

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 04 AUGUST 2006

**06/0439/OL: OUTLINE PLANNING PERMISSION FOR ONE
DWELLINGHOUSE
ON LAND TO THE REAR OF 2 BARR COTTAGE, BARR STREET, GALSTON
BY MR C KIERS**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought to erect a dwellinghouse in the rear garden area of the property at 2 Barr Street. Vehicular access to the proposed dwellinghouse is proposed off Barr Castle Gardens. Vehicular access to the existing property would be off Barr Street as existing.

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 the report the application is considered to be contrary to the terms of the Development Plan and thus the application should be refused. There are no material considerations that would merit a decision other than in accordance with the Development Plan.

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 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 an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation, due to the fact that objections have been submitted in respect of the application.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises part of the rear garden area of the property at 2 Barr Street. The site is occupied by garaging/outbuildings and garden area for the existing dwellinghouse. The site lies outwith but adjacent to Galston's Outstanding Conservation Area. The site is predominantly surrounded by residential properties with the exception of the community centre to the north east and Barr Castle Tower to the north west.

2.2 **Proposed Development:** Outline planning permission is sought to erect a dwellinghouse in the rear garden area of the property at 2 Barr Street. Vehicular access to the proposed dwellinghouse is proposed off Barr Castle Gardens. Vehicular access to the existing property would be off Barr Street as existing.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objection to the proposal subject to the imposition of conditions on any planning consent pertaining to the requirement for a minimum driveway width and length. It is further advised that all other road matters relating to the development are reserved until a full application is made.

Should the Committee be minded to approve the proposal, conditions can be attached relating to these matters.

3.2 Scotland Gas Networks have raised no objections to the proposal.

Noted.

3.3 Galston Community Council have raised no objections to the proposal.

Noted.

4. REPRESENTATIONS

4.1 The application was advertised in the Kilmarnock Standard as development affecting the setting of the Conservation Area. Two letters of objection and a petition with nine signatories have been received in relation to the proposal. The grounds of objection are summarised as follows:

4.2 Loss of Amenity.

It is considered that the proposal would result in a loss of amenity for the area, given that the proposal represents over-development of the area.

4.3 Overdevelopment of the Area.

It is considered that the proposal represents over-development whereby an inadequate amount of private open space is allocated for the proposed dwellinghouse.

4.4 The vehicular access would be at the narrowest point of the road and consequently blinded by cars parked within the visitor parking area therefore imposing a health and safety risk.

As detailed in Section 3.1 the Council's Roads and Transportation Division have no objections to the positioning of the vehicle access subject to the imposition of conditions on any grant of planning permission.

4.5 The development may not be legal in terms of the ground burdens and ownership of the access strip.

This is a private legal matter and not a material planning consideration.

4.6 Further wear and tear on the mono block road surface due to unnecessary development.

Damage to the road surface is a matter that should be brought to the attention of the Council's Roads and Transportation Division.

4.7 The proposal would result in the property at 7 Barr Castle Gardens being overlooked.

The application is in outline only and no details have been submitted to illustrate that the proposed dwellinghouse would result in an overlooking impact. Any detailed design could address such an issue.

4.8 The proposal would result in the property at 7 Barr Castle Gardens having a property in close proximity.

The proposed block plan indicates the outline of the proposed dwellinghouse 2 metres from the dwellinghouse at 7 Barr Castle Gardens. This is contrary to the Council's Guidance for separation distances.

4.9 The application site boundary sits directly behind the front garden of the property at 7 Barr Castle Gardens therefore the feasibility of this is questioned.

The application site indicates that the boundary omits the communal visitors parking area and any front garden ground apportioned to 7 Barr Castle Gardens. However, if approved it would be likely to overlook the front garden of No. 7 as stated.

4.10 A one and half storey house would result in overshadowing of the rear garden area of 7 Barr Castle Gardens.

The application is in outline only and although specified as 1½ storey on the application form, no details have been submitted to assess whether the height of the proposed dwellinghouse would impose a significant impact in terms of overshadowing to the property at 7 Barr Castle Gardens.

4.11 The disruption imposed during construction of the house would detrimentally impact on the amenity of the existing residents.

Should the Planning Committee be minded to grant planning permission a condition can be attached restricting the construction hours.

4.12 The disruption to the circle caused by lorries etc resulting in it becoming unsafe for children being unable to play at the front.

