

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 27 JUNE 2003**

**03/0265/FL: PROPOSED CANOPY OVER DOOR, CREATE PARKING TO  
FRONT AND DROP KERB AND ERECTION OF WALL  
AT 24 WAVERLEY AVENUE, KILMARNOCK  
BY MR D STEEL**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought for a canopy over the entrance door on the front elevation and the creation of parking to the front of the property. The kerb at the roadside is to be dropped to allow vehicular access and a wall of 0.9 metres in height is to be erected along both sides and rear of the proposed parking area. This will act as a retaining feature for the parking area. The canopy will comprise of grey concrete roof tiles with a monopitch roof. The wall will be formed from grey concrete blockwork and the parking area comprises concrete paving slabs.

**2. RECOMMENDATION**

**2.1 It is recommended that the full planning application be approved subject to the conditions on the attached sheet.**

**3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report the application is in accordance with the Adopted 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 approved unless material considerations indicate otherwise.

3.2 There are material considerations relevant to this application. The proposed alterations are considered to be acceptable and will not detract from the visual appearance of the property and the area. There are other similar off-street parking areas in the vicinity. The design of the door canopy is acceptable.

## **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 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 is a downstairs cottage flat located at 24 Waverley Avenue, Kilmarnock, to the eastern boundary of Kilmarnock. The site is bound to the north, south and west by other residential properties and to the east by agricultural land.

2.2 **Proposed Development:** Full planning consent is sought for a canopy over the entrance door on the front elevation and the creation of parking to the front of the property. The kerb at the roadside is to be dropped to allow vehicular access and a wall of 0.9 metres in height is to be erected along both sides and rear of the proposed parking area. This will act as a retaining feature for the parking area. The canopy will comprise of grey concrete roof tiles with a monopitch roof. The wall will be formed from grey concrete blockwork and the parking area comprises concrete paving slabs.

#### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 Transco, the Coal Authority, EAC Roads and Transportation Division, EAC Department of Homes and Technical Services have advised that they have no adverse comments to make regarding the proposed development.

***Noted.***

3.2 Bonnyton Community Council have objected to the proposed development on the grounds of visual amenity and that it is detrimental to the amenity of neighbouring residents.

***It is considered that the proposed alterations are in keeping with the property and surrounding area. The alterations proposed are commonly undertaken in residential areas and there are other similar off-road parking areas in the vicinity. The design of the canopy is acceptable.***

#### 4. REPRESENTATIONS

4.1 There are five objectors including an objection from the Bonnyton Community Council detailed in Section 3.2 above. Their grounds of objection are as follows:

4.2 There are enough driveways in Waverley Avenue.

***It is a common feature to have driveways within residential areas. This is encouraged by the Roads Division to reduce on-street parking.***

4.3 The objector hopes to get a disabled parking space in the future which they won't get if the plans go ahead.

***This is not a matter of valid consideration in the determination of the proposals. Presently no disabled parking space exists and the aspirations of another individual, which have yet to be translated into fact, should not impact on the consideration of the application.***

4.4 It will be like looking on to a prison wall and car park.

***It is considered that there will be no significant detriment to the residential amenity of adjacent properties as a result of the proposed development.***

4.5 The noise which will occur when being developed as the adjacent residents do not keep good health and usually have a rest in the afternoon.

***It is acknowledged that there will be some noise and disturbance during construction works, however, this will only be for a short period of time.***

4.6 There won't be a space for an Emergency Vehicle as the cars park on both sides of the street.

***The Roads & Transportation Division have offered no objections and any issue of access for emergency vehicles would have been considered by the Roads Division. By removing cars from parking on the street this will in fact improve access for Emergency Vehicles.***

4.7 The applicant looks like he is carrying out a business with three vehicles.

***The application is for the creation of a canopy over the door, parking to the front and the erection of a wall. The application does not provide for any business use of the property and any change of use would require planning consent. The applicant has confirmed that the runway will be used for the parking of one car and a vehicle in connection with his work. Any operation of a business from the premises would be investigated were it to come to light.***

4.8 The amount of building work concerned will mean that we are looking onto a building site.

***It is acknowledged that there will be some disturbance during construction works, however, this will only be for a short period of time.***

## **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 The Structure Plan is concerned with issues on a more strategic level than raised by this application. There are no policies specifically relevant to this proposal within the EALP although the requirement in ENV 7 to have regard to the Council's Design Guidance highlights 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 not considered that the proposed alterations will impact adversely on the property or adjacent properties. The alterations proposed are consistent with the building and the surrounding area.

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

6.1 The principal material considerations relevant in the determination of this application are the consultations received which are detailed in Section 3 of the report and the impact of the proposal on the amenity of the area.

## Consultations

6.2 It is not considered that any aspects of the consultations received indicate that the application should be refused.

## Impact on the Amenity of the Area

6.3 The development is such that it is considered that the proposal will not adversely affect the residential or visual amenity of the area.

## **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 in Section 5 of the report the application is in accordance with the Adopted 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 approved unless material considerations indicate otherwise.

8.2 There are material considerations relevant to this application. The proposed alterations are considered to be acceptable and will not detract from the visual appearance of the property and the area. There are other similar off-street parking areas in the vicinity. The design of the door canopy is acceptable.

## **9. RECOMMENDATION**

**9.1 It is recommended that the full 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 will not require to be referred to the Development Services Committee as it would not constitute a significant departure from policy.

**Alan Neish**  
**Head of Planning and Building Control**

16 June 2003  
(EMcL/MMM/IMB/SA)

FV/DM

**LIST OF BACKGROUND PAPERS**

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

Anyone wishing to inspect the above papers please contact  
Edward McLennaghan on 01563 576787.

***Implementation Officer: Dave Morris***

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0265/FL

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Site of Proposal:	24 Waverley Avenue KILMARNOCK
Nature of Proposal:	Proposed Canopy Over Door, Create Parking to Front and Drop Kerb and Erection of Wall
Name & Address of Applicant:	Mr David Steel 24 Waverley Avenue KILMARNOCK KA1 2LF
Name & Address of Agent:	11 x 11 Architects 332 Glasgow Road Waterfoot EAGLESHAM G76 0EW

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DPOs Reference: EMcL/MMM/IMB

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

1. Notwithstanding the plans hereby approved the roof of the canopy shall be constructed in natural slate to match the roof of the existing property and details/samples of the material to be used shall be submitted to and approved by the Planning Authority before any development commences on site and implemented according to the approved details.

REASON In the interests of visual amenity.

2. Notwithstanding the plans hereby approved the concrete blockwork wall shall be rendered in materials to match the existing dwelling and details/samples of the material to be used shall be submitted to and approved by the Planning Authority before any development commences on site and implemented on site according to the approved details.

REASON In the interests of visual amenity.

Notes:

1. An application for an access crossing must be submitted to and constructed in accordance with an approval from East Ayrshire Council Roads and Transportation Division at Greenholm Street, Kilmarnock (Tel: 01563 576310).
2. Any damage to the existing footway when undertaking the erection of the wall must be reinstated to match existing and be to East Ayrshire Roads and Transportation Division specifications.

**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.**