

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 05 NOVEMBER 2004**

**04/0907/FL: PROPOSED DETACHED SINGLE GARAGE  
AT 4 BURNOCK STREET, OCHILTREE**

**APPLICATION BY MR ALAN MAIR & MISS LEAH MCKECHNIE**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Retrospective permission is sought for the erection of a timber garage incorporating a dual pitched roof of some 3.4 metres in height from ground level. The garage roof has a felt covering and the external walls have been finished in a light cedar coloured wood paint. A small single glazed glass window and narrow doorway are located on the elevation of the garage closest to the dwelling. The total external floor space of the garage covers 30 square metres.

**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 considerations can be fairly addressed by the imposition of suitable conditions.

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. In this case, as the garage does not form a permanent structure, consent should be granted for a limited period of time.

3.3 The garage in question has been erected by the applicant on the

understanding that it would be classed as 'permitted development' therefore not requiring planning consent, and if it was not within the Conservation Area of Ochiltree this would have been acceptable. However, Conservation Area status does not allow for this 'permitted development' right and therefore a retrospective application is required.

3.4 The garage has formed part of the applicant's regeneration plans for the site which previously was in a state of disrepair. The design of the garage is in keeping with the requirements of the Council's Design Guidance and the size is in proportion to the garden ground available. However due to the open aspect of the site the garage is clearly visible from a number of directions. It is therefore considered that the careful extension of the hedgerow to the rear with soft landscaping will provide a level of screening from the south direction and this soft landscaping could be continued along the south east section reducing the visual impact from properties on the opposite side of Burnock Street. In addition it is suggested that the colour of the garage be changed to a darker shade of brown again reducing its immediate visual impact.

#### **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 as it would not represent a significant departure from the statutory 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 ALAN MAIR & MISS LEAH MCKECHNIE**

**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, due to it being subject to three letters of objection.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is located at the southern edge of the settlement of Ochiltree and falls within the Conservation Area of the village. The site in question occupies a large corner position with a significant area of private ground to the eastern side of the property. The lower area of adjacent ground to the south of the site provides for an area of public open space.

2.2 The site relates to the existing semi-detached two storey residential property and its curtilage at this location. The dwellinghouse fronts onto the A70 (Burnock Street) and is bounded by a brick wall approximately 1 metre high to the front with a mature hedge and trees to the rear. To the east side of the dwellinghouse there is an existing vehicular access available in order to provide off street parking, as no on street parking is available.

2.3 **Proposed Development:** Retrospective permission is sought for the erection of a timber garage incorporating a dual pitched roof of some 3.4 metres in height from ground level. The garage roof has a felt covering and the external walls have been finished in a light cedar coloured wood paint. A small single glazed glass window and narrow doorway are located on the elevation of the garage closest to the dwelling. The total external floor space of the garage covers 30 square metres.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objections to the development and state that the conditions applied to a previous application (Ref: 00/0173/FL) appear to have been carried out.

***Noted.***

3.2 Scottish Power has no objection to the proposed development

***Noted.***

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

***Noted.***

3.4 Transco has no objection to the proposed development

***Noted.***

3.5 Ochiltree Community Council has objected to the garage on the following grounds:

(i) The garage would appear to be closer to the front boundary of the property than the main dwelling house

***The garage as it stands occupies a position behind that of the dwellinghouse and therefore not closer than the dwelling house to the front boundary. As the garage is not breaking the front building line, it is compliant with Householder Development as set out in the Council's Design Guidance.***

(ii) The garage has a high visual impact on the approach to Ochiltree from the westbound A70, therefore detracting from the village's appearance

***The garage has a level of visual impact from the adjacent A70 in both directions partly due to its scale and the open aspect of the site. In order to mitigate the above issues it is considered reasonable to impose a condition providing for an appropriate approved soft landscaping scheme to be planted along the boundary to the rear and side that should significantly reduce issues of visual impact.***

(iii) The garage is visually intrusive to neighbouring properties and does not fit well with the overall character of the surrounding buildings

***The garage is clearly visible and may be seen as intrusive due to its scale from a number of neighbouring properties on Burnock Street. The options available for the location of a garage on the above site are limited due to the particular layout of the site. In order to mitigate such issues a condition should be imposed requiring that the garage be re-painted in a neutral and darker colour in order to reduce its immediate visual impact in addition to approved soft landscaping works.***

#### **4. REPRESENTATIONS**

4.1 In addition to Ochiltree Community Council's letter of objection a further two individual letters of objection have been received in respect of the garage. The main points of objection are summarised as follows:

4.2 The garage is an eyesore, being the first thing you see and the last thing leaving the conservation village.

***The size and colour of the garage at present do make it a prominent feature on the A70 when passing through Ochiltree in both directions. However, any size of garage situated on the site in question would be in the clear view from traffic passing by. This is partly due to the characteristics of the site, which offer no formal boundary screening other than part of a hedgerow to the rear of the site. It is considered that the visual impact of the garage can be addressed through the imposition of appropriate conditions in any consent granted to secure soft landscaping and re-painting of the garage in a more neutral colour.***

4.3 The location of the garage breaks all rules relating to the distance to and angle from the dwellinghouse and the size is too large for domestic use.

