

## **EAST AYRSHIRE COUNCIL**

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

**06/1153/FL: REFURBISHMENTS, EXTENSIONS AND GARAGE  
AT CROSSBUSH HOUSE, TREESWOODHEAD ROAD, KILMARNOCK  
BY MR AND MRS N STEVENSON**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 Full planning consent is sought to add a two storey side extension to the east elevation and a single storey extension and sun lounge on the northern (rear) elevation. A small porch is also proposed to the southern elevation. These extensions are an increase in size of a previously demolished extension at this property. It is also proposed to erect a garage with three parking bays to the east of the house. The side extension and garage will be stone fronted, with the remaining walls rendered. The house extensions will be finished with a slate roof, whilst the garage will be finished with a concrete tile.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions on the attached sheet.**

#### **3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report, the application is considered to be largely in accordance with 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 approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 there are material considerations relevant to this application. The Roads Division has no adverse comments to make in relation to the proposed development. The issues raised by the objectors, whilst noted, are not considered substantial enough to warrant refusal of this application as the proposal is for a domestic extension and garage.

## **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 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 objections.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site comprises Crossbush House, a private dwellinghouse, and its associated gardens and access. The application site is bounded to the north by Crossbush Cottage and the C53 Treeswoodhead Road. To the west and south of the site are open fields and to the east another field bounded by the C53 road and Clayslaps Farm lying to the south east of this field.

2.2 **Proposed Development:** Full planning consent is sought to add a two storey side extension to the east elevation and a single storey extension and sun lounge on the northern (rear) elevation. A small porch is also proposed to the southern elevation. These extensions are an increase in size of a previously demolished extension at this property. It is also proposed to erect a garage with three parking bays to the east of the house. The side extension and garage will be stone fronted, with the remaining walls rendered. The house extensions will be finished with a slate roof, whilst the garage will be finished with a concrete tile.

#### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council's Roads and Transportation Division have no objections to the development

***Noted.***

3.2 Hurlford Community Council have not responded to their consultation, at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

Seven letters of objection have been received, one of which has been signed by two objectors who also submitted two individual letters of objection each, and a summary of the grounds of objection is detailed below.

4.1 A new driveway into Crossbush House is unnecessary and dangerous. The present access has been used safely for 15 years without accident or incident.

***The second access to the site is a temporary access used to allow machines associated with the proposals to gain access to the site. This second access can be controlled through the use of a condition on any consent that would require the access to be closed up once the heavy machinery has completed its work.***

4.2 The north end of the pasture has been excavated and tonnes of earth removed to be piled along the western hedge of the 2 acre field.

***This work has resulted from the formation of the temporary access and will be reinstated within one month of the date of this consent, by condition.***

4.3 Why have tonnes of hardcore been put onto the excavated area?

***This is to allow for the weight of machinery required in connection with the application and to provide a base for the proposed parking and turning facilities within the site.***

4.4 Reassurance from the Council is required that consent will not allow commercial or business use.

***A planning condition can be attached to any consent granted stating that the garage shall only be used for purposes incidental to the residential enjoyment of the main house and not for commercial purposes.***

4.5 The drawing 01 of the existing layout is incorrect in that the access to/from the public road, to/from the 'two acre field' which is part of the property of Crossbush House, is shown to be slightly tapered and curved in plan view. That

is not as shown on the Ordinance Survey Map Number 77. The sketch drawing submitted along with this most recent application for full planning permission implies that part of our property is to be removed.

***The applicant has claimed ownership of all land outlined in blue and red on the submitted plans and does not claim ownership of any other land outwith this site. The main road access to the site appears to be consistent with work on the ground as well as the Councils electronic mapping system. The tapering of the temporary access is acknowledged however this can be reinstated through the use of a condition as the applicant claims ownership of the area. Any dispute regarding the ownership of ground is a private legal matter.***

4.6 We object to there being no mention of the removal of the unauthorised building works in the 'two acre field' which is agricultural grazing ground.

***The Council is aware of this issue and has asked the applicant to submit an application with regard to these works or to restore the land to its previous condition. Failure to do so will be likely to result in Enforcement Action.***

4.7 Eight blue storesacks holding building materials have recently been placed in the field as well as a green, steel, storage box. Can they be removed?

***These storage devices are temporary in nature and are on the site in connection with the proposed work to the house. If the applicant wishes to retain the storage on a permanent basis the Council would seek a planning application. A planning condition could be attached requiring the removal of all storage facilities from the site, prior to the extensions or garage, whichever is the latter, coming into use.***

4.8 We notice that the proposal is to construct a three bay garage in this field (2 acre field to east of application site) and within our view of the fields to the south which slope up towards Craigie. This garage is proposed to be some considerable distance from the house. There should be no requirement to use the field to build a garage since the old house is to be demolished and the new garage could be readily built in that space, and adjacent to the proposed dwellinghouse.

***The use of a small portion of the field is acknowledged however this ground amounts to around 8 metres by 30 metres and is considered to have little effect on the field and will allow the garage to be located nearer the house (13.5 metres from the proposed two storey extension) and helps to enclose the house and groups the existing***

**buildings including Crossbush Cottage nearer together minimising the spread of development in this otherwise rural location. The demolition of Crossbush House mentioned by the objector was an earlier proposal and is no longer being pursued.**

4.9 The applicant has advised that he intends to run his business from Crossbush House.

**This application is for an extension to a dwellinghouse and a domestic garage therefore no business use is proposed by this application and a condition on any consent can enforce this position relative to the garage. However, some business activity is permitted from residential premises and if a business use occurred here, it would need to be assessed as a matter of fact and degree to consider whether a further planning application would be required.**

4.10 The proposed extension to the dwellinghouse is extremely large and shows a proposed extra floor area in excess of that of the existing dwelling. We are, however, pleased to note that those extensions will be constructed in natural stonework to match the existing as shown on drawing No. A04 and that the natural slate roof will also be extended over the roof.

