

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 06 FEBRUARY 2004**

**03/1126/FL: PROPOSED GARAGE, UTILITY AND CONSERVATORY  
EXTENSION  
AT 16 GLEN CLOVA GARDENS, KILMARNOCK  
BY MR AND MRS FARQUHAR**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought for a single-storey side extension forming a garage and utility room to the northern elevation of the property, measuring 9.2 metres in length and 3 metres in width with a proposed maximum height of 5.2 metres. Consent is also sought for a conservatory extension to the southern elevation of the dwelling house measuring approximately 4 metres in length and 3 metres in width with a proposed height of 3.4 metres. The side extension is to be constructed in buff facing brick and concrete tiles. The proposed conservatory is to be constructed with a buff basecourse and UPVC windows.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be approved.**

**3. CONCLUSIONS**

3.1 As is indicated in Section 5 of the report the application is in accordance with the development 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 As indicated in Section 6 of the report there are material considerations relevant to this application. The proposed extension is considered to comply with Policy ENV 7 of the EALP. The proposed extension will not have a detrimental impact on adjacent properties or the surrounding area. It is considered that the design and scale of the extension is appropriate to the building and the external finish will match the property.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control it 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 subject to objections.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site comprises a modern two storey detached dwelling house within a large corner plot on Glen Clova Gardens. It is surrounded by similar detached properties constructed by Tay Homes in the mid-1990s.

2.2 **Proposed Development:** Full planning consent is sought for a single-storey side extension forming a garage and utility room to the northern elevation of the property, measuring 9.2 metres in length and 3 metres in width with a proposed maximum height of 5.2 metres. Consent is also sought for a conservatory extension to the southern elevation of the dwelling house measuring approximately 4 metres in length and 3 metres in width with a proposed height of 3.4 metres. The side extension is to be constructed in buff facing brick and concrete tiles. The proposed conservatory is to be constructed with a buff basecourse and UPVC windows.

**3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council Roads and Transportation Division, Transco, and The Coal Authority have no adverse comments to make regarding the proposed development.

***Noted.***

3.2 Scottish Water and Grange/Howard Community Council have not responded to their consultation letter at the time of writing this report.

***Noted.***

#### 4. REPRESENTATIONS

There are three objectors to the proposed development and their main grounds of objection are as follows:-

4.1 The extension will be built hard to the boundary approximately 1.5 metres to the front of the existing dwelling house. This wall will be located 1.1 metres from my lounge window, resulting in a lack of light, creating overshadowing and affecting my privacy.

***Noted. The proposed extension will extend 1.575 metres beyond the front of the existing dwelling house. It is considered that in this instance this is acceptable as a particular feature of the surrounding housing development is a staggered building line with certain garages and entrance features/porches built forward of the main dwelling house. The wall of the proposed extension will be located 1.3 metres from the adjacent side lounge window. The objector's lounge window is a bay window and as only the side part of the bay window will be affected by the extension the amount of light reaching the main window would not be adversely affected by the proposed extension. The distance between the proposed extension and the objector's property is of a similar distance to the space between many of the properties in the immediate vicinity. The proposed extension creates no over-looking issues, as no windows are proposed on the mutual boundary between numbers 14 and 16 Glen Clova Gardens and therefore the objector's privacy would not be adversely affected by the extension.***

4.2 How will the applicant maintain the proposed extension and shared boundary fence?

***This is not a material planning consideration and is a legal matter between the applicant and the adjacent property. The extension is to be constructed in facing brick and therefore maintenance will be minimal. The development could be constructed from within the applicant's property.***

4.3 The development is inconsistent with the overall amenity of the area.

***It is considered that the proposed extension is acceptable in terms of the East Ayrshire Council Design Guidance. There are a number of examples of garage extensions and conservatory extensions in the immediate vicinity and therefore the proposed development is considered acceptable.***

4.4 The road is congested as it has limited parking and a danger to children.

***East Ayrshire Council Roads and Transportation Division has made no adverse comments regarding the proposed development.***

4.5 The applicant is to build on the boundary line and the overhang from the proposed extension would encroach upon their property.

***This is a legal matter and it is not a planning consideration. The objector has it within their control to prevent any such legal encroachment if there is any. The front elevation drawings however show no overhanging of the neighbouring house.***

## **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 the East Ayrshire Local Plan is relevant and 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. 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 daylight. The materials and colours used in the construction of extensions to residential properties should match the finish of the existing dwelling house.

***It is not considered that the proposed side extension and conservatory would have a detrimental impact on neighbouring properties as there are no windows overlooking neighbouring residential properties. The size, design and materials of the side extension and conservatory are considered to be in keeping with the existing dwelling house.***

## **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses and letters of objection received, which are addressed in Section 3 and 4 of this report.

### **Consultation Replies and Letter of Representation**

6.2 It is not considered that any aspects of the consultation replies or the letters of objection received indicate that the application should be refused.

## **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 in Section 5 of the report the application is in accordance with the development 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 As indicated in Section 6 of the report there are material considerations relevant to this application. The proposed extension is considered to comply with Policy ENV 7 of the EALP. The proposed extension will not have a detrimental impact on adjacent properties or the surrounding area. It is considered that the design and scale of the extension is appropriate to the building and the external finish will match the property.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control it 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**

28 January 2004  
(BD/MMM)

FV/DVM

## LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
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 Barry Douglas on 01563 576770.

***Implementation Officer: Dave Morris***

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/1126/FL

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Location:	16 Glen Clova Gardens KILMARNOCK
Nature of Proposal:	Proposed Garage, Utility and Conservatory Extension
Name and Address of Applicant:	Mr & Mrs Farquhar 16 Glen Clova Gardens KILMARNOCK KA2 0LT
Name and Address of Agent:	Taylor Associates 17 Barns Street AYR KA7 1XB

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DPOs Reference: BD/MMM

The above FULL application should be granted.

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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.**