

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 14 JUNE 2002

**02/0086/FL: PROPOSED ERECTION OF GARAGE
AT 1 MACDONALD GARDENS, KILMARNOCK
FOR MR GEORGE MITCHELL**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicant proposes to erect a garage within the south-west corner of the rear garden which will take access from the car parking bays and across the grass verge. The garage will comprise 22 square metres in floor area and will have a pitched roof of maximum height 3.6 metres. The external finishes of the garage comprise a facing brick base, roughcast rendered walls and concrete tiles to the roof to match the existing dwellinghouse. Two windows and an access door are to be installed on the south elevation.

The garage has been reduced in size and scale since it was first submitted as the garage was initially located centrally on the southern site boundary and was to comprise 30 square metres in floor area and 5 metres in height.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report the application is in accordance with the Adopted Local Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

3.2 The design and location of the garage do not conflict with Policy ENV7 of the EALP as it accords with the advice detailed in the East Ayrshire Design Guidance. With regard to the letter of objection the garage which is to be erected is of a fairly standard design, external finish and overall height. It is not visually unattractive and is in keeping with the design of the dwellinghouse and adjacent houses.

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 there would be no significant breach of Council policy.

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 as it is the subject of an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site relates to an end-terraced residential dwellinghouse at 1 MacDonald Gardens, New Farm Loch. The site extends to some 240 square metres and includes the curtilage of the dwellinghouse. The site is bounded to the north and west by other terraced residential properties, to the east by car parking bays and to the south by an access path and other terraced residential properties.

2.2 **Proposed Development:** The applicant proposes to erect a garage within the south-west corner of the rear garden which will take access from the car parking bays and across the grass verge. The garage will comprise 22 square metres in floor area and will have a pitched roof of maximum height 3.6 metres. The external finishes of the garage comprise a facing brick base, roughcast rendered walls and concrete tiles to the roof to match the existing dwellinghouse. Two windows and an access door are to be installed on the south elevation.

The garage has been reduced in size and scale since it was first submitted as the garage was initially located centrally on the southern site boundary and was to comprise 30 square metres in floor area and 5 metres in height.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Roads and Transportation Division has no objections to the application although it advises that access to the proposed garage is through existing parking spaces which are not maintained by the Roads Division. The applicant should obtain permission from the owner of the land and when carrying

out the works, care should be taken when excavating due to the close proximity of services.

An advisory note can be attached to any grant of planning consent concerning care to be taken when carrying out the work. As regards the ownership of the grassed area, this is owned by this applicant, and is identified as being located within the application site.

3.2 Scottish Water has no objections to the development as the applicant is prepared to use a soakaway.

Noted.

3.3 The New Farm Loch Community Council and Homes & Technical Services have no objections to these plans.

Noted.

4. REPRESENTATIONS

There is one letter of objection to the proposed development. The points raised are as follows:-

4.1 It is a possibility that the garage would be used for car repairs on a constant basis.

The application is for a garage associated with the dwellinghouse and if planning permission is granted, it is standard practice that this is on the basis that no commercial activity can be undertaken. A further application for planning consent would be required if the main use of the garage was for commercial activity.

4.2 The proposed garage would be an eyesore to look at and an invasion of privacy to the property at 3 MacDonald Gardens as anyone working in the garage would be able to view straight into the kitchen of this property. The amended plans show the garage even closer to this window.

Noted. It is the applicants intention that the two windows be glazed in obscure glazing. The garage will also be finished in appropriate external materials which will match the exterior of the dwellinghouse. No. 3 MacDonald Gardens also has high conifer trees to the rear of the garden which will further screen the rear of the garage.

4.3 The difference in the view arising from the demolition of the flats across the road is amazing and will be further improved when the other flats are removed. This it was thought would improve the view and help add value to the properties. With the garage being constructed at such close proximity, the view is going to

be significantly poorer and a big deterrent when trying to sell the neighbouring property.

The right to a view and any effect of a proposal on the value of a neighbouring property are not material planning considerations. The garage is of a standard design and its external finish will match the existing property. The applicant has amended his plans to reduce the height of the garage and has also decreased the length of the garage. These amendments are considered acceptable.

