

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 18 FEBRUARY 2005

**04/1072/FL: ERECTION OF NEW ONE AND A HALF STOREY
DWELLINGHOUSE
AT PLOT AT 13 VENNEL STREET, STEWARTON
BY MRS K BROOKS**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposed development is for the erection of a new one and a half storey dwellinghouse. The house would be located to the south end of the plot and would incorporate a slate roof, timber sash and case windows, painted window bands and conservation style velux rooflights.

2. RECOMMENDATION

2.1 The application should be approved subject to the conditions on the attached sheet.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development accords with the Development Plan and therefore the application should be approved unless material considerations indicate otherwise.

3.2 As indicated at Section 6 of the report there are material considerations relevant to this application. The most significant planning consideration is that planning permission was granted for an almost identical proposal on the same site, although this consent has now expired. The proposal accords with policies RES5, RES22, ENV4, ENV5 and ENV7 of the Adopted EALP as it is considered to be of an appropriate size, scale and design that is compatible with the character of the surrounding area, in particular the "B" Listed property Kersland.

3.3 The design and siting of the proposed house is considered to be of a suitably high standard incorporating a natural slate roof, conservation velux rooflights, timber sash and case windows and stone quoins. It is considered that

its design and siting is compatible with the listed building and that the submitted representations received from the Scottish Civic Trust and Historic Scotland are not of sufficient weight to warrant refusal in this case.

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 this would not constitute a significant departure from 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 as it is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a plot of land located within the grounds of the "B" Listed Building located at 13 Vennel Street, in the centre of Stewarton. The plot of land is surrounded by the residential properties off Vennel Street and is situated directly across from the Fire Station.

2.2 **Proposed Development:** The proposed development is for the erection of a new one and a half storey dwellinghouse. The house would be located to the south end of the plot and would incorporate a slate roof, timber sash and case windows, painted window bands and conservation style velux rooflights.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division do not object to the proposal subject to the application of conditions requiring appropriate access crossing, protection of utilities, suitable paving of driveways, the manner of opening gates and storage of building materials.

This can be addressed by the use of conditions.

3.2 Scottish Water indicate that there is a sewerage system to which connection could be made and require separation of foul and surface water drainage.

Noted

3.3 East Ayrshire Council Outdoor Services offer no objections subject to the provision of suitable protection to existing trees during development and subject to an appropriate formation of access driveway so as not to impact on the roots of an existing Monkey Puzzle Tree.

The above issues can be addressed by means of conditions.

3.4 Historic Scotland understand that this is a revised proposal in which the size of the new build has been reduced and the building will be set back to the extremity of the site to the south. Although there are clear benefits to this in terms of the impact on views to and from the listed building, the Historic Buildings Inspectorate's informal comments of 24 May 2004 are primarily concerned with the principal of development in the front garden of Kersland. This is clearly contrary to established advice. The views of the Inspectorate therefore remain the same and they take this opportunity to further emphasise their concern about the impact of the application in terms of setting and precedent.

This proposal represents a significant improvement relative to a proposal granted originally in August 1998 and then more recently applied for again in April 2004. The house is clearly subservient to and distanced from the Listed Building and would quietly compliment the more dominant Listed Building.

3.5 Scottish Civic Trust have objected to the application and the grounds of objection are detailed below:-

Whilst the Trust have no objections to the expression of the proposed new dwelling or the materials specified for a vacant site within the conservation area, we are not convinced that it is appropriate to build within the setting of this Category B-listed Tudor Gothic Villa. Although pushed away to the furthest corner of the garden we believe that the site chosen will emphasise the fact that it is a new house within the original garden ground of a villa

The proposed dwelling is considered to compliment the adjacent B-listed property of Kersland in terms of design, location and materials. The design and siting of the proposed house is considered to be of a suitably high standard incorporating a natural slate roof, conservation velux rooflights, timber sash and case windows and stone quoins. It is considered that its design and siting are compatible with the listed building

3.6 We are also concerned that if the erection of a house within the setting of this listed building were to be granted consent it would create a dangerous precedent for the erection of new houses within the garden ground of the other listed buildings within Stewarton.

Noted. However, notwithstanding the merits of this scheme in terms of design and location it is acknowledged that there has previously been granted a consent at this site. The circumstances of this proposal are therefore unique.

3.7 However if the Local Authority deemed it acceptable to build within the grounds of this fine villa, the plot should be in the north westerly corner near the gates and should take the form of a lodge rather than a cottage.

Noted. It is considered that this would be prejudicial to the main house placing the new unit at the forefront of any perception of the site, rather than Kersland House.

3.8 East Ayrshire Parks Division, West of Scotland Archaeology Service, SEPA and Stewarton Community Council have not responded to their consultations at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 One letter of representation has been received from Scottish Civic Trust with respect to this application and their reasons for objection have been assessed in section 3 above.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that 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.

Approved Ayrshire Joint Structure Plan

5.2 The application does not raise any strategic issues that would require assessment against the provisions of the Approved Ayrshire Joint Structure Plan.

