

## **EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 6 DECEMBER 2002**

**02/0800/FL: PROPOSED GARAGE, REAR EXTENSION AND ERECTION OF 2  
METRE HIGH TIMBER FENCE AT 24 CORDON ROAD, KILMARNOCK  
BY MR H MCGREGOR**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought to erect a double garage, a rear extension and a 2 metre high timber fence. The application is largely retrospective with the garage walls and the rear extension structure already erected on site. The garage is proposed beyond the front building line of the dwellinghouse and adjacent to the footpath. The dimensions of the garage are 8 metres in length by 5.6 metres in width. It has a maximum ridge height of 3.2 metres. Materials proposed are light brown facing brick and concrete roof tiles to match the existing house.

1.2 An extension is proposed to the rear of the dwellinghouse to form a kitchen and family room. The rear extension would be 6.3 metres in width by 4 metres deep. A lean-to roof is proposed to the rear extension with 3 triple windows proposed along the northern elevation. A 2 metre high timber fence is proposed along the western boundary of the site to prevent any overlooking to adjacent dwellinghouses.

#### **2. RECOMMENDATION**

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

#### **3. CONCLUSIONS**

3.1 As is indicated at Section 5 of the report the application is not in accordance with the Adopted Kilmarnock 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 is 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 garage conflicts with Policy ENV7 of the East Ayrshire Local Plan as it is not in accordance with advice detailed in the East Ayrshire Council Design Guidance. By reason of the location of the garage forward of the building line of the house and its size relative to the existing building, the garage would have an adverse

impact on the amenity and character of this residential area and the existing dwellinghouse.

### **CONTRARY DECISION NOTICE**

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 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 recommended for refusal.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a detached dwellinghouse and its curtilage. The site is located off the Kilmaurs Road, to the north of Cordon Road. It is surrounded by other dwellinghouses.

2.2 **Proposed Development:** Full planning consent is sought to erect a double garage, a rear extension and a 2 metre high timber fence. The application is largely retrospective with the garage walls and the rear extension structure already erected on site. The garage is proposed beyond the front building line of the dwellinghouse and adjacent to the footpath. The dimensions of the garage are 8 metres in length by 5.6 metres in width. It has a maximum ridge height of 3.2 metres. Materials proposed are light brown facing brick and concrete roof tiles to match the existing house.

2.3 An extension is proposed to the rear of the dwellinghouse to form a kitchen and family room. The rear extension would be 6.3 metres in width by 4 metres deep. A lean-to roof is proposed to the rear extension with 3 triple windows proposed along the northern elevation. A 2 metre high timber fence is proposed along the western boundary of the site to prevent any overlooking to adjacent dwellinghouses.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objection but require that damage to the footway as a result of building the garage be reconstructed to their approval. A Road Opening Permit will be required prior to work commencing on site.

***A note can be attached to any grant of planning consent advising the applicant of the Roads Divisions comments.***

3.2 Scottish Water, SEPA and The Coal Authority have no adverse comments to make regarding the proposed development.

***Noted.***

3.3 The North West Kilmarnock Community Council have not responded to their consultation letter at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

4.1 No letters of objection have been received in respect of the proposed development.

4.2 The applicants have gathered 9 letters of support which indicate that they have no objection to the location of the garage. They consider the works as improvements to the property that will make it more aesthetically pleasing. The rear of neighbouring properties would as a consequence of the development be more secure and more private.

#### **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 with 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 it. The Adopted Local Plan contains design guidance requiring that extensions (including the erection of garages shall be designed in a manner which ensures that they do not appear to dominate the existing building by reason of scale and are compatible with the local architectural character. They should not detrimentally affect neighbouring properties.

***Although the proposed rear extension does not conflict with the Adopted Local Plan, the proposed garage conflicts with the above criteria as it would dominate the existing dwellinghouse by reason of its scale and location.***

## 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 with Modifications (EALP), the consultation responses detailed in Section 3 and the letters of support discussed in Section 4.

### East Ayrshire Local Plan Finalised Version with Modifications

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of Policy. The Council has agreed that the EALP should be considered a prime material consideration. Policy ENV7 of EALP expects all developers to comply fully with the Council's Design Guidance and Policy documents relating to and advising on the particular type of development proposed.

6.3 The Design Guidance advises that extensions to existing properties shall 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 an extension should match the finish of the existing dwellinghouse. All extensions should incorporate double-pitched or hipped roofs in situations open to general view.

***It is considered that the proposed rear extension, which would accommodate a new kitchen and family room complies with the approved Design Guidance. There is no direct overlooking of neighbouring properties and the applicant is also proposing a 2 metre high fence along the western boundary of the site to reduce any overlooking from the windows of the proposed extension to neighbouring properties. The proposed extension is acceptable in visual terms, with a lean-to roof and materials proposed to be compatible with the existing dwellinghouse.***

6.4 In terms of freestanding garages to be erected within the curtilage of a dwellinghouse the Design Guidance advises that they are located behind the front building line of the property.

***The proposed garage fails to accord with the guidance as it is proposed in front of the dwellinghouse. The scale of the garage is totally out of keeping with the dwellinghouse to which it relates and the surrounding residential area. Other properties in the immediate area have built garages and extensions however the proposed garages and extensions are appropriate in terms of scale to the individual properties on which they are located. By its location and scale the proposed garage would present an over-dominant structure in the residential area.***

## **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 would arise if the application is refused and enforcement action is instigated to seek the removal of the unauthorised works. Enforcement action is a discretionary power and it would be open to the Authority to pursue action only against those elements of the scheme which were considered unacceptable.

## **8. CONCLUSIONS**

8.1 As is indicated at Section 5 of the report the application is not in accordance with the Adopted Kilmarnock 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 is 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 garage conflicts with Policy ENV7 of the East Ayrshire Local Plan as it is not in accordance with advice detailed in the East Ayrshire Council Design Guidance. By reason of the location of the garage forward of the building line of the house and its size relative to the existing building, the garage would have an adverse impact on the amenity and character of this residential area and the existing dwellinghouse.

## **9. RECOMMENDATION**

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

## **CONTRARY DECISION NOTICE**

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 be no significant breach of Council policy.

Alan Neish  
Head of Planning and Building Control

27 November 2002

(PC/MS)  
FV/DVM

## LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Adopted Kilmarnock Local Plan.
5. East Ayrshire Local Plan Finalised Version with Modifications.
6. Approved Strathclyde Structure Plan.
7. Approved Ayrshire Joint Structure Plan.
8. East Ayrshire Council Design Guidance.

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

***Implementation Officer: Dave Morris***

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 02/0800/FL

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Location: 24 Cordon Road  
KILMARNOCK

Nature of Proposal: Proposed Garage, Rear Extension and Erection of  
2 metre High Timber Fence

Name & Address of Applicant: Mr H McGregor  
24 Cordon Road  
KILMARNOCK KA3 1PY

Name & Address of Agent:

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DPO's Ref: PC/MS

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

1. The proposed garage does not accord with Policy ENV7 of the East Ayrshire Local Plan Finalised Version with Modifications as it fails to comply with the Council's Approved Design Guidance. The proposed garage would have a detrimental effect on the character and visual amenity of the dwellinghouse to which it relates and the surrounding residential area by reason of its location forward of the building line and scale. The proposed garage would present an overdominant structure in the streetscape.
2. The proposed garage would set an unacceptable precedent by reason of its location and scale for similar developments in the area which would have a detrimental effect on the established visual amenity of the area.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**