4.4 The garage will be a place for louts to congregate.

The garage will be located within a private garden and it is not anticipated that it will encourage loitering.

4.5 It would be a better proposal to locate the garage at the side of the dwellinghouse.

The proposed position of the garage at the rear of the house is acceptable. The Committee is asked to consider only the merits of the proposal before it.

4.6 It is impossible to understand why a one car family needs such a large garage as proposed.

The garage is larger than a standard single garage. The applicant has advised that he needs the garage as he is registered disabled and requires a wider garage for access reasons. The size of the garage is considered acceptable in this location.

4.7 The garage would remove a parking space and whilst there are no restrictions on where parking can take place, for security reasons it is preferable to be able to park a car and view it from the owner's house.

Noted. The Roads Division has not objected to the application and the security of a vehicle is not a planning consideration. The proposal will result in one less car using the parking bays.

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 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 this document and its associated policies. Design Guidance in the Adopted Local Plan requires that garages shall be of a scale and design appropriate to the building. Materials shall be compatible with the existing buildings and adjacent buildings and shall be appropriate in the particular location. The application is consistent with the guidance and with other design policies in the plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan Finalised Version with Modifications (EALP), the consultation responses, representation received and the impact on the amenity of neighbouring properties.

East Ayrshire Local Plan Finalised Version with Modifications

6.2 The Council has agreed that the EALP should be considered as a prime material consideration. In terms of the EALP the application site is located in a residential area within the settlement boundary of Kilmarnock.

Policy ENV7 of the EALP expects all developers 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. The Design Guidance requires all free standing garages to be erected within the curtilage of a dwellinghouse to be located behind the front building line of the property and incorporate a dual pitched roof.

The design and location of the proposed garage do not conflict with the above Design Guidance or Policy ENV7 of EALP.

Consultation Replies and Representations Received

6.3 There have been no adverse consultation responses received. The points raised in the letter of objection have been discussed in Section 4 of this report and the points raised are not of such significance as to warrant a recommendation of refusal of this application.

Impact on Amenity

6.4 The garage is acceptable in terms of size and scale. Its materials will match the existing dwellinghouse and whilst the garage is slightly larger than a standard single garage it is of standard height with a pitched roof. The siting of

the garage within the garden has been designed to reduce its impact on adjacent residential properties.

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 at Section 5 of the report the application is in accordance with the Adopted Local Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

8.2 The design and location of the garage do not conflict with Policy ENV7 of the EALP as it accords with the advice detailed in the East Ayrshire Design Guidance. With regard to the letter of objection the garage which is to be erected is of a fairly standard design, external finish and overall height. It is not visually unattractive and is in keeping with the design of the dwellinghouse and adjacent houses.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to conditions 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 there would be no significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

05 June 2002
(FMF/MMM/MS)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Certificates.
3. Consultation replies.
4. Letter of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted Kilmarnock Local Plan.
7. East Ayrshire Local Plan Finalised Version with Modifications
8. Approved Strathclyde Structure Plan.

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

Implementation Officer: Dave Morris

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0086/FL

Site of Proposal:

1 MacDonald Gardens
KILMARNOCK

Nature of Proposal: Proposed Erection of Garage

Name & Address of Applicant: Mr George Mitchell
1 MacDonald Gardens
KILMARNOCK KA3 7HP

Name & Address of Agent:

DPOs Reference: FMF/MMM/MS

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 on 13 February 2002 and the amended plans received by the Planning Authority on 10 April 2002 and letter from the applicant received by the Planning and Building Control Division on 21 May 2002.

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

2. The use of the garage hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garage.

REASON To safeguard the amenity of the area.

3. The proposed windows and door on the north elevation of the garage hereby approved shall be glazed in obscure glazing to the satisfaction of the Planning Authority prior to the garage being brought into use and shall be maintained as such at all times thereafter.

REASON In the interests of amenity of neighbouring properties.

4. The drainage arrangements for the proposed garage shall be to the satisfaction of the Planning Authority and Scottish Water.

REASON In the interests of public safety.

Notes:

1. The applicant is advised that contact must be made with Scottish Water, 35 Glenburn Road, Prestwick – tel No: 0808 100 5333, at an early date.

2. The applicant is advised that care must be taken when excavating due to the close proximity of existing services.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA