

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 23 MARCH 2007**

**06/1143/FL: PROPOSED ERECTION OF DETACHED GARAGE AND  
EXTENSION TO REAR TO FORM LOUNGE AND CHANGE OF USE OF  
GROUND FROM PUBLIC OPEN SPACE TO PRIVATE GARDEN GROUND,  
VEHICLE ACCESS AND GARAGE  
AT 112 HANNAHSTON AVENUE, DRONGAN**

**APPLICATION BY MR B NEIL**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Full permission is sought to build a single storey extension (28 sq. metres) onto the rear of the existing dwellinghouse, Permission is also sought for the change of use of an area of open space adjacent to the dwellinghouse to form additional garden ground and for the erection of a double garage (40 sq. metres) within this extended garden area. This area of land is currently in the ownership of the Council, although it has been agreed to dispose of this area of land to the applicant subject to planning consent being granted for the development. Materials and colours will match those on the original dwelling house

#### **2. RECOMMENDATION**

**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.

## **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, 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.**

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**APPLICATION BY MR B NEIL**

### **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 because the proposed development is subject to an objection.

#### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site lies on the south-east side of Hannahston Avenue, some 20 metres or more from its junction with Glencraig Street, within the settlement of Drongan. The site comprises a single storey, semi-detached dwelling house within land which includes a piece of public open space the applicant is hoping to acquire from the Council. The remaining, rectangular-shaped, piece of open space to the north-east stays in Council ownership and beyond is a Council games hall. To the rear (south-east) is a Council library and car park and an identical semi-detached dwelling house adjoins the site to the south-west. To the north-west and across Hannahston Road lie other residential properties.

2.2 **Proposed Development:** Full permission is sought to build a single storey extension (28 sq. metres) onto the rear of the existing dwellinghouse, Permission is also sought for the change of use of an area of open space adjacent to the dwellinghouse to form additional garden ground and for the erection of a double garage (40 sq. metres) within this extended garden area. This area of land is currently in the ownership of the Council, although it has been agreed to dispose of this area of land to the applicant subject to planning consent being granted for the development. Materials and colours will match those on the original dwelling house

2.3 Further internal and external alterations are being proposed to turn an existing integral garage into a dining room. This part of the proposal is however 'permitted development' and does not require to be the subject of this formal application.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to the following conditions. Access to the site must be taken via a standard driveway access crossing constructed to East Ayrshire Council Roads standards. 2 off road parking spaces will require to be provided for the dwelling. Any garage must be set back a minimum distance of 6 metres from the rear of the public footway. The private driveway 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 2.75 metres wide. Any walls adjacent to the proposed driveway must be less than 1 metre in height for a distance of 2 metres from the rear of the footway.

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

3.2 East Ayrshire Council Legal Services has confirmed that the Council has concluded missives for the sale of an area extending to 123 sq. metres, conditional on the applicant obtaining planning permission for change of use of the ground from open space to private garden ground/ vehicle access/ garage site.

***The ground concerned is the area on which the applicant proposes to erect a garage and driveway with new crossover to it from Hannahston Avenue.***

3.3 Scottish Power has no objections to the proposed development provided any apparatus or equipment in the vicinity of the development site which could be affected is protected or suitably altered.

***An advisory note could be added to any consent granted to remind the developer to discuss and resolve this matter with Scottish Power.***

3.4 Scottish Water has no objections to the proposed development.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 Three third party letters of representation have been received from the same objector and the main points of objection are summarised as follows: - .

4.2 The proposed rear extension would encroach on the objector's land and affect a disabled access ramp. The objector would under no circumstances allow access onto his/her property to enable the extension to be built, roughcast or maintained.

***The extension was originally intended to be built up to the mutual boundaries but has now been set back 1 metre from the objector's property and 600mm from the boundary with the library car park to make it easier for the developer to build and maintain the extension from entirely within his/her own property should this application be approved. Building works should therefore only affect that part of the existing disabled access ramp within the applicant's site. Should, for whatever reason, works encroach onto the objector's side of the ramp the objector would be entitled to seek legal redress.***

4.3 The proposed development would lead to loss of views and affect daylight and privacy enjoyed from windows at the rear of the objector's property.

***The proposed rear extension has no windows looking towards the objector's property so there is no loss of privacy. The objector's property is south-east facing so it is not considered that daylight will be unduly or significantly affected by the extension which is set back from the mutual boundary. Views to and from the objector's property will generally remain unaffected with the exception of that to the north-east where oblique views to the Council games hall will be affected if the extension is approved and built. However the loss of a view is not a valid ground of objection to the proposed development nor material to the determination of this application.***

4.4 Changing the front (internal) garage into a sitting room will affect the objector's privacy when turning into his/her adjacent driveway because a window instead of a garage door would, if approved, now overlook the objector's driveway.

