

EAST AYRSHIRE COUNCIL

**NORTHERN AREA LOCAL PLANNING COMMITTEE
02 SEPTEMBER 2005**

**05/0563/OL: PROPOSED DWELLINGHOUSE – OUTLINE ONLY
AT LAND ADJACENT TO 1A STRATHOLM TERRACE, NEWMILNS
BY GORDON STEVENSON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicant seeks outline planning permission for the erection of a dwellinghouse within the former side garden area of the bungalow at 1a Stratholm Terrace. Access to the site would be taken from from Stratholm Terrace. As the proposal is in outline, the applicant has not submitted an accurate scaled plan illustrating how they propose to accommodate the access, sightline requirements and the proposed dwellinghouse on the site. However, a somewhat inaccurate indicative plan not forming part of any formal submission, illustrates a 3 metre wide and 10 metre long driveway adjacent to the western boundary of the site adjacent to the existing property at 1a Stratholm Terrace. In order to achieve the necessary sightlines, the site could then only accommodate a dwellinghouse of maximum width of 8 metres, which would result in a rear garden ground provision under 40 sq. metres and any house would project 1 metre in front of the building line of the adjoining property. These are only indicative findings, but reflect the restrictive nature of the site.

1.2 The dwellinghouse at 1A Stratholm Terrace was formed from the side garden area of the property at 1 Stratholm Terrace under planning consent (E/80/43A).

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 the report the application is considered to be contrary to the terms of the Development Plan. There are no material considerations that would indicate that the proposal should be considered other than in terms of the Local Plan and thus 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, on the basis of the principle of residential development, the application will require to be referred to the Development Services Committee as that would be a 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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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, due to the nature of the proposed development and the fact that the application is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located within the settlement boundary of Newmilns. The site comprises a triangular area of ground, formerly garden ground, to the side of the existing detached bungalow at 1a Stratholm Terrace. The application site covers an area of approximately 322 sq. metres and is presently overgrown grassland with trees. The adjoining land to the south rises steeply up to a disused railway embankment. The land to the north and west is occupied by residential properties.

2.2 **Proposed Development:** The applicant seeks outline planning permission for the erection of a dwellinghouse within the former side garden area of the bungalow at 1a Stratholm Terrace. Access to the site would be taken from from Stratholm Terrace. As the proposal is in outline, the applicant has not submitted an accurate scaled plan illustrating how they propose to accommodate the access, sightline requirements and the proposed dwellinghouse on the site. However, a somewhat inaccurate indicative plan not forming part of any formal submission, illustrates a 3 metre wide and 10 metre long driveway adjacent to the western boundary of the site adjacent to the existing property at 1a Stratholm Terrace. In order to achieve the necessary sightlines, the site could then only accommodate a dwellinghouse of maximum width of 8 metres, which would result in a rear garden ground provision under 40 sq. metres and any house would project 1 metre in front of the building line of the adjoining property. These are only indicative findings, but reflect the restrictive nature of the site.

2.3 The dwellinghouse at 1A Stratholm Terrace was formed from the side garden area of the property at 1 Stratholm Terrace under planning consent (KL/E/80/43A).

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council, Roads and Transportation Division require two off street parking spaces for the dwellinghouse and a sightline standard of 2.5 metres by 70 metres. In response to the proposed location of the indicative vehicular access adjacent to the boundary of 1a Stratholm Terrace, the Roads and Transportation Division advise that the sightline standard will only be achieved by encroaching onto the land of the property at 1a Stratholm Terrace and by retaining a minimum distance of 2.5 metres between the front of any proposed dwellinghouse and the road. It is further noted that there are no objections in respect of flooding, however it is advised that in the event of consent being granted the developer should give careful consideration to the finished floor level of the house and the use of suitable water resistant materials in its construction.

In the event that consent is granted, the development would require to be the subject of a legal agreement between the applicant, the Council and the landowner to achieve the required sightlines.

3.2 Transco have raised no objections to the proposed development.

Noted.

3.3 Scottish Environment Protection Agency (SEPA) have not responded to the proposal.

Noted.

3.4 Newmilns Community Council have not responded in relation to the proposal.

Noted.

4. REPRESENTATIONS

4.1 No letters of representation have been received in relation to the proposal.

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).

