

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 30 APRIL 2004**

**03/0776/FL: PROPOSED DETACHED SINGLE GARAGE AT 16 MAIN STREET, SORN**

**APPLICATION BY MR & MRS I MCGHEE**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The garage which has already been erected is a sizeable structure positioned parallel to the street. Standing at 4.4metres in height the floor area of the garage is 30sqm. The external wall finish is a pinky brown drydash render with a slated dual pitched roof. The rainwater goods are brown uPVC and the roof is finished with a white fascia and bargeboard which overhangs the external wall by 0.3m.

**2. RECOMMENDATION**

2.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

**3. SUMMARY OF ANALYSIS**

3.1 As indicated in section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application and it is considered that these indicate the recommendation should be one of refusal.

3.2 The principle of erecting a garage within the domestic curtilage of a property and for private use is generally considered to be acceptable. However this is subject to the visual appearance of the structure and how it fits into the surrounding environment in terms of its impact on neighbouring properties and the built environment in general. The garage which has been built and which has been applied for is forward of the building line having a prominence which highlights its unsatisfactory detailing. It is a sizeable structure which incorporates bulky bargeboards and unsympathetic rainwater goods.

3.3 Additionally the garage is hard onto the boundary of the dwellinghouse at No. 14A and it has an overbearing impact on the curtilage to the front of this house. The rear elevation is approximately 2.4metres above the height of the screen fence which has been erected and as such is considered to have a negative impact on the residential amenity of the property.

3.4 The garage has a detrimental impact on the visual amenity of the Conservation Area as well as on the residential amenity of an adjoining residential property and therefore the recommendation must be one of refusal.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as it would not represent a significant departure from the statutory development plan.

**Alan Neish**  
**Head of Planning and Building Control**

**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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**APPLICATION BY MR & MRS I MCGHEE**

**Report by Head of Planning and Building Control**

**1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination a full, retrospective planning application which is to be considered by the Local Planning Committee under the scheme of delegation, due to it being recommended for refusal and subject to an objection.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The site is located at the Old Schoolhouse along Main Street in the village of Sorn. The property comprises the Old Schoolhouse which is a traditional two storey (dormer) building with a slated roof and external walls constructed of sandstone. There is an ancilliary building of the same style in the south east corner of the site. Immediately to the front of this building is a small garden area along which is a 2m high vertically boarded screen fence forming the boundary to the dwellinghouse at No.14A.

2.2 Sorn Primary School adjoins the dwellinghouse to the west. This boundary is formed by a one metre high stone wall which also forms the front boundary, albeit with black painted iron railings of a traditional appearance. Opposite the garage is a traditional white rendered cottage which is hard onto the public footway to the front.

2.3 **Proposed Development:** The garage which has already been erected is a sizeable structure positioned parallel to the street. Standing at 4.4metres in height the floor area of the garage is 30sqm. The external wall finish is a pinky brown drydash render with a slated dual pitched roof. The rainwater goods are brown uPVC and the roof is finished with a white fascia and bargeboard which overhangs the external wall by 0.3m.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposed development subject to the following conditions :

- (i) the private driveway will require to be paved for a minimum distance of 2.0 metres from the rear of the footway
- (ii) no surface water must be allowed to discharge onto the public road
- (iii) any gates will require to open inwards

***Noted. These conditions can be imposed on any consent should the Committee be minded to approve the application.***

3.2 The Architectural Heritage Society of Scotland has advised that the attention to detail in the garage makes it a very acceptable proposal.

***Noted. The Society's comments relate to the original drawings submitted by the applicant. The garage, which has however been built, is not consistent with these drawings and consequently amended details, reflecting what has been constructed, are not considered by the Planning Authority to be acceptable in design terms.***

3.3 Scottish Water has no comments regarding any water issues but that a totally separate drainage system of foul and surface water sewers will be required.

***Noted.***

3.4 Scottish Power has no objection to the proposed development.

***Noted.***

3.5 Scottish Environment Protection Agency has no objection to the proposed development.

***Noted.***

3.6 The Coal Authority has no adverse comments to make and no objection to the proposed development.

***Noted.***

3.7 Sorn Community Council has objected to the garage for the following reasons :

- (i) the structure is not in the building line
- (ii) the materials used are not in keeping with the rest of the property (sandstone)
- (iii) the building was built without planning permission making a mockery of the system

***Noted. See comments below.***

#### **4. REPRESENTATIONS**

4.1 The application has attracted one letter of objection from the local Community Council, as follows:-

4.2 The structure is not in the building line.

***The garage as built and as currently applied for is situated parallel to Main Street. It is positioned forward of the existing building line along the street frontage in the village. This is not considered to be best practice for such developments, especially as the site is located at the centre of the village's Conservation Area.***

4.3 The materials used are not in keeping with the rest of the property.

***Albeit the Old Schoolhouse is constructed of sandstone it is not extraordinary for ancillary buildings constructed at a later date to be finished in different materials, provided they are sympathetic to the vernacular. It is considered that the proposed external wall finish is acceptable, as is the slated roof.***

4.4 The building was built without planning permission making a mockery of the system.

***It is indeed correct that the garage has been erected without the benefit of prior planning consent. Hence the current application was sought by the Planning Division in order that the merits of the garage can be determined. The prematurity of the construction is not an issue which can merit refusal of the application. The applicants have been advised in writing that it would be in their best interests to stop work on 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).

