

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 26 MAY 2006

**05/0649/FL: PROPOSED ERECTION OF NEW HOUSE
AT 18 BARSKIMMING ROAD, MAUCHLINE**

APPLICATION BY MR. JOHN HEALY

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a six apartment, one and a half storey dwellinghouse on the site. The proposed dwellinghouse incorporates a small traditional style dormer on the front elevation and the dwelling house is to be finished externally in a white render finish with natural slate being proposed for the roof finish.

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 but it is considered that they are not of sufficient weight to justify refusal of the application

3.2 The site in question has had the benefit of outline planning consent for the erection of a dwellinghouse for approximately 11 years and the full application under consideration presents a proposed dwellinghouse of acceptable design and finish, albeit it is a relatively large house for a small plot. Nonetheless, the proposed development is acceptable given the fact that it is within an existing walled garden area.

3.3 It is considered that the representations made are either not valid, can be

addressed through the imposition of conditions or are not of sufficient weight to merit 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 in terms of the principle of the development alone, the application will require to be referred to the Development Services Committee because it would be a significant departure from policy and from a previous grant of outline consent.

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 MAY 2006

**05/0649/FL: PROPOSED ERECTION OF NEW HOUSE
AT 18 BARSKIMMING ROAD, MAUCHLINE**

APPLICATION BY MR. JOHN HEALY

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 objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies on the north-west side of Barskimming Road in Mauchline and lies some 30 metres south east of the junction of Barskimming Road with The Tanfield. The site comprises part of the walled garden area of the existing two storey dwellinghouse at 18 Barskimming Road, which is now in separate ownership. The site is relatively level and is bounded to the north by existing residential properties to the southwest by a small access lane and residential properties and to the east by Barskimming Road and flatted residential properties. The site extends to 265 square metres and is in the greater part enclosed by a 1.4 metre high red sandstone wall.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a six apartment, one and a half storey dwellinghouse on the site. The proposed dwellinghouse incorporates a small traditional style dormer on the front elevation and the dwelling house is to be finished externally in a white render finish with natural slate being proposed for the roof finish.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has no objection to the proposed development subject to conditions. No surface water must be allowed to discharge onto the public road. A minimum of two off road parking spaces will require to be provided for the dwelling. Any garage must be set back a minimum

of 6 metres from the edge of the public road. The private access lane will require to be paved for a minimum distance of 5 metres from the edge of the Barskimming Road public road carriageway to avoid overcarry of loose material onto the public road. Any access gates will require to open inwards away from the public road.

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

3.2 West of Scotland Archaeology Service has no adverse comments to make on the proposed development.

Noted.

3.3 East Ayrshire Outdoor Amenities Section has no objections to the proposed development but indicates that the large tree on the periphery of the site will require protective fencing to be erected at 8 metres distance before works commence.

A condition can be attached to any consent granted for the proposed development to meet the requirements of the Outdoor Amenities Section.

3.4 Mauchline Community Council and Power Systems have not responded to the consultation letter.

Noted.

3.5 Transco has no objections to the proposed development.

Noted.

4. REPRESENTATIONS

4.1 Two third party representations from three signatories have been received with respect to the proposed development and the main points of objection are summarised as follows:

4.2 The overall area of the base of the house has increased by approximately one quarter. This increase in building size has implications for ourselves as it will impede our outlook as we will view only a solid brick wall and our natural light will be severely reduced to house and garden.

Outline consent for the erection of a dwellinghouse on this site was granted on 06 September 2002 and no detailed permission has been granted that would indicate any size of dwelling to be constructed. The loss of a view is not a material consideration in the determination of this planning application. Furthermore, while there would be some impact regarding loss of natural light to the objectors' property, this has been acquired in the knowledge that outline consent had previously been granted for the erection of a dwellinghouse within the former garden area of the objectors' property.

4.3 We believe from the application that a septic tank is to be used. We are concerned about proximity to our property and unsightliness.

The drainage from the proposed dwellinghouse is to be connected to the existing public sewer in Barskimming Road.

4.4 Due to the reduced available turning space we are worried our land will be used by the new occupants to turn / gain access which will create a safety issue for our children.

Access is to be taken from the existing communal access lane from Barskimming Road. With regard to the mutual access to the objectors' property, right of access and use of this area is a legal matter between the applicant and the objectors. The applicant would clearly require to secure any legal right for the use of this mutual access, if that has not already been secured.

4.5 I refer to previous planning applications 94/142, 99/0520/OL and 02/0552/OL where conditions were imposed by the Council that no construction traffic would be allowed to use the lane between my property and 18 Barskimming Road. The lane is very narrow and heavy vehicles would have great difficulty negotiating entry to the site without risk of collision with the gable of my house or my boundary wall. Heavy vehicles would also accelerate erosion of the lane surface. I believe that all material would be put on site from Barskimming Road. I have no objection to the house construction.

A condition can be attached to any consent granted for the proposed development to ensure that the lane is not used by construction traffic associated with the development in line with the condition on the outline consent.

