

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 04 AUGUST 2006

**06/0425/FL: CHANGE OF USE FROM TWO APARTMENTS AND
ALTERATIONS TO FORM TWO DWELLINGHOUSES WITH REAR
EXTENSIONS**

**AT 12-14 MAIN STREET, DUNLOP, KILMARNOCK, KA3 4AN
BY MR J CRAIG AND MR BRUCE BATEY**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission is sought to change the use from two separate apartments to form two dwellinghouses incorporating external alterations and an extension to the rear of the building. The external alterations to the front elevation include, the installation of a new window opening at first floor level, installation of two roof lights, the installation of replacement windows and the reinstatement of a former door opening. The external alterations to the rear elevation include, the installation of two roof lights, the installation of replacement windows and the erection of a two storey extension. The replacement windows on the front elevation will be uPVC sliding sash and case, and the replacement and new windows on the rear elevation will only have the appearance of traditional sash and case windows. The roof lights proposed on the front and rear elevations are 'conservation style'. The proposed two storey extension has dimensions of 4 metre depth by 7.6 metres width, covering a footprint area of 30.4 sq metres to be split equally between the two proposed dwellinghouses. The two storey extension to the rear will be finished externally in white roughcast render and slates to match the existing roof.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in the report, the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

3.2 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these are of sufficient weight to merit the refusal of the application.

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 that would not be a significant departure from 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, due to the fact that an objection has been submitted in respect of the application.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises a two storey end terraced building located within Dunlop's Outstanding Conservation Area. The existing two storey building is split to form two flatted dwellings, one on the ground floor and one at first floor level and is located at the end of a terraced row of residential properties. The site is surrounded by the church hall to the west, residential properties to the east and south and the public park to the north.

2.2 **Proposed Development:** Planning permission is sought to change the use from two separate apartments to form two dwellinghouses incorporating external alterations and an extension to the rear of the building. The external alterations to the front elevation include, the installation of a new window opening at first floor level, installation of two roof lights, the installation of replacement windows and the reinstatement of a former door opening. The external alterations to the rear elevation include, the installation of two roof lights, the installation of replacement windows and the erection of a two storey extension. The replacement windows on the front elevation will be uPVC sliding sash and case, and the replacement and new windows on the rear elevation will only have the appearance of traditional sash and case windows. The roof lights proposed on the front and rear elevations are 'conservation style'. The proposed two storey extension has dimensions of 4 metre depth by 7.6 metres width, covering a footprint area of 30.4 sq metres to be split equally between the two proposed dwellinghouses. The two storey extension to the rear will be finished externally in white roughcast render and slates to match the existing roof.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objection to the proposal.

Noted.

3.2 Scottish Water have raised no objections subject to the imposition of conditions on any planning consent pertaining to; connections to the wastewater system and water network, the requirement for a totally separate drainage system with the surface water discharging to a suitable outlet with the possible requirement that the surface water is treated by a SUDS system.

A note can be attached to any grant of planning consent addressing all of the matters outlined above with the exception of the treatment of surface water which can be addressed by means of a condition.

3.4 Scottish Environment Protection Agency (SEPA) have not responded in respect of the application.

Noted.

3.5 Dunlop and Lugton Community Council have no objections to the proposal.

Noted.

4. REPRESENTATIONS

The application was advertised in the Kilmarnock Standard as development affecting the setting of a Conservation Area, one letter of objection has been received from the Dunlop and Lugton Park Association. The grounds for objection are summarised as follows:

4.1 Pedestrian access to Dunlop Park via the existing gate access on the northern boundary compromises the safety and security of users of the Park given that vandals use the accesses through private properties as escape routes from the park.

Right of access to the park from the property is a private legal matter and not a material planning consideration. Notably planning permission would not be required for any properties to form pedestrian access into the park and would only be required for the forming of a gate depending on the height and proximity to a road/public footpath. There is an existing pedestrian access from the rear of the property to the Park and it is proposed to replace the existing gate with a timber lockable gate.

