

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 26 NOVEMBER 2004

**04/0981/FL: PROPOSED TWO STOREY EXTENSION
AT 21 CAULDHAME RIGG, STEWARTON
BY R DUNCAN**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for a two storey side extension, incorporating a dining room, utility room and shower room on the ground floor, and a study and extension to an existing bedroom on the first floor.

2. RECOMMENDATION

2.1 It is recommended that this application 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 In terms of the application, the consultations received do not raise any adverse comments. The submitted letters of objection are noted but are not in themselves 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 to the surrounding area.

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 it 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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AT 21 CAULDHAME RIGG, STEWARTON
BY R DUNCAN**

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 application which is to be considered by the Local Planning Committee under the scheme of delegation as it has been subject to three objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a two storey semi-detached house located at 21 Cauldhame Rigg on the western side of Stewarton off Cutsburn Road. The site is bounded by residential properties all round, and there is a hammerhead turning area to the front.

2.2 **Proposed Development:** Full planning consent is sought for a two storey side extension, incorporating a dining room, utility room and shower room on the ground floor, and a study and extension to an existing bedroom on the first floor. The extension is approximately 2 metres wide but otherwise of the same depth and height as the existing house.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have advised they have no objections subject to the condition that the hammerhead turning area shall be kept clear at all times.

Noted: This can be attached as a condition, should consent be granted.

3.2 Transco have no adverse comments to make regarding the proposed development, although it recommends early contact be made with them by the developer.

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

3.3 Scottish Water has no comments to make on this application.

Noted.

3.4 Stewarton Community Council has not responded to their consultation at the time of writing this report.

Noted.

4. REPRESENTATIONS

There are three objections to the above application. The valid issues raised are as follows:-

4.1 The amount of sunlight reaching neighbouring properties and their gardens will be affected.

It is not considered that the increase in mass or proximity of the extension will have a significant impact on the aspect of the applicant's house from the objector's perspective and consequently any decrease in the amount of natural daylight received would not warrant refusal in this instance. This is particularly the case since the properties to the rear of the application site are elevated above the application site, thus reducing the impact of the development in terms of daylight reaching their gardens.

4.2 The development may reduce the resale value of nearby properties

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

4.3 Restricted view from surrounding properties due to proposed extension

The right to a view is not a material planning consideration. In extreme circumstances, over dominant, adjacent development may impact on residential amenity by creating a sense of excessive enclosure. Only one property looks square on to the proposed extension (this is from the back windows). This property already

looks onto the gable end of the existing house. The proposed extension does not increase the height or width of the gable end and therefore is not considered to impact negatively on the amenity of this property. With regard to the aspect from other neighbouring properties, no other dwellinghouses would be so constrained as to have a detrimental effect on their amenity. The proposal is not therefore considered to negatively affect the amenity of neighbouring properties.

4.4 The amount of space, and consequently privacy, will be reduced between the properties at this location

The width of this extension is only 2.015 metres, and it does not extend right to the site boundary. There are two properties which border the site boundary. One of these properties is 7 metres from the proposed extension (at its closest point) but does not look directly on to the proposed extension. The other property is approximately 10 metres from the proposed extension. Additionally, there are no windows on the proposed gable elevation. It is therefore considered that the space between properties is sufficient, and the lack of windows on the gable elevation means that privacy will not be affected.

4.5 The amenity of one neighbouring property will be reduced because the residents of this property will look onto the proposed development

Given the scale of the extension it is not considered that the effect on the amenity of this property will be significant enough to warrant the refusal of the application.

4.6 The digging of the foundations close to a neighbouring property may exacerbate a previous problem of groundwater at the bottom of a neighbouring garden

Issues relating to building foundations are considered by Building Standards. This issue is therefore 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 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 (1999) and the Adopted East Ayrshire Local Plan (EALP).

Approved Ayrshire Joint Structure Plan

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

Adopted East Ayrshire Local Plan

5.3 Within the East Ayrshire Local Plan, Policy ENV 7 requires all developers to have regard to the Council's Design Guidance. This highlights the Council's general concern that domestic works are in keeping with the existing house and do not impact adversely on neighbouring properties.

It is considered that the proposed development meets the requirements of Policy ENV 7, since the proposal minimises overlooking, utilises materials to match the existing dwellinghouse, utilises the same style of doors and fenestration, and continues the existing dual-pitched roof line.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations, representations and the impact of the proposal on the amenity of the area and immediate neighbours.

Consultations

6.2 The consultation responses received offer no objection to the proposed development. The Roads and Transportation Division offer no objection subject to one condition, which may be attached to a planning consent, should Members choose to grant consent.

Representations

6.3 The issues raised by the three objectors have been assessed in Section 4 above and are considered to be of insufficient weight to justify the refusal of the application in this instance.

Impact on the Amenity of the Area

6.4 The circumstances of the proposed development are such that it is considered that the proposal can be accommodated without detriment to the surrounding area.

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 as 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 In terms of the application, the consultees have offered no objection. The Roads and Transportation Division have offered no objection subject to a condition which may be attached to any consent granted. The submitted letters of objection are not in themselves 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 to the surrounding area.

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 the application will not require to be referred to the Development Services Committee as it would not constitute a significant departure from policy.

Alan Neish
Head of Planning, Development and Building Standards

16 November 2004 (CP/SA)
FV-DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Letters / Certificates.
3. Consultation Replies.
4. East Ayrshire Council Design Guidance.
5. Adopted East Ayrshire Local Plan
6. Approved Ayrshire Joint Structure Plan
7. Representations

Anyone wishing to inspect the above papers please contact Claire Peters on 01563 576779.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Site of Proposal: 21 Cauldhame Rigg,
STEWARTON

Nature of Proposal: Proposed two storey extension

Name & Address of Applicant: R Duncan
21 Cauldhame Rigg
STEWARTON
KA3 5QH

Name & Address of Agent:

DPOs Reference: CP/SA

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 received on 4 October 2004, and the plans received by the Planning Authority on 10 September 2004.

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

2. The hammerhead turning area shall be kept clear and no building materials shall be sited outwith the application site at any time during construction works.

REASON: In the interests of road safety and to maintain access.

NOTE TO APPLICANT:

The developer is advised to make early contact with Transco to confirm that the development does not impact on any Transco apparatus. Transco can be contact on 0141 418 4093.

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.**