

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 10 JUNE 2005**

**04/0685/FL: PROPOSED ERECTION OF A DWELLINGHOUSE  
AT LAND TO THE REAR OF 63 BREWLAND STREET, GALSTON  
BY MR & MRS URQUHART**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 The proposed development, which has been amended during consideration, is for the erection of a one and a half storey dwellinghouse and double garage at 63 Brewland Street in Galston. The dwelling will be finished in appropriately painted wet dash render and slate substitute tiles. The dwelling incorporates three dormers to the front elevation and two dormers to the rear elevation.

#### **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 It is considered that the proposed development meets the requirements of Policies RES4 and RES22 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.

3.3 In terms of the application the consultations received, with the exception of the Community Council are supportive. The submitted letters of objection are noted but are not 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.

## **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 that 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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### 04/0685/FL: PROPOSED ERECTION OF A DWELLINGHOUSE AT LAND TO THE REAR OF 63 BREWLAND STREET, GALSTON BY MR & MRS URQUHART

#### 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. The application was continued at the 13 May 2005 meeting of the Local Planning Committee.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located to the rear of 63 Brewland Street in the centre of Galston. The application site is bounded by the flatted dwellings of New Road to the north and the residential properties of Brewland Street and Orchard Street to the south, east and west.

2.2 **Proposed Development:** The proposed development, which has been amended during consideration, is for the erection of a one and a half storey dwellinghouse and double garage at 63 Brewland Street in Galston. The dwelling will be finished in appropriately painted wet dash render and slate substitute tiles. The dwelling incorporates three dormers to the front elevation and two dormers to the rear elevation.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Water, Transco and Scottish Power have been consulted as part of this application and have offered no objections.

*Noted.*

3.2 Scottish Environment Protection Agency have not responded to their consultation at the time of writing this report.

*Noted.*

3.3 East Ayrshire Council's Roads and Transportation Division have re-confirmed that they have no objections to the application subject to the application of conditions.

***Conditions can be attached to any consent granted relative to the wall to the front of the site, relocation of a BT pole, carriageway crossing and surfacing of driveway.***

3.4 Galston Community Council have not, at the time of writing the report, responded to their re-notification of the application. However they offered these comments in relation to the original two storey proposal:-

- The access is unsuitable in a relatively narrow road and being close to the corner of Brewland Street and also opposite the entrance road to the flats.

***East Ayrshire Council's Roads and Transportation Division have been consulted as part of this application and have offered no objections.***

- The proposed two storey dwelling will be out of keeping with the height of the rest of the houses in the area.

***The design of the proposed dwelling has been amended and is now one and a half storey in height and is proposed to be finished in appropriately coloured wet dash render and slate or slate substitute tiles. It is therefore considered that the proposed dwelling will not constitute a negative impact on the visual amenity of the surrounding area and will complement the existing surrounding properties.***

- The proposed dwelling will be roofed in red concrete roof tiles and finished in white and buff will be out of keeping with the surrounding properties in Brewland Street and Orchard Street as they incorporate slate roofs and are predominantly built of stone. The building would be a complete oddity.

***Noted. See response above.***

#### **4. REPRESENTATIONS**

Letters from four objectors have been received in respect of the proposed development. One of these is from Galston Community Council and has been assessed in Section 3 above. The grounds of objection from the other three are as follows:-

4.1 I am amazed at the size of the proposed building in such a small area.

***The design of the proposed dwelling has been amended and is now one and a half storey in height. It is not considered that the proposal will have a negative impact on the visual amenity of the surrounding area and will complement the existing surrounding properties. The proposal provides 120 sq metres of rear private garden ground which meets the requirements of the Local Plan (minimum 100 sq metres).***

4.2 The white dry dash render does not conform with the sandstone dwellings in Brewland Street and Orchard Street and the Red Concrete Tiled roof is totally out of context with the grey slates in the area.

