Ayrshire Joint Structure Plan that are particularly applicable to this proposal.

Adopted East Ayrshire Local Plan (EALP)

5.3 Policy RES 4 is relevant and encourages sympathetic residential development of gap, infill or other redevelopment sites subject to an assessment of the proposal against the surrounding natural and built environment and adjacent uses, transportation and infrastructure implications and in terms of compatibility with surrounding densities and housing types and compliance with the Council's Design Guidance.

5.4 Policy RES 5 is relevant and advises that the Council will be supportive of the sub-division 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 the 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 development.

This Division has advised the applicants' agent in writing of its concern regarding the design of the proposed dwelling house and no amendments have been submitted to date. It is considered that the proposed dwelling house bears little relationship to the existing

traditional sandstone dwellings in the vicinity. The retention of sizeable linear gardens, a feature of the traditional dwellings which are predominant in the immediate vicinity, has not been reflected in this proposal. The garden ground is considered awkward in shape and layout and does not relate well to the proposed house. Additionally, the proposed development does not respect the strong building line on William Street and is located some 11.5 metres behind the front building line of the other dwellings on William Street. The design of the proposed house is not compatible with the adjacent properties being a mere 5.7 metres wide. It is also considered that the proposed dwelling would have an overbearing presence relative to the neighbouring dwelling to the north. Furthermore the proposed development is not considered acceptable as the proposed parking arrangements for the existing dwelling at 28 William Street are considered unachievable by the Council's Roads Division. The proposed development is therefore considered to be contrary to Policies RES 4 and RES 5 of the Adopted EALP.

5.5 Policy ENV 7 states that all developers will be expected to comply fully with the Council's Design Guidance and Policy documents relating to and advising on the particular development proposed. Developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council. Individual houses and house design for infill or gap sites should recognise and reflect the scale, design features, and rhythm of doors, windows, storey height, density and materials of surrounding buildings. The height and position of the house should not have an oppressive, overshadowing or visually intrusive impact on neighbouring properties. Front building lines should respect and reflect those of adjacent properties.

The proposed development is contrary to Policy ENV 7 of the Adopted EALP.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultations and Representations

6.2 It is considered that the relationship to the property to the north (although not as alleged by the objector to their property), and the concerns raised by the

Council's Roads and Transportation Division relative to the proposed car parking provision for the existing dwelling at 28 William Street are material considerations. It is considered that the overbearing nature of the proposed dwelling would be detrimental to the amenity of adjoining property and of the area as a whole.

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 at Section 5 of the report, the application is considered to be contrary to the Adopted Local Plan. 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 indicated in Section 6 of the report, there are material considerations relevant to the proposed development. The Council's Roads Division have raised concerns regarding parking provision for the existing dwellinghouse. Concerns with regard to overshadowing of the property to the south are misguided. The amenity of the adjacent properties both to the north and south, however, would be seriously impaired by the development, as a result of the close proximity of the new house. It is considered that the proposed development would be out of character with the area and inconsistent with the building line to William Street. The new dwellinghouse would be out of scale and character with the general layout and setting of the properties onto William Street. The proposed development would have an overbearing and detrimental impact on adjacent residential properties and 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 as there would be no significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

25 May 2006
(BD/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation Responses.
3. Statutory Notices/Certificates.
4. Letter of Objection.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0258/FL

Site of Proposal: 28 William Street
KILMARNOCK
KA3 1EE

Nature of Proposal: Proposed Erection of Dwellinghouse

Name & Address of Applicant: Mr & Mrs Luke
28 William Street
KILMARNOCK
KA3 1EE

Name & Address of Agent: A Millar
27 Kirkmuir Drive
Stewarton
KILMARNOCK
KA3 3HP

DPOs Reference: BD/MMM

The above FULL application should be refused on the following grounds:-

1. The proposed development is contrary to Policies RES 4 and RES 5 of the Adopted East Ayrshire Local Plan in that it represents an inappropriate development by reason of its layout, scale and design and would have a detrimental impact on the general character of the surrounding established residential area.
2. The proposed development is contrary to Policy ENV 7 of the Adopted East Ayrshire Local Plan as it fails to comply with East Ayrshire Council's Design Guidance as it would result in a new dwellinghouse which is out of character with the general layout and setting of neighbouring properties on William Street.
3. The proposed development would have a visually intrusive impact on the amenity of adjacent residential property by reason of overshadowing and its overbearing design and proximity to such property.

4. The proposed development would have a detrimental impact on the donor property as insufficient, appropriate car parking would be provided, which would have a detrimental impact on the adjacent 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.**