

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 26 JANUARY 2007

**06/0645/OL: PROPOSED ERECTION OF A DWELLINGHOUSE AT THE
MANSE, 4 CARSPHAIRN ROAD, DALMELLINGTON**

APPLICATION BY CHURCH OF SCOTLAND C/O PENNY MCCREATH

Report by Head of Planning, Development and Building Standards

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

Outline planning permission is sought for the erection of a dwellinghouse on ground at the rear of the existing house. Although no details of the proposed dwellinghouse have been provided at this outline stage, an indicative site layout plan has been submitted outlining the position of the proposed dwellinghouse and measuring 10.75 metres by 8.25 metres. The site would also contain a detached garage. The site will be separated from the existing house by timber fencing varying in height from 1 metre to 1.8 metres. Access to the site will be obtained from the easternmost of 2 existing accesses off Carsphairn Road serving the existing manse and the application site.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As indicated in section 5 of the report, the application is 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 approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these are not of sufficient weight to justify refusal of the application.

3.2 The proposed development is consistent with policy and no significant adverse issues have been raised through the consultation process. The subdivision of the garden ground to accommodate the new dwellinghouse will not result in any significant detriment to the existing manse and each property will be

afforded an acceptable level of private open space. It is considered that the points of objection are either not valid or can be sufficiently addressed through the imposition of conditions in any consent granted for the development.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused 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 because it would not be a significant departure from the development plan.

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.

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 26 JANUARY 2007

06/0645/OL: PROPOSED ERECTION OF A DWELLINGHOUSE AT THE
MANSE, 4 CARSPHAIRN ROAD, DALMELLINGTON

APPLICATION BY CHURCH OF SCOTLAND C/O PENNY MCCREATH

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 an outline planning application which is to be considered by the Local Planning Committee under the scheme of delegation because the proposed development is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies on the northern side of Carsphairn Road and within the settlement boundary of Dalmellington. The site forms part of the curtilage of an existing dwellinghouse used as a manse by the Church of Scotland and comprises grass, shrubs and trees. The site rises to the north and is surrounded by the gardens of adjoining residential properties.

2.2 **Proposed Development:** Outline planning permission is sought for the erection of a dwellinghouse on ground at the rear of the existing house. Although no details of the proposed dwellinghouse have been provided at this outline stage, an indicative site layout plan has been submitted outlining the position of the proposed dwellinghouse and measuring 10.75 metres by 8.25 metres. The site would also contain a detached garage. The site will be separated from the existing house by timber fencing varying in height from 1 metre to 1.8 metres. Access to the site will be obtained from the easternmost of 2 existing accesses off Carsphairn Road serving the existing manse and the application site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to conditions. Access to the site must be taken via a standard driveway access crossing constructed to East Ayrshire Council Roads Standards. 3 off road parking spaces will require to be provided for the new dwelling and 3 off road spaces will also require to be provided for the

existing manse with internal turning areas to allow vehicles to enter and leave in forward gear. Any garage must be set back a minimum distance of 6 metres from the rear of the public footway. The private driveways will require to be hard paved for a minimum distance of 2 metres back from the rear of the footway to avoid overcarry of loose material onto the public road/footway. The proposed driveway/parking area should not be less than 6 metres in length by 4.8 metres wide.

Conditions could be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.

3.2 Scottish Power has no objections to the proposed development.

Noted.

3.3 Scottish Water has no objections to the proposed development but points out that the development may involve building over, or building in such a way as to obstruct, access to an existing public sewer and/or water main.

An appropriate advisory note could be added to any consent granted to advise the applicant to make early contact with Scottish Water

3.4 The Scottish Environment Protection Agency has no objections in principle to the proposed development provided the drainage arrangements are to its complete satisfaction.

An appropriate condition and advisory note could be added to any consent granted to advise the applicant to make early contact with Scottish Water.

3.5 Dalmellington Community Council has not responded to the consultation letter.

Noted.

4. REPRESENTATIONS

4.1 One third party letter of objection has been received with respect to the proposed development and the main points of objection are summarised as follows:-

4.2 Firstly, the objector was not neighbour notified.

This omission has been pointed out to the applicant's agent and the objector has subsequently been neighbour notified.

4.3 Secondly, the proposed development would affect views of the objectors' garden area and possibly reduce their privacy.

Although only an outline proposal the applicant has demonstrated that a dwellinghouse of almost 89 square metres can be accommodated within the site, leaving the nearest part of the proposed dwellinghouse 6 metres and 10 metres respectively from neighbouring gardens. The indicative detached garage would be within 3 metres of the site boundary. In these circumstances it is not considered that the objectors' privacy or view would be significantly compromised particularly when they occupy an upper floor flat in an adjoining property. A condition restricting the scale of development to single or one and a half storey height would however assist in minimising privacy concerns.

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 (1999) and the Adopted East Ayrshire Local Plan (2003).

East Ayrshire Local Plan

5.2 Policy RES5 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 being fully in keeping with the existing residential character and appearance of the area within which it is located;
- (ii) the proposal meeting all the design requirements of the Council and not creating unacceptable damage to the amenity of surrounding properties;
- (iii) acceptable levels of privacy being maintained to neighbouring properties and to the new housing proposed.