***The proposed dwelling is one and a half storey in height and, following submission of amended plans, will be finished in appropriately coloured wet dash render with slate or slate substitute tiles. The proposed dwelling will therefore not constitute a negative impact on the visual amenity of the surrounding area and will complement the existing surrounding properties.***

4.3 The situation of the double garage opposite one road junction and in very close proximity to the main A719 road junction can only cause major problems.

***East Ayrshire Roads and Transportation Division have been consulted as part of the consideration of this application and have offered no objection to the access proposed at this location.***

4.4 Looking from the rear of my property, another high building at such close proximity would restrict the sunlight to my garden and disturb the present peace, privacy and tranquillity of the area. It is proposed that three windows face Orchard Street, directly to the rear of my home and garden. One window on the ground floor and two on the upper level. The upper floor windows are ensuite windows and possibly obscure but windows do open.

***The gable of the proposed dwelling as amended will face the property in question and will incorporate one ground floor dining room window and an en-suite window on the upper floor. The gable window will be approximately 5.6 metres from the boundary to the neighbouring property and a further 32 metres from the rear of the neighbouring property. Therefore it is not considered that the dwelling will overlook that neighbouring property to any significant degree and will not have a significant impact on the residential amenity of the neighbouring property.***

4.5 The proposed development would detract from the value of surrounding properties.

***The impact of the proposal on the value of a property is not a valid planning consideration.***

4.6 Due to the high density of housing in the area an influx of traffic coupled with the cars parked on Brewland Street's side of the junction will obstruct the vision for cars pulling out from New Road as cars are parked dangerously right up to the busy road junction.

***East Ayrshire Council's Roads and Transportation Division have been consulted as part of this application and have offered no objection.***

4.7 New Road and Brewland Street are busy routes for both Primary and Nursery Schools. The lane directly opposite the busy junction is favoured by children walking to school and parents dropping off children in cars use the New Road route avoiding the busy main thoroughfare.

***East Ayrshire Council's Roads and Transportation Division have been consulted as part of this application and have offered no objection.***

4.8 My established joinery business is conducted from the premises at the rear of my property. Large trucks off load timbers at the side entrance, the road can be totally congested at these times due to parked cars from already established residents.

***East Ayrshire Council's Roads and Transportation Division have been consulted as part of this application and have offered no objection.***

4.9 The development will have an adverse effect on the privacy I presently enjoy and will limit the sunlight hours to my garden.

***The proposed dwelling will not directly overlook the property in question with only one window on the ground floor level and an en-suite, obscured window on the upper floor and therefore any possible overlooking will be of a minimal nature. In terms of overshadowing, the proposed dwelling is located to the east of the garden in question and will not significantly overshadow the property.***

4.10 The drawings show a driveway and garage, the location plan does not show this driveway and garage.

***The applicant re-neighbour notified with respect to this omission and there are no outstanding procedural matters as a consequence.***

4.11 Is the grass verge to be retained over the frontage of the site?

***The proposal shows the retention of the grass verge along the frontage of the site except for the runway area.***

4.12 Is the house being built at the lower level?

***The proposed house will be set at the lower level of the road with the rear garden being supported by a retaining wall.***

4.13 Why different dormers to the rear when others have been made to have pitches?

***The proposals on site have been amended at the request of the Planning Division to secure a more appropriate design. A two storey house with attached garage has been revised to a one and a half storey dwelling with detached garage. Materials have been revised to be more appropriate. The most directly conspicuous elevation is that to the front and the dormers proposed to that are particularly traditional in form. Those to the rear have a "cat slide" arrangement in that they are not flat roofed, but feature a slope back to front. This is considered to be appropriate for an elevation not directly fronting a public road and noting the character of the surrounding area.***

4.14 The house at 63 Brewland Street will be left with no off road parking and the situation of an access being made directly opposite a road junction and in very near proximity to the main A719 road junction.

