

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 04 MARCH 2005

**04/1257/FL: PROPOSED REAR CONSERVATORY
AT 88 MURE AVENUE, KILMARNOCK
BY MR & MRS W McNEILL**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of a conservatory to the rear. The proposed conservatory is to be constructed in buff facing brick, with white PVC doors and windows, and a firewall to No. 86 the proposed conservatory extends 3.5 metres from the house, and is 2.62 metres wide. The proposed height is 2.9 metres to the roof (excluding finials), and the firewall is approximately 2.4 metres high, and extends 3.5 metres from the house.

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 at Section 5 of the report, the application is 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 indicated in Section 6 of the report there are material considerations relevant to this application. With regard to the concerns of the objectors, these are not considered to be of such weight as to merit refusal of the application. The impact of the conservatory on neighbouring property is considered to be minimal and would not have a detrimental impact on the daylight and sunlight reaching these neighbouring properties. Furthermore, the proposed development does not conflict with Policy ENV7 of the EALP as it is considered to be in accordance with advice detailed in the East Ayrshire Council Design Guidance. It is considered that the proposed conservatory is of an appropriate

size, scale and design that is compatible with the dwellinghouse and the surrounding area.

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 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 & MRS W McNEILL**

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 the subject of objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a modern two storey terraced dwellinghouse on Mure Avenue. Nos. 86 to 90 are the same design, No. 92 is a single storey dwelling, and Nos. 84a and 84b face south east, at the end of the terrace. To the south and north east there are modern dwellinghouses, which are detached and semi detached. Western Road is to the north west of the site. The row of terraced houses slopes up from Nos. 84a and 84b to No. 92, and the rear garden of No. 90 is slightly elevated above the garden of No. 88.

2.2 **Proposed Development:** Full planning consent is sought for the erection of a conservatory to the rear. The proposed conservatory is to be constructed in buff facing brick, with white PVC doors and windows, and a firewall to No. 86 the proposed conservatory extends 3.5 metres from the house, and is 2.62 metres wide. The proposed height is 2.9 metres to the roof (excluding finials), and the firewall is approximately 2.4 metres high, and extends 3.5 metres from the house.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Southcraigs Dean Community Council and Transco have not responded to their consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

There are three objectors to the proposed development and their grounds of objection are as follows:-

4.1 The firewall would block out a vast amount of daylight and sunlight from the properties on either side, which is already limited given the long, narrow gardens. This will limit the amount of time residents can spend in their gardens and reduce daylight into the kitchen/dining areas at the rear of neighbouring properties.

It is not considered that the amount of daylight into the adjacent property to the north west will be significantly affected. There is a separation of more than 2 metres between the conservatory and that property's boundary, and an existing boundary fence approximately 2.2 metres high. Additionally, this property is slightly elevated above No. 88, reducing the impact of the conservatory further.

4.2 One of the adjacent properties is on a lower level than the application site, which will lead to a reduction of daylight into the kitchen and dining areas.

The adjacent property to the south east of the application site is not significantly lower than No. 88, and windows and doors on the rear elevation are on the same level. There is already a boundary fence on site, approximately 2.2 metres high. The firewall does not increase this height significantly; it is approximately 0.2 metres higher than the existing fence. It is therefore considered that this will not create a significant impact on the sunlight into the property or garden.

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 There are no relevant policies in the AJSP which would affect the determination of this application.

Adopted East Ayrshire Local Plan

5.3 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 the 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 dwellinghouse.

It is not considered that the proposed conservatory would have a detrimental impact on neighbouring properties. There are no windows directly overlooking the windows of neighbouring residential properties and the size of the conservatory is considered to be in keeping with the existing dwellinghouse. The design and materials of the conservatory is compatible with the dwellinghouse.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the letters of objections which are detailed in Section 4 of the report.

Representations Received

6.2 It is not considered that the issues raised in the letters of objection are sufficient to warrant refusal of this application.

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 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 indicated in Section 6 of the report there are material considerations relevant to this application. With regard to the concerns of the objectors, these are not considered to be of such weight as to merit refusal of the application. The impact of the conservatory on neighbouring property is considered to be minimal and would not have a detrimental impact on the daylight and sunlight reaching these neighbouring properties. Furthermore, the proposed development does not conflict with Policy ENV7 of the EALP as it is considered to be in accordance with advice detailed in the East Ayrshire Council Design Guidance. It is considered that the proposed conservatory is of an appropriate size, scale and design that is compatible with the dwellinghouse and the surrounding area.

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 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

23 February 2005
(CP/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Representations Received.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Claire Peters on 01563 576779.

Implementation Officer: Dave Morris

041257FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/1257/FL

Site of Proposal: 88 Mure Avenue
KILMARNOCK

Nature of Proposal: Proposed Rear Conservatory

Name & Address of Applicant: Mr & Mrs W McNeill
88 Mure Avenue
KILMARNOCK
KA3 1TT

Name & Address of Agent:

DPOs Reference: CP/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 received on 13 December 2004 and the plans received by the Planning Authority on 10 December 2004.

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

2. Notwithstanding the plans hereby approved details and samples of the facing brick shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented as approved thereafter.

REASON In the interests of visual amenity.

**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.**