

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 25 NOVEMBER 2005**

**04/0574/FL: PROPOSED ERECTION OF HOUSE  
AT 4-6 STEWARTON ROAD, DUNLOP  
BY MR ALEXANDER McC. HAMILTON**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 The proposal comprises a one and a half storey detached house, with a ground floor area of approximately 83m<sup>2</sup>, within an overall site area of approximately 250m<sup>2</sup>. The house will comprise a lounge, hall, kitchen/dining area, utility room and WC on the ground floor, with the upper floor comprising three bedrooms, one with en-suite and a bathroom. The applicant has failed to specify the proposed walling and roofing materials for the house.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application for planning permission be refused for the reasons indicated on the attached sheet.**

#### **3. CONCLUSIONS**

3.1 As indicated in the report the application is considered to be contrary to the requirements of the relevant policies of the Development Plan. There are no material considerations that would indicate that the proposal should be approved, therefore the application should be refused.

#### **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 departure from 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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BY MR ALEXANDER McC. HAMILTON**

### 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 is a relatively small area of overgrown, level ground immediately to the south of the Kings Arms Hotel, in the centre of Dunlop. The western boundary of the site comprises a high wall which abuts the rear garden of the residential property at 21 Main Street. The southern boundary of the site abuts the side garden of a detached residential property on Stewarton Road. To the east, the site faces onto two storey residential properties on the opposite side of Stewarton Road.

The application site is located within the Dunlop Outstanding Conservation Area, immediately adjacent to the Category B listed, Kings Arms Hotel.

2.2 **Proposed Development:** The proposal comprises a one and a half storey detached house, with a ground floor area of approximately 83m<sup>2</sup>, within an overall site area of approximately 250m<sup>2</sup>. The house will comprise a lounge, hall, kitchen/dining area, utility room and WC on the ground floor, with the upper floor comprising three bedrooms, one with en-suite and a bathroom. The applicant has failed to specify the proposed walling and roofing materials for the house.

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

3.1 East Ayrshire Council's Roads and Transportation Division have raised no objections to the proposal subject to the formation of the footway and layby fronting the site, to an adoptable standard, prior to any development commencing

on site. However, given that the Council have recently altered the corner with Main Street and have re-defined the extent of the bus lay-by, the applicant will have to consider that new layout when submitting a road construction consent for changes to the lay-by and footway.

***Should planning permission be granted, a note can be attached advising the applicant of these requirements.***

3.2 East Ayrshire Council's Environmental Health Division have commented that the adjoining licensed premises have been in existence for many years and have not created any recent problems to this Service, it is not anticipated any problems will arise affecting the proposed house. They have no objections subject to the following comments:-

- (i) Any waste arising from the construction works should be disposed of to the satisfaction of the waste management authority and otherwise than by burning.
- (ii) Any noisy construction site work should be restricted to 8.00 am - 6.00 pm Monday to Friday, 8.00 am - 1.00 pm on a Saturday, and at no time on Sundays, to avoid potential nuisance to nearby householders.
- (iii) Suitable provision should be made for the storage of waste/recyclate bins. As the proposal is for a single, detached house, this is unlikely to be difficult to accommodate within the site.

***Noted. A planning condition and advisory notes could be attached to any grant of planning consent to cover these matters.***

3.3 Scottish Power, Power Systems Ltd have no objection to the proposal, however, they request that the applicant be advised of the proximity of their apparatus.

***A note can be attached to any consent advising the applicant to contact Scottish Power.***

3.4 Scotland Gas Networks have advised that no mechanical excavations shall take place within 0.5 m of the low pressure system.

***A note can be attached to any consent advising the applicant to contact Scotland Gas Networks regarding their concerns.***

3.5 Scottish Water advise that there are existing public water mains and sewers to which connection can be made.

***Noted.***

3.6 Historic Scotland consider this proposal better than earlier submissions and strongly recommend that all external woodwork is painted. They would also prefer to have the chimneys widened, as the single stacks shown, are a clear sign of a modern building.

***A planning condition could be attached to any grant of planning consent requiring all external woodwork to be painted.***

3.7 Scottish Civic Trust are satisfied with the design, however they would welcome details of the materials proposed as none have been specified on the application.

***A planning condition could be attached to any grant of planning consent requiring details of the materials to be used in the house.***

3.8 The Architectural Heritage Society of Scotland find the design quite acceptable however, no materials are specified and for a high amenity Conservation Village such as Dunlop, only traditional materials would be appropriate.

***A planning condition could be attached to any grant of planning consent requiring details of materials to be used in the house.***

3.9 Dunlop and Lugton Community Council have not responded to the proposal at the time of writing the report.

***Noted.***

3.10 Strathclyde Passenger Transport Executive have not responded to the proposal at the time of writing the report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 One letter of objection has been received from the two objectors who reside in the adjoining residential property to the west.

4.2 The objectors are concerned that given the size, scale and proximity to their rear garden, that the house will significantly overshadow it and have a significant adverse affect on their property. They are further concerned that the rear dormers will significantly overlook their private rear garden, with a resultant detrimental affect on the amenity of their property.

***As detailed in Section 5.4 of this report, it is considered likely that the proposal will overshadow and significantly overlook the rear garden of the objectors property with a resultant detrimental affect on the amenity of the property.***

4.3 The objectors also consider that the resulting re-positioning of the bus stop and telephone box will have an affect on the entire village.

***The Council's Roads and Transportation Division raised concerns relating to the bus layby, however did not object to the proposal or suggest any repositioning of the bus stop. With regard to the repositioning of the telephone box, the applicant would be required to do this at his own expense.***

4.4 It is contended that the applicant has allowed the site to deteriorate and become an eyesore, in order to gain support for his development.

