

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 14 SEPTEMBER 2006  
06/0467/FL: ERECTION OF CAR PORT AND FENCE  
AT 54 PENTLAND ROAD KILMARNOCK  
BY MR K GREY**

**Report by Head of Planning, Development and Building Standards**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of a car port and fence. The car port will be attached to an existing garage which is situated at the rear of the garden ground and is of timber construction. The car port would be 4.3m wide and 6.5m in length. The proposal would present to No. 52 a close boarded timber side elevation to the car port, then a 2 metre high fence over a length of 8.7 metres extending to the building line which then reduces to 1 metre in height from the building line to the heel of the footpath. The car port is retrospective as it is already erected on site. The proposed fence has not been erected on site.

**2. RECOMMENDATION**

**2.1 It is recommended that the application should be approved.**

**3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report, the application is considered to be in accordance with the Adopted East Ayrshire Local Plan and therefore given the terms of Sections 25 and 37 (2) of the Town & Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

3.2 As is indicated in Section 6 of the report, there are material considerations relevant to this application. The consultees have not raised any adverse comments. The car port and fence is of an appropriate size, scale and design that are compatible with the dwellinghouse and the surrounding area. They are not considered to have a detrimental impact on the amenity of adjacent residential properties and comply with Policy ENV 7 of the East Ayrshire Local Plan.

## **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.**

## EAST AYRSHIRE COUNCIL

### CENTRAL LOCAL PLANNING COMMITTEE: 14 SEPTEMBER 2006 06/0467/FL: ERECTION OF CAR PORT AND FENCE AT 54 PENTLAND ROAD KILMARNOCK BY MR K GREY

#### 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 has been the subject of objections.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a semi-detached two storey dwelling and curtilage with a driveway to the side, and a garage to the rear. The site is surrounded by other terraced and semi-detached two storey dwellinghouses.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a car port and fence. The car port will be attached to an existing garage which is situated at the rear of the garden ground and is of timber construction. The car port would be 4.3m wide and 6.5m in length. The proposal would present to No. 52 a close boarded timber side elevation to the car port, then a 2 metre high fence over a length of 8.7 metres extending to the building line which then reduces to 1 metre in height from the building line to the heel of the footpath. The car port is retrospective as it is already erected on site. The proposed fence has not been erected on site.

#### 3. CONSULTATIONS AND ISSUES RAISED

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

*Noted.*

3.2 East Ayrshire Council Roads and Transportation Division have no adverse comments to make regarding the proposed development.

#### 4. REPRESENTATIONS

4.1 There are three objectors to the proposed development. A summary of the objections is detailed as follows:

4.2 The proposed development encroaches on the ground of the neighbouring property and the fence would obstruct their entrance to and from their garage. This would result in the loss of reasonable vehicle access to the adjacent garage at 52 Pentland Road. The fence should be removed.

***Any encroachment of the fence on the adjoining property would be minimal and would in any case be a legal matter for resolution between the parties. It is considered that following the erection of the fence and car port there is sufficient width to allow vehicle access to the neighbour's adjoining garage.***

4.3 The resident of No 52 purchased the property on the basis that the property had a shared drive with access to a garage.

***This is not a planning consideration.***

4.4 The erection of a fence would damage the shared concrete drive between property's No 52 and 54 Pentland Road.

***Damage resulting from the erection of the fence is not a planning consideration and is a matter between the parties concerned.***

4.5 The resident at No 52 Pentland Road has spent a lot of money constructing the garage and laying the drive on the understanding that the drive was shared.

***The expense associated and costs incurred by the objector regarding the construction of the drive and the garage are not a material planning consideration.***

4.6 This application has been lodged after the event and at present the car porch and part of the fence have been installed to deny access to their garage. Permission was only sought after complaints to the applicant were made.

***It is acknowledged that this application is part retrospective as the car port has been erected on site. The 2 metre fence has not been constructed on site. The side fence presently erected is to be removed and replaced by the proposed fence under consideration.***

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of the application, the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan.

## Approved Ayrshire Joint Structure Plan

5.2 It is not considered that the application raises any strategic issues in terms of the Ayrshire Joint Structure Plan.

## East Ayrshire Local Plan (EALP)

5.3 Policy ENV 7 is relevant and states that developers will be expected to comply fully with the Council's Design Guidance. It advises 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 proposed car port and fence is considered acceptable in terms of Policy ENV 7. The scale and design of the development are acceptable for a residential property and residential 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 letters of objections addressed in Section 4 of this report.

### Consultation Responses and Representations Received

6.2 The consultation responses do not raise any adverse comments. The concerns of the objectors are not sufficient to justify a recommendation of refusal. The scale and design of the car port and fence are considered appropriate to a residential property and the surrounding area.

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

7.1 With regard to the point of objection concerning encroachment of the application site onto an adjoining property, the Head of Administration and Legal Services considers that a discrepancy in the certificate of ownership submitted along with the application is de minimis; was made in good faith (the certificate reflects the original disposal plan provided by the Council at the time of the sale of the house to the applicants) and did not give rise to any material prejudiced to any other interested party in terms of lack of notice of the application.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of the report, the application is considered to be in accordance with the Adopted East Ayrshire Local Plan and therefore given the terms of Sections 25 and 37 (2) of the Town & Country Planning

(Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

8.2 As is indicated in Section 6 of the report, there are material considerations relevant to this application. The consultees have not raised any adverse comments. The car port and fence is of an appropriate size, scale and design that are compatible with the dwellinghouse and the surrounding area. They are not considered to have a detrimental impact on the amenity of adjacent residential properties and comply with Policy ENV 7 of the East Ayrshire Local Plan.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application should be approved.**

### **CONTRARY DECISION NOTICE**

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**

05 September 2006

(WH/RH/IMB)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Certificates/Notices.
3. Statutory Consultations.
4. Letters of Objection.
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***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0467/FL

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Site of Proposal: 54 PENTLAND ROAD  
KILMARNOCK

Nature of Proposal: ERECTION OF CAR PORT AND FENCE

Name & Address of Applicant: MR K GREY  
54 PENTALND ROAD  
KILMARNOCK

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DPOs Reference: <<DVM/RH>>>

The above FULL application should be granted.

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