

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 18 JUNE 2004

**03/0954/FL: PROPOSED ERECTION OF ONE DETACHED HOUSE
AT 22 NEWMILL ROAD, DUNLOP
BY MERCURY REAL ESTATE**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

Full planning permission is sought for the erection of a detached 1¾ storey house and associated driveway for two cars. The house's principle elevation to Newmill Road would be constructed of dressed ashlar stone quoins, mullions, cills, door surrounds and base course. The remainder of the façade would be of squared coursed rubble. The other elevations would be a wet dash render, painted. The roof would be natural slate, with upvc rain water goods. Certain of the windows are proposed to be constructed of timber and would be of sash and case design.

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 Section 5 of the report the application in its present form does not accord with the policies of the Adopted Local Plan.

3.2 The proposed development is not considered acceptable in terms of Policy RES 5. The application is considered to conflict significantly with the terms of Policy RES 5 of the Local Plan. The constraints of the narrow application site and its relationship with the large donor house are such that the proposal to construct the house as detailed is unsympathetic to the character of the donor house at No. 22 Newmill Road. Indeed it is considered that due to its scale and design the proposed house would have a detrimental impact on the amenity of that house and a consequent similar disruptive and detrimental impact on the established streetscape of this area of Newmill Road. Therefore given

the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused.

3.3 Additionally the recent amendments to the proposed house increase to an unacceptable degree the scope for overlooking into the private rear garden of No. 24 Newmill Road to the detriment of that property.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control the application will require to be referred to the Development Services Committee as it would not represent 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 as it is subject to objections and recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises of some 430 square metres of garden ground at 22 Newmill Road, Dunlop, which is a substantial detached sandstone villa sited in a large plot on a prominent corner site of Newmill Road. The principal elevation of this villa is north westwards, with the functional service space to the rear. It is proposed to use this space, on the east of the garden, for the erection of a separate house. Presently on this site is a traditionally styled single storey garage with attic accommodation. The garage is approximately 9 metres by 6 metres and has rendered walls and slate roof. The majority of the northern boundary of the site is a mature hedge, while the boundary to the east, with number 24 Newmill Road, is defined by a wall and mature shrubs. No. 24 Newmill Road has a 1.6 metre panel fence along its rear garden ground

2.2 **Proposed Development:** Full planning permission is sought for the erection of a detached 1³/₄ storey house and associated driveway for two cars. The house's principle elevation to Newmill Road would be constructed of dressed ashlar stone quoins, mullions, cills, door surrounds and base course. The remainder of the façade would be of squared coursed rubble. The other elevations would be a wet dash render, painted. The roof would be natural slate, with upvc rain water goods. Certain of the windows are proposed to be constructed of timber and would be of sash and case design.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Power has no adverse comments regarding the proposed development.

Noted.

3.2 Transco have no adverse comments regarding the proposed development.

Noted.

3.3 Scottish Water have no adverse comments regarding the proposed development, though the applicant should ensure that separate foul and surface water sewers are provided.

Should the Committee be minded to approve the application, a note can be added to any planning permission granted in this respect.

3.4 East Ayrshire Council's Outdoor Amenities Section have advised that they have no objection to this proposal.

Noted.

3.5 East Ayrshire Council's Roads and Transportation Division have no objection to the development subject to conditions being utilised covering the width of the access and materials and the height of the new fence in proximity to the road.

Again if the committee are minded to approved the application conditions covering the width and surfacing of the driveway can be added to any planning permission granted. Similarly with the proposed fence in proximity to the footway.

3.6 Dunlop and Lugton Community Council have objections to the proposal on the grounds that the new driveway would be very near the corner and the width of the plot is not large enough for the proposed house. Also the proposed materials are not the same as the other properties in Newmill Road.

East Ayrshire Council's Roads and Transportation Division have not objected to the positioning of the driveway.

The issue of the compatibility of the proposed house's material with the neighbouring properties is noted and the merits of the proposal detailed below in Section 5.

4. REPRESENTATIONS

Three letters of objection were received, one of which was from Dunlop and Lugton Community Council as detailed in Section 3 above. The points raised in the other letters are as follows:-

4.1 The submitted block plans have serious discrepancies with regard to the boundaries as well as the positioning of the neighbouring house, 24 Newmill Road.

Noted. An amended block plan has been submitted.

4.2 The proposed dwelling is too close to the boundary with No. 24 and would cause overlooking.

Currently the house enjoys generous separation distance with the nearest windows at upper floor level of the donor house being in excess of 20 m away from the objector's garden. The recent amendment to the proposed house results in a new potential for overlooking from an upper floor bedroom window less than 6 m from the objector's private rear garden.

It is considered that this is sufficient to detrimentally affect the existing residential amenity of that property.

4.3 The style and design of the new dwelling is out of character with the neighbouring dwellings. The modern rendered finishes will detract from the more traditional neighbouring properties.