**The Councils Design Guidance does not state a maximum size for extensions to dwellinghouses. In this instance the extensions are acceptable as the house has considerable garden ground to accommodate this work and no neighbouring properties will be adversely affected by overshadowing or overlooking.**

4.11 The proposed garage appears to exceed the normal standards of a domestic garage in that the three vehicular access doors scale some 2.4 m high and the peak of the roof pitch is 6 m high complete with Velux roof lights. There is, however, no indication of any upper floor development within the garage. There is no indication as to the aspect for vehicular access to and from the garage but we presume this is from the west side.

**The proposed garage is for domestic purposes and is accommodated within a large garden. A condition can be attached to any consent requiring that the garage be used for domestic purposes only. The entrance to the garage is indeed from the west elevation.**

4.12 The garage building, according to the block plan, encroaches into agricultural land without reason. There is, without doubt, adequate space within the existing curtilage of the domestic property without the necessity of encroaching on agricultural land. Despite claims to the contrary by the applicant, at least five mature trees have been removed from the present garden site.

***The garage does encroach onto agricultural land by approximately 8 metres in depth and 30 metres in length. This is considered to be a small encroachment that will allow the garage to be orientated towards the house and keep the buildings reasonably clustered together whilst maintaining a good amount of garden ground and a reasonable separation distance between them. There is no Tree Preservation Order on the site.***

4.13 The entry to the property is in a very dangerous place with the corner close to the entry and sight lines for existing vehicles are extremely limited which would add to the already tricky corner.

***It is unclear which entrance is being referred to however if it is the original access, the Councils Roads Department have not indicated that this would be an issue. The temporary access can be closed through the use of a planning condition as the applicant claims ownership of the area.***

## **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 ENV 7 of the Local Plan 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. Developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

***It is considered that the proposal meets with the Councils Design Guidance Number 1: Householder Development. The design and materials of the extension are acceptable and will blend well with the***

***existing dwelling. The garage, although large, is also acceptable in terms of design and materials.***

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

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

### Consultation Responses

6.2 It is not considered that any aspects of the consultation response from the Roads Division has raised any issues that would warrant the refusal of this application.

### Representations Received

6.3 The concerns of the objectors are material in the determination of this application however the objections raised do not warrant refusal of this householder development.

### Impact on the amenity of the Area

6.4 It is considered that the proposal will not have a significant impact on the amenity of the surrounding area. Crossbush House has a reasonably large garden which accommodates both the extensions to the house and the garage. The release of a small part of agricultural ground also helps the house to retain a good usable garden. The nearest neighbour to the application site is Crossbush Cottage which will be at least 11 metres from the nearest part of the proposal, the rear sun lounge. Access to the application site will continue to be over the shared access with Crossbush Cottage and no considerable increase in traffic is expected as the proposal is for a domestic garage and extensions to an existing house.

## **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 largely in accordance with 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 approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 there are material considerations relevant to this application. The Roads Division has no adverse comments to make in relation to the proposed development. The issues raised by the objectors, whilst noted, are not considered substantial enough to warrant refusal of this application as the proposal is for a domestic extension and garage.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application 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 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**

07 March 2007  
(DW/RH)  
FV/DVM

## **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. Objection letters from third parties.
7. Letters of representation.

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

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

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

06/1153/FL

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Site of Proposal: Crossbush House  
Treeswoodhead Road  
KILMARNOCK  
KA1 5LN

Nature of Proposal: Re-furbishment, extensions and garage

Name & Address of Applicant: Mr and Mrs N Stevenson  
Crossbush House  
Treeswoodhead Road  
KILMARNOCK  
KA1 5LN

Name & Address of Agent: R Wojtczak  
10 Cambridge Road  
RENFREW  
PA4 0SL

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DPOs Reference: DW/RH

The above FULL application should be granted subject to the following conditions: -

1. The temporary access created to the north east of the site shall be, within one month of the date of this consent, restored to its previous condition and thereafter access to Crossbush House shall be taken solely from the exiting access to the north of the site, adjacent to Crossbush Cottage.

REASON In the interest of road safety and to ensure this temporary access is closed.

2. The garage shall be used solely for domestic purposes incidental to the use of the dwelling and no commercial activity shall be carried out in, or from the garage.

REASON To prevent the establishment of a business from a residential garage.

3. Notwithstanding the plans hereby approved, a sample of a proposed yellow stone shall be submitted to and approved in writing by the Planning Authority prior to the development commencing on site and implemented thereafter as approved.

REASON In the interest of visual amenity.

4. Prior to the commencement of development on site, details of all boundary treatments shall be submitted to and agreed in writing by the Planning Authority and thereafter shall be implemented as approved prior to the extensions or garage coming into use. These boundaries shall be retained in perpetuity thereafter as approved.

REASON To prevent the encroachment of garden ground into agricultural ground.

5. The temporary storage on site including storesacks and the metal storage box shall be removed from the application site prior to the extensions or garage, whichever is the latter, coming into use

REASON The storage is of a temporary nature in connection with the proposed works.

**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.**