

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 MARCH 2007**

**06/1090/FL: CHANGE OF USE OF EXISTING DOUBLE GARAGE TO  
PROPOSED GRANNY ANNEXE  
AT 107 GLASGOW ROAD, KILMARNOCK  
BY CAVAN CONSTRUCTION LIMITED**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Full planning consent is sought to change a large double garage into a granny annexe with two bedrooms, an area of private garden and a separate parking bay to the front of the garage/rear of the donor property. Access is proposed by utilising the existing runway to the side of 107 Glasgow Road. The front part of this runway would be shared with the donor property with parking for number 107 to be located to the front of the dwelling.

#### **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 is considered to be contrary to 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 refused unless material considerations indicate otherwise.

3.2 As indicated in Section 6, there are material considerations relevant to this application. The consultees have raised no issues that would warrant refusal of this application, subject to changes to accommodate Roads' comments. The issues raised by the objectors are however considered material to the determination of the planning application. The proposal would lead to a loss of residential amenity and privacy, would introduce a source of disturbance to the detriment of the adjacent area and would be visually intrusive.

## **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 it will not require to be referred to the Development Services Committee as there would be no 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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**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 objection.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is to the rear of 107 Glasgow Road in Kilmarnock. The site is bounded by Glasgow Road to the west, 105 Glasgow Road to the south and 109 Glasgow Road to the north. To the south east of the application site, behind the existing garage, is Forest Grove, numbers 23, 25 and 27 of this street backing directly onto the application site. The garage sits approximately 1.5-2 metres higher than the rear gardens of Forest Grove, which themselves slope down from the application site. The donor property, number 107, sits higher than Glasgow Road with the large double garage sitting lower than the donor property. The site sits predominantly within a residential area although a hotel and supermarket are located on the other side of the Glasgow Road roundabout.

2.2 **Proposed Development:** Full planning consent is sought to change a large double garage into a granny annexe with two bedrooms, an area of private garden and a separate parking bay to the front of the garage/rear of the donor property. Access is proposed by utilising the existing runway to the side of 107 Glasgow Road. The front part of this runway would be shared with the donor property with parking for number 107 to be located to the front of the dwelling.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have recommended deferral of this case until some outstanding issues have been resolved. These issues include the provision of three parking spaces for the original dwelling, located outwith the access to the new unit. Parking for the new unit should be two spaces. All of the parking spaces should be able to enter and leave the shared access in a forward gear, therefore sufficient turning area within the curtilage of each unit should be provided. Adequate visibility at the shared access should be provided to allow vehicles leaving the access to see pedestrians, achievable through the reduction in height of boundary walls to 90cm.

***The Division has not specifically pursued resolution of these issues given the fundamental shortcomings of the proposal discussed below.***

3.2 Scottish Water have no objections to the development.

***Noted.***

3.3 Scotland Gas Networks have no objections to the development.

***Noted.***

3.4 Scottish Power Energy Networks have no objections to the development.

***Noted.***

### 4. REPRESENTATIONS

Six letters of objection have been received, four of which were received from two objectors, and a summary of their grounds of objection are detailed below.

4.1 The rear windows of the proposal directly overlook our properties. It may be the case that the structure is too close to our properties, and being on a higher level, directly interferes with our privacy.

***The rear windows of the proposal directly overlook the gardens and into the rear downstairs and upstairs of the properties of Forest Grove. This overlooking significantly effects the privacy of these properties, to their detriment.***

4.2 We have reason to believe that this structure will probably be used to house workers who are in the employ of Cavan Construction Limited.

***A condition attached to any consent could limit the occupants to relatives of the owner of number 107 Glasgow Road.***

4.3 The resale value of the houses in Forest Grove will be affected due to the overlooking of the properties.

***This is not a material planning consideration.***

4.4 The property at 107 Glasgow Road always has commercial vehicles coming and going as well as parked on site. The proposal will increase the traffic and noise in an already quiet residential area.

***The noise and traffic generated by this development would extend into the back-land area and thereby impact on the amenity of the adjoining properties.***

4.5 The proposal is called an “annexe” whereas it is clear it is going to be a separate house and property.

***The proposal has the appearance of a new property and does not appear to be tied to the original dwelling in any way; sharing only a common access. This is re-enforced by the private garden ground and the private parking for the proposal and the fence proposed to enclose the rear garden of the donor property. Notable, also, is the proposal for the unit to have two bedrooms and indeed a separate dining room.***

## **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).

### Adopted Ayrshire Joint Structure Plan

5.2 There are no policies within the Ayrshire Joint Structure Plan relevant to the determination of this planning application.