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 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;

It is considered that the proposal is generally in keeping with the surrounding residential character and appearance of the area in 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; and

The design is generally acceptable and is unlikely to create unacceptable damage to the amenity of the surrounding properties.

(iii) acceptable levels of privacy being maintained to neighbouring properties and to the new housing proposed.

It is considered that acceptable levels of privacy can be maintained between both new and existing houses. There are no windows or doors on the elevation facing the nearest property at 18 Barskimming Road and therefore privacy is unlikely to be an issue.

5.4 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.

The proposal meets the Council's private open space standards, although this is on the basis that the site is contained within the former walled garden area and effectively all of the curtilage of the proposed dwelling can be considered as private open space.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the planning history of the site and the representations received.

Consultation Responses

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

Planning History

6.3 Outline planning permission for the erection of a dwellinghouse at this location was first approved on 15 June 1994 (Ref. No 94/142). A further outline consent for the erection of a dwellinghouse on the site was approved on 01 September 1999 (Ref. No. 99/0520/FL). This outline consent was then renewed on 06 September 2002 under application 02/0552/OL.

Representations

6.4 It is considered that the representations made are either not valid, can be addressed through the imposition of conditions or are 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 but it is considered that they are not of sufficient weight to justify refusal of the application

8.2 The site in question has had the benefit of outline planning consent for the erection of a dwellinghouse for approximately 11 years and the full application under consideration presents a proposed dwellinghouse of acceptable design and finish, albeit it is a relatively large house for a small plot. Nonetheless, the proposed development is acceptable given the fact that it is within an existing walled garden area.

8.3 It is considered that the representations made are either not valid, can be addressed through the imposition of conditions or are not of sufficient weight to merit 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 in terms of the principle of the development alone, the application will require to be referred to the Development Services Committee because it would be a significant departure from policy and from a previous grant of outline consent.

Alan Neish
Head of Planning, Development and Building Standards

15 May 2006
HM/HM/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

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

6. Approved Ayrshire Joint Structure Plan (1999).
7. Previous planning applications 94/142, 99/0520/OL and 02/0552/OL

Anyone wishing to inspect the above background papers should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0649/FL

Location	Land Adjacent to 18 Barskimming Road MAUCHLINE
Nature of Proposal:	Proposed erection of a new house
Name and Address of Applicant:	Mr. John Healy C/o Agent
Name and Address of Agent	Grant/ Murray 30 Bell Street GLASGOW G1 1LG

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 the application form received by the Planning Authority on 06 May 2005 and the amended elevational and floor layout plans received by the Planning Authority on 16 March 2006.

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

2. Prior to the commencement of development on site, the developer shall submit to and have approved by the Planning Authority, samples of the external wall finish and roof finish to be used in the proposed dwellinghouse.

REASON – In the interests of visual amenity.

3. Prior to the commencement of development on site, the developer shall submit to and have approved by the Planning Authority, details of any walls or screen fencing to be erected within the application site.

REASON – In the interests of residential and visual amenity.

4. Notwithstanding condition 3 above, the existing sandstone wall surrounding the application site shall be retained except where required to be breached for pedestrian access purposes.

REASON – In the interests of visual amenity.

5. The private access lane shall be paved for a minimum distance of 5 metres from the edge of the public road carriageway (Barskimming Road) to avoid overcarry of loose material onto the public road.

REASON – In the interests of public road safety

6. No surface water must be allowed to discharge onto the public road.

REASON – In the interests of public road safety

7. A minimum of two car parking spaces shall be provided for the proposed dwelling.

REASON – In the interests of public road safety and residential amenity.

8. Any access gates shall open inwards away from the public road.

REASON – In the interests of public road safety

9. All waste materials generated by this development that require to be moved such as construction wastes, demolition wastes and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

REASON – In the interests of public health and safety.

10. Construction works on site shall not be carried out prior to 0800 hours and after 1800 hours on Mondays to Fridays, prior to 0800 hours and after 1200 hours on Saturdays and not at any time on Sundays.

REASON – To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

11. No construction traffic associated with the proposed development shall use the common access lane between the site and the adjacent property at 20 Barskimming Road during the construction of the dwellinghouse.

REASON – To ensure vehicular access to adjacent residential properties is maintained.

12. No works shall be commenced on site until chestnut pale fencing of a height not less than 1.2 metres has been erected around the tree shown on the approved plans as being retained within the site. This fencing shall enclose a radius of 8 metres from the trunk of the tree. Such fencing shall be maintained during the course of the development and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

REASON – In order to protect the existing tree.

13. The existing mature tree within the application site shall be retained and shall not be lopped, topped or felled without the prior written consent of the Planning Authority.

REASON – In the interests of visual amenity.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any Order or enactment replacing this, no external alterations to the dwellinghouse or extensions or garages shall be erected on the site unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON – To enable the Planning Authority to ensure that such alterations or extensions are provide in a manner compatible with the residential and visual amenity of the area.

**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.**