

## **EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 10 NOVEMBER 2006**

**06/0687/FL: PROPOSED ERECTION OF SINGLE DETACHED GARAGE  
AT 49 ANNANHILL AVENUE, KILMARNOCK  
BY MR & MRS H BULL**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought for the erection of a garage, approximately 6 metres by 2 metres giving a footprint of 12sq.m. The garage is located on the north east side boundary of the application site. The garage is constructed using wet dash render grey concrete roof tiles and white upvc window framing which matches that of the existing and surrounding dwellings. The application is retrospective as the garage has already been constructed on site. The application was continued for a site visit at the last meeting on 13 October 2006.

#### **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 in Section 5 of the report, the application is contrary to 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 refused unless material considerations indicate otherwise.

3.2 As is indicated in Section 6 of the report, there are material considerations relevant to this application which are not supportive of the development. The response received from Bonnyton Community Council is material in the determination of this application. The proposed garage has an unacceptable and overbearing impact on the street scene. The proposed garage would be detrimental to the residential and visual amenity of the area. It would set an unacceptable precedent for the approval of similar developments in 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 because 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 objection and recommended for refusal and was continued for a site visit at the meeting on 13 October 2006.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is the curtilage of a semi-detached dwelling, located on Annanhill Avenue in Bonnyton. There are flatted residential properties to the sides and front of the house, in the same style as No. 49, and gardens to the rear, and there are two new flatted dwellings to the north.

2.2 **Proposed Development:** Full planning consent is sought for the erection of a garage, approximately 6 metres by 2 metres giving a footprint of 12sq.m. The garage is located on the north east side boundary of the application site. The garage is constructed using wet dash render grey concrete roof tiles and white upvc window framing which matches that of the existing and surrounding dwellings. The application is retrospective as the garage has already been constructed on site.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objection to the garage in its current position providing it is fitted with a roller shutter type door.

***The present garage does not have a roller shutter type door, any consent would require that the current door be replaced with a roller shutter type door.***

3.2 Bonnyton Community Council have objected to the proposal on the following grounds:

- i) There is insufficient space between the garage and the new flatted dwellings;

***The garage has an overbearing impact on the adjacent property.***

- ii) Loss of amenity to neighbouring property;

***The proximity of the garage to the neighbouring property does not comply with Policy ENV 7 of the East Ayrshire Local Plan and has a detrimental impact on the residential amenity of neighbouring properties.***

- iii) Insufficient space between the garage and 49 Annanhill Ave;

***The space between the garage and 49 Annanhill Avenue is not considered to be insufficient.***

- iv) The garage is built outwith the front building line of the new flatted dwellings;

***The position of the garage is such that it will be overly imposing, and detrimental to the residential amenity of the area.***

- v) Detrimental to visual amenity;

***The proposed garage will adversely affect the visual amenity of the area.***

- vi) Road safety concerns due to the parking provision for four vehicles in the front garden area of the new flatted dwellings.

***East Ayrshire Council's Roads Division have not raised concerns with regard to road safety in terms of the siting of the garage.***

- vii) The application is retrospective and should be duly marked as such.

***This is a retrospective application, however the garage must be judged on its merits as submitted in the application.***

- viii) The reference to an existing garage is misleading.

***The proposal must be considered on its merits, the location of the previous structure is not relevant in considering this proposal.***

- ix) An enforcement notice required removal of the garage by 07 July 2006. This has not been enforced by the Planning Division.

**See paragraph 7.2 below.**

#### 4. REPRESENTATIONS

4.1 There is one objector to the proposed development from Bonnyton Community Council which is detailed in Section 3.2 of the 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 Adopted East Ayrshire Local Plan (EALP) and Ayrshire Joint Structure Plan. It is not considered that the application raises any strategic implications in terms of the Ayrshire Joint Structure Plan.

##### Adopted East Ayrshire Local Plan

5.2 Policy ENV 7 of the EALP is relevant and states that developers will be expected to comply fully with the Council's Design Guidance. It states that all freestanding garages will require to be located behind the front building line of the property and incorporate a dual pitched roof. The Guidance also states that: "...careful consideration should be given to the effect any changes will have on the property, on neighbouring properties and the surrounding area. Development that is out of scale and character with its surroundings can be detrimental to the appearance of the wider area."

***The garage complies with policy in two respects; it incorporates a dual pitched roof and also is designed to have materials which match that of the surrounding dwellings. However the proposed garage is set beyond the front building line and has a detrimental impact on the neighbouring property and the area as a whole.***

***It is considered that the garage is contrary to the Design Guidance with regard to its visual impact on the area. The garage is a prominent and unacceptable feature on the streetscape and its presence in its current position upsets the general pattern and layout of the street which is characterised by dwellings with large open garden spaces. It is considered that the garage sets an unacceptable precedent for similar development in the immediate area.***

#### 6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation replies detailed in Section 3 of the report and the planning history of the site.

## Consultation Responses

6.2 The consultations received are addressed in Section 3 of the report. The concerns of the Community Council are a material consideration in the determination of this application as the proposed garage will have an adverse effect on the residential and visual amenity of the area.

## Planning History of the Site

6.3 05/0291/FL: Erection of two no. 2-bedroom flat at 49 Annanhill Avenue approved with conditions on 03 June 2005 on the adjacent site.

6.4 06/0167/FL: Erection of single detached garage at 49 Annanhill Avenue. This was withdrawn on 15 June 2006 to rectify inaccuracies in the drawings and with the intention of submitting a fresh application; that now before Committee.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial implications for the Council in the determination of this application.

7.2 Legal implications will arise in the event the application is refused. An Enforcement Notice was issued requiring removal of the garage by 07 July 2006. This current application was received shortly thereafter and consistent with current practice, it became appropriate to delay further action relative to the Enforcement Notice pending consideration of the application. The Enforcement Notice contests that the garage was detrimental to the visual and residential amenity of the surrounding area.

## **8. CONCLUSIONS**

8.1 As is indicated in Section 5 of the report, the application is contrary to 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 refused unless material considerations indicate otherwise.

8.2 As is indicated in Section 6 of the report, there are material considerations relevant to this application which are not supportive of the development. The response received from Bonnyton Community Council is material in the determination of this application. The proposed garage has an unacceptable and overbearing impact on the street scene. The proposed garage would be detrimental to the residential and visual amenity of the area. It would set an unacceptable precedent for the approval of similar developments in 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 because there would be no significant breach of Council policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

04 October 2006  
(WH/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plan.
2. Statutory Letters/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 Willie Harris, Planning Officer on 01563 576787.

***Implementation Officer: Dave Morris***

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0687/FL

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Site of Proposal:	49 Annanhill Avenue KILMARNOCK KA1 2NX
Nature of Proposal:	Erection of Single Detached Garage
Name & Address of Applicant:	Mr & Mrs H Bull 49 Annanhill Avenue KILMARNOCK KA1 2NX
Name & Address of Agent:	Pryce Architectural & Construction Consultants 8 Grougar Road Crookedholm KILMARNOCK KA3 6LA

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DPOs Reference: WH/MMM

The above FULL application should be refused for the reasons given below:-

1. The garage does not comply with Policy ENV 7 of East Ayrshire Local Plan in that the garage protrudes beyond the front elevation of the dwellinghouse and is an over-dominant feature which has an unacceptable impact on the street scene and on visual and residential amenity.

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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**