

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 13 OCTOBER 2006**

**06/0719/FL: PROPOSED NEW DWELLINGHOUSE  
AT PLOT 7, FISHER WAY, CROSSHOUSE, KILMARNOCK  
BY MR JOHN DUNLOP**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of a one-and-a-half storey 5 bedroom detached dwelling with integral double garage and conservatory. The design and finishes of the proposed dwelling are in keeping with the adjoining dwellings. Dormer windows are proposed to the east and west elevations of the dwelling to accommodate en-suite bathrooms to four of the upper floor bedrooms. The proposed external finishes include white dry dash render; buff rubble stone features to the gables and entrance porch to the front of the dwelling and to the two storey portion of the dwelling at the rear. The roof is proposed to be covered in concrete roof tiles.

**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 considered to accord with 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 approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report, there are material considerations relevant to the proposed development. None of the consultation responses received raise any adverse comments. Whilst the comments of the objectors are noted it is not considered that their comments are of sufficient weight to justify a recommendation of refusal. It is considered the proposed dwellinghouse is in keeping with the surrounding dwellings and area and would not result in a loss of residential amenity to the existing adjacent dwelling.

## **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 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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### 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 objections.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site extends to approximately 900 square metres in area, and is currently vacant land. The site is accessed via Fisher Court and is surrounded to the south and west by modern residential properties. To the north and east of the application site there is agricultural land. The site is currently enclosed to the south by a 1.2 metre high brick wall; to the east by a 1.2 metre high post and wire fence and to the west of the application site adjacent 13 Fisher Way there is a 1.8 metre high close boarded timber fence. The surrounding houses were developed on an individual plot basis. This is the last plot to be developed.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a one-and-a-half storey 5 bedroom detached dwelling with integral double garage and conservatory. The design and finishes of the proposed dwelling are in-keeping with the adjoining dwellings. Dormer windows are proposed to the east and west elevations of the dwelling to accommodate en-suite bathrooms to four of the upper floor bedrooms. The proposed external finishes include white dry dash render; buff rubble stone features to the gables and entrance porch to the front of the dwelling and to the two storey portion of the dwelling at the rear. The roof is proposed to be covered in concrete roof tiles.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division and the Environmental Health and Waste Management Division have no objections to the proposed development.

**Noted.**

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

**Noted.**

#### **4. REPRESENTATIONS**

There are two objections to the proposed development, a summary of their main grounds of objection is as follows:-

4.1 The utility room entrance and windows to the side of the property look into their dining room. If this is the main access/egress to the rear of the property, there will be very little privacy in our dining room.

***The applicant has confirmed by way of a letter to this Division that the western boundary of the application site is screened by an existing 1.8 metre high fence, whilst the side windows of the proposed dwelling at Plot 7 relate to W.Cs and a utility room, all non-habitable rooms. It is therefore considered that the proposed development will not lead to a reduction in residential amenity.***

4.2 The distance from the boundary at the nearest point is only one metre. This impacts further on the privacy of their property. They consider if the side entrance of the dwelling is to be the ramped entrance there would be insufficient clearance.

***The proposed dwellinghouse is to be located approximately one metre from the western boundary of the application site at its closest point. However, at the closest point the proposed dwelling and the neighbouring dwelling at 13 Fisher Way have a separation distance of approximately three metres. At the furthest point the proposed dwelling is approximately three metres from the western boundary of the plot and there is a separation distance of approximately 5.5 metres between the existing and proposed dwelling. The applicant has not stated that the side entrance is to be a ramped access or a level access.***

4.3 The large dormer windows for the two en-suites look directly onto our bathroom and fourth bedroom. The dormer windows were not visible on all elevations.

***The proposed dormer windows for the en-suite bathrooms to the western elevation of the proposed dwelling can be conditioned to***

***ensure the use of suitable opaque glazing to prevent any overlooking. With regard to an error on the drawing, the applicant's agent amended the plans prior to the application being made valid to show the side elevation of the proposed dormers on the proposed rear elevation plan.***

4.4 Although not shown on the plans they would object to the floor level of the proposed dwelling being raised above their own dwelling.

***The applicant has confirmed in writing that the finished floor level of the proposed dwelling will match the finished floor level of the adjacent property (No. 13 Fisher Way). A condition can be applied to confirm the relationship.***

4.5 They are concerned about the increase in traffic both during and after the construction of the proposed dwelling as the road and the footpath are not complete. They are concerned the proposed traffic calming on Fisher Way will not be undertaken, whilst they believe it is only a matter of time before a child is involved in a traffic accident.

***East Ayrshire Council's Roads and Transportation Division have no objections to the proposed development. The objector's concerns relative to the completion of the road, footpath and traffic calming are not relevant to the determination of this detailed planning consent for Plot 7 Fisher Way.***

## **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.

***It is considered that the proposed development is in keeping with the surrounding built environment in terms of its design and external finishes, closely matching the existing dwellings in the vicinity.***

5.4 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.