The road is not private and therefore access by delivery vehicles/cars is unrestricted at present. In addition it is not envisaged that the proposal to construct a single dwellinghouse would result in a significant increased amount of traffic to the area.

4.13 The development would detract from the visual amenity of the Barr Castle Gardens estate.

Whilst the application is in outline only and therefore no details of the appearance of the dwellinghouse have been submitted, it is considered that the proposed house would detract from the visual amenity of the area by reason that it constitutes overdevelopment.

4.14 It is envisaged that large vehicles would use the driveway of the property at 1 Barr Castle Gardens to aid manoeuvrability which may cause damage to the mono block area of this property and large vehicles parking at the bottleneck of the road will obstruct vehicular access and egress to Barr Castle Gardens.

Any damage to private property is a private legal matter and not a material planning consideration.

4.15 Originally the house at 7 Barr Castle Gardens was rejected by planning on the basis that it would detract from the look and feel of the development and the current proposal would further detract from the Barr Castle Gardens development.

An application was refused by the committee, contrary to the recommendation of the Head of Planning and Building Control on the grounds that the proposal would lead to an overdevelopment of the site by virtue of the reduction of the underdeveloped areas within the estate and the proposed development would detract from the visual amenity of the area. A revised application was subsequently approved by the local planning committee in January 1999.

4.16 Concern that the visitor parking provision for the area which is situated in front of the application site will be affected by the proposal.

The application site does not include the two existing visitor parking spaces and therefore no alterations are proposed to this under the current application.

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 No policies are specifically relevant to this proposal.

East Ayrshire Local Plan

5.3 Policy RES 5 states that, within settlement boundaries, the Council will be supportive of the sub-division of existing house curtilages for the development of dwellinghouses subject to three criteria being met, as follows:

- (i) the proposal is fully in keeping with the existing residential character and appearance of the area within which it is located;
- (ii) the proposal meets all the design requirements of the Council and does not create unacceptable damage to the amenity of surrounding properties; and
- (iii) acceptable levels of privacy are maintained to neighbouring properties and to the new housing proposed.

The application is in outline only, however the applicant has submitted a plan illustrating the proposed outline and siting of the dwellinghouse within the site. It is considered that the siting of the dwellinghouse does not respect the Council's minimum separation distance of 3 metres between dwellings and 1.5 metres of the common boundary as detailed in the Council's Design Guidance 2 'New Residential Development'. Furthermore the applicant has failed to demonstrate that the house can be accommodated whilst respecting the above separation distances, off-street parking provision and private garden area requirements. Thus it is considered that the proposal represents overdevelopment and would therefore be detrimental to the character and amenity of the area.

5.4 Policy RES 22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan, which requires detached and semi-detached houses to provide one and half times the ground floor area of the house to a minimum requirement of 100 sq. metres.

It is considered that the application is contrary to the requirements of Schedule 4 as it only indicates some 46 sq. metres of rear private

garden area for a dwellinghouse on the site with only an additional 16 sq metres behind the indicated driveway line.

5.5 In conclusion it is considered that the proposal fails to accord 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, representations 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 representations received have been summarised in Section 4 of the Report and add weight to the assessment against the development plan that the application should be refused.

Impact on the Amenity of the Area

6.4 The application site area is such that it is considered that the proposal cannot be accommodated as detailed without detriment to the area. The proposal would both represent overdevelopment and provide inadequate private amenity ground for the plot.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated in the report the application is considered to be contrary to the terms of the Development Plan and thus the application should be refused. There are no material considerations that would merit a decision other than in accordance with the Development Plan.

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 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. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Planning Permission 98/0296/FL
7. Planning Permission 98/0739/FL

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

06/0439/OL

Site of Proposal: Land to Rear of 2 Barr Cottage
Barr Street
GALSTON
KA4 8HU

Nature of Proposal: Outline Planning Permission for One
Dwellinghouse

Name & Address of Applicant: Mr C Kiers
2 Barr Cottage
Barr Street
GALSTON
KA4 8HU

Name & Address of Agent: N/A

DPOs Reference: GC/MMM

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

1. The proposed development would be contrary to Policy RES 5 of the East Ayrshire Local Plan as it would represent overdevelopment and therefore impose a detrimental impact on the residential and visual amenity of the area.
2. The proposed development would be contrary to Policy RES 22 and Schedule 4 of the East Ayrshire Local Plan given that inadequate private amenity space would be provided for the proposed dwellinghouse.

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