

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 09 FEBRUARY 2001

**00/0649/FL: PROPOSED PAINTING OF FRONT OF HOUSE
AT 48 DUNDONALD ROAD, KILMARNOCK
BY MR S CARLO**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This is a full planning application submitted in retrospect for the painting of the lower flat at the front elevation. The colour used is 'Lake Crest' which is a vivid bright blue. The lower half of the front elevation of the property has been painted.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 In conclusion, as is indicated at paragraph 5.2 above, the application is considered to be contrary to the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town & Country (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section (6) above, there are material considerations relevant to this application.

3.2 The proposed colour is contrary to both the policies of the Adopted Kilmarnock Local Plan and the Finalised East Ayrshire Local Plan. The colour used does not preserve or indeed, enhance the character and amenity of the Dundonald Road Conservation Area. The colour is considered to be detrimental to the area where properties are generally painted in a variety of creams and off-whites, etc. The use of a "Mediterranean" blue creates an unacceptable visual intrusion and is not appropriate to what is a fine, historic residential area. The comments of the objectors, Grange Howard Community Council, and Historic Scotland, are of particular relevance, and in this regard, it is noted that the painting of the building in the colour chosen, and the use of a colour different to the upper level of the property, is contrary to Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas.

3.3 If the Committee is minded to approve this application it would not require to be referred to the Development Services Committee as it would not be considered a significant departure from the Finalised East Ayrshire Local 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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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 planning application which is to be considered by the Local Planning Committee under the scheme of delegation because it is recommended for refusal and is the subject of objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises 48 Dundonald Road which is a ground floor flatted unit within a detached traditional sandstone villa. The property lies within the Dundonald Road Conservation Area. The site is bound to the north-west, north-east and south-west by residential properties and to the south-east by Howard Park. The property is traditional painted sandstone in pale yellow/cream with a slate roof.

2.2 **Proposed Development:** This is a full planning application submitted in retrospect for the painting of the lower flat at the front elevation. The colour used is 'Lake Crest' which is a vivid bright blue. The lower half of the front elevation of the property has been painted.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Grange/Howard Community Council have objected and are of the opinion that the chosen colour scheme is not compatible with the Conservation Area and surrounding residences. They have advised that there would be no objections to a different colour providing it is one compatible with the environment of the property concerned.

Noted. These objections are in line with the concerns of this Division.

3.2 The Architectural Heritage Society of Scotland (AHSS) advise that they have been unable to visit this site. They recommend that if the building is presently unpainted, it remain so.

This Division contacted the AHSS and advised that the application was retrospective. The Society were offered the opportunity to comment on this basis and have not to date, replied.

3.3 Historic Scotland have objected in the strongest terms to the colour used. It is noted that all of the buildings in this road are high quality stone built villas of the 19th century, and although some are painted, the villas appear to be built of sandstone which is predominantly buff in colour. Those houses that have been painted are either cream in colour, or have been painted in colours similar to the buff and red sandstones found in the street. As such, the colours of the stonework in the street are predominantly earth-based in hue, ranging from cream to brown and are therefore generally in sympathy with the original and surviving natural stone colours of the street. The blue colour used on the lower part of the building is not in sympathy with the rest of the street, and does not therefore preserve or enhance the character of the Conservation Area.

Historic Scotland refer to Government policy as set out in Section 1.1.6 (p99) of the Memorandum of Guidance (1998). In general, the painting of historic buildings should only be permitted where the elevation is already painted. The distribution of the colours should also respect the integrity of the building's architecture. In normal circumstances, this is intended to ensure that a limited number of colours are used, and where contrasting colours are used, (typically) that differences in colour are confined to distinctly different elements (ie walls, dressings, ironwork, and windows). The Memorandum also says that the painting of one storey a different colour from another should always be avoided except in the case of shopfronts. In this case, the painting of the lower floor of a 2-storey house clearly disregards its architectural integrity and the advice in the Memorandum.

Noted. The comments made are in line with the concerns of this Division. Whilst the building is not listed as being of architectural or historic merit, it is located within a Conservation Area which is of a high standard. The properties in this area are characterised by stone built villas generally painted although in neutral colours such as cream, off-white etc. The blue colour is not sympathetic to the area and is not in keeping with the other houses in Dundonald Road. It is not a colour appropriate to the character of the Conservation Area and its retention should not be encouraged. The proposed colour of the house does not follow advice provided by Historic Scotland in their Memorandum of Guidance on Listed Buildings and Conservation Areas.