***It is considered that the proposed development is in keeping with the surrounding built environment in terms of its design and external finishes, closely matching the existing dwellings in the area.***

## **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 and the planning history of the site.

### Planning History

6.2 Planning application no: 01/0105/FL - formation of access road and 9 serviced housing plots - approved by Central Local Planning Committee on 04 May 2001.

### Consultations and Representations

6.3 The consultations and representations received are addressed in Sections 3 and 4 of the report. None of the consultations raise any adverse comments indicating the application should be refused. The objectors concerns relating to overlooking from the en-suite windows on the western elevation of the proposed development can be addressed by way of a suitably worded condition to any grant of planning consent to ensure the windows are finished in opaque

glazing. Furthermore the objectors concerns relating to overlooking from the downstairs W.C window and utility room window to the western elevation are not considered sufficient to merit the refusal of this application given the western boundary of the application site is screened by a 1.8 metre high close boarded timber fence, thus preventing any significant overlooking from the proposed utility room and WC. With regard to the objectors' concerns relative to the unfinished road/footpath and lack of traffic calming, it should be noted that those issues are addressed by a separate approval, whilst the objectors' concerns relative to road safety during and after the construction of the proposed dwelling are not echoed by the Roads Division.

## **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 accord with 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 approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report, there are material considerations relevant to the proposed development. None of the consultation responses received raise any adverse comments. Whilst the comments of the objectors are noted it is not considered that their comments are of sufficient weight to justify a recommendation of refusal. It is considered the proposed dwellinghouse is in keeping with the surrounding dwellings and area and would not result in a loss of residential amenity to the existing adjacent dwelling.

## **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 as there would be no significant breach of Council policy.

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

04 October 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.
7. Planning Application No: 01/0105/FL.

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

***Implementation Officer: Dave Morris***

060719FL

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0719/FL

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Site of Proposal:	Plot 7 Fisher Way Crosshouse KILMARNOCK KA2 0HW
Nature of Proposal:	Proposed New Dwellinghouse
Name & Address of Applicant:	John Dunlop 5 Fisher Way Crosshouse KILMARNOCK KA2 0HW
Name & Address of Agent:	Nicoll Design 184 Main Street PRESTWICK KA9 1PG

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DPOs Reference: BD/MMM

The above FULL application should be granted subject to the following conditions:-

1. Prior to the occupation of the approved dwelling, a sample of opaque glazing to the first floor dormer windows on the western elevation of the proposed dwelling shall be submitted to and approved by the Planning Authority and thereafter implemented as approved prior to the occupation of the dwellinghouse.

REASON In the interests of residential amenity

2. Notwithstanding the submitted plans, details and samples of all external materials shall be submitted to and approved by the Planning Authority before any development commences on the site and shall thereafter be implemented on site as approved.

REASON In the interests of visual amenity.

3. No construction work, site clearance or preparation works shall take place before 08.00 hours and after 17.00 hours on Mondays to Saturdays nor at any time on Sundays.

REASON In the interests of residential amenity.

4. Notwithstanding the approved plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

5. The developer of this site shall ensure that during the development phase, adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other materials carried from the site.

REASON In the interests of the amenity of the area and road safety.

6. Notwithstanding the submitted plans, the boundary of the development site onto the footway shall be clearly defined by a change of surface material or the installation of a row of edging kerbs, details of which shall be submitted to and approved in writing by the Planning Authority before any development commences on site and shall be implemented on site prior to the occupation of the dwelling.

REASON To delineate private garden ground from the public footway.

7. Notwithstanding the submitted plans, the driveways will require to be paved for a minimum distance of 2 metres from the boundary with the public footway prior to the occupation of the proposed dwelling.

REASON To avoid overcarry of loose material onto the public road/footway in the interests of road safety.

8. Prior to the commencement of development on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. The Sustainable Urban Drainage System shall thereafter be formed and maintained on site in accordance with the approved details prior to the occupation of any of the residential units.

REASON To ensure that adequate drainage is provided.

9. Prior to the commencement of development, details of the finished ground and floor levels as they relate to the existing ground levels and to the floor levels of the neighbouring house, shall be submitted to and approved by the Planning Authority. The dwelling shall thereafter be constructed in accordance with the levels as approved.

REASON In the interests of residential amenity.

NOTES:-

1. The applicant shall make early contact with Scottish Water as the applicant must make a separate application to Developer Services for permission to connect to the public sewage system. Scottish water can be contacted on 0845 601 8855.

2. The applicant shall make early contact with East Ayrshire Council's Roads and Transportation Division in relation to any road occupation permits or appropriate consents which may be required in relation to the proposed development. The Roads and Transportation Division can be contact on 01563 576310.

3. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.

4. The applicant should make early contact with Scotland Gas Networks as the development may affect their apparatus in the area. Scotland Gas Networks can be contacted on 0141 418 4093.

5. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific arrangements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

6. SUDS shall be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

**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.**