

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 24 NOVEMBER 2006

**06/0759/FL: ERECTION OF ONE AND A HALF STOREY DETACHED
DWELLINGHOUSE
ON LAND AT THE BRAES, BURN ROAD, DARVEL
BY MR AND MRS A GRANT**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a one and a half storey detached dwellinghouse. The proposed two bedroom dwellinghouse measures 11.0 metres in length and 10.5 metres at its widest point reaching a height of 7.0 metres and provides approximately 162 square metres of floor area. The proposed finished materials of the dwellinghouse comprise a slate roof, white render finish, reconstituted stone window surrounds and sash and case style windows. The proposal would utilise the existing driveway access to The Braes dwellinghouse and would include the formation of a speed table on Burn Road adjacent to the existing access.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

3.2 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these are of sufficient weight to merit the refusal of the application given the application of appropriate conditions.

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. The application was continued for a site visit at the Committee on 27 October 2006.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises 0.07 hectares of level garden ground at The Braes, Burn Road, Darvel. The proposed housing plot is screened from Burn Road by a number of trees, which are located adjacent to Burn Road. The site is bounded to the south by a modern bungalow, to the west by housing on the opposite side of Burn Road and to the north and east by the garden ground of The Braes. The majority of the garden area of the Braes dwellinghouse is covered by Tree Preservation Order, TPO/1/1986, as the garden contains a number of mature trees. Outline planning permission was granted, on a slightly smaller site, for the erection of a detached dwellinghouse on 20 January 2006.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a one and a half storey detached dwellinghouse. The proposed two bedroom dwellinghouse measures 11.0 metres in length and 10.5 metres at its widest point reaching a height of 7.0 metres and provides approximately 162 square metres of floor area. The proposed finished materials of the dwellinghouse comprise a slate roof, white render finish, reconstituted stone window surrounds and sash and case style windows. The proposal would utilise the existing driveway access to The Braes dwellinghouse and would include the formation of a speed table on Burn Road adjacent to the existing access.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have indicated that they have no objection to the proposal provided a two metre wide footway is constructed over the frontage of the application site. This footway does not require to be continued to the existing public footway on

Burn Road as the formation of the proposed speed table is considered adequate by the Council's Roads and Transportation Division to ensure that vehicle speeds will be low enough to allow pedestrians to cross Burn Road to join the existing footway. To ensure that the traffic calming is provided at the site any planning permission to be granted shall require to be conditioned, specifying that the speed table shall be completed to the satisfaction of the Council's Roads and Transportation Division before the commencement of the construction of the dwellinghouse.

The issue of the construction of the speed table can be dealt with by means of attaching a planning condition to any planning consent requiring the speed table to be installed prior to any work commencing on the dwellinghouse on the site.

3.2 ScottishPower have indicated that they have no objection to the proposal.

Noted.

3.3 Scottish Water have no objection to the proposal.

Noted.

3.4 Scottish Environment Protection Agency have not responded at the time of writing the report.

Noted.

3.5 Darvel and District Community Council have not replied to their consultation at the time of writing this report.

Noted.

3.6 East Ayrshire Council's Outdoor Services have indicated that, due to the age, size and height of the trees, the proposed house and any construction work would need to be located at least 8 metres, as required by BS 5837, away from the trees covered by the Tree Preservation Order. They indicate that the location of a footpath on Burn Road in close proximity to the trees may result in terminal damage to the trees. In addition, they indicate that the applicant has shown the removal of two large acer trees on the northern boundary of the plot, it is considered that these trees should be retained.

This exclusion zone around the trees would leave an area of approximately 15 metres by 18 metres remaining on the site to accommodate a dwellinghouse, private garden ground and car parking provision for three cars.

The loss of the two Acer trees will not significantly detract from the appearance of the area and the applicant will require to provide compensatory planting for the loss of these trees.

4. REPRESENTATIONS

Two letters of objection have been received in relation to this application.

4.1 The three rooms on the side of the neighbouring house face onto the application site and the privacy of and light into the house would be affected by having a house built so close to this property.