Ayrshire Joint Structure Plan

5.2 There are no specific policies contained within the Structure Plan that relate to this application.

East Ayrshire Local Plan

5.3 The applicant has advised that the site formed part of the side garden of No. 1A Stratholm Terrace, however given the unkempt nature of the site and as it is no longer associated with No. 1A , it is considered relevant to assess the proposal against both policies RES4 and RES5 of the East Ayrshire Local Plan.

5.4 Policy RES 4 encourages the sympathetic residential development of gap, infill or other redevelopment sites subject to the following criteria:

- (i) Impact on the surrounding natural and built environment and adjacent uses;
- (ii) Transportation and infrastructure implications
- (iii) Compatibility with surrounding densities and housing types, and
- (iv) Compliance with the Council's Development Promotion and Design Guidance.

The application is in outline only and the inaccurate indicative plan submitted by the applicant illustrates that the sightlines can only be achieved by encroaching on the neighbouring land at 1A Stratholm Terrace. The proposal is not compatible with the surrounding densities given that less than 40sq metres private rear garden ground will likely be allocated and therefore represents overdevelopment.

5.5 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 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 to the new housing proposed.

The applicant has only submitted inaccurate indicative details and from these details and an assessment of the site, it is considered that it is unlikely the necessary sightlines, off-street parking provision, private garden area and satisfactory relationship to the adjoining house can be achieved. Therefore, it is considered that the proposal represents overdevelopment of the site, to the detriment of the character and amenity of the area.

5.6 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, which requires detached and semi-detached houses to provide one and half times the ground floor area of the house to a minimum requirement of 100 sq. metres.

Although the proposal is only in outline, from the indicative details given, it is considered that the application is contrary to the requirements of Schedule 4 as it is likely only to be possible to achieve some 40 sq. metres of rear private garden area for a dwellinghouse on the site. This falls well short of the required 100 sq metres. There would be some garden provision retained to the side of any dwellinghouse abutting the public road, however this would not be regarded as private garden ground.

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 considerations relevant to the determination of the application are the consultation responses and the impact on the amenity of the area.

Consultation Responses

6.2 The responses do not indicate that the application should be refused, however the Council's Roads and Transportation Division advise that the sightlines for the driveway shown on the indicative plan can only be achieved by encroaching on the adjoining land at 1A Stratholm Terrace.

Planning History

6.3 The dwellinghouse at 1A Stratholm Terrace was approved in the garden ground of 1 Stratholm Terrace (E/80/43A) planning history.

Impact on the amenity of the area

6.4 The triangular shape of the site is such that it is considered that the proposal cannot be accommodated as detailed with no detriment to the area, where the proposal would present overdevelopment and provide inadequate private amenity ground for the plot.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 Should the Committee grant planning permission, the Council would be required to enter into a legal agreement with the applicant and adjoining landowner to achieve the necessary sightlines.

8. CONCLUSIONS

8.1 As indicated in the report the application is considered to be contrary to the terms of the Development Plan. There are no material considerations that would indicate that the proposal should be considered other than in terms of the Local Plan and thus the application should be refused.

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 that would not be a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

19 August 2005 (GC/SA/RH)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan.
6. Planning application Number KL/E/80/43A.

Implementation Officer: Dave Morris

**Anyone wishing to inspect the above papers please contact Gillian Craig,
Senior Planning Officer on 01563 576769.**

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0563/OL

Site of Proposal:	Land Adjacent to 1a Stratholm Terrace Newmilns
Nature of Proposal:	Proposed Dwellinghouse – Outline Only
Name & Address of Applicant:	Gordon Stevenson 3 Thistle Place East Kilbride G74 4RH

DPOs Reference: GC/RH

The above FULL application should be refused for the following reasons:-

1. The proposed development would be contrary to the requirements of Policies RES4 and RES5 of the Adopted East Ayrshire Local Plan, as it would represent overdevelopment and therefore impose a detrimental impact contrary to the amenity of the area.
2. The proposed development would be contrary to Policy RES22 and the requirements of Schedule 4 of the Adopted East Ayrshire Local Plan as the site is unable to accommodate a dwellinghouse with the necessary private open space.

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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**