#### Ayrshire Joint Structure Plan

5.2 There are no policies contained in the structure plan which are especially relevant to the development.

#### East Ayrshire Local Planning

5.3 Policy ENV4 of the local plan seeks to ensure that all development within or affecting the setting of a Conservation Area is sympathetic to the area concerned in terms of its layout, size, scale, design, siting, materials and colour of finish.

***The garage which has been applied for and as built is positioned forward of the building line established in much of the village of Sorn. Additionally the construction uses a bulky bargeboard which is not of a traditional scale and takes on a somewhat clumsy appearance. The use of brown uPVC rainwater goods does nothing to enhance the aesthetic appearance of the garage. However, the roof finish is slate which is acceptable and the pinky brown drydash is in keeping with the similarly coloured sandstone used in the existing dwellinghouse and adjacent Primary School. It is considered that the overall scale, proportions and design of the garage detracts from the built environment and it is not considered to be sympathetic to the character of the Conservation Area in which it is sited. It is therefore contrary to Policy ENV4.***

5.4 Policy ENV7 of the local plan requires that developers comply fully with the Council's Design Guidance. In this instance the relevant guidance would be on Householder Developments. In relation to freestanding garages the guidance states that they should be behind the front building line.

***The garage which has been built is in front of the existing building line along this section of the street frontage. Additionally the garage is a sizeable structure and is considered to be overbearing relative to the adjacent dwelling at No 14A. It is therefore considered to be detrimental to the surrounding environment for these reasons and thus is contrary to Policy ENV7.***

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

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and third party representations.

### Consultations Responses

6.2 None of the consultation responses have raised any issues which would indicate that planning permission should be refused.

### Representations

6.3 The primary objection raised was regarding the overall appearance of the garage and it is considered that this is material to the determination of this application.

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

7.1 There are no financial implications for the Council in the determination of this application.

7.2 Legal implications may arise further to any refusal of the application in that enforcement procedures would have to be considered to achieve removal of a garage having an unsatisfactory design.

## **8. CONCLUSIONS**

8.1 As indicated in section 5 of the report, the application is not considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application and it is considered that these indicate the recommendation should be one of refusal.

8.2 The principle of erecting a garage within the domestic curtilage of a property and for private use is generally considered to be acceptable. However this is subject to the visual appearance of the structure and how it fits into the surrounding environment in terms of its impact on neighbouring properties and the built environment in general. The garage which has been built and which has been applied for is forward of the building line having a prominence which highlights its unsatisfactory detailing. It is a sizeable structure which incorporates bulky bargeboards and unsympathetic rainwater goods.

8.3 Additionally the garage is hard onto the boundary of the dwellinghouse at No. 14A and it has an overbearing impact on the curtilage to the front of this house. The rear elevation is approximately 2.4metres above the height of the screen fence which has been erected and as such is considered to have a negative impact on the residential amenity of the property.

8.4 The garage has a detrimental impact on the visual amenity of the Conservation Area as well as on the residential amenity of an adjoining residential property and therefore the recommendation must be one of refusal.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be refused for the reasons listed 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 and Building Control, the application will not require to be referred to the Development Services Committee as it would not represent a significant departure from the statutory development plan.

**Alan Neish**  
**Head of Planning and Building Control**

16 April 2004  
NM/NM/SMB  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0776/FL

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Location	16 Main Street SORN KA5 6HU
Nature of Proposal:	Proposed detached single garage
Name and Address of Applicant:	Mr & Mrs I McGhee 16 Main Street SORN KA5 6HU
Name and Address of Agent	IPC Design Systems Fairview House Rigg Road CUMNOCK KA18 3JB

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DPO's Ref: Nicola Monroe  
PPO's Ref: Hugh Melvin

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

1. The garage which has been built is not in keeping with the existing street frontage in terms of its scale, layout and design. It does not contribute positively to the character or appearance of the area and it therefore breaches the provisions of Policy ENV4 of the East Ayrshire Local Plan which require that all development within or affecting the setting of a Conservation Area is sympathetic to the area.
2. The garage which has been built is in front of the building line which is contrary to the Council's Design Guidance 1: Householder Developments. This breaches the provisions of Policy ENV4 of the East Ayrshire Local Plan which require that developers comply fully with the Council's existing and emerging design guidance.
3. The garage which has been built is considered to have an overbearing impact on the neighbouring residential property and as such is contrary to the Council's Design Guidance 1: Householder Developments. This breaches the provisions of Policy ENV4 of the East Ayrshire Local Plan which require that developers comply fully with the Council's existing and emerging design guidance.

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