4. REPRESENTATIONS

There are four letters of objection to the proposed development, which includes two from the Grange Howard Community Council and Historic Scotland and their grounds of objection are detailed in paragraph 3.1 and 3.3 respectively. There is one petition signed by ten people.

4.1 The colour used is incongruous to Dundonald Road. It is an eyesore and is not at all in keeping with any of the immediate neighbouring houses, nor any other house in

Kilmarnock. The colour chosen resembles a Mediterranean scene in terms of being a bold blue more suited to the seaside.

Noted. These views are consistent with those of this Division.

4.2 The colour is out of keeping with the established character of the Conservation Area and is detrimental to the visual amenity of the area.

Noted. These views are consistent with those of this Division.

4.3 The colour detracts from the scenic quality and landscape character of the streetscape.

Noted. These views are consistent with those of this Division.

4.4 No neighbour notification has been received by the proprietors of a next door property.

The applicant has advised this Division that he has undertaken notification of all neighbours who require to be notified.

4.5 It is rumoured that the house was painted as an act of initial retaliation in a neighbour dispute. It is further understood that it is the applicant's intention to find out what colours would be permitted and re-paint it in stripes.

Noted. Notwithstanding these comments, if the house was re-painted in a colour not approved by the Council, the developer may be the subject of Enforcement Action to rectify the matter.

4.6 There is an objection to the applicant using the front of the house as a building yard, lowering the tone of the area.

This objection is not relevant to the present proposal. However an inspection of the site has indicated that no building materials are being stored on site. The applicant occasionally parks his works vehicle at the front of the house.

5. DEVELOPMENT PLAN STATUS

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 Adopted Joint Ayrshire Structure Plan and the Adopted Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policy 4.7.2 of the Adopted Kilmarnock Local Plan which was formulated to ensure the maximum protection of the character of conservation areas and states that in all such areas, there shall be a presumption against alterations to any

building which in the opinion of the Planning Authority are detrimental to the character of the conservation area.

The proposal is contrary to the provisions of this policy. The colour chosen is not appropriate to the conservation area and does not blend in with surrounding properties which are generally finished in natural sandstone or where a painted finish has been used, the colours of neighbouring properties are neutral and generally white, cream or a pale soft yellow. It is considered as per the comments of Historic Scotland that the works which have been undertaken, amount to an unacceptable visual intrusion.

Whilst the proposal is contrary to the Adopted development plan, this document is considerably out-of-date. It was prepared in the context of the emerging Strathclyde Structure Plan which has itself been superseded by the Joint Ayrshire Structure Plan. As a consequence greater weight must be attached to other material considerations.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version) 1999, and government guidance on listed buildings and conservation areas contained within Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas (1998), the representations received and information submitted by the applicant.

6.2 As stated above the Adopted Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to a more recent expression of policy. The Council has agreed that the East Ayrshire Local Plan Finalised Version (EALP) should be considered a prime material consideration. Policy ENV4 of the EALP draws upon the guidance contained in the Memorandum of Guidance on Listed Buildings and Conservation Areas. This policy states that, "the Council will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting the setting of a Listed Building, is sympathetic to the area or building concerned in terms of layout, size, scale, design, siting, materials and colour of finish. Wherever possible, all proposals should seek to preserve, enhance or incorporate features which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned". The purpose of the policy is to preserve and enhance all Conservation Areas and it was formed to afford the maximum protection to these areas.

In this instance, the work undertaken by the applicant is not in accordance with the Finalised East Ayrshire Local Plan. The works are not in keeping with the character of the Conservation Area. The colour chosen is not appropriate to the Conservation Area and is incongruous. It does not reflect the style and colours of neighbouring properties and it detracts from the visual quality of the Conservation Area.

6.3 The Memorandum of Guidance on Listed Buildings and Conservation Areas (1998) produced by Historic Scotland relates both to listed buildings and unlisted

buildings in conservation areas. This Guidance urges that any work is appropriate to the character of the Conservation Area and will not adversely affect its architectural and visual qualities.

Noted.