Having said this, the expressed concern that the proposal perpetuates an access arrangement which has previously been utilised to allow vandalism, can be viewed as a valid planning consideration in terms of the safety and security of the use of the park. It is though likely that the occupation of these two units if approved will offer additional supervision of the park such that fears about vandalism can only be attributed minimum weight.

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 (2003).

Ayrshire Joint Structure Plan

5.2 There are no specific policies within the Ayrshire Joint Structure Plan that are applicable to the assessment of this application.

East Ayrshire Local Plan

5.3 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.

Schedule 4 requires terraced dwellinghouses to provide a minimum open space allocation of 70 sq metres private garden ground for each dwellinghouse. Each dwellinghouse has an area of some 100 sq metres private rear garden ground allocation which exceeds the minimum requirement of schedule 4.

5.4 Policy ENV4 seeks to ensure that all development within or affecting the Setting of a Conservation Area or affecting the appearance or setting of a Listed Building, is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. The policy also states that development proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

The alterations proposed to the building are considered appropriate for a Conservation Area, with sash and case windows, conservation roof lights and cast iron guttering on the front elevation of the

proposed dwellinghouses. In addition the alterations to the rear elevation are considered to be sympathetic to the style and character of the Conservation Area.

5.5 Policy ENV7 states that all developers will be expected to comply fully with the Council's Design Guidance on new residential developments.

The proposal accords with the requirements of the Design Guidance, "4 Listed Buildings and Buildings within Conservation Areas".

5.6 In conclusion it is considered that the proposal is in accordance with the provisions of the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representation received and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused.

Representations

6.3 The representation received has been summarised in Section 4 of the Report. Its reference to concerns about the use and vandalism of the park are not of such weight as to merit refusal or amendment of the application.

Impact on the Amenity of the Area

6.4 The residential use of the building will be retained and it is considered that the proposed alterations to the building are sympathetic to the character and appearance of the Conservation Area. It is further considered that the proposed extension to the rear of the building can be accommodated without imposing any new significant impact in terms of overlooking and overshadowing on the neighbouring properties and given that the extension is set back from the common boundaries. Only the west elevation facing the Church Hall has windows, they have been deleted from the east elevation to minimise any overlooking impact to 10-10A Main Street.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated in the report, the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

8.2 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these are of sufficient weight to merit the refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated 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 that would not be a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

26 July 2006
(GC/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letter of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).

Anyone wishing to inspect the above papers please contact Gillian Craig, Senior Planning Officer on 01563 576769.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0425/FL

Site of Proposal: 12-14 Main Street
DUNLOP

Nature of Proposal: Change of Use from Two Apartments and
Alterations to Form Two Dwellinghouses with
Rear Extensions

Name & Address of Applicant: Mr J Craig and Mr Bruce Batey
27 Main Street
DUNLOP
KA3 4AP

Name & Address of Agent: Brae Architectural Services
Laighmuir Villa
5 Main Street
DUNLOP
KA3 4AT

DPOs Reference: GC/MMM

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

1. Notwithstanding the plans hereby approved the windows on the front elevation of the dwellinghouses shall open in the traditional sliding sash and case method.

REASON To protect the character and amenity of the Conservation Area

2. Notwithstanding the plans hereby approved the roof lights shall be flush fitting 'Conservation Style' roof lights.

REASON To protect the character and amenity of the Conservation Area.

3. Prior to the commencement of works on site details of the treatment of surface water drainage shall be submitted to and approved in writing by the Planning Authority.

REASON To ensure that a suitable means of treating surface water drainage is proposed.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 or any order or enactment replacing this, no window or door openings shall be formed on the east side elevation of the extension hereby approved, unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON In the interests of residential amenity.

NOTES TO APPLICANT

1 The developer shall make early contact with Scottish Water to confirm whether a Sustainable Urban Drainage System (SUDS) would be appropriate to treat surface water from the site.

2 The developer shall contact Scottish Water Planning and Development Services Team for permission to connect to the public wastewater system and water network and the granting of planning consent does not guarantee a connection to Scottish Water's assets.

3. Scottish Water's water network infrastructure is not affected by this proposal at this time, however a supply from a public water network is dependent on the spare capacity at the time of application for a water connection.

**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.**