Adopted East Ayrshire Local Plan

5.3 Policy RES5 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 being fully in keeping with the existing residential character and appearance of the area within which it is located;

The proposed dwelling is located within the front garden ground of a two storey 'B' Listed house (Kersland). It is considered that the proposed design and siting is in keeping with the residential area and does not compromise the setting of the listed building.

- (ii) the proposal meeting all the design requirements of the Council and not creating unacceptable damage to the amenity of surrounding properties; and

It is considered that the proposed design and siting of the dwelling does not impact adversely on the amenity of the adjacent "B" listed property of Kersland.

- (iii) acceptable levels of privacy being maintained to neighbouring properties and to the new housing proposed.

The proposed house is set back from the front of the existing 'B' listed house and therefore does not obscure the view to and from its windows. Sufficient levels of privacy will be maintained both to the proposed and existing house as a smooth dashed render boundary wall will be constructed between both properties. This will prevent any direct overlooking.

It is considered that the proposal complies with the criteria set out in Policy RES5.

5.4 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.

Both the existing and proposed properties meet the minimum private open space standards.

5.5 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.

Being located within the front garden ground of a 'B' Listed residential property, the proposed house would undoubtedly have some impact on both the listed building itself and its overall setting. However, the proposed house is set well back in the plot which means that the view of the listed building from both Vennel Street and Kersland Gait would not be obscured. It is not considered that it will have an adverse impact on the setting of the listed building.

Furthermore the properties will be separated by a smooth dash rendered wall which will be 1m in height along the boundary until it reaches the front building line of the proposed house where it will step up to 1.8m in height. The wall will be sympathetic to the existing house of Kersland and will not detract from its appearance.

The design and siting of the proposed house is considered to be of a suitably high standard incorporating a natural slate roof, conservation velux rooflights, timber sash and case windows and stone quoins. It is considered that its design and siting is compatible with the listed building.

5.6 Policy ENV 7 requires developers to comply with the Council's Design Guidance in order to ensure that house design of in-fill sites recognises and reflects the scale, design features, density and materials of surrounding buildings and reflects and respects the built form of the surrounding area so as to integrate with existing buildings. The height and position of houses should not have an oppressive, overshadowing or visually intrusive impact on neighbouring properties.

The proposed dwelling is considered to compliment the adjacent "B" listed property of Kersland in terms of design, location and materials. The design and siting of the proposed house is considered to be of a suitably high standard incorporating a natural slate roof, conservation velux rooflights, timber sash and case windows and stone quoins. It is considered that its design and siting is compatible with the listed building.

5.7 Policy ENV15 states that the Council will actively seek to preserve and supplement existing broadleaf and native tree species throughout East Ayrshire. In particular, the Council will:

(ii) protect those individual, groups and areas of trees which contribute significantly to the landscape quality of both the built and rural environment, through the serving of Tree Preservation Orders;

There is a TPO covering "B" Listed Kersland. The proposed development has been assessed by the East Ayrshire Council's Arboricultural Officer who has offered no objection to the proposed development subject to conditions.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations received, representations, planning history and the impact of the proposal on the amenity of the area and immediate neighbours.

Consultations

6.2 The consultation responses received are detailed in section 3 of this report. However the issues raised are not considered to be of sufficient weight to justify refusal in this instance given the previous history of the application.

Representations

6.3 The issues raised by the Scottish Civic Trust are noted and have been assessed in Section 3 above. It is considered that the points raised are of insufficient weight to justify the refusal of the application in this instance.

Planning History

6.4 Application 97/0867/FL was made on 24 November 1997 in respect of the erection of a one and a half storey dwellinghouse at 13 Vennel Street in Stewarton. The proposed dwelling was larger in scale and did not incorporate a design which was as successfully in keeping with the existing "B" Listed property of Kersland. The proposed house was also closer to the main building of Kersland as it was only 14m away at its closest point. The application was approved on 21st August 1998.

6.5 Application 04/0401/FL was made on 23 April 2004 in respect of the erection of a one and a half storey dwelling house at 13 Vennel Street in Stewarton. The proposed dwelling was similar in scale and design to its predecessor and it was considered that the design of the house would benefit from significant revisions in order to make it more acceptable within this site in the curtilage of the "B" Listed building Kersland. The applicant took on board the Division's concerns and subsequently the application was withdrawn on the basis that the design would be altered and a new application would be re-submitted.

6.6 The re-submitted application 04/1072/FL was made on 27 October 2004 in respect of the erection of a one and a half storey dwelling house at 13 Vennel Street in Stewarton. The application incorporates the design changes requested

by the Planning Authority and the new design is considered to be of sufficiently high standard to warrant a recommendation of approval.

Impact on the Amenity of the Area and Neighbours

6.7 The circumstances of the proposed development are such that it is considered that the proposed new dwelling can be accommodated within the site without significant impact to either the “B” Listed property of Kersland or the surrounding area. Additionally given the previous consent granted on the site it is considered that the proposal is a significant improvement in terms of design and siting and will complement the existing main house while still remaining subordinate.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determining this application.

