

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 21 MARCH 2003

**02/0995/FL: PROPOSED ERECTION OF REAR CONSERVATORY
AT 6 GARNOCK ROAD, KILMARNOCK
BY MR & MRS MOFFAT**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of a conservatory to the rear of the house. The proposed conservatory is 4 metres in length and 3.5 metres in width. The conservatory is proposed along the mutual boundary with 8 Garnock Road. A fire wall along the boundary will be 4.3 metres long by 3.5 metres high, constructed in facing brick. The conservatory is of a modern design constructed from polycarbonate roof, facing brick walls to cill level and white UPVC window and door frames.

2. RECOMMENDATION

2.1 It is recommended that the application should be approved.

3. CONCLUSIONS

3.1 As is indicated at Section 5 of the report the application is 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 granted unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are material considerations relevant to and supportive of this application. The proposed development does not conflict with Policy ENV 7 of the EALP as it is in accordance with advice detailed in the East Ayrshire Council Design Guidance. With regard to the letter of objection the proposed conservatory would not have an adverse impact on the drainage of adjacent properties as the guttering and downpipes would be connected to the public sewerage system. The proposed site of the conservatory is currently a paved, raised patio with no formal drainage connections and therefore the proposed development should in fact improve the existing situation.

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 because it is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is an end terrace 2 storey former Council property, on Garnock Road. The site is surrounded by residential properties to the north, south and west. There is an area of grass open space to the east of the site. The site of the proposed conservatory is a raised patio with retaining walls which is sited 1 metre above the remaining garden which slopes in a north westerly direction.

2.2 **Proposed Development:** Full planning consent is sought for the erection of a conservatory to the rear of the house. The proposed conservatory is 4 metres in length and 3.5 metres in width. The conservatory is proposed along the mutual boundary with 8 Garnock Road. A fire wall along the boundary will be 4.3 metres long by 3.5 metres high, constructed in facing brick. The conservatory is of a modern design constructed from polycarbonate roof, facing brick walls to cill level and white UPVC window and door frames.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Coal Authority, Scottish Environment Protection Agency, Roads and Transportation Division and Bellfield Community Council have no adverse comments to make regarding the proposed development.

Noted.

4. REPRESENTATIONS

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

4.1 The proposal would cause drainage problems within the objector's garden, as Garnock Road is situated at a higher level than their property.

It is considered that the proposed conservatory will not have an adverse affect on the drainage of adjacent gardens, as the conservatory will have gutters and downpipes connected to the public sewerage system. Presently the raised patio does not have a formal drainage system, and any rainwater would run off into the garden. Therefore the proposed development should in fact improve drainage arrangements in the immediate area.

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 this document and its associated policies. 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 by reason of overlooking, loss of privacy or loss of daylight and do not dominate the existing building by reason of scale and a reasonable amount of open space and garden ground is retained.

The proposed development does not conflict with the Adopted Local Plan as it will not dominate the existing building and will not have an adverse impact on the amenity of adjacent residential properties.

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 Council's Design Guidance and the consultations and objection received, as 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 the EALP 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.

6.3 The Design Guidance advises that extensions 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 dwelling.

It is considered that the proposed conservatory will not adversely affect the privacy or daylight enjoyed by adjoining properties due to its design and size. The materials to be used are in keeping with those used elsewhere on the house. The garden is approximately 15 metres long with hedging and trees along the boundary with the property in Kinloch Road and therefore sufficient garden ground would be left after the conservatory has been erected.

6.4 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 is indicated at Section 5 of the report the application is 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 granted unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are material considerations relevant to and supportive of this application. The proposed development does not conflict with Policy ENV 7 of the EALP as it is in accordance with advice

detailed in the East Ayrshire Council Design Guidance. With regard to the letter of objection the proposed conservatory would not have an adverse impact on the drainage of adjacent properties as the guttering and downpipes would be connected to the public sewerage system. The proposed site of the conservatory is currently a paved, raised patio with no formal drainage connections and therefore the proposed development should in fact improve the existing situation.

9. RECOMMENDATION

9.1 It is recommended that the application should 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 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 March 2003
(AG/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letter of Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted Kilmarnock Local Plan.
7. East Ayrshire Local Plan Finalised Version with Modifications.
8. Approved Strathclyde Structure Plan.

Anyone wishing to inspect the above papers please contact Ailsa Graham on 01563 576787.

Implementation Officer: Dave Morris

020995FL

TP24

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0995/FL

Site of Proposal:	6 Garnock Road KILMARNOCK
Nature of Proposal:	Proposed Erection of Rear Conservatory
Name & Address of Applicant:	Mr & Mrs Moffat 6 Garnock Road KILMARNOCK KA1 3QU
Name & Address of Agent:	Scotia Double Glazing Ltd Bonnyton Industrial Estate Munro Place KILMARNOCK KA1 2NP

DPOs Reference: AG/MMM

The above FULL application should be approved.

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