

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 20 JANUARY 2006**

**05/0981/FL: PROPOSED FRONT AND REAR EXTENSIONS, 1 NO. FRONT  
DORMER AND 2 NO. REAR DORMERS  
AT BRAE FOOT, 84 LOUDOUN ROAD, NEWMILNS  
BY MR AND MRS H DEARIE**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 It is proposed to extend the house to the front by extending the existing kitchen so it is flush with the front building line. The middle flat roof dormer to the front is proposed to be replaced with a slightly larger hipped dormer. It is also proposed to alter the roof of the existing garage, from its current monopitch design, to a pitched roof.

1.2 To the rear, two new dormers are proposed, in a similar design to the one existing on this elevation. The applicant proposes to remove the existing outbuildings along the boundary wall, and erect an extension to form a new kitchen, bathroom and bedsit, with a bay window feature in the new kitchen. All materials are to match those on the existing property.

**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 is indicated in Section 5 of the report the application is considered to be in accordance with the development 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 there are material considerations relevant to this application however none are of significant enough weight as would 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 this would not represent 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 the subject of objections.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The property subject of this application is a 1½ storey sandstone house situated within Newmilns Conservation Area. There is housing on both sides of the house. The rear garden is screened to the sides by a boundary wall, approximately 1.8 - 2 metres high, and trees to the rear.

2.2 **Proposed Development:** It is proposed to extend the house to the front by extending the existing kitchen so it is flush with the front building line. The middle flat roof dormer to the front is proposed to be replaced with a slightly larger hipped dormer. It is also proposed to alter the roof of the existing garage, from its current monopitch design, to a pitched roof.

2.3 To the rear, two new dormers are proposed, in a similar design to the one existing on this elevation. The applicant proposes to remove the existing outbuildings along the boundary wall, and erect an extension to form a new kitchen, bathroom and bedsit, with a bay window feature in the new kitchen. All materials are to match those on the existing property.

#### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council's Roads and Transportation Division have no objections to this proposal, but advise all road permits must be obtained, and that the applicant must contact the Roads Division regarding traffic management during the works.

***These issues may be addressed by attaching an advisory note, should consent be granted.***

3.2 The Architectural Heritage Society does not object to this application.

***Noted.***

3.3 Newmilns Community Council have not replied in relation to this proposal.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 There have been four objections in relation to this application. One letter of objection included a petition with 21 signatures. The points of objection are addressed below:-

4.2 It is considered that the 'bedsit' accommodation to the rear is over-development and out of context with this one storey and attic cottage, in a Conservation Area with similar sized properties.

***The footprint of the house will increase by only 3.5 metres to the rear; this is not considered to be unacceptable. The rear extension will be screened on both sides by the existing boundary wall. The proposed extension would still leave a large rear garden (in excess of 300m<sup>2</sup>).***

4.3 The extension will produce more building mass along the boundary with No. 82, impinging upon daylight and spoiling a visual and enjoyment aspect.

***The rear extension would extend approximately 3.5 metres further from the property than the existing outbuildings. This is not considered to be an unacceptable mass, particularly given the existing boundary wall and outbuildings. The proposal will not significantly affect daylighting into this property and a right to a view is not a material planning consideration.***

4.4 The boundary wall is mutual and has to be maintained at joint expense for all time coming. I would strongly object to this mutual wall being utilised for any building works.

***The use of the boundary wall is a private legal matter between the parties concerned.***

4.5 Concern is expressed at the possible commercial use of the property and it is considered that the internal configuration of the proposed accommodation is being designed more for that purpose than as an owner occupied house.

***This application relates to extensions and dormer windows, not to a change of use. The applicant has advised they wish to make an extension for family and friends to use, and possibly for their elderly parents to move into if they become unable to cope alone. The internal configuration, whereby the extension would be closed off from the existing house, is to enable a degree of ongoing independence, should the parents move in. Additionally, the applicants are involved in fostering and this extension may be useful if they are fostering a young person who is nearly ready to move into independent living accommodation. Given the separation between the existing house and the extension, a condition may be attached to any grant of consent, to ensure the extension is not at any time used as a separate dwelling. Planning permission is not required for fostering a child or children in a person's own home.***

4.6 The house will be used for multiple occupancy, and would ask that the Council is mindful, if granting consent, that specific conditions are imposed safeguarding residential use only, within this important conservation area.

***The applicant has provided information regarding their intended use of the extension; this is for their elderly parents or for young people for whom they provide foster care. Neither of these activities require planning consent. As noted above, a condition may be attached to any grant of consent, to ensure the extension is not at any time used as a separate dwelling.***

4.7 The alterations are considered to be totally out of character with a Conservation Area.

***The extensions and alterations are considered sympathetic to the Conservation Area. The proposed front dormer is of a hipped design with this being more appropriate than the existing flat roofed dormer. The alteration to the garage roof will create a pitch similar to the roof of the existing house. This is considered to be more sympathetic to the house and to its setting. The extension to the existing kitchen area is not considered to have a significant visual impact, and the windows on this extension are of the same design as those existing, with a glazed triangular section to increase light. The rear extensions are considered acceptable in terms of their materials (to match existing) and scale.***

4.8 The proposal seems a very big extension to an already large house to accommodate a couple with no family. These alterations could eventually develop into a commercial project.

