

**EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 30 MAY 2003**

**03/0154/FL: PROPOSED CHANGE OF USE FROM CHILDREN'S NURSERY  
TO HOUSE AND ERECTION OF GARAGE AND GREENHOUSE  
AT 26 LONDON ROAD, KILMARNOCK  
FOR MR & MRS O THOMSON**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The application has several components and these are as follows:-

Change of Use

The applicant proposes to change the use of the property from a children's nursery to residential dwellinghouse. All alterations are internal and no external changes are proposed.

Garage

The erection of a detached double garage within the rear garden area to the western boundary. The garage will be formed from blonde sandstone with natural slate roof. External doors and windows will be formed from timber painted beige. The garage will have a floor area of some 69.35 square metres and maximum height of 4.6 metres.

Greenhouse

A detached greenhouse to the north-east corner of the rear garden is proposed of 55 square metres and maximum height 3.7 metres. The greenhouse will be constructed of blond sandstone to window cill level and a white upvc framed glass structure which will match the existing conservatory. The greenhouse will be some 0.7 metres above the existing rear garden wall of 3 metres in height.

Gates/Railings

Traditional metal railings to be painted black are proposed at the boundary of the site onto London Road. The gates will be some 2 metres in height and the railings located on top of the existing stone wall will be 0.9 metres in height (overall height of 1.8 metres in height). The stone wall on London Road details holes where previous railings were once fixed.

## **2. RECOMMENDATION**

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

## **3. CONCLUSIONS**

3.1 As indicated at paragraph 5.2 it is considered that 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 There are material considerations relevant to this application as indicated in Section 6 of the report and they are supportive of the proposal. The proposal is considered to be in accordance with the Council's Design Guidance and the issues raised by the consultation process and the letter of objection are not such that would warrant refusal of the application.

3.3 The site lies within a primarily residential area and its conversion to residential use will be in keeping with neighbouring properties. The reinstatement of traditional metal railings is not considered to be inappropriate. Furthermore the new buildings within the rear garden will be traditionally finished in natural stone and slate roof and set within an extensive plot surrounded by high boundary walling which is a feature of these properties. There would be sufficient garden ground left after the development has taken place.

## **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 be a significant breach of 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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FOR MR & MRS O THOMSON**

**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 objections.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site comprises a detached two storey sandstone villa and associated garden ground at 26 London Road. The site lies within the London Road Outstanding Conservation Area. The site is bound to the east and west by residential properties and to the south by London Road beyond which are residential properties.

2.2 **Proposed Development:** The application has several components and these are as follows:-

**Change of Use**

The applicant proposes to change the use of the property from a children's nursery to residential dwellinghouse. All alterations are internal and no external changes are proposed.

**Garage**

The erection of a detached double garage within the rear garden area to the western boundary. The garage will be formed from blonde sandstone with natural slate roof. External doors and windows will be formed from timber painted beige. The garage will have a floor area of some 69.35 square metres and maximum height of 4.6 metres.

## Greenhouse

A detached greenhouse to the north-east corner of the rear garden is proposed of 55 square metres and maximum height 3.7 metres. The greenhouse will be constructed of blond sandstone to window cill level and a white upvc framed glass structure which will match the existing conservatory. The greenhouse will be some 0.7 metres above the existing rear garden wall of 3 metres in height.

## Gates/Railings

Traditional metal railings to be painted black are proposed at the boundary of the site onto London Road. The gates will be some 2 metres in height and the railings located on top of the existing stone wall will be 0.9 metres in height (overall height of 1.8 metres in height). The stone wall on London Road details holes where previous railings were once fixed.

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

3.1 The Coal Authority, Transco and the Architectural Heritage Society for Scotland have no adverse comments to make in respect of this proposed development.

***Noted.***

3.2 Piersland Bentinck Community Council have not responded to this application at the time of writing this report.

***Noted.***

3.3 East Ayrshire Council Roads and Transportation Division has no objections to the proposed development.

***Noted.***

### **4. REPRESENTATIONS**

One letter of representation has been received to the proposed development and the points raised are as follows:-

4.1 London Road is a special Conservation Area and the neighbouring property at 28 London Road is 'B' listed. It is considered that the sizes of buildings proposed are unnecessary and all other rear gardens are clear of such substantial buildings.

***London Road is designated as an Outstanding Conservation Area and is generally of high amenity value being visually attractive with excellent quality housing. An area designated with conservation status does not preclude development from taking place but seeks to ensure that development is appropriate to the area.***

***The buildings located within the rear garden area are fairly extensive as detailed in Section 2.2 of this report. It must however be noted that the rear garden is enclosed by a high stone wall of maximum approximate height 3 metres which will significantly limit the effect of the buildings on neighbouring properties. The property itself has an extensive rear garden. Furthermore the proposal is seeking to use traditional materials of natural stone and slate that have been used elsewhere on the property and other extensions. It is not therefore considered that the works will be inappropriate to the established amenity of the Outstanding Conservation Area nor of neighbouring listed buildings.***

***It is noted that there is no objection to the front garden gates and railings.***

## **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 Adopted East Ayrshire Local Plan (2003) and the Approved Ayrshire Joint Structure Plan.

5.2 Policy RES 7 of the EALP is relevant and encourages the conversion to residential use of traditional buildings within settlements subject to certain criteria. Relevant criteria includes:

- the building must be structurally capable of conversion;
- it meets the service requirements of the statutory utilities and the Council's Roads Division;
- the proposal is in keeping with the character and appearance of the surrounding area;
- it meets all the design requirements of the Council and reflects that of the original building;
- it does not damage the architectural integrity of the building and re-uses traditional materials where possible.

***In response, it is considered that the proposal complies with Policy RES 7. The property is surrounded by other residential properties and is a complete building in good structural condition. It was used until recently as a children's nursery by the applicant and is not subject to any external alterations. There are no objections from statutory utility bodies or the Council's Roads Division.***

***The proposal will not damage the architectural integrity of the building in terms of the change of use or physical additions in the form of garage, greenhouse and railings. All these components are being constructed using traditional materials appropriate to the Outstanding Conservation Area and prevalent within the site and on surrounding properties.***

5.3 Policy ENV4 is also relevant and seeks to ensure that all development within a Conservation Area is sympathetic to the area and should have due regard to the architectural and historic qualities of the area.

***The works are considered to be appropriate to the Outstanding Conservation Area. The property is set in an extensive plot and is fully enclosed by traditionally constructed boundary walls of significant height. The proposed buildings in the rear garden will be constructed from stone and slate in keeping with the existing buildings. The proposed change of use will not adversely affect the character of the Conservation Area as the majority of surrounding properties are residential.***

***The proposed railings to the front at London Road are also not considered to be unsympathetic to the character of the Conservation Area. The existing low stone wall to the front of the site details previous holes for railings since removