

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 07 MAY 2004

**03/0847/FL: PROPOSED ERECTION OF CONSERVATORY
AT 5 ALMOND PLACE, KILMARNOCK
BY MR D QUIGLEY**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of a conservatory to the rear of the semi-detached dwelling. The proposed conservatory is to be constructed in woodgrain effect upvc. The amended plans submitted after consideration of the application at the November Central Local Planning Committee show a revised proposal measuring 3.375 metres in length and 3.5 metres in width. The conservatory is now located approximately 1.0 metre from the common boundary with No. 3 Almond Place. Clear glazing is now shown on all three sides of the conservatory; consequently clear glazing replaces the brick fire wall previously facing the neighbouring rear garden. The proposal originally measured approximately 3.6 metres in length and 3.71 metres in width with previously a facing brick fire wall located on the mutual boundary with 3 Almond Place. The proposed conservatory still measures 4.6 metres in height, which is as a result of the variation in ground levels between the western and eastern boundaries of the site, at 3 and 5 Almond Place.

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. The consultation responses received have made no adverse comments regarding the proposed development and there are no letters of representation. 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.

3.3 At the meeting of the Central Local Planning Committee on 21 November 2003 it was requested that this Division revert to the applicant and discuss a possible re-location of the conservatory following concerns about overshadowing from the brick firewall. The applicant has submitted amended plans showing the conservatory 1.0 metre from the boundary thus negating any requirement for a firewall. The side elevation now comprises glazing and there are no longer any objections from the neighbour.

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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AT 5 ALMOND PLACE, KILMARNOCK
BY MR D QUIGLEY

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 was continued by the Local Planning Committee on 21 November 2003 in light of the Committee's concerns regarding possible overshadowing of a neighbouring property resulting from the integral brick fire wall in the proposed conservatory. The Division were to discuss a possible re-location of the conservatory with the applicant.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a modern semi-detached one and a half storey dwellinghouse on Almond Place within the Grange Estate. The site is surrounded by similar residential properties on all elevations. To the rear of the property is an existing modern garage while the site slopes downwards from the dwellinghouse situated at the western boundary of the site to the eastern boundary of the site.

2.2 **Proposed Development:** Full planning consent is sought for the erection of a conservatory to the rear of the semi-detached dwelling. The proposed conservatory is to be constructed in woodgrain effect upvc. The amended plans submitted after consideration of the application at the November Central Local Planning Committee show a revised proposal measuring 3.375 metres in length and 3.5 metres in width. The conservatory is now located approximately 1.0 metre from the common boundary with No. 3 Almond Place. Clear glazing is now shown on all three sides of the conservatory; consequently clear glazing replaces the brick fire wall previously facing the neighbouring rear garden. The proposal originally measured approximately 3.6 metres in length and 3.71 metres in width with previously a facing brick fire wall located on the mutual boundary with 3 Almond Place. The proposed conservatory still measures 4.6 metres in height, which is as a result of the variation in ground levels between the western and eastern boundaries of the site, at 3 and 5 Almond Place.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Grange/Howard Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

3.2 The Coal Authority, Transco and Scottish Water have no adverse comments to make regarding the proposed development.

Noted.

4. REPRESENTATIONS

4.1 No representations have been received. The previous letter of objection submitted by the neighbour at 3 Almond Place has now been withdrawn following the submission of the amended plans.

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 (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 significant, 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 dwelling house.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation replies that are detailed in Section 3 of the report . It should be noted that the earlier objection to the conservatory has not been re-submitted.

Consultation Responses and Representations Received

6.2 It is not considered that any aspects of the consultation responses indicate that the application should be refused.

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. The consultation responses received have made no adverse comments regarding the proposed development and there are no letters of representation. 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.

8.3 At the meeting of the Central Local Planning Committee on 21 November 2003 it was requested that this Division revert to the applicant and discuss a possible re-location of the conservatory following concerns about overshadowing from the brick firewall. The applicant has submitted amended plans showing the conservatory 1.0 metre from the boundary thus negating any requirement for a firewall. The side elevation now comprises glazing and there are no longer any objections from the neighbour.

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

28 April 2004
(BD/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.

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

Implementation Officer: Dave Morris

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0847/FL

Location: 5 Almond Place
Kilmarnock

Nature of Proposal: Proposed Erection of Conservatory.

Name & Address of Applicant: Mr D Quigley
5 Almond Place
KILMARNOCK
KA1 2HS

DPO's Ref: 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 received on 18 September 2003 and the amended plans received by the Planning Authority on 12 February 2003.

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

2. Notwithstanding the submitted plans, the facing brick to be used on the external walls of the proposed conservatory shall match the facing brick finish of the existing dwellinghouse.

REASON In the interests of visual amenity

NOTES:-

1. The applicant shall make early contact with Scottish Water as the development may be built over or obstruct access to a public sewer. Scottish Water can be contacted on 0845 601 8855.

2. The applicant shall make early contact with Transco as the development may affect Transco apparatus in the area. Transco can be contacted on (0141) 418 4093.

**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.**