***The location of the garage falls behind the building line of numbers 2 and 4 Burnock Street. The size of the garage is determined in relationship with the proportion of garden ground available. While the garage may be considered large as a timber structure, it is not unusual for double garages to be constructed within the curtilages of dwellinghouses given current levels of car ownership.***

4.4 The garage is not used for the storage of ordinary cars, instead being used to store and tune up rally cars.

***The applicant has indicated that the garage is used for domestic purposes and in conjunction with his hobby related to car rallying.***

***This use would not be inconsistent with use of the garage for purposes incidental to the enjoyment of the dwellinghouse to which the garage relates. The applicant has indicated that he does not use the garage for any commercial purpose. Notwithstanding this, a condition can be attached to any consent granted for the garage to ensure that it not used for any commercial purposes.***

4.5 Three letters of support for the garage have been received all of which are from residents living in nearby properties in Burnock Street. The main points suggest that the visual impact is not a concern even when living directly opposite and the current state of the site is a dramatic improvement to its former condition before the applicants moved in.

***Noted.***

## **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 contained in the structure plan which are especially relevant to the development.

### East Ayrshire Local Plan

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 is a high quality simple wooden design which has been finished and is maintained in a meticulous condition. Although the scale may be seen as imposing, it is in proportion to the area of garden ground and with the imposition of the relevant conditions it should not have any significant detrimental impact on Ochiltree Conservation Area. It is therefore compliant with Policy ENV 4.***

5.4 Policy ENV7 requires that developers comply with the Council's Design Guidance relating to and advising on the particular type of development.

***The Design Guidance relevant to this development advises that garages should be built behind the front building line of the property and incorporate a dual pitched roof. The proposed garage is in accordance with this guidance and therefore the development as submitted does comply with Policy ENV 7 of the Development Plan.***

## **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 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 in relation to the overall appearance and use of the garage and it is considered that these are material in the determination of this application, but can be addressed by the imposition of suitable conditions.

6.4 In addition to the letters of objection received, three letters of support for the garage have been provided. Although these can not be used as material planning considerations in the determination of the application they nevertheless show that some residents see the garage as an improvement to the site's former condition.

### Planning History

6.5 This site was the subject of an application for full planning permission (Ref: 00/0173/FL) for the proposed construction of a vehicular access. This application was subsequently approved on 17<sup>th</sup> May 2000 and implemented by the previous owner of the property.

## **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 from any refusal of the application in that enforcement procedures would have to be considered to secure removal of the garage from the site.

## **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 considerations can be fairly addressed by the imposition of suitable conditions.

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. In this case, as the garage does not form a permanent structure, consent should be granted for a limited period of time.

8.3 The garage in question has been erected by the applicant on the understanding that it would be classed as 'permitted development' therefore not requiring planning consent, and if it was not within the Conservation Area of Ochiltree this would have been acceptable. However, Conservation Area status does not allow for this 'permitted development' right and therefore a retrospective application is required.

8.4 The garage has formed part of the applicant's regeneration plans for the site which previously was in a state of disrepair. The design of the garage is in keeping with the requirements of the Council's Design Guidance and the size is in proportion to the garden ground available. However due to the open aspect of the site the garage is clearly visible from a number of directions. It is therefore considered that the careful extension of the hedgerow to the rear with soft landscaping will provide a level of screening from the south direction and this soft landscaping could be continued along the south east section reducing the visual impact from properties on the opposite side of Burnock Street. In addition it is suggested that the colour of the garage be changed to a darker shade of brown again reducing its immediate visual impact.

## **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 as it would not represent a significant departure from the statutory development plan.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

19 October 2004  
RG/RG/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 Robin Ghosh on 01563 555483.

**Implementation Officer: Dave Morris**

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 04/0907/FL

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Location	4 BURNOCK STREET, OCHILTREE
Nature of Proposal:	DETACHED WOODEN GARAGE
Name and Address of Applicant:	MR A MUIR & MRS L MCKECKNIE 4 BURNOCK STREET, OCHILTREE
Name and Address of Agent	N/A

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

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

1. Within 2 months of the date of this consent, the external garage shall be re-painted in a dark colour to be agreed in writing with the Planning Authority.

REASON – In the interests of visual amenity and to ensure that the garage is re-painted within an appropriate timescale.

2. Within 2 months of the date of this consent, an extensive soft landscaping scheme shall be provided along the rear section and the east side of the garage, the details of which shall be submitted to and agreed in writing by the Planning Authority. The agreed scheme shall be implemented in the first planting season following approval by the Planning Authority and shall be maintained thereafter to the satisfaction of the Planning Authority.

REASON – In the interests of reducing the visual impacts from the nearby A70 and adjacent properties.

3. 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.

4. Permission is granted for a limited period of 5 years from the date hereof, at the expiration of this period the garage shall be removed and the land restored to its former condition unless a further planning permission is granted

REASON: To enable the Planning Authority to review the situation in the interest of visual amenity.

**NOTE TO APPLICANT**

1. A totally separate drainage system of foul and surface water sewers will be required. Contact can be made with Scottish Water on 01292 677503.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
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