The proposed dwellinghouse is located in an elevated position to the north of the adjacent property which would not result in any significant loss of daylight to the adjacent property. Consequently it is considered that the impact of the proposed dwellinghouse on the adjacent property would not result in a significant detrimental impact on their residential amenity or privacy. Furthermore, the relationship between the properties is of a standard acceptable within settlement boundaries.

4.2 The proposed house would require trees to be removed, which have stood there for over 100 years.

It is considered that should planning permission be granted then a planning condition would be attached to any consent requiring the applicant to replace any trees that require to be removed from the site.

4.3 The proposed works would cause disruption in the area.

Any building works associated with the proposal may have a temporary detrimental impact on the adjacent properties. However this would be limited in duration and not sufficient grounds on which to refuse the planning application. A planning condition could be attached to any consent, to restrict the working hours and minimise any disruption to neighbouring properties.

4.4 The proposal would be detrimental to the wildlife of the area.

The loss of the trees within the application site may have a limited detrimental impact on the wildlife resident in the area.

4.5 As this proposal does not have a proper road frontage and the part of Burn Road which would be used to access the property is narrow and has no pavement, this would be dangerous to pedestrians and motorists.

The proposal includes the formation of a speed table which is considered by the Council's Roads and Transportation Division to facilitate a safe crossing point at Burn Road and will result in a lowering of vehicular speeds at this location. In addition, to ensure pedestrian safety the applicant shall be required to construct a 2.0 metre wide footway over the frontage of the application site.

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 (2003).

Approved Ayrshire Joint Structure Plan

5.2 Of minimal relevance in the determination of this proposal.

East Ayrshire Local Plan (EALP)

5.3 Policy RES 5 of the East Ayrshire Local Plan indicates that 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;
- (ii) The proposal meets all the design requirements of the Council and does not create unacceptable damage to the amenity of surrounding properties; and;
- (iii) Acceptable levels of privacy are maintained to neighbouring properties and the new housing proposed.

It is considered that the proposed well designed house at this location is compatible with the surrounding house types and would not adversely affect the residential amenity of adjacent properties. The proposed two bedroom dwellinghouse is not out of size or scale to adjacent properties and is fully in keeping with the existing residential character of the area. There are no windows of habitable rooms facing the neighbouring property, consequently the proposal would not significantly adversely affect the levels of privacy of the adjacent property. Therefore it is not considered that the proposal would have an unacceptable impact on the established amenity of the surrounding area.

5.4 Policy RES 22 indicates that all developers will require to adhere to the minimum private open space standards detailed in Schedule 4 of the Local Plan.

The proposal provides more than the required 100 square metres of private open space of the type required by Policy RES 22 of the Local Plan.

5.5 Policy ENV 15 of the East Ayrshire Local Plan states that The Council will actively seek to preserve and supplement existing broadleaf and native tree species throughout East Ayrshire. In particular, the Council will actively seek to protect those individual groups of trees which contribute significantly to the landscape quality of the built and rural environment.

It is acknowledged that the proposal would have a detrimental impact on some of the mature trees covered by the tree preservation order within the site. However, some trees are in a poor condition and dead, should planning consent be granted a planning condition would be attached to any consent requiring the applicant to plant replacement trees of a suitable species elsewhere within his grounds.

The loss of the two Acer trees will not significantly detract from the appearance of the area and the applicant will require to provide compensatory planting for the loss of these trees.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses received which are addressed in Section 3 of this report, the letters of representation, the planning history of the site and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses are detailed in the report and do not indicate that the application should be refused.

The Roads Division recommend refusal unless suitable traffic calming or footway are provided; both are indicated on the submitted plan. The Council's Outdoor Services express concern at the likely adverse affect on the TPO'd trees if consent were granted. As stated earlier some trees are in a poor condition and any removed will require compensatory planting elsewhere in the grounds.

Representations

6.3 The representations received have been summarised in Section 4 of the Report and are not considered to be of such weight as to merit refusal of the application.