## Adopted East Ayrshire Local Plan

### 5.3 Policy RES5

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 existing residential character and appearance of the area within which it is located;

***It is considered that the proposal will not be in keeping with the existing residential character and appearance of the area.***

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

***It is considered that the design of the proposal is not in keeping with the traditional design of the properties on Glasgow Road, and due to its location to the rear of the property, would create unacceptable damage to the amenity of the surrounding properties.***

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

***It is considered that the proposal will not result in acceptable levels of privacy being maintained to neighbouring properties, especially No 25 Forest Grove, as the rear of the existing garage is immediately adjacent to the rear boundary of this property. Any accommodation arising from the proposal would itself be under provided with private garden space to the detriment of that property.***

This policy also states that backland development (i.e. the erection of any dwellinghouse situated to the rear of an existing building and/or without a proper road frontage) will not be permitted in certain stated circumstances. All three of these circumstances are pertinent to the application, as follows;

- (i) where this would adversely affect the amenity of the area

***It is considered that the conversion of the existing garage to what is essentially a two bedroom, single storey house will adversely affect the amenity of the area. The introduction of the levels of activity associated with a residential building would create a level of disturbance inappropriate in this backland area. Such disturbance would adversely impact on neighbouring properties.***

- (ii) where this would adversely affect the setting of either the proposed or original building on the site

***It is considered that the conversion of the existing garage would have an adverse impact on the setting of the original property, as the house being formed would not be of a traditional design that reflects the architecture of the original building.***

- (iii) where this would adversely affect the amenity of neighbouring properties.

***It is considered that the proposal would adversely affect the amenity of neighbouring properties, especially No. 25 Forest Grove, as the rear of the existing garage is immediately adjacent to the rear boundary of this property.***

#### 5.4 Policy RES22

Policy RES requires all developers to observe the minimum private open space criteria and standards detailed in Schedule 4 of the Local Plan. The standards quoted may however, be relaxed at the discretion of the Council in respect of the conversion of existing properties to flats where the case for such a relaxation can be fully justified by the developer and where considered appropriate by the Planning Authority.

***The proposal is essentially converting an existing garage to a detached two bedroom, single storey dwellinghouse, therefore, the proposal is required to meet the minimum standards of 100m<sup>2</sup> of private open space. The proposal falls well short of meeting the minimum standards of private open space for a detached dwellinghouse.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation response and representations received that are addressed in Sections 3 and 4 of this report, the planning history of the site and the impact on the amenity of the area.

### Consultation Responses

6.2 It is not considered that any aspects of the consultation responses have raised any issues that would warrant the refusal of this application.

### Representation Received

6.3 The concerns of the objectors are material in the determination of this application in that the overlooking of the properties of Forest Grove would be to the detriment of these properties and their privacy.

### Planning History

6.4 This site was the subject of planning contravention notices in 1995 and 1998 regarding change of use from residential to residential and commercial storage and the unauthorised operation of a business from a domestic dwelling. These uses were deemed to have ceased by September 2001.

### Impact on the amenity of the Area

6.5 It is considered that the proposal will have a significant impact on the amenity of the surrounding area. The overlooking of the properties on Forest Grove leaves these houses with little or no privacy. The development is also considered to be back-land development with no frontage onto a road, seriously deficient in garden space and likely to have an adverse impact on the residential and indeed visual amenity of the surrounding area.

## **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 is considered to be contrary to 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 refused unless material considerations indicate otherwise.

8.2 As indicated in Section 6, there are material considerations relevant to this application. The consultees have raised no issues that would warrant refusal of this application, subject to changes to accommodate Roads' comments. The issues raised by the objectors are however considered material to the determination of the planning application. The proposal would lead to a loss of residential amenity and privacy, would introduce a source of disturbance to the detriment of the adjacent area and would be visually intrusive.

## **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 it will not require to be referred to the Development Services Committee as there would be no significant breach of Council Policy.

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

02 March 2006  
(DW/RH)

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Adopted East Ayrshire Local Plan.
5. Approved Ayrshire Joint Structure Plan.
6. Letters of objection.

Anyone wishing to inspect the above papers please contact David Wilson, Planning Officer, on 01563 576779.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/1090FL

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Site of Proposal:	107 Glasgow Road KILMARNOCK KA3 1UW
Nature of Proposal:	Change of use of existing double garage to proposed granny annexe.
Name & Address of Applicant:	Cavan Construction Ltd Little Fenwick Farm FENWICK Kilmarnock KA3 6AP

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DPOs Reference: DW/RH

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

1. The proposed development would be contrary to Policy RES5 of the Adopted East Ayrshire Local Plan which relates to acceptable levels of privacy being maintained to neighbouring properties. The development would introduce a level of overlooking prejudicial to residential amenity.
2. The proposed development would be contrary to Policy RES22 of the Adopted East Ayrshire Local Plan which relates to the provision of minimum levels of private open space. The proposed house would be seriously deficient in terms of the extent of private garden space available to it. In addition, the existing dwelling house at 107 Glasgow Road would be deficient in terms of the available private garden space, should the development be implemented.
3. The proposed development would have a detrimental effect on the amenity of the neighbouring area arising from the introduction of levels of activity inappropriate to this back-land area.
4. The proposed development does not provide satisfactory accommodation within the application site for the parking of vehicles.

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