

**EAST AYRSHIRE COUNCIL**

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

**06/0830/FL: ERECTION OF 1.8 METRE BOUNDARY FENCE IN  
RETROSPECT  
AT 1 CARMEL PLACE, CROSSHOUSE  
BY MR THOMAS HERON**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought retrospectively for the erection of a 1.8 metre high wooden fence to the western side of the site. the fence runs from the middle of the attached garage, out to the site boundary and along the boundary of the site and the road for 32.1 metres in length and finishes in the south western corner of the site.

**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 indicated in Section 5 of the report, the application is contrary to the Adopted EALP 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 Roads Division is material in the determination of this application. The fence encloses the service strip and is a hazard to commercial vehicles turning in the hammerhead. The fence has an unacceptable and overbearing impact on the street scene and would be detrimental to residential and visual amenity of 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 it 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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BY MR THOMAS HERON**

**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.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site comprises a semi-detached dwelling with attached garage and a large garden to the front, side and rear. The application site is bounded by other similar dwellinghouses and agricultural land to the rear.

2.2 **Proposed Development:** Full planning consent is sought retrospectively for the erection of a 1.8 metre high wooden fence to the western side of the site. the fence runs from the middle of the attached garage, out to the site boundary and along the boundary of the site and the road for 32.1 metres in length and finishes in the south western corner of the site.

**3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council's Roads and Transportation Division have objected on the following grounds - The location of the fence prevents access to services within the verge and the provision of a fence adjacent to the road would be a hazard to the commercial vehicles turning within the hammerhead as the overhanging edge of these vehicles would overhang the service strip.

***Noted.***

3.2 Crosshouse Community Council have not responded to their consultation letter at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 There is one objector to the proposed development from East Ayrshire Council's Roads and Transportation Division which is detailed in Section 3.1 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 Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (EALP).

##### Adopted Ayrshire Joint Structure Plan

5.2 There are no policies within the Ayrshire Joint Structure Plan relevant to the determination of this planning application.

##### Adopted East Ayrshire Local Plan

5.3 Policy ENV7 of the EALP is relevant and states that developers will be expected to comply fully with the Council's Design Guidance. 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 proposed height and design of the fence is acceptable but, being immediately adjacent to the public road, gives rise to road safety concerns and creates an overbearing street scene.***

#### **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 Roads Division are a material consideration in the determination of this application as the fence would be a potential road safety hazard to turning commercial vehicles turning within the hammerhead.

## Planning History

6.3 03/0345/FL: Proposed development of nine dwellinghouses approved with conditions by Central Local Planning Committee on 27 June 2003. This proposal involved the erection of eight semi-detached houses and one detached dwellinghouse. The dwellinghouses were two storey in height and each had an attached garage.

## **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 as enforcement action would be instigated to seek removal of the fence.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of the report, the application is contrary to the Adopted EALP 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 Roads Division is material in the determination of this application. The fence encloses the service strip and is a hazard to commercial vehicles turning in the hammerhead. The fence has an unacceptable and overbearing impact on the street scene and would be detrimental to residential and visual amenity of 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 it 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**

01 November 2006  
(DW/MMM/RH)

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.
6. Planning Application No: 03/0345/FL.

Anyone wishing to inspect the above papers please contact David Wilson on 01563 576779.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0830/FL

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Site of Proposal: 1 Carmel Place  
Crosshouse  
KILMARNOCK  
KA2 0HH

Nature of Proposal: Erection of 1.8 metre Boundary Fence in  
Retrospect

Name & Address of Applicant: Mr Thomas Heron  
1 Carmel Place  
Crosshouse  
KILMARNOCK  
KA2 0HH

Name & Address of Agent:

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DPOs Reference: DW/MMM/RH

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

1. The siting of the fence would represent a safety hazard for commercial vehicles turning in the adjacent hammerhead.
2. The fence would detract from the residential and visual amenity of the area by reason of its siting immediately abutting the road.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
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VIEWING PLEASE CONTACT (01563) 576790.**