

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 18 JUNE 2004

**04/0312/FL: PROPOSED ERECTION OF DWELLINGHOUSE
AT PLOT 45 WEST EDITH STREET, DARVEL
BY THIRLESTANE LAND LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application is in retrospect and concerns the erection of a new dwellinghouse at Plot 45 West Edith Street. The house is a detached bungalow of matching design to the existing residential properties of the West Edith Street development. The application is required as the footprint of the house within the plot has been altered from that originally approved. The house is now situated 6 metres from the front road as opposed to 10 metres in the previous consent. The house will also be 2 metres from the boundary with 7 Dykes Court as opposed to the previous consent, which had it 3 metres in distance at the front corner widening to 4 metres at the rear corner. The size and height of the house remain the same as the previous approval and only its position within the plot has been altered.

2. RECOMMENDATION

2.1 It is recommended that the application be approved.

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.

3.2 It is considered that the proposed development meets the requirements of Policy ENV7 as the development complies with both the Council's Design Guidance and policy documents relating to this type of development in terms of design and layout. The application is consistent with the Development Plan.

3.3 In terms of the application the consultations received are generally supportive. The submitted objections are noted but are not in themselves considered to be of sufficient weight to justify an unfavourable recommendation.

The overall impact on the amenity of the area is such that the proposed development can be accommodated without detriment to the surrounding area. In consequence, the material considerations do not indicate that a decision contrary to the Local Plan would be appropriate.

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 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 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 housing plot 45 West Edith Street, Darvel. The application site is bounded by residential properties of Dykes Court and the new housing development at West Edith Street to the north, east and west. The plot is also bounded by Dalquharn Road to the south.

2.2 **Proposed Development:** The application is in retrospect and concerns the erection of a new dwellinghouse at Plot 45 West Edith Street. The house is a detached bungalow of matching design to the existing residential properties of the West Edith Street development. The application is required as the footprint of the house within the plot has been altered from that originally approved. The house is now situated 6 metres from the front road as opposed to 10 metres in the previous consent. The house will also be 2 metres from the boundary with 7 Dykes Court as opposed to the previous consent, which had it 3 metres in distance at the front corner widening to 4 metres at the rear corner. The size and height of the house remain the same as the previous approval and only its position within the plot has been altered.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Transco, Scottish Water and East Ayrshire Council's Roads and Transportation Division have no adverse comments to make.

Noted.

- 3.2 Scottish Environment Protection Agency, Darvel and District Community Council and the Coal Authority have not responded to their consultation at the time of compiling this report.

Noted.

4. REPRESENTATIONS

4.1 One letter of representation has been received in respect of the proposed development signed by two objectors. The objectors' property is located approximately 19 metres from the proposed dwelling and the grounds of objection are as follows:-

4.2 The house is rather high and negates the once open and bright outlook.

There is no right to a view. Additionally the height of the house has not altered. It is considered that there will be no significant detriment to the residential amenity of the objector's property as a result of the proposed development.

4.3 The house is too near the fence and gives a claustrophobic and overcrowded atmosphere to the area now.

The change of position of the house will mean that it is located approximately 19 metres from the objector's property. Given the distance between the properties it is not considered that the development will have a detrimental impact on the residential amenity of the objector's property.

4.3 The house ruins the beautiful and open view which we once had across the unspoilt field.

See response to Section 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.

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 ENV 7 states that 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. This is in order to ensure a high standard of design for new development in line with Council advice and guidance.

It is considered that the proposed development meets the requirements of Policy ENV 7 as the development complies with both the Council's Design Guidance and policy documents relating to this type of development in terms of design and layout.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The material considerations relevant in the determination of this application comprise the consultation responses, letters of representation and the impact of the proposal on the amenity of the area.

Consultation Responses

6.2 The consultation responses are detailed in section 3 of this report and offer no objection to the proposed development.

Representations

6.3 The representations are detailed in Section 4 of this report and the points raised are not considered to warrant the refusal of this application.

Impact of the proposal on the amenity of the area

6.4 The circumstances of the proposed development are such that it is considered that the proposals can be accommodated without detriment to the surrounding area.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

7.2 In as much as this is a retrospective application, any refusal of the application would trigger enforcement action to secure removal of the house.

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.

8.2 It is considered that the proposed development meets the requirements of Policy ENV7 as the development complies with both the Council's Design Guidance and policy documents relating to this type of development in terms of design and layout. The application is consistent with the Development Plan.

8.3 In terms of the application the consultations received are generally supportive. The submitted objections are noted but are not in themselves considered to be of sufficient weight to justify an unfavourable recommendation. The overall impact on the amenity of the area is such that the proposed development can be accommodated without detriment to the surrounding area. In consequence, the material considerations do not indicate that a decision contrary to the Local Plan would be appropriate.

9. RECOMMENDATION

9.1 It is recommended that the application be approved.

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 be a significant departure from Council policy..

Alan Neish
Head of Planning, Development and Building Standards

10 June 2004
(EMcL/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: 99/0829/FL.

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

Implementation Officer: Dave Morris

040312FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0312/FL

Site of Proposal:	Plot 45 West Edith Street DARVEL
Nature of Proposal:	Proposed Erection of Dwellinghouse
Name & Address of Applicant:	Thirlestane Land Ltd 27 Lauriston Street EDINBURGH EH3 9DQ
Name & Address of Agent:	Brennan Associates 49 Brunstane Road EDINBURGH EH15 2QS

DPOs Reference: (EMcL/MMM)

The above FULL application should be granted.

NOTE TO APPLICANT

1. Early contact should be made with Transco on 141 418 4093 at 95 Kilbirnie Street, Glasgow, as Transco apparatus may be located on or adjacent to the site in order to prevent damage to said apparatus.
2. Early contact should be made with Scottish Water on 0845 601 8855 at Scottish Water, Prestwick Office, 35 Glenburn Road, Prestwick, as the application will impact various Scottish Water concerns

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VIEWING PLEASE CONTACT (01563) 576790.**