***The extension is relatively large, but considered acceptable within the site, due to the large rear garden and existing boundary treatment. The applicants have detailed their proposed use of the extension, and this does not relate to a commercial project.***

4.9 We feel that this application should be for business use as they have started a fostering service.

***The applicant has provided details of their fostering, and this does not constitute a business service. Furthermore, Foster Care Associates Scotland have advised that the applicants are approved to take up to four children, but that this would happen only in exceptional circumstances. They advise further that there are no circumstances under which more children would be approved to stay with this family, whatever the size of their house.***

4.10 Repairs started at the front drive of 84 Loudoun Road three - four years ago, and have never been completed. Lighting ducts put through the front drive three - four years ago have never been completed. No repairs have been done to the sandstone wall, or to the woodwork round the roof and dormer windows. Surely all these things should receive attention before there are any thoughts of an extension.

***The alleged poor condition of the applicant's property and non completion of works are not material planning considerations in this application. Each application must be judged on its own merits. The proposed extension is considered acceptable in planning terms.***

## **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 (EALP).

### Approved Ayrshire Joint Structure Plan

5.2 There are no relevant policies in the Ayrshire Joint Structure Plan.

## East Ayrshire Local Plan

### 5.3 Policy ENV 4 states:-

The Council will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance 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. Wherever possible, all 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.

***It is considered that this proposal meets with these criteria. The materials are proposed to match existing. The principal elevation with regard to the Conservation Area is the front elevation, and it is considered that the replacement of a flat roofed dormer with a hipped dormer, and a monopitch garage roof with a dual pitched roof, will represent visual improvements. It is not considered that the alterations or extensions will have a detrimental impact on the house, or the Conservation Area within which it is located.***

### 5.4 Policy ENV 7 states:

All developers will be expected to comply fully with the Council's existing and emerging Design Guidance and policy documents relating to and advising on the particular type of 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.

In this regard, the proposal must comply with Design Guidance Note 1: Householder Development. Guidance for householder extensions within Conservation Areas seeks the use of sympathetic materials, consistent style, materials and proportions for windows, symmetrically double pitched roofs and appropriate roofing material.

***This proposal is considered to be consistent with this advice, as the design and materials proposed for the extension replicate those on the existing house, and the garage roof and front dormer proposed accord more fully with the guidance note than those existing.***

## 6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

## Consultation Responses

6.2 The consultation responses do not raise any concerns regarding this proposal.

## Planning History

6.3 Planning application no: KL/E/FL/93/065A – proposed extension to dwellinghouse and formation of dormer window to rear, was approved with conditions on 30 April 1993.

This is not considered to affect the recommendation of the application subject of this report.

## Representations

6.4 As detailed in Section 4 of the report, there have been four objections in relation to this application. One letter of objection included a petition with 21 signatures. It is not considered that these raise any issues which would be sufficient to warrant refusal of this application.

## Impact on Amenity

6.5 The design of the alterations is considered to be sympathetic to the house, and not cause any detriment to neighbouring properties. The proposal is also considered to accord with the Conservation Area setting of the property.

## **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 in Section 5 of the report the application is considered to be in accordance with the development 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 there are material considerations relevant to this application however none are of significant enough weight as would 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 this would not represent a significant departure from policy.

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

11 January 2006  
(CP/MMM)

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: KL/E/FL/93/065A.

Anyone wishing to inspect the above papers please contact Bill Stewart, Principal Planning Officer, on 01563 578165.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

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Site of Proposal: Braefoot  
84 Loudoun Road  
NEWMILNS  
KA16 9HG

Nature of Proposal: Proposed Front and Rear Extensions, 1 No.  
Front Dormer and 2 No. Rear Dormers

Name & Address of Applicant: Mr and Mrs H Dearie  
Braefoot  
84 Loudoun Road  
NEWMILNS  
KA16 9HG

Name & Address of Agent: David Nimbley  
Aftonlea  
Afton Bridgend  
NEW CUMNOCK  
KA18 4AZ

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DPOs Reference: CP/MMM

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

1. The extension hereby permitted shall be used solely as part of the existing dwellinghouse, and at no time shall it be occupied as a separate dwelling.

REASON To ensure that the dwelling relates to an extension of an existing, rather than the creation of a new, dwellinghouse.

2. Notwithstanding the plans hereby approved, the external appearance of all materials to be used in the construction of the extension shall match the materials of the original building.

REASON To ensure that the extension matches the external appearance of the existing building and thereby maintain the visual quality of the area.

3. Notwithstanding the plans hereby approved, the extended roofs and dormers shall be finished in natural slates.

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

NOTES:-

1. All appropriate permits for road occupation and road/footway operations must be obtained from East Ayrshire Council's Roads and Transportation Division.
2. The applicant must contact East Ayrshire Council's Roads and Transportation Division (01563 576358) regarding traffic management at this location.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
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