***East Ayrshire Council's Roads and Transportation Division have confirmed that they have no objections to the application as submitted.***

## **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 principle of housing on this site is acceptable and it is considered that the 1½ storey design of the property will be in keeping with the adjacent properties of Brewland Street as it will be finished in appropriately coloured wet dash render and slate or slate substitute.***

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

***The proposed dwelling is one and a half storey in height and will be finished in appropriately coloured wet dash render and slate or slate substitute tile.***

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

***It is considered that the proposal can be incorporated without any significant detrimental impact on the amenity of the neighbouring properties.***

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 property at 63 Brewland Street and the proposed new property will meet the Council's minimum private open space standards upon completion of the development.***

## **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 above. Galston Community Council have objected; the grounds of which are detailed in Section 3 of this report. The other consultees are generally supportive and offer no objection to the proposed development.

## Letters of Representation

6.3 The letters of representation are detailed in Section 4 of this report and the points raised are not considered to be of sufficient weight to warrant refusal of the application in this instance.

## 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 in terms either of visual or residential amenity.

## **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 It is considered that the proposed development meets the requirements of Policies RES4 and RES22 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.

8.3 In terms of the application the consultations received, with the exception of the Community Council are supportive. The submitted letters of objection are noted but are not 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.

## **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 that would not constitute a significant departure from policy.

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

03 June 2005  
(CSI/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Letters of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Craig Iles on 01563 576772.

***Implementation Officer: Dave Morris***

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## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0685/FL

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Site of Proposal:	Land to Rear of 63 Brewland Street GALSTON
Nature of Proposal:	Proposed Erection of a Dwellinghouse
Name & Address of Applicant:	Mr & Mrs Urquhart 63 Brewland Street GALSTON KA4 8DX
Name & Address of Agent:	D M Hall 45 Bank Street IRVINE KA12 0LL

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DPOs Reference: CSI/MMM

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 07 July 2004 as revised by the amended plans received by the Planning Authority on 25 January and 19 April 2005.

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

2. Notwithstanding the plans hereby approved, the external surface of the walls shall be rendered in a colour to be agreed in writing with the Planning Authority prior to the commencement of development.

REASON In the interests of visual amenity.

3. Prior to the commencement of the development detailed drawings showing the finished floor level of the proposed buildings in relation to the existing road level shall be submitted to and approved by the Planning Authority.

REASON In the interests of visual and residential amenity.

4. Notwithstanding the plans hereby approved the roof shall be finished in slate or appropriate slate substitute and details/samples of the roofing material shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site.

REASON In the interests of visual amenity.

5. Notwithstanding the submitted plans details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority in writing before any development commences on the site.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

6. Notwithstanding the plans hereby approved the retaining wall to New Road should be tapered down in order to achieve sufficient sightlines. Details of the tapering of the wall shall be submitted to the Planning Authority and approved in writing prior to the commencement of development on site.

REASON In the interests of road safety.

7. Notwithstanding the plans hereby approved details of the re-location of the BT pole shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site.

REASON In the interests of road safety and residential amenity.

8. Notwithstanding the plans hereby approved the carriageway crossing shall be constructed to the satisfaction of East Ayrshire Council's Roads and Transportation Division prior to occupation of the dwelling.

REASON In the interests of road safety and residential amenity.

9. Notwithstanding the plans hereby approved the driveway shall be paved for a minimum distance of 2 metres from the rear of the footway edge.

REASON In the interests of road safety and residential amenity.

10. Notwithstanding the approved plans, full details of the elevations of the proposed garage shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development on site.

REASON In the interests of visual amenity.

11. Construction works on site shall not take place on site prior to 8:00 hours and after 18:00 hours on Monday to Friday, prior to 09:00 hours and after 13:00 hours on Saturdays and not at any time on Sundays.

REASON To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interests of residential amenity.

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

REASON To enable the Planning Authority to retain control over future development on the site in the interests of residential amenity.

NOTES:-

1. The application should make early contact with Transco (0141 418 4093) as the development may affect Transco apparatus in the area.
2. The applicant should make early contact with Power Systems (0141 567 4155) at St Vincent Street, Glasgow, as Scottish Power apparatus may be located on or adjacent to the site in order to prevent damage to said apparatus.
3. The applicant should make early contact with Scottish Water (0845 601 8855) Prestwick Office, 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 drainage system of foul and surface waters will be required.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S**

**PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**