***As indicated above, although shown on the submitted plans, this part of the applicant's proposals is 'permitted development' in terms of the Town and Country Planning (General Development) (Scotland) Order 1992 and does not require formal planning consent in this instance. Notwithstanding this, it is not considered that this aspect of the development will unduly affect privacy.***

4.5 The objector claims that the garage should not or could not be built over existing services.

***As previously indicated in sections 3.3 and 3.4 above both Scottish Power and Scottish Water have raised no objection to any aspect of this proposed development.***

4.6 The objector is concerned at the height of boundary walls.

***The submitted plans indicate the proposed boundary walls as being up to 2.2 metres in height. The Roads and Transportation Division has indicated that any walls adjacent to the proposed driveway must be less than 1 metre in height for a distance of 2 metres from the rear of the footway and, if this application is approved, an appropriate condition would be imposed to achieve this road safety requirement. As regards the rest of the boundary walls it is considered that 2.2 metres is unnecessarily high and an appropriate condition should be added to any consent granted to ensure that these are no higher than the lowest portion of the existing timber fences (approximately 1.6 metres in height).***

4.7 The objector is aggrieved that the applicant has been able to agree the purchase of the piece of public open space (on which it is proposed to build a garage) from the Council when he/she, as the previous owner of 112 Hannahston Avenue, was unable to buy it.

***As pointed out in section 3.2 above, Legal Services has confirmed that, subject to planning permission being obtained for this development, missives have been concluded with the applicant for the purchase of this site. The grievance and issues raised by it are property conveyancing and legal matters which do not form part of the determination of this planning application.***

## **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).

## Ayrshire Joint Structure Plan

5.2 There are no policies in the Structure Plan especially relevant to the proposed development.

### ***Noted***

## East Ayrshire Local Plan

5.3 Policy ENV7 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 the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council.

***It is considered that the layout, design and materials proposed are generally in keeping with the surrounding residential character and appearance of the area in which they are located and are in compliance with the above policy.***

## **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 representation made is 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 Financial and legal implications will arise for the Council in the determination of this application in terms of the sale and disposal of the area of

land currently in the ownership of the Council to the applicant. Although the Council has a financial interest in this application, the proposal does not represent a significant departure from the development plan nor has it attracted a significant body of objection. In this regard, the application does not require to be notified to the Scottish Ministers.

***Noted.***

## **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.

## **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, Development and Building Standards, 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**

15 February 2007  
SMcD/SMcD  
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).

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: 06/1143/FL

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Location	112 HANNAHSTON AVENUE DRONGAN AYR KA6 7AU
Nature of Proposal:	PROPOSED ERECTION OF DETACHED GARAGE AND EXTENSION TO REAR TO FORM LOUNGE,INTERNAL AND EXTERNAL ALTERATIONS TO CHANGE GARAGE TO DINING ROOM AND CHANGE OF USE OF GROUND FROM PUBLIC OPEN SPACE TO PRIVATE GARDEN GROUND, VEHICLE ACCESS AND GARAGE.
Name and Address of Applicant:	MR B NEIL 112 HANNAHSTON AVENUE DRONGAN KA6 7AU
Name and Address of Agent	JAMES CONN 174 MILL OF SHIELD ROAD DRONGAN KA6 7BA

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

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

1. The proposed development shall be carried out in accordance with amended plans numbered BN 1A, BN 2, BN 3, BN 4A, BN 5A and BN 8, all received on 30 January 2007.

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

2. Prior to the completion of the development, 2 off road parking spaces shall be provided and thereafter maintained for the dwelling.

REASON: In the interests of public road safety.

3. Access to the site shall be taken via a standard driveway access crossing to East Ayrshire Council Roads standards.

REASON: In the interests of public road safety

4. The private driveway shall be hard surfaced for a minimum distance of 2 metres from the rear of the footway to avoid overcarry of loose material onto the public road/footway.

REASON: In the interests of public road safety

5. The proposed driveway/parking area shall not be less than 6 metres in length by 2.75 metres wide.

REASON: In the interests of public road safety.

6. The 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.

7. Any walls adjacent to the proposed driveway shall be no more than 1 metre in height for a distance of 2 metres back from the rear of the public footway.

REASON: In the interests of public road safety.

8. The garage shall be used for the storage and repair of motor vehicles belonging to the owner or occupier of the premises only, and shall not be used for any other commercial or industrial purpose.

REASON – To safeguard the residential amenity of the area.

9. The proposed garage, extension, boundary walls and external alterations to the existing dwelling house shall be finished in the same materials and colour as the dwelling house to which they relate.

REASON: To ensure that the proposals are an appropriate match to the existing dwelling house.

10. With the exception specified in condition 7, the new boundary walls shall be no higher than 1.6 metres.

REASON – To safeguard the residential amenity of the area.

#### Note to Applicant

1. The applicant should make contact with Scottish Power Energy Networks with regard to existing apparatus within the application site that may be affected by the proposed development.
2. The Roads and Transportation Division has advised that a road opening permit will be required for works within a public road. Also it has advised that the existing half driveway crossing on Hannahston Avenue may require to be reinstated as the existing internal garage and need for a crossover to it will be removed. The developer should make early contact on 01563 555329 with that Division regarding these matters.

**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.**