

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 27 OCTOBER 2006

**06/0621/FL: ERECTION OF HOUSE
AT MANSEFIELD TERRACE, DUNLOP
BY MR & MRS SYME**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal aims to provide a detached single storey dwellinghouse on the application site with a slate roof finish and white wet

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, this application fails to accord with the Development Plan due to its failure to provide adequate vehicular and pedestrian access to the public highway network. Therefore the application should be refused unless material considerations indicate otherwise.

3.2 As indicated in Section 6 there are material considerations relevant to this application however none are considered to be of such significant weight as would merit approval of the application.

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 this would not represent 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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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 objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises approximately 768 sq m of a level grassed paddock area within the settlement boundary of Dunlop. The application site is located immediately south of the Dunlop Outstanding Conservation Area and is bounded to the north by the two storey terraced properties of Mansefield Terrace. The remaining boundaries abut large detached modern bungalows and two storey properties in well landscaped grounds. The application site includes part of Mansfield Terrace, a private road, from the paddock to its junction with the public highway at Stewarton Road.

2.2 **Proposed Development:** The proposal aims to provide a detached single storey dwellinghouse on the application site with a slate roof finish and white wet dash render walls.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have indicated that they object to the proposal and recommend refusal, as Mansefield Terrace does not meet the construction standards or the geometric layout requirements for a residential road. In particular there is no turning head within Mansefield Terrace, the carriageway is less than 5.5 m wide the junction of Mansefield Terrace and the junction with Stewarton Road has no sightlines due to an adjacent boundary hedge. The junction radii are also inadequate being less than the required 6.0 metres. In addition pedestrian access to Mansefield Terrace is inadequate and would require improvement works to the public road to

provide a 2 metre footway. Finally, this is not an adopted road, yet it serves a significant number of residential properties in excess of the number permitted in the Council's Roads Development Guide, that can be served by a private road.

Noted.

3.2 Scottish Water have no objection to the proposal.

Noted.

3.3 Dunlop and Lugton District Community Council have indicated that they have no objection to the proposal.

Noted.

3.4 Scotland Gas Network made no objection to the proposal.

Noted.

4. REPRESENTATIONS

4.1 Eight objections have been received in relation to this proposal and a letter of support from the applicant. The objectors raise the following concerns:-

4.2 The applicant is not the owner of Mansfield Terrace.

It is correct that the applicant is not the owner of the road, however the applicant has certified that all the appropriate owner notifications in respect of the application have been made.

4.3 The location of the garage and the two metre high fencing is unacceptable in front of our house.

The revised proposal does not include a garage. The fencing is considered acceptable given the orientation of the proposed house to the objector's property.

4.4 The proposal would result in the new householder driving on the private driveway served by Mansfield Terrace and would result in our private driveway being blocked. The position of the garage will result in cars having to reverse onto a private driveway, which is dangerous.

The Roads Division have indicated that the proposal requires to be served by a fully adopted road and they would not accept the use of

the current roadway. The revised proposal does not include a garage.

4.5 There is no known sewer in Mansfield Terrace. The sewerage system is already overloaded.

Scottish Water were consulted and have not objected to the proposal.

4.6 Additional traffic is a danger to residents on Mansfield Terrace.

The Roads Division have indicated that the proposal requires to be served by a fully adopted road.

4.7 The proposal would be completely out of keeping with the terraced properties of Mansfield Terrace and detrimental to the area.

The proposal, whilst not reflective of the character and appearance of the terraced properties in the Outstanding Conservation Area, is considered to be sympathetic to the size, scale and character of the other surrounding properties outwith the Outstanding Conservation Area, as the site is.

4.8 The building should be set further back in the site as the current position is unduly prominent and most incongruous in the street.

The revised building line of the dwellinghouse correlates closer to the Mansfield Terrace boundary line of Dunecht thus maintaining the open aspect of Mansfield Terrace at this location.

4.9 The proposal barely achieves the 18m window to window distance required.

East Ayrshire Council's Design Guidance requires that 18 m window to window distance be achieved between habitable rooms. The proposal accords with this requirement.

4.10 The proposal would fail to accord with the requirement of RES5 of the East Ayrshire local Plan as it would not be in keeping with the area.

The proposal is outwith the Dunlop Outstanding Conservation area and its design reflects that of the adjacent detached properties.

