

**EAST AYRSHIRE COUNCIL**

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

**04/1109/FL: PROPOSED ERECTION OF DETACHED DWELLINGHOUSE  
AT 25 HABBIEAULD ROAD, KILMAURS  
BY MR & MRS McCULLEN**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of a detached storey and a half dwellinghouse utilising velux windows. The proposed house will be finished externally in tiles, render and brickwork to match the donor dwellinghouse. The proposed house would have a private garden area of approximately 150 sq. metres, while the donor house would be afforded 100 sq metres of private garden ground.

1.2 The proposal would provide three metre wide driveways for both the donor house and the proposed dwellinghouse.

**2. RECOMMENDATION**

**2.1 It is recommended that the application for planning permission be approved subject to the conditions detailed on the attached sheet.**

**3. CONCLUSIONS**

3.1 As is indicated in Section 5 of the report the application is considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 there are material considerations relevant to this application, however none are of significant enough weight, as would merit the refusal of the application.

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

#### **04/1109/FL: PROPOSED ERECTION OF DETACHED DWELLINGHOUSE AT 25 HABBIEAULD ROAD, KILMAURS BY MR & MRS McCULLEN**

#### **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 at the request of the Local Member.

### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site comprises 0.043 hectares of level side garden ground at 25 Habbieauld Road, Kilmaurs. The Kilmarnock to Glasgow railway line abuts the western and north-western boundaries of the site. Habbieauld Road forms the north-east boundary, while the donor house provides the south-east boundary and the rear garden ground of adjacent house at No. 23 Habbieauld Road forms the southern boundary of the site.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a detached storey and a half dwellinghouse utilising velux windows. The proposed house will be finished externally in tiles, render and brickwork to match the donor dwellinghouse. The proposed house would have a private garden area of approximately 150 sq. metres, while the donor house would be afforded 100 sq metres of private garden ground.

2.3 The proposal would provide three metre wide driveways for both the donor house and the proposed dwellinghouse.

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

3.1 East Ayrshire Council's Roads and Transportation Division have indicated that the proposal fails to achieve adequate sightlines through the railway bridge to the north-west of the site. However given the fact that there is an existing driveway access for the donor house close to the bridge and given the traffic calming effects of the railway bridge design at this location, it is considered that the proposal is acceptable.

***Noted.***

3.2 Network Rail have indicated that they have no objection to the proposal providing the appropriate safety requirements are adhered to during the construction of the proposal.

***A note can be attached to any grant of planning permission highlighting these issues to the developer.***

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 Kilmaurs Community Council have not replied to their consultation at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 No letters of representation have been received in relation to this 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).

##### East Ayrshire Local Plan (EALP)

5.2 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;

***The proposal would be compatible with the surrounding densities and house types.***

- ii) The proposal meets all the design requirements of the Council and does not create unacceptable damage to the amenity of surrounding properties; and;

***The proposal accords with all the Council's design guidance and will not have a detrimental impact on the residential amenity of the proposed or adjacent housing.***

- iii) Acceptable levels of privacy are maintained to neighbouring properties and the new housing proposed.

***The design and orientation of the proposed house is such that it will not have a detrimental impact on the levels of privacy of the proposed or adjacent housing.***

5.3 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 proposed development accords with the requirements of schedule 4 of the Local Plan.***

## **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 and the impact on the amenity of the area.

### Consultation Responses

6.2 The consultation responses are detailed in the report and are considered to be supportive of the application.

### Impact on Amenity

6.3 It is considered that the proposed one and a half storey dwelling will be compatible with the surrounding densities and house types. The proposal accords with the Council's Design Guidance and will not have a detrimental effect on the existing levels of privacy within the immediate locality. Therefore it is considered that it will not have a detrimental effect on the amenity of the area.

### Planning History

6.4 A Planning Enforcement Notice and a Stop Notice were served on the site on 15 September 2004 as the applicant had commenced development without the benefit of planning permission.

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

7.1 None.

## **8. CONCLUSIONS**

8.1 As is indicated in Section 5 of the report the application is considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 there are material considerations relevant to this application, however none are of significant enough weight, as would merit the refusal of the application.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application for planning permission be approved subject to the conditions detailed 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**

23 August 2005  
(CSI/MMM/IMB)

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Adopted East Ayrshire Local Plan (2003)
5. Approved Ayrshire Joint Structure Plan. (1999)
6. Enforcement and Stop Notice's; DP/030/04/0216

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

***Implementation Officer: Dave Morris***

041109FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

04/1109/FL

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Site of Proposal:	25 Habbieauld Road, KILMAURS Kilmarnock KA3 2SN
Nature of Proposal:	Proposed Erection of One No. Detached Dwellinghouse
Name & Address of Applicant:	Mr & Mrs D McCullen 25 Habbieauld Road KILMAURS KA3 2SN
Name & Address of Agent:	Pryce Architectural & Construction Consultants 8 Grougar Road CROOKEDHOLM Kilmarnock

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DPOs Reference: CSI/RH

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 8 November 2004 and the amended plans received by the Planning Authority on 20 May 2005.

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

2. 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.

3. Notwithstanding the plans hereby approved the external appearance of all materials to be used in the construction of the new dwellinghouse shall match the materials of the donor dwellinghouse. Samples of said materials shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development.

REASON In the interest of residential amenity.

NOTE TO APPLICANT

1. The developer should contact Network Rail on Tel. No. 0141-555-4162 prior to the commencement of the development, to establish safety requirements for construction work adjacent to the railway operational land.

**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.**