It is considered that the proposed development meets all 3 stated criteria. The residential area around the development site is of diverse character with single and two storey, detached and semi-detached buildings, four in a block flats and utilising different materials and colours from red sandstone to red/brown brickwork

and cream/white render and roughcast. The manse can be subdivided to provide two generous residential curtilages, each with their own, separate vehicular access to Carsphairn Road. They would have adequate ground to build a house and detached garage while providing the required level of off- street parking but without compromising private open space or neighbour privacy. Full details of the scale and design of the development and associated parking, landscaping and boundary treatment are capable of being controlled by conditions.

5.3 Policy RES22 requires all developers to observe the minimum standards for the provision of private open space detailed in Schedule 4 of the Local Plan.

It is considered that both the plots created for existing house and the proposed new house would meet with the Council's minimum private open space standards.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses and the representation received.

Consultations Responses

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

Representations

6.3 It is considered that the representations are either not valid, can be addressed by the imposition of conditions or is not of sufficient weight to merit refusal of the application.

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, the application is 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 approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these are not of sufficient weight to justify refusal of the application.

8.2 The proposed development is consistent with policy and no significant adverse issues have been raised through the consultation process. The subdivision of the garden ground to accommodate the new dwellinghouse will not result in any significant detriment to the existing manse and each property will be afforded an acceptable level of private open space. It is considered that the points of objection are either not valid or can be sufficiently addressed through the imposition of conditions in any consent granted for the development.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed 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 and Building Control, the application will not require to be referred to the Development Services Committee because it would not be a significant departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

10 January 2007
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letter of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).

Anyone wishing to inspect the above background papers should contact Stephen McDermott on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 06/0645/OL

Location	THE MANSE 4 CARSPHAIRN ROAD DALMELLINGTON AYR KA6 7RE
Nature of Proposal:	ERECTION OF A DWELLINGHOUSE
Name and Address of Applicant:	CHURCH OF SCOTLAND C/O PENNY MCCREATH ROSE COTTAGE 39 MAIN STREET DALMELLINGTON AYR KA6 7SH
Name and Address of Agent	THOMSON DAWES 21 PORTLAND ROAD KILMARNOCK KA1 2BT

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

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

1. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the undermentioned matters hereby reserved:-
 - (a) The layout of the site;
 - (b) The size, height, design and external appearance of the proposed dwellinghouse;
 - (c) The means of drainage and sewage disposal including the provision of a Sustainable Urban Drainage System;
 - (d) Details of the access arrangements;
 - (e) The provision for open space;
 - (f) The provision for car and vehicle parking for both the existing and proposed new dwellinghouses;
 - (g) The boundary walls/fences to be erected;
 - (h) The landscaping of the site;
 - (i) Existing and finished site level/floor level.

REASON – The approval is in outline only.

2. Notwithstanding the provisions of Condition 1 (b) above, the proposed dwellinghouse shall be of single or one and a half storey construction.

REASON – In the interests of visual amenity

3. Notwithstanding the provisions of Condition 1 (b) above the design and use of external finishing materials for the proposed dwellinghouse shall comply with the Council's Design Guidance for New Residential Development.

.REASON: In the interests of visual amenity.

4. Prior to the occupation of the new dwellinghouse, 3 off road parking spaces will require to be provided for the new dwelling and 3 off road spaces will also require to be provided for the existing manse with internal turning areas to allow vehicles to enter and leave their respective curtilages in forward gear.

REASON: In the interests of public road safety.

5. Notwithstanding the provisions of Condition 1(d) access to both sites shall be taken via standard driveway access crossings to East Ayrshire Council Roads standards.

REASON: In the interests of public road safety

6. Notwithstanding the provisions of Condition 1(d) the junction with the private driveways shall be bituminously surfaced for a distance of 2 metres from the edge of the footway to avoid overcarry of loose material onto the public road.

REASON: In the interests of public road safety

7. Notwithstanding the provisions of Condition 1(d) the proposed driveways/parking areas should not be less than 6 metres in length by 4.8 metres wide.

REASON: In the interests of public road safety.

8. Notwithstanding the provisions of Condition 1(f) any proposed garage shall be set back a minimum distance of 6 metres from the rear of the public footway.

REASON: In the interests of public road safety.

9. Notwithstanding the provisions of Condition 1(f) the proposed garage shall be of permanent construction and finished in the same materials as the dwellinghouse to which it relates.

REASON: To ensure that the proposed garage is an appropriate match to the approved dwellinghouse

10. No trees shall be felled, lopped, have roots cut or be the subject of any other works without the written consent of the Planning Authority.

REASON: In the interests of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area.

Notes to Applicant

1. The applicant should make early contact with Scottish Water and the Scottish Environment Protection Agency with regard to the drainage arrangements for the site including the treatment and disposal of surface water. In particular, SEPA has confirmed that the development must not entail the use of dual manholes for connections to the existing sewage system, either in the public sewers or within the curtilage of the development. The applicant should obtain written assurance from Scottish Water that the additional foul drainage arising from the development will not cause or contribute to premature operation of downstream consented storm sewer overflows.
2. The applicant should make contact with Scottish Power Energy Networks and Transco with regard to existing apparatus within the application site that may be affected by the proposed development.
3. The Roads and Transportation Division has advised that a road opening permit will be required for works within a public road. The developer should make early contact with that Division regarding this.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**