4.11 Four silver birch trees were felled by the applicant the day before the application was submitted.

As the proposal is outwith the Outstanding Conservation Area no consent was required from the Planning Authority to remove the trees.

4.12 The proposal provides insufficient parking for the new house.

The proposal meets the Council's Design Guidance in terms of the parking requirement.

4.13 The proposal would result in the loss of amenity space and a link between the countryside and the settlement.

The proposal will result in the loss of an area of private field not an area of public amenity space. However, the positioning of the house within the plot, will help retain the open aspect to the north of the site.

4.14 All other new houses in the area are orientated away from the terrace and have established landscaping around them.

It is considered that the orientation of the proposed house is acceptable.

4.15 In support of the application the applicant has indicated in response to the Roads issues that Mansfield Terrace does not meet the construction standards but neither does 90% of Dunlop. The terrace does however have a footpath 1.47 metres wide which is wider than the main streets in Dunlop and a 5 metres wide road all in good condition and are well maintained by the owners. Some parts of the main streets have no footpath. There are currently adequate turning facilities at the end of Mansfield Terrace and half way along at the entrance to Greenmount driveway. When the road was upgraded some 7 or 8 years ago by the residents these turning areas were upgraded and the owners of Netherdale and Greenmount were party to widening the driveways and tarmacing the road at that time to upgrade the turning area. The sight line to the left is only blocked by a hedge, which can be trimmed. The 6 meter radii could be constructed on the south kerb if required. It is not an adopted road but is a better road than normally found in the Dunlop Conservation Area such as Joiners Lane which was subject to re-development recently. Why do we need a 2 meter footpath at this corner when the footpaths in Dunlop vary from nothing to 1.8 meters and the majority are under a meter wide?

The Roads Division have indicated that the new dwellinghouse requires to be served by a road to an adoptable standard due to the number of users on the private road. It should be noted that the hedge blocking the visibility sightline is outwith the control of the applicant.

4.16 In general support of the application the applicant indicates that the access to be used for the house is an existing access to the paddock and has been in use for at least 40 years. It is in regular use today for getting livestock/trailers in and out of the paddock. The erection of a house in the paddock, with parking and turning facilities within the proposed site plan will not therefore add to existing parking or commercial traffic on Mansfield Terrace. Further, the entrance to the site is adjacent to the start of the terrace houses and therefore will not result in an increased safety risk to the existing owners through additional vehicular traffic.

The claims relating to the existing use of the site are noted, however, new development needs to be assessed against current planning requirements.

4.17 This road is in a conservation area and as such was designed 100 years before Planning and Roads Standards were thought of. Planning Regulations started in 1948 and Road Standards shortly after but all the Conservation areas date well before so it is unfair for these standards to be applied in conservation areas.

The application site is outwith the Conservation area and Conservation Area standards are not being applied to this proposal. It is important to note that although many of the houses may pre-date 1948, the Conservation Designation does not and is part of planning legislation.

4.18 There are 7 existing houses in the conservation area and 5 new houses to the south of Mansfield Terrace. The same objections must have been applied to the new houses when they were granted planning permission. In other words the Planning Authority must have applied their discretion to preserve the conservation area and grant permission.

The Council have no record of any planning consents since 1975, relating to the erection of these houses. As stated earlier, the present proposal needs to be assessed against the relevant planning requirements for today. Therefore, the significance of any earlier consents would be much reduced and would not outweigh the present recommendation.

4.19 We have considered providing a private road to serve this house along the open space owned by our client as shown on drawing marked plan A. We however consider the revised submissions to be a better proposal even although plan A would meet all the current Roads Standards.

The alternative access arrangement is not part of the application and therefore not relevant to the determination of the application.

4.20 We have complied with the planning officer's request to the material alterations and to moving the building back to preserve the open space.

Noted.

4.21 The planning application has been discussed at the Community Council meeting and no objection was raised or minuted.

Dunlop and Lugton Community Council have not objected to the proposal.

4.22 Mr Syme confirms that when he bought the premises and paddock it had planning permission approved in principle for 4 houses

The application site has no previous planning history on record.

4.23 We would further point out that this house is for his daughter (who was brought up in the village) and husband since they have been unable to purchase an economic house in Dunlop.

The inability of the applicant's daughter to purchase a house in Dunlop is not material to the determination of the application.

4.24 We would request therefore that the same consideration in terms of compliance be given to this new house application as that given to the other 5 houses constructed since the Terrace houses were first constructed.

