

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 21 MAY 2004

**04/0221/OL: PROPOSED DEVELOPMENT OF LAND FOR RESIDENTIAL
PURPOSES (ONE HOUSE)
AT 8 WEST VIEW, WATERSIDE
BY MR & MRS R BUCKE**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Outline planning permission is sought for the erection of one house. No details have been provided of a house type.

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 policies of the Adopted East Ayrshire Local Plan (Policies RES 5 and RES 22). This is chiefly in respect of inadequate private garden ground and the consequent diminished amenity of residents and the occupiers of the existing and proposed houses. In addition it is considered that the plot is not capable of accommodating a house and two parking spaces.

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 there 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.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 21 MAY 2004

**04/0221/OL: PROPOSED DEVELOPMENT OF LAND FOR RESIDENTIAL
PURPOSES (ONE HOUSE)
AT 8 WEST VIEW, WATERSIDE
BY MR & MRS R BUCKE**

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 outline planning application which is to be considered by the Local Planning Committee in accordance with the Scheme of Delegation as it is contrary to the Development Plan, is the subject of an objection and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is on the western edge of Waterside, bordering Fenwick Road. The site is triangular in shape and extends to 279 square metres. The plot fronts onto West View, whilst to the rear it is bounded by a small burn and scrub land.

2.2 **Proposed Development:** Outline planning permission is sought for the erection of one house. No details have been provided of a house type.

2. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Power have no adverse comments regarding the proposed development.

Noted.

3.2 Scottish Water have stated that there are public water mains and sewerage systems to which connection may be made.

Noted.

3.3 East Ayrshire Council's Roads and Transportation Division have advised that as there is no indication of the size of the proposed dwelling, the

Roads Division guidelines for parking and sightlines would be applied when full planning consent is submitted. However, should the proposed house comprise of two bedrooms, two off street car parking spaces will be required. This would be an area of 6 metres by 5 metres.

Noted. It is considered that this requirement will impact further on the acceptability of the site as detailed below.

4. REPRESENTATIONS

4.1 One letter of objection has been received and the grounds of objection are:-

- i) There is no indication on the plan as to where the new house could be fitted.

The application is for outline planning only. However, the concerns regarding the ability to accommodate a house on the site are shared by the Division.

- ii) I am anxious about proposed drainage as the houses in West View are served by septic tank.

Scottish Water have indicated that connection could be made to the public sewerage system.

- iii) The widest part of the application site is approximately 15 metres and Nos. 7 and 8 West View are set back approximately 8 metres from the front pavement. Any new house would sit forward of the other houses and spoil the line of the crescent.

Noted. It is considered that a house could not be accommodated without a detrimental affect on the visual amenity of the area.

- iv) There is no proposal for car parking or vehicle access. West View gets very congested with cars and additional parking there would make it difficult for cars to get out onto Fenwick Road.

Noted. East Ayrshire Council's Roads and Transportation Division have commented that such matters would be dealt with under any subsequent reserved matters application (see 3.3 above).

- v) The site narrows to almost a point at Fenwick Road. If a house was built here there would not be room for any private garden ground, for any new house and very little left for the existing house.

Noted (see 5.1 below).

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).

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 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;

It is not possible to comment on design aspects of the proposal as the application is in outline only. However, it is considered that the donor house and proposed plot are unlikely to both be able to accommodate an adequate amount of private open space.

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

As stated above, the design of the proposed house cannot be assessed. However, given the irregular shape of the proposed plot, it is probable that the house would not match the building line of the adjacent house at 8 West View and, in addition to this, provide a minimum of 100 m² secluded garden ground. All garden ground would require to be to the side of the house and would need to be fenced off. This would not be acceptable in amenity terms on such a prominent site. The required off street parking requirements will also impact on this aspect.

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

The privacy of the neighbouring property and that of the new house are unlikely to be detrimentally affected. However as stated above the private garden area for the new house would require to be situated at the side and enclosed in a manner unsympathetic to the area.

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.

By splitting the plot, the secluded garden ground of the original house fails to meet the Council's minimum standards. It may be possible for the proposed new plot to meet the minimum standards but this is likely to require a fenced off garden to the side of the house facing onto the main road which is not acceptable in amenity terms. The proposal is considered not to meet the provisions of Policy RES 22 in this regard.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultations detailed in Section 3 of the report and the representations detailed in Section 4 of the report.

It is considered that the issues raised in objection are significant enough to merit refusal of the application. Notwithstanding these, the proposed development is contrary to the Development Plan as indicated in Section 5 of the report.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of the application.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, the application is considered to be contrary to the policies of the Adopted East Ayrshire Local Plan (Policies RES 5 and RES 22). This is chiefly in respect of inadequate private garden ground and the consequent diminished amenity of residents and the occupiers of the existing and proposed houses. In addition it is considered that the plot is not capable of accommodating a house and two parking spaces.

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 there would not be a significant breach of Council policy.

Alan Neish
Head of Planning, Development and Building Standards

13 May 2004
(AG/MMM/SA)
FV-DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Papers.
2. Statutory Notices/Certificates.
3. Letter of Representation.
4. Consultation Responses.
5. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Ailsa Graham on 01563 576787.

Implementation Officer: Dave Morris

040221OL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0221/OL

Site of Proposal: 8 West View
WATERSIDE

Nature of Proposal: Proposed Erection of Single Dwellinghouse

Name & Address of Applicant: Mr & Mrs R Bucke
8 West View
WATERSIDE
Kilmarnock KA3 6JD

Name & Address of Agent:

DPOs Reference: AG/MMM

The above OUTLINE application should be refused on the following grounds:-

1. The proposed plot would be unable to accommodate a house and an adequate amount of associated private open space.
2. The irregular shape of the proposed plot would not make it possible for a proposed house to match the building line of the adjacent houses in West View.
3. The attainment of the necessary levels of private garden ground can only be achieved through the use of screen fencing located in a prominent position. This would be unacceptable in visual amenity terms, on such a prominent site.
4. The erection of a dwellinghouse on the proposed plot, would have a detrimental effect on the size of the private open space of the donor house which would fail to meet the Council's minimum standards as required by Policies RES 5 and RES 22 of the East Ayrshire Adopted Local Plan.

**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.**