Planning History

6.4 A Tree Preservation Order Application No. 98/0628/TP for works to trees was approved with conditions on 13 November 1998.

6.5 A Tree Preservation Order Application No. 02/0706/TP to raise the crowns of four trees was approved with conditions on 09 October 2002.

6.6 An Outline Planning Application No. 04/0560/OL for the erection of a single storey dwellinghouse was approved subject to conditions on 20 January 2006.

Impact on Amenity

6.7 It is considered that the proposed development would not have a detrimental impact on the established character or amenity of the area. The applicant has been willing to consider traffic calming as a method of reducing vehicle speed and providing safe pedestrian access at the location. In addition, it is considered that the housing plot is of adequate size to allow the location of a house and associated private garden ground and off road parking without significant adverse impact on the residential amenity of the area. Whilst it is acknowledged that the proposal requires the removal of some trees from the site it is considered that replacement planting of suitable tree species elsewhere within the adjoining grounds, is acceptable.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council arising from this application.

8. CONCLUSIONS

8.1 As indicated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

8.2 As per Section 6 of the report there are material considerations relevant to the application however it is not considered that these are of sufficient weight to merit the refusal of the application given the application of appropriate conditions.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated 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

14 November 2006
(JL/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Letters of Representation.
7. Planning Applications 98/0628/TP, 02/0706/TP and 04/0560/OL.

Anyone wishing to inspect the above papers please contact Jane Little, Planning Officer, on 01563 576768

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0759/FL

Site of Proposal:	Land at The Braes Burn Road DARVEL
Nature of Proposal:	Erection of One and a Half Storey Detached Dwellinghouse
Name & Address of Applicant:	Mr and Mrs A. Grant The Braes Burn Road DARVEL KA17 0BD
Name & Address of Agent:	Munro Architects 23 Portland Road KILMARNOCK KA1 2BT

DPOs Reference: JL/MMM

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

1 The speed table hereby approved shall be installed prior to any work commencing on the dwellinghouse hereby approved and thereafter maintained to the satisfaction of the Council

REASON In the interests of pedestrian and traffic safety

2. Prior to the commencement of development on the site the applicant shall submit details of all replacement trees for the site for the approval of the Planning Authority. Thereafter the replacement trees shall be planted and maintained to the satisfaction of the Council prior to the occupation of the dwellinghouse hereby approved.

REASON In the interests of the visual amenity of the area.

3. Samples of the walling and roofing material shall be submitted to and agreed in writing with the Planning Authority prior to any work commencing on site.

REASON In the interests of visual amenity.

4. External construction works shall take place only between the hours of 08:00 am to 6:00 pm Monday to Friday and 08:00 am to 1:00 pm on Saturday and at no time on a Sunday.

REASON To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interests of residential amenity.

5. Prior to any work commencing on site details of the replacement trees, include number, species, size and location within the adjoining grounds, shall be submitted to and agreed in writing with the Planning Authority. Thereafter, the approved replacement trees shall be planted in the first planting season, following occupation of the dwellinghouse and maintained to the satisfaction of the Planning Authority. Any trees dying within 5 years of the date of this consent shall be replaced with a similar species in the same location.

REASON To protect the visual amenity of the surrounding area.

6. No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees shown on the approved plans as being retained on the site. The fencing shall enclose either:

(a) the area described by the limit of the spread of the branches of the tree;

or

(b) a radius of 8 metres from the trunk of the tree, whichever is the greater.

Such fencing shall be maintained during the course of development, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

REASON To ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity.

7. A 2.0 m footway shall be provided across the frontage of the site prior to the occupation of the dwellinghouse hereby approved.

REASON In the interests of road safety.

8. Notwithstanding the submitted plans details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

9. Development shall not begin until samples of materials to be used on all external surfaces of the dwellinghouse and hard surfaces within the site, have been submitted to and agreed in writing with the Planning Authority.

REASON To ensure the development is satisfactory in appearance and maintains the visual quality of the surrounding area.

NOTE

1. The applicant is advised to contact John Trakalo at the Council's Roads and Transportation Division prior to any work commencing on site.

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