6.4 The content of the representations received has been discussed in Section 4 of this report. The comments made are generally reflective of concern at the adverse affect that the painting of the dwelling has on the Conservation Area and neighbouring properties. The works in terms of the finished colour are out-of-keeping with neighbouring properties and entirely inappropriate.

The concerns of the objectors are in line with those of this Division.

6.5 The applicant was contacted and advised of both this Divisions' and Historic Scotlands' concerns and has intimated by return that he does not agree that he should change the colour of his house. He advises that he finds it a warm colour which is an improvement in terms of the drab colours which the other houses in the area have been painted.

He has advised that when he purchased the property in 1974, it was painted a light blue which is in contrast to the current advice from Historic Scotland (see paragraph 3.3). The applicant has suggested that Historic Scotland should research the history of Scotland further back than 20 years. The applicant further advises the fact that only the lower part of the property is painted reflects the different ownership of the upper property. The applicant has advised his opinion that in painting the property bright blue, this has not changed the architectural and/or historic value of the façade. He does not intend at present to change the colour of the property although is prepared to examine the range of colours defined as 'suitable' by this Division when repainting becomes necessary, probably in the summer. The applicant has also raised the fact that several other houses in Dundonald Road have recently repainted their frontages without applying for planning permission.

The above points raised by the applicant do not alter this Divisions opinion. The colour, which has been used to repaint the property, is not in keeping with the upper part of this house, or other properties in the Dundonald Road Conservation Area. All other properties which have been painted, have been done so in generally neutral colours which tone in well with those unpainted properties finished in sandstone.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determining this application although should Members decide to refuse permission, enforcement action may require to be taken to ensure that the colour is removed.

8. CONCLUSION

8.1 In conclusion, as is indicated at paragraph 5.2 above, the application is considered to be contrary to the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town & Country (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section (6) above, there are material considerations relevant to this application.

8.2 The proposed colour is contrary to both the policies of the Adopted Kilmarnock Local Plan and the Finalised East Ayrshire Local Plan. The colour used does not preserve or indeed, enhance the character and amenity of the Dundonald Road Conservation Area. The colour is considered to be detrimental to the area where properties are generally painted in a variety of creams and off-whites, etc. The use of a "Mediterranean" blue creates an unacceptable visual intrusion and is not appropriate to what is a fine, historic residential area. The comments of the objectors, Grange Howard Community Council, and Historic Scotland, are of particular relevance, and in this regard, it is noted that the painting of the building in the colour chosen, and the use of a colour different to the upper level of the property, is contrary to Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas.

8.3 If the Committee is minded to approve this application it would not require to be referred to the Development Services Committee as it would not be considered a significant departure from the Finalised East Ayrshire Local Plan.

9. RECOMMENDATION

9.1 It is recommended that this application should be refused for the reasons on the attached sheet.

Alan Neish
Head of Planning and Building Control

01 February 2001
(FMF/MMM/MS/IMB)

(FV/DVM)

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Public Advertisement.
3. Statutory Notices and Certificates.
4. Adopted Kilmarnock Local Plan.
5. Finalised East Ayrshire Local Plan.
6. Adopted Strathclyde Structure Plan.
7. Adopted Ayrshire Joint Structure Plan.
8. Memorandum of Guidance on Listed Buildings and Conservation Areas.
9. Consultation Responses.

10. Letters of Objection.

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576768.

Implementation Officer: Dave Morris

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0649/FL

Site of Proposal: 48 Dundonald Road
KILMARNOCK

Natural of Proposal: Proposed Painting of Front of House

Name & Address of Applicant: Mr S Carlo
48 Dundonald Road
KILMARNOCK KA1 1RZ

Name & Address of Agent:

DPOs Reference: FMF/MMM

The above FULL application should be refused on the following grounds:

1. The proposed development would be contrary to Policy 4.7.2 of the Adopted Kilmarnock Local Plan and Policy ENV4 of the Finalised East Ayrshire Local Plan in that it would have a detrimental effect on the character and amenity of the Dundonald Road Conservation Area and would have no regard to the architectural and historic qualities of the area.
2. The proposed development would be contrary to the advice within the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998, which states, "that where more than one colour is to be used, they should all relate to the architectural features of the whole building in a logical and consistent matter. The painting of one storey a different colour from another should always be avoided."
3. The proposed development would detract from the residential and visual amenity of the Dundonald Road Conservation Area.

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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA