

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 17 MARCH 2006

**05/1310/FL: PROPOSED ERECTION OF SINGLE DWELLINGHOUSE
AT 104 EAST MAIN STREET, DARVEL
BY MR & MRS J. KRIEGER**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicant seeks planning permission to sub-divide the rear garden area of the dwellinghouse located at 104 East Main Street and erect a one and a half storey detached dwellinghouse. The outside walls of the proposed dwellinghouse would be finished in white dry dash render with a facing brick base course, whilst the roof would be finished with grey concrete roof tiles. The windows are proposed to be white uPVC and the doors a hardwood timber finish. The proposed dwellinghouse measures 8.7 metres by 9.3 metres and access to the site is proposed to be taken from Causeway Road immediately to the south of the application site. Four car parking spaces are indicated to the front of the proposed dwellinghouse, two for the existing dwellinghouse at 104 East Main Street and two for the proposed dwellinghouse

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 at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The application is considered to be contrary to the Development Plan. In addition there are material considerations which indicate that the application should be refused.

3.2 As indicated in section 6 of the report there are material considerations relevant to this application. The consultation response received from the Council's Roads Division recommends that the application be refused as the proposed parking provision for both the existing and new dwellinghouses is unacceptable. The proposal to locate the parking spaces for the existing dwelling

remote from that property would result in the spaces not being used, thereby creating on street parking on East Main Street, A71. In addition, the dimensions of the proposed dwellinghouse within the site would not permit, as a viable alternative, the construction of a 4.5 metre wide access as required by the Council's Roads Division.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved 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 breach of 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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AT 104 EAST MAIN STREET, DARVEL
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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 planning application which is to be considered by the Local Planning Committee under the scheme of delegation, since it has been the subject of two letters of objection and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises the sub-division of the rear garden area of the dwellinghouse at 104 East Main Street in Darvel and covers an area of approximately 408 square metres. The application site is bounded to the north by the rear garden area of the dwellinghouse at 104 East Main Street, to the west by a pedestrian access lane, to the east by the rear garden area of the dwellinghouse at 106 East Main Street and to the south by a vehicular turning area at Causeway Road. A single detached timber garage is currently located within the application site. Existing timber fences are located on the western and eastern edges of the application site whilst a double timber gate bounds the southern edge of the site.

2.2 **Proposed Development:** The applicant seeks planning permission to sub-divide the rear garden area of the dwellinghouse located at 104 East Main Street and erect a one and a half storey detached dwellinghouse. The outside walls of the proposed dwellinghouse would be finished in white dry dash render with a facing brick base course, whilst the roof would be finished with grey concrete roof tiles. The windows are proposed to be white upvc and the doors a hardwood timber finish. The proposed dwellinghouse measures 8.7 metres by 9.3 metres and access to the site is proposed to be taken from Causeway Road immediately to the south of the application site. Four car parking spaces are indicated to the front of the proposed dwellinghouse, two for the existing dwellinghouse at 104 East Main Street and two for the proposed dwellinghouse.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scotland Gas Networks have raised no adverse comments in relation to this proposal, although it is noted that gas mains are in close proximity to the application site.

This issue can be addressed by a note attached to any consent granted.

3.2 East Ayrshire Council's Roads and Transportation Division have advised that the application should be refused, based on the proposed parking provision for both the existing and proposed dwellinghouse being unacceptable. The proposal to locate the parking spaces for the existing dwelling remote from that dwelling would result in these spaces, in their opinion, not being used. Consequently parking for the existing dwelling would occur on East Main Street, A71. The parking bays indicated for the existing dwelling are too narrow, being located between walls, a minimum width of 3.0 metres is required for such bays. Parking for the existing dwellinghouse should be provided within the rear garden of the existing dwellinghouse after partition, providing a driveway of 4.5 metres wide leading to Causeway Road. The parking for the proposed dwellinghouse should use the 4.5 metres wide common driveway, with parking bays being located at right angles to this driveway. The access to the proposed and existing dwellinghouses must be adequate to ensure vehicles can enter and leave the site in a forward gear, as the turning head located at the end of Causeway Road is substandard and is subject to indiscriminate parking. Pedestrian access to the development will require the existing public footway to be extended over the frontage of the site.

Noted.

3.3 East Ayrshire Council's Roads and Transportation Division Flooding Section confirmed that the information provided is sufficient to determine that there are no comments in respect of flooding implications for the site.

Noted.

3.4 Scottish Power do not object to this proposal in principle, however they advise that, should any Scottish Power apparatus be affected, any work to protect or make good such apparatus will be fully chargeable to the applicant.

This issue can be highlighted by an advisory note, should consent be granted.

3.5 Darvel Community Council has not responded in relation to the proposal.

Noted.

3.6 Scottish Water advise that they have no objections to the development subject to the applicant applying to Scottish Water for permission to connect to the public wastewater system and providing a suitable separate drainage system.

These issues can be resolved by way of planning conditions, should consent be granted.

3.7 Scottish Environment Protection Agency (SEPA) Flooding Section have indicated that the application site lies on the edge of the flood envelope for the Glen Water and as such could be at risk of flooding. However, further to a site visit by SEPA, it was revealed that the proposed site is located approximately 2.5 to 3.0 metres above the water level of the Glen Burn. Given that the finished floor levels of the proposed dwellinghouse are to be approximately 0.5 to 1.0 metre above the existing level and there appears to be no obstructions to flow downstream such that SEPA would consider the site to be at no significant risk to flooding.