The proposal requires to be assessed against the Development Plan, normal planning requirements and all material considerations, relevant to such proposals at this time.

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).

Ayrshire Joint Structure Plan

5.2 Policy ADS3 requires that new residential development be directed to, and located within, settlements as defined by local plans.

The proposal accords with this Policy in principle.

5.3 Policy G1 indicates that the three Ayrshire Councils shall, in providing for new development, give priority to the use of land within existing settlements.

The proposal accords with the requirements of this Policy.

East Ayrshire Local Plan

5.4 Policy RES4 states that, within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other re-development 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 a set of four stated criteria, as follows:

- (i) impact on the surrounding natural and built environment and adjacent uses;

The proposal is a residential development on a gap site within the settlement boundary of Dunlop and thus will not be detrimental to the adjacent uses in the area. The erection of a new dwellinghouse in this location will have an impact on the local natural and built environment as the area has benefited from the paddock area being undeveloped thus creating an open and attractive setting to the Listed buildings on Mansefield Terrace. However the application site is outwith the Conservation Area and the proposal is similar in nature to several existing dwellings adjacent, which also bound the Conservation Area, therefore it is considered that the proposal will not have a significant detrimental impact on the natural and built environment.

- (ii) transportation and infrastructure implications;

The Council's Roads Division have indicated that they object to the proposal, recommending refusal due to the private access road failing to meet the adoptable Roads Standards.

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

The density of the proposed development and its house type are compatible with the surrounding area.

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

The proposal accords with the requirements of the Council's Design Guidance for residential developments.

Therefore as the proposal does not meet the requirements of the Roads guidelines the proposal fails to accord with Policy RES4.

5.5 Policy RES 22 of the East Ayrshire Local Plan indicates that minimum private open space as set out in Schedule 4 of the Local Plan should be adhered to.

The proposed layout of the development would provide suitably designed private garden ground in excess of the 100 sq metres for the house as required by Schedule 4 of the East Ayrshire Local Plan.

5.6 Policy ENV 7 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 these required design standards detailed in these documents will require to be fully justified. In this instance the relevant design guidance is New Residential Development

The proposal accords with the Council's design guidance.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultation responses, the letters of representation and letter of support, covered in Section 4 and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses are detailed in the report. The Roads Division object to the proposal and recommend refusal due to the failure to provide appropriate access arrangements to the public road

Representation

6.3 The representations from the members of the public are not supportive of the proposal due to the design, location, impact on the amenity, loss of open space and inadequacy of the access road.

None of these issues, with the exception of the inadequate road, are considered significant enough to merit refusal of the application.

Letter of Support

6.4 The letter of support considers that the access is adequate given the poor standard elsewhere in Dunlop. Also the use of the site will not worsen the existing situation nor significantly adversely affect any neighbouring properties.

Impact Upon Amenity

6.5 It is considered that the proposed development would be detrimental to the amenity of the local area as it would fail to provide adequate and safe vehicle and pedestrian access to the public highway network.

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, this application fails to accord with the Development Plan due to its failure to provide adequate vehicular and pedestrian access to the public highway network. Therefore the application should be refused unless material considerations indicate otherwise.

8.2 As indicated in Section 6 there are material considerations relevant to this application however none are considered to be of such significant weight as would merit approval of the application.

9. RECOMMENDATION

9.1 It is recommended that the application for planning permission be refused for the reason 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 this would not represent a significant departure from policy.

Alan Neish
Head of Planning, Development and Building Standards

17 October 2006
(CSI/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Letters/Certificates.
3. Consultations.
4. Approved Ayrshire Joint Structure Plan.
5. Adopted East Ayrshire Local Plan.
6. Letters of Support and Objection.

Anyone wishing to inspect the above papers please contact Craig Iles, Senior Planning Officer, on 01563 576772.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0621/FL

Site of Proposal:	Mansefield Terrace Dunlop KILMARNOCK KA3 4AE
Nature of Proposal:	Erection of New House
Name & Address of Applicant:	Mr & Mrs Syme Netherdale Mansefield Terrace Dunlop KILMARNOCK KA3 4AE
Name & Address of Agent:	Robert G Lang 25 Bellevue Crescent AYR KA7 2DP

DPOs Reference: CSI/MMM

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

1. The proposal would fail to accord with Policy RES 4 of the East Ayrshire Local Plan due to the inadequate nature of the vehicular and pedestrian accesses from the proposed house to the public road network.

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