

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 21 FEBRUARY 2003

**02/0934/FL: PROPOSED ERECTION OF CONSERVATORY AT 1 DUNN MEWS,
KILMARNOCK BY MR & MRS YOUNG**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought to erect a conservatory within the rear garden. The conservatory will comprise some 19 square metres in floor area and a maximum of 3.6 metres in height to the highest point of the pitched roof. The conservatory is of a modern design constructed from polycarbonate roof, render walls to cill level and green UPVC window and door frames.

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 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 conservatory conflicts with Policy ENV7 of the EALP as it is not in accordance with advice detailed in the East Ayrshire Council Design Guidance. The design of the proposed conservatory is not in keeping with the existing property and would have an adverse impact on the amenity and character of the wider residential area and the existing property.

3.3 It is considered that the proposed conservatory will introduce an incongruous feature which is not in keeping with the overall ambience and setting of the Mews development. It is considered that if approved, it would set an undesirable precedent and encourage further development which would be unacceptable. The overall Mews development was planned as a traditional development complimentary to Annanhill House which is a traditional Category B listed building.

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 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 because it is subject to objection and recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises 1 Dunn Mews which is an end-terraced residential property set in a semi-circular terrace within the grounds of Annanhill House. The overall development was designed in the manner of an 18th century stable block to compliment the Grade B Listed Annanhill House and is situated within an open and spacious setting. The dwellinghouse is two storeys in height, finished in a grey wet dash render, slate roof and upvc green windows and doors. The rear garden is bound to the north and east by a 7 foot high dense Leylandii hedge and the dividing boundary between nos. 1 and 2 comprises a 5 foot lattice fence.

2.2 **Proposed Development:** Full planning permission is sought to erect a conservatory within the rear garden. The conservatory will comprise some 19 square metres in floor area and a maximum of 3.6 metres in height to the highest point of the pitched roof. The conservatory is of a modern design constructed from polycarbonate roof, render walls to cill level and green UPVC window and door frames.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Coal Authority, Transco and Scottish Water have no objections regarding the proposed development.

Noted.

3.2 The Grange Howard Community Council have not replied to their consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 Five letters of representation have been received from six parties. The objections raised are as follows:-

4.2 The title deeds do not allow extensions in order to preserve the original concept of the overall development. Dwellinghouses were purchased by owners on the understanding that there would not be a proliferation of house extensions.

Noted, however this is not a material planning consideration and is a matter more appropriately dealt with through a separate legal process.

4.3 A previous planning application at 16 Dunn Mews (ref no. KL/W/FL/88/0006B) was refused for a conservatory on 17 August 1994.

Noted. This proposal was the subject of 10 objections and was refused because it was considered to represent an incongruous feature that would be detrimental to the character and design of the existing terrace and would set an undesirable precedent for similar extensions to adjacent properties. It was considered that the proposed development would result in the loss of the symmetrical design of the existing Mews development, to the detriment of the character and visual amenity of the surrounding area.

4.4 Allowing one property to extend would establish a precedent which would destroy the design of the overall scheme through piecemeal development and lead to a housing development that bears no resemblance to the original concept.

It is considered that the proposed development would set an unacceptable precedent which would be detrimental to the design quality of the terraced mews development.

4.5 Planning permission was originally granted in exceptional circumstances in order to create a complimentary development in terms of aesthetics to Annanhill House. It is considered that the design of the overall development does not lend itself to the addition of a conservatory which will spoil the symmetry of the original design. The curve of the Crescent would be destroyed and would be at variance with the original development concept.

Noted. The general terms of this objection are considered appropriate. The conservatory fails to have regard to the overall design of the Mews development and will appear as an incongruous feature in the locale. It will be detrimental to the character of the mews development and the adjacent listed building by virtue of its overall bulk, scale and modern design.

4.6 Neighbour notification was served on different parties on different dates and the application site address was spelt incorrectly.