Noted.

3.8 Scottish Environment Protection Agency has offered no objection to the proposal on the understanding that the foul drainage is connected to the public sewer.

This issue can be resolved by way of planning conditions, should consent be granted.

4. REPRESENTATIONS

Two letters of objection have been received in connection with the application. The points of objection are as listed below:

4.1 The proposed dwellinghouse will obscure views and sunlight to the property at 23 Causeway Road.

The right to a view is not a material planning consideration. It is not considered that the proximity of the proposed dwellinghouse would have a significant impact by reducing daylight to the dwellinghouse at 23 Causeway Road. It is considered that the dwellinghouse at 23 Causeway Road is located in a higher elevated position than the application site, consequently any decrease in daylight would be minimal and would not merit refusal of the application in this instance.

4.2 The development may affect the resale value of adjacent properties.

This is not a material planning consideration in the determination of this application.

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 (AJSP) and the Adopted East Ayrshire Local Plan (EALP).

East Ayrshire Local Plan

5.2 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 the following criteria being met:

- (i) The proposal is fully in keeping with the residential character and appearance of the area within which it is located;

It is considered that the proposal is in keeping with the existing residential character of the area in terms of its siting, size, design and materials.

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

The proposed development does not meet the Council's design requirements in terms of access and parking provision as the application site is unable to achieve satisfactory parking provision for both houses. Consequently, the proposal does not comply with Local Plan policy RES 5(ii) due to the adverse affect on the amenity of surrounding properties.

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

The proposed development is not considered to have an adverse impact on the privacy of the adjacent properties.

5.3 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.

The proposal meets the Council's minimum private open space standards.

5.4 Policy ENV 4 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.

The proposed dwellinghouse is located in the rear garden area of 104 East Main Street and the adjacent property at number 106 East Main Street is a B listed building. It is considered that the proposed development would not have an impact on the setting of the listed building as the proposed dwellinghouse would be accessed from Causeway Road to the rear of East Main Street.

5.5 Policy ENV 7 requires all developers to comply fully with the Council's Design Guidance. It states that new residential development will require to recognise and reflect the scale, design features, rhythm of doors and windows, storey height, density and materials of surrounding buildings. Furthermore the Design Guidance states that any new housing development shall not result in unacceptable overlooking or have a visually intrusive impact on neighbouring properties. In addition the Design Guidance states that road and parking layouts shall require to comply with East Ayrshire Council's Roads Division Guidelines.

In terms of design, scale and materials it is considered that the proposed development accords with the Design Guidance as it is sympathetic to nearby residential properties. The proposed dwellinghouse does not adversely affect the front building line of the existing streetscape or adversely affect the privacy or amenity of the adjacent residential properties. However, the parking provision for the proposed dwellinghouse does not conform to the Council's Roads Division standards and as such does not comply with Local Plan Policy ENV 7.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

Consultation Responses

6.2 The consultation responses are detailed in Section 3 of the report and do not object to the proposal. The Council's Roads' Division consultation response recommends refusal of the development as the proposed access and parking provision for both the existing and proposed dwellinghouses are not acceptable.

Letters of Objection

6.3 The submitted letters of objection have been assessed in Section 4 above. The principal concerns raised by the objectors relate to loss of views and daylight and a decrease of property valuation. It is considered that no significant loss of daylight will result from the proposed development and that valuation of property and the right to a view are not material planning considerations.

Planning History

6.4 Planning application for the erection of a dwellinghouse, 05/0534/FL was withdrawn on 15th September 2005.

Impact on Amenity

6.5 It is considered that the location of the house would not be detrimental to the visual amenity of the surrounding area in terms of size, scale and material finish.

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 at Section 5 of the report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The application is considered to be contrary to the Development Plan. In addition there are material considerations which indicate that the application should be refused.

8.2 As indicated in section 6 of the report there are material considerations relevant to this application. The consultation response received from the Council's Roads Division recommends that the application be refused as the proposed parking provision for both the existing and new dwellinghouses is

unacceptable. The proposal to locate the parking spaces for the existing dwelling remote from that property would result in the spaces not being used, thereby creating on street parking on East Main Street, A71. In addition, the dimensions of the proposed dwellinghouse within the site would not permit, as a viable alternative, the construction of a 4.5 metre wide access as required by the Council's Roads Division.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved 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 breach of Council Policy.

Alan Neish
Head of Planning, Development and Building Standards

2 March 2006

JL/IMB

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letters of Representation.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Jane Little, Planning Officer on 01563 576768.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/1310/FL

Site of Proposal: 104 East Main Street
Darvel
KA17 0JB

Nature of Proposal: Proposed Erection of Dwellinghouse

Name & Address of Applicant: Mr & Mrs J. Kreiger
104 East Main Street
Darvel
KA17 0JB

Name & Address of Agent: Fleming Muir Architects
20 St Quivox Road
PRESTWICK
Ayrshire
KA9 1LJ

DPOs Reference: JL/IMB

The above full application should be refused for the following reasons:

- 1 The proposed development does not provide satisfactory vehicle parking and would be detrimental to road safety.
2. The proposed development does not comply with the requirements of Policy RES 5(ii) and Policy ENV 7 3(b) of the Adopted East Ayrshire Local Plan.
3. The proposed location of car parking relating to the existing house but directly in front of the proposed new dwelling would be detrimental to the residential amenity of that new dwelling.

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