

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 27 JUNE 2003

**03/0426/FL: PROPOSED INSTALLATION OF FLUE AND BRICK CLADDING
TO LEFT HAND GABLE OVER TWO STOREYS
AT 23 OTTERBURN AVENUE, KILMARNOCK
BY MR & MRS FORSYTH**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the installation of a flue with brick cladding to the left hand gable of the dwellinghouse over two storeys. The proposed chimney is to extend from the existing gable wall by half a metre, with a proposed height of 7.5 metres from ground level. The existing dwellinghouse measures approximately 7 metres in height.

2. RECOMMENDATION

2.1 It is recommended that the planning application be approved subject to the 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 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 granted unless material considerations indicate otherwise.

3.2 The concerns of the objector with regard to the close proximity of the chimney to their dwellinghouse, health and pollution impacts can be addressed by attaching an appropriate condition to any grant of planning consent. The design, finish and height of the proposed chimney is considered acceptable in this location.

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 would not require to be referred to the Development Services Committee as it would not constitute a significant departure from 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 an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a detached two storey modern villa situated within the residential area of the Dean estate. The dwellinghouse is surrounded at the front and side by dwellinghouses of similar design and height. To the rear of the dwellinghouse is the Kilmarnock Water.

2.2 **Proposed Development:** Full planning consent is sought for the installation of a flue with brick cladding to the left hand gable of the dwellinghouse over two storeys. The proposed chimney is to extend from the existing gable wall by half a metre, with a proposed height of 7.5 metres from ground level. The existing dwellinghouse measures approximately 7 metres in height.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Environmental Health and Waste Management Division have no adverse comments regarding the proposed development, however recommend that only fossil fuels be permitted such as smokeless fuel or good quality coal. Other fuels such as peat, wood and low grade coals including dross should not be used as these may give rise to complaints of smell or smoke nuisance.

A condition can be attached to any issue of planning consent to secure the continuing residential amenity of neighbouring properties.

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

Noted.

4. REPRESENTATIONS

There is one letter of objection to the proposed development and the grounds of objection are as follows:

4.1 The chimney would be 2 metres 44 centimetres from the front elevation of the neighbouring property.

Noted. It is not envisaged that the proposed chimney will have an adverse visual impact on the neighbouring property, as the front of the neighbouring property is set back and does not look directly on to the proposed chimney. In addition the proposed chimney is to be finished in facing brick to match the existing and surrounding properties.

4.2 There are no chimneys in the immediate residential area and the bedroom window of the neighbouring property will require to be closed as a result of smoke. It would be unreasonable to pollute the air with smoke and as a result this would be detrimental to health.

Noted. It is not considered that the proposed chimney will adversely affect the air quality to the neighbouring dwellinghouse. Environmental Health have made no objections to the proposed development, but have recommended that only fossil fuels be burned to ensure no complaints arise regarding smell or smoke nuisance to adjacent properties. It is not appropriate to stipulate the precise type of materials to be burned, however by condition it can be required that the operation of the flue is not detrimental to residential amenity.

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 (2003), (EALP).

5.2 Policy Env 7 of EALP is relevant and expects all developers to comply fully with the Council's Design Guidance and Policy documents, which highlight the Council's general concern that domestic works are in keeping with the existing house and do not impact adversely on neighbouring properties. It is considered that the erection of the chimney will be compatible with the existing dwellinghouse and surrounding area.

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.

6.2 It is not considered that any aspects of the consultations or representations 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 indicated at Section 5 of the report the application is 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 granted unless material considerations indicate otherwise.

8.2 The concerns of the objector with regard to the close proximity of the chimney to their dwellinghouse, health and pollution impacts can be addressed by attaching an appropriate condition to any grant of planning consent. The design, finish and height of the proposed chimney is considered acceptable in this location.

9. RECOMMENDATION

9.1 It is recommended that the planning application be approved subject to the 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 would not require to be referred to the Development Services Committee as it would not constitute a significant departure from Council policy.

Alan Neish
Head of Planning and Building Control

17 June 2003
(BD/IMB/SA)

FV/DM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Statutory Consultation Responses.
4. Representations.
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

03/0426/FL

Site of Proposal:	23 Otterburn Avenue KILMARNOCK
Nature of Proposal:	Proposed installation of flue and brick cladding to left hand gable over two storeys
Name & Address of Applicant:	Mr & Mrs Forsyth 23 Otterburn Avenue KILMARNOCK KA3 7UE
Name & Address of Agent:	Thomson Dawes Architects 21 Protland Road KILMARNOCK KA1 2BT

DPOs Reference: BD/IMB

The above FULL application should be granted subject to the following condition:-

1. The proposed development shall be carried out in accordance with the application form and plans submitted on 11 June 2003 as revised by the amended plan received by the Planning Authority on 11 June 2003.

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

2. The flue hereby approved shall be operated such that there is no detriment to the residential amenity of adjacent properties arising from the emission of smoke or fumes.

REASON: To maintain to a reasonable degree the residential amenity of neighbouring properties.

**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.**