The applicant has submitted the appropriate certification confirming the date of neighbour notification. The spelling of the application site as 'Dun Mews' on the certificate is not considered to be a significant error that would warrant re-neighbour notification.

4.7 Whilst the gardens are well screened to the rear of the properties by Leylandii hedging these could be cut back or affected at any time and the conservatory would then be more prominent.

Noted.

4.8 The visual amenity and beauty of the mews development includes the Mansion House some 50 yards away from the proposed development, itself a listed building. The erection of a conservatory will detract from this building.

It is considered that the proposed conservatory would not be in keeping with the design and character of the mews development and would detract from the setting of the adjacent listed building.

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 it. The Adopted Local Plan contains design guidance requiring that extensions do not dominate the existing building, are compatible with the local architectural character and do not detrimentally affect neighbouring properties.

The proposed development conflicts with the Adopted Local Plan as it would dominate the existing building and is not compatible with the local architectural character of the area.

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), planning history, consultation replies and objections received which are detailed in Sections 3 and 4 of the report.

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 development which is out of scale and character with its surroundings can be detrimental to the appearance of the wider area. Extensions to existing residential 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 the extension should match the existing dwellinghouse.

It is considered that the proposed conservatory will adversely impact on the visual appearance and general character of not only the dwellinghouse but the overall development.

6.4 The Design Guidance states that all front porch extensions should be of a size and scale in keeping with the size and scale of the dwellinghouses on which they are proposed. The erection of front porches on individual terraced houses will only be allowed where these will not adversely impact on the visual appearance and character of the terrace as a whole.

Although the conservatory is proposed on the rear elevation, the orientation of the mews development has resulted in the rear elevation being the first elevation to be viewed from the main access road into the development and therefore it is very prominent. The principles of the above advice can be applied to the above proposal as the size and scale of the conservatory is not in keeping with the visual appearance and character of the mews terraced development.

Planning History

6.5 KL/W/FL/88/006B – Planning permission was refused on 17 August 1994 for a conservatory to the rear of 16 Dunn Mews.

This application involved the erection of a conservatory at the opposite end of the mews terraced development to the present proposal under consideration. The proposal was refused on the grounds that it would represent a incongruous feature and be detrimental to the character and design of the existing terrace.

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 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 conservatory conflicts with Policy ENV7 of the EALP as it is not in accordance with advice detailed in the East Ayrshire Council Design Guidance. The design of the proposed conservatory is not in keeping with the existing property and would have an adverse impact on the amenity and character of the wider residential area and the existing property.

8.3 It is considered that the proposed conservatory will introduce an incongruous feature which is not in keeping with the overall ambience and setting of the Mews development. It is considered that if approved, it would set an undesirable precedent and encourage further development which would be unacceptable. The overall Mews development was planned as a traditional development complimentary to Annanhill House which is a traditional Category B listed building.

9. RECOMMENDATION

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

12 February 2003
(FMF/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. Planning Application No: KL/W/FL/88/006B.

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

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 02/0934/FL

Location: 1 Dunn Mews
KILMARNOCK

Nature of Proposal: Proposed Erection of Conservatory

Name & Address of Applicant: Mr & Mrs Young
1 Dunn Mews
KILMARNOCK KA1 2RP

Name & Address of Agent: Scotia Double Glazing
Bonnyton Industrial Estate
Munro Place
KILMARNOCK
KA1 2NP

DPO's Ref: FMF/MS

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

1. The proposal would represent an incongruous feature in this location, detrimental to the character and design of the existing terrace and would set an undesirable precedent for similar extensions to adjacent properties, thereby resulting in the loss of the symmetrical design of the existing Mews development, to the detriment of the character and visual amenity of the surrounding area.
2. The proposed conservatory 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 conservatory would have a detrimental effect on the character and visual amenity of the dwellinghouse on which it is proposed and the terraced mews development as a whole. The alterations present an over-dominant and visually alien feature.

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