***The alleged neglect of any site and the poor condition of the site is not a material consideration in the determination of any planning 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 and Adopted East Ayrshire Local Plan (2003).

### Ayrshire Joint Structure Plan

5.2 There are no structure plan policies particularly relevant to this application.

### East Ayrshire Local Plan (EALP)

5.3 Policy RES 4 encourages the sympathetic residential development of gap, infill or other redevelopment sites, including those sites created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against the following criteria:

- (i) Impact on the surrounding natural and built environment and adjacent uses.

**Given that the site is located within the Dunlop Outstanding Conservation Area, the design must be of a high quality. The positioning and design of the house are too large for the site and will result in over development of the site. No indication of the materials proposed is provided on the submitted plans.**

- (ii) Transportation and infrastructure implications.

**The Council's Roads and Transportation Division raise no objections to the proposal, however they do highlight the presence of the existing bus lay-by and advise that the applicant will need to take this into account when submitting for road construction consent.**

- (iii) Compatibility with surrounding densities and housing types;

**The proposed house covers significantly more of the overall plot than the surrounding properties and it is considered that this lack of garden ground and the lack of traditional relationship between the house and garden, is contrary to the character and appearance of the surrounding Outstanding Conservation Area.**

- (iv) Compliance with the Council's Development Promotion Design Guidance.

**The design appears generally acceptable within the Conservation Area, however no materials are specified. The main concern relates to the height of the building and the dormers on the rear elevation, which are likely to create an unacceptable overshadowing and overlooking situation.**

5.4 Policy RES 22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the adopted local plan, which requires detached houses to provide one and a half times the ground floor area of the house to a minimum requirement of 100 sq. metres.

**The proposed house is located on a very small and tight plot and the applicant has failed to provide the minimum 100m<sup>2</sup> of private garden ground, or to present a house/garden relationship compatible with the Conservation Area setting of the site.**

5.5 Policy ENV 1 seeks to protect, preserve and enhance all heritage resources requiring conservation including Listed Buildings and Conservation Areas, together with their respective settings, scheduled Ancient Monuments and Archaeological and Industrial Archaeological sites and landscapes.

***As stated earlier, the proposal fails to protect, preserve or enhance the setting of the surrounding Outstanding Conservation Area or the adjacent listed building.***

5.6 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. Wherever possible, all 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 applicant has failed to specify the proposed materials and the size, scale and siting of the house within the site are likely to significantly detract from the character and appearance of this part of the Dunlop Outstanding Conservation Area.***

In conclusion, it is considered that the proposal fails to accord with the provisions of the Development Plan.

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

6.1 The principal material consideration relevant to the determination of this application are the consultation responses which are addressed in Section 3 of this report, the objections which are addressed in Section 4 of this report, the planning history of the site and the impact on the amenity, structure and appearance of the surrounding area.

### Consultation Responses

6.2 The consultation responses do not oppose the application however, the Council's Roads and Transportation Division do raise concerns about the adjacent bus lay-by. Also the amenity societies do raise some concerns with the finishes and design of the house.

### Representations

6.3 The representations received have been summarised in Section 4 of this report. Their concerns regarding overlooking and overshadowing do support the recommendation of refusal in this case.

## Planning History

6.4 Planning permission was approved for the erection of a two storey flatted block on this site in March 1985 (78/0324/FL). However, that consent did not commence and, in the interim, the Council's requirements in terms of Roads and Design guidance have become more stringent.

6.5 Full planning permission (01/0149/FL) was refused on this site on 06 March 2002, for the erection of a single dwellinghouse. The proposed house was considered unacceptable due to the overall scale of the development and the lack of adequate garden ground.

## Impact on the Amenity, Character and Appearance of the Area

6.6 Given that the site is relatively small and lies within the Dunlop Outstanding Conservation Area, the proposal is considered likely to have a significant detrimental affect on the amenity of the neighbouring properties and to significantly detract from the character and the appearance of the Conservation Area.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications resulting from this application.

## **8. CONCLUSIONS**

8.1 As indicated in the report the application is considered to be contrary to the requirements of the relevant policies of the Development Plan. There are no material considerations that would indicate that the proposal should be approved, therefore the application should be refused.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application for planning permission 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 departure from Council policy.

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

14 November 2005  
(WS/MMM/RH)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letter of Objection.
5. Planning application No: 78/0324/FL.
6. Planning Application No: 01/0149/FL.

Anyone wishing to inspect the above papers please contact William Stewart,  
Principal Planning Officer, on 01563 578165.

***Implementation Officer: Dave Morris***

040574FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/0574/FL

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Site of Proposal: 4-6 Stewarton Road  
DUNLOP

Nature of Proposal: Proposed Erection Of One House

Name & Address of Applicant: Alexander McC Hamilton  
6-8 Titchfield Street  
GALSTON

Name & Address of Agent:

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DPOs Reference: WS/MMM/RH

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

1. The proposed development is contrary to Policy RES 4 of the Adopted East Ayrshire Local Plan as the house would adversely impact on the amenity of surrounding properties.
2. The proposed development is contrary to Policy RES22 of the Adopted East Ayrshire Local Plan, as the proposed house fails to provide the minimum private garden ground.
3. The proposed development is contrary to Policies ENV 1 and ENV 4 of the Adopted East Ayrshire Local Plan, as the proposal fails to protect, preserve or enhance the setting of the Dunlop Outstanding Conservation Area and will significantly detract from the character and appearance of the Dunlop Outstanding Conservation Area.

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