The house as designed is considered to be inappropriate given the impact it would have on the amenity of the donor house which currently enjoys a setting commensurate with its detached status. The issue of the scale of the proposed house has been explored with the applicant who has advised that this application should be determined as amended.

It is considered that the site is very sensitive, constrained by the character of the donor house. Any proposal should have regard to that setting. The Division has offered firm advice on this matter, which has not been adopted. Accordingly it is considered that the proposal due to its scale and massing, is unsympathetic to the donor house and consequently compromises the existing setting of that house to a detrimental degree.

In respect of the latter aspect it is again considered that the constraints of the site make the attempt to strike an acceptable compromise design untenable. The proposed house in terms of width of site results in a constrained relationship with its neighbouring plots. The scale of house sought exacerbates this issue.

4.4 The proposed new access cannot meet with the Roads Division's guidelines on visibility and sight lines.

East Ayrshire Council's Transportation and Roads Division have not objected to the location of the access.

4.5 Four mature trees were recently felled at No. 22 Newmill Road at the point where access to No. 22 will now be taken. Their loss makes this new house very visible.

Noted. The trees were not protected. The validity of the proposal in respect of scale and design is explained above (para 4.2).

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.

Ayrshire Joint Structure Plan

5.2 There are no structure plan policies directly relevant to this application.

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 being in keeping with the existing residential character and appearance of the area within which it is located.

It is considered, as explained above, (para 4.3) that the proposal is not appropriate as it would diminish the setting of that house which enjoys a major prominent site. The proposal fails to satisfactorily address the setting of No. 22 Newmill Road. As a consequence the

proposal has a detrimental impact on that setting. Whilst the proposed house is designed in a well intended manner with similar materials to Nos 24-26 Newmill Road it serves to disrupt the established streetscape due to differences in scale, roof massing and variations in window lines particularly on the upper floor of that terrace. The proposal consequently results in a significant detrimental impact on the amenity of the donor house and adjacent properties of Newmill Road.

- (ii) The proposal meeting all the design requirements of the Council and does not create unacceptable damage to the amenity of surrounding properties.

The plot on which the house is proposed is very narrow leaving a space of 1.6 metres between the house and the common boundary wall with No. 24 Newmill Road. 35 cm is left between the house and the new boundary to be created with the donor house. The Council's Design Guidance states that "no dwellinghouse should be constructed within 1.5 metres of the side boundary of any plot adjoining another in order to preserve a minimum separation distance between houses." In this case the proposal is unacceptably close to the new boundary created with the donor house.

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

There are no issues with window to window separation, however, overlooking of rear garden ground of both Nos. 22 and 24 will occur. The relationship in particular to No. 24 is considered to have a detrimental impact on the amenity and privacy of that garden ground.

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.

Both the new property and the donor house meet the minimum private open space standards of the Council. However it is not considered that this singular consideration should permit the endorsement of an otherwise unacceptable proposal.

Accordingly the application is considered on balance to be contrary to the terms of the Development Plan in particular respect of Policy RES 5.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultations, objections and impact on the surrounding area, all as detailed above. These add weight to the policies of the Adopted East Ayrshire Local Plan, which indicates that the proposal is unacceptable.

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 indicated in Section 5 of the report the application in its present form does not accord with the policies of the Adopted Local Plan.

8.2 The proposed development is not considered acceptable in terms of Policy RES 5. The application is considered to conflict significantly with the terms of Policy RES 5 of the Local Plan. The constraints of the narrow application site and its relationship with the large donor house are such that the proposal to construct the house as detailed is unsympathetic to the character of the donor house at No. 22 Newmill Road. Indeed it is considered that due to its scale and design the proposed house would have a detrimental impact on the amenity of that house and a consequent similar disruptive and detrimental impact on the established streetscape of this area of Newmill Road. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused.

8.3 Additionally the recent amendments to the proposed house increase to an unacceptable degree the scope for overlooking into the private rear garden of No. 24 Newmill Road to the detriment of that property.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

CONTRARY DECISION NOTE

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Alan Neish
Head of Planning, Development and Building Standards

10 June 2004
(AG/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Letters of Representation.
3. Consultation Responses.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Ailsa Graham on 01563 576787.

Implementation Officer: Dave Morris

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0954/FL

Site of Proposal:	22 Newmill Road DUNLOP
Nature of Proposal:	Proposed Erection of One Detached House
Name & Address of Applicant:	Mercury Real Estate 22 Newmill Road DUNLOP Kilmarnock KA3 4BA
Name & Address of Agent:	Garry Adam Chartered Architect 32 High Barholm KILBARCHAN PA10 2EQ

DPOs Reference: AG/MMM

The above FULL application should be refused on the following grounds:-

1. The proposed development is contrary to the terms of Policy RES 5 of the Adopted East Ayrshire Local Plan and would by reason of scale and design compromise the setting and character of the donor house.
2. The proposed development would detract from the visual amenity of the area by reason of scale and design.
3. The proposed development would have a detrimental effect on the residential amenity of the adjacent properties by reason of overlooking.

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