8. CONCLUSIONS

8.1 As indicated at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development accords with the Development Plan and therefore the application should be approved unless material considerations indicate otherwise.

8.2 As indicated at Section 6 of the report there are material considerations relevant to this application. The most significant planning consideration is that planning permission was granted for an almost identical proposal on the same site, although this consent has now expired. The proposal accords with policies RES5, RES22, ENV4, ENV5 and ENV7 of the Adopted EALP as it is considered to be of an appropriate size, scale and design that is compatible with the character of the surrounding area, in particular the “B” Listed property Kersland.

8.3 The design and siting of the proposed house is considered to be of a suitably high standard incorporating a natural slate roof, conservation velux rooflights, timber sash and case windows and stone quoins. It is considered that its design and siting is compatible with the listed building and that the submitted representations received from the Scottish Civic Trust and Historic Scotland are not of sufficient weight to warrant refusal in this case.

9. RECOMMENDATION

9.1 The application should 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 this would not constitute a significant departure from policy.

Alan Neish
Head of Planning, Development and Building Standards

9 February 2005

EMcL/IMB

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letter of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Application No: 99/0829/FL.

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576769.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No. 04/1072/FL

Site of Proposal: Plot at 13 Vennell Street, STEWARTON,
Kilmarnock KA3 5HL

Nature of Proposal: Proposed erection of new One and a Half Storey
Dwellinghouse

Name & Address of Applicant: Mrs K Brooks
Kersland
13 Vennell Street
STEWARTON
KA3 5HL

Name & Address of Agent:

DPOs Reference: EMcL/IMB

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

1) The proposed development shall be carried out in accordance with the application form and plans submitted on 27 October 2004 as revised by the amended drawings reference No. 17/2/98 and drawing reference No. 04/90/SP/A received by the Planning Authority on 8 February 2005.

REASON To ensure that the development is carried out in accordance with the approved details.

2) Notwithstanding the plans hereby approved the dwelling shall be finished in painted wet dash render. Details/samples of the colour shall be submitted to and approved in writing by the Planning Authority before any development commences on the site.

REASON In the interests of visual amenity and to maintain the visual quality of the area.

3) Notwithstanding the plans hereby approved the windows shall be painted timber sash and case. Details/samples of the material and paint colour to be used shall be submitted to and approved in writing by the Planning Authority before any development commences on the site.

REASON In the interests of visual amenity and to maintain the visual quality of the area.

4) Notwithstanding the plans hereby approved the roof shall be covered in natural slates.

REASON In the interests of visual amenity and to maintain the visual quality of the area.

5) Notwithstanding the plans hereby approved a boundary wall separating the proposed dwelling and the existing dwelling "Kersland" shall be constructed and finished in the same materials used in the approved finish of the proposed dwelling. Details of the height and location of the wall shall be submitted to for approval by the Planning Authority. Thereafter the wall shall be completed prior to the occupation of the house hereby approved.

REASON In the interests of visual amenity and to maintain the visual quality of the area.

6) Notwithstanding the plans hereby approved the private driveway shall be paved for a minimum distance of two metres from the rear of the footway.

REASON In the interests of road safety and residential amenity.

7) Notwithstanding the plans hereby approved any gates which require to be erected shall open inwards away from the public road.

REASON In the interests of road safety and residential amenity.

8) Notwithstanding the plans hereby approved an access crossing shall be provided and constructed to East Ayrshire Roads Division specification prior to the commencement of development.

REASON In the interests of road safety and residential amenity.

9) Notwithstanding the plans hereby approved no building material shall be stockpiled on the public carriageway/footway.

REASON In the interests of road safety and residential amenity.

10) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any order or enactment replacing this no extensions or garages (unless forming part of the approved layout plan) shall be erected on the site unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON To enable the Planning Authority to ensure that such structures are provided in a manner compatible with the visual amenity of the area.

11) No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees shown on the approved plans as being retained on the site. The fencing shall enclose a radius of 8 metres from the trunk of the tree.

Such fencing shall be maintained during the course of development, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

REASON To ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity.

12) Works associated with the provision of infrastructure services and the formation of the proposed new driveway shall be undertaken by hand where they come into contact with root systems of trees along the Vennel Street frontage and those of the existing monkey puzzle tree.

REASON To prevent damage to these trees in the interests of visual and residential amenity.

Note

1. Early contact should be made with Keith Stewart at East Ayrshire Roads and Transportation Division on 01563 576358 to ensure that all appropriate permits for road occupation and road/footway operations are obtained from the Roads Division.
2. The applicant should make early contact with SCOTTISH WATER as there is an existing public water main located in the street adjacent to the site, which may be suitable to provide a supply to the proposed development. A separate application will have to be made for the provision of site water mains, if required, and service connections. A separate application will have to be made for the provision of site water mains, if required, and service connections. There are no known sewers to which a connection may be made from the proposed development. Drainage will require to be treated by septic tank or other suitable treatment system to the satisfaction of SEPA. Scottish Water can be contacted on 0845 601 8855.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S**

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