

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 22 AUGUST 2003

**02/0886/FL: PROPOSED EXTENSION TO REAR GROUND RIGHT FLAT
AT 57 FULLARTON STREET, KILMARNOCK
BY MR D ANDERSON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought to erect a single storey extension to the rear of a flat. The extension will accommodate a kitchen and dining area and will be 3.9 metres in length and 3.6 metres in width. The proposed extension will have a lean-to roof with a facing brick wall finish.

2. RECOMMENDATION

2.1 It is recommended that the application should be refused for the reasons indicated on the enclosed sheet.

3. CONCLUSIONS

3.1 As indicated at Section 5 of the report the application is not in accordance with the Adopted East Ayrshire 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 refused unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are material considerations relevant to this application and they are not supportive of the proposal. The proposed extension conflicts with Policy ENV7 of the EALP as it is not in accordance with advice detailed in the East Ayrshire Council Design Guidance. The proposed siting and size of the extension will have an adverse impact on the daylighting of the ground floor living room and kitchen windows of the adjacent property.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved 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 as there would not be a 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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BY MR D ANDERSON**

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 the subject of objection and recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is the ground floor flat of a mid-terrace two storey red sandstone property.

2.2 **Proposed Development:** Full planning consent is sought to erect a single storey extension to the rear of a flat. The extension will accommodate a kitchen and dining area and will be 3.9 metres in length and 3.6 metres in width. The proposed extension will have a lean-to roof with a facing brick wall finish.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Water and Scottish Environment Protection Agency have no adverse comments to make regarding the proposed development.

Noted.

3.2 Bonnyton Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 There is one objector to the proposed development and their grounds of objection are as follows:-

4.2 The extension is being built up to the boundary line which will leave only 2.2 metres between the proposed development and the adjacent kitchen window. Their living-room window would look down a corridor of 2.2 metres wide. The outlook from this window would be greatly affected.

It is considered that the erection of 3.9 metre long extension will have an adverse impact on the daylight reaching the ground floor windows of the adjacent flat. The proposed extension will create a "tunnel effect" which would be detrimental to the residential amenity of the adjacent property.

4.3 The proposed extension would seriously reduce the amount of light entering the living room which does not have an adequate light source at the moment.

See response to 4.2.

4.4 The proposed extension would have an adverse effect on the value of their property.

This is not a material planning consideration.

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 East Ayrshire Local Plan (EALP).

5.2 Policy ENV7 of EALP is relevant and expects all developers to comply fully with the Council's Design Guidance and Policy documents which requires extensions to be sited and designed to minimise any overlooking of neighbouring properties and to ensure maximum provision of privacy and daylighting. The materials and colours used in the construction of extensions should match the finish of the existing dwelling.

It is considered that the proposed extension does not comply with the Design Guidance and Policy ENV7 as it will have a detrimental impact on the daylight reaching the living room and kitchen windows

of the adjacent ground floor flat. This is considered to be detrimental to the amenity of this property.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations and representations received which are detailed in Sections 3 and 4 of the report.

Consultation Responses and Letters of Representation

6.2 It is not considered that the consultation responses raise any issues that would warrant refusal of this application. The letter of objection has been addressed in Section 4 of this report and their concerns are material in terms of the appropriateness of the development. The proposed extension will have an adverse effect on the amenity of the adjacent property.

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 not in accordance with the Adopted East Ayrshire 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 refused unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are material considerations relevant to this application and they are not supportive of the proposal. The proposed extension conflicts with Policy ENV7 of the EALP as it is not in accordance with advice detailed in the East Ayrshire Council Design Guidance. The proposed siting and size of the extension will have an adverse impact on the daylighting of the ground floor living room and kitchen windows of the adjacent property.

9. RECOMMENDATION

9.1 It is recommended that the application should be refused for the reasons indicated on the enclosed sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved 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 as there would not be a significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

13 August 2003
(PC/MMM)

FV/AN

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Certificates/Notices.
3. Consultation Responses.
4. Letters of Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Pamela Clifford on 01563 576772.

Implementation Officer: Dave Morris

020886FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0886/FL

Site of Proposal: G/R 57 Fullarton Street
KILMARNOCK

Nature of Proposal: Proposed Extension to Rear

Name & Address of Applicant: Mr Douglas Anderson
G/R 57 Fullarton Street
KILMARNOCK
KA1 2JL

Name & Address of Agent:

DPOs Reference: PC/MMM

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

1. The proposed extension does not accord with Policy ENV7 of the Adopted East Ayrshire Local Plan as it fails to comply with the Council's Approved Design Guidance. The proposed extension would detract from the amenity of the adjacent residential property by reason of loss of daylight and would have a detrimental effect on the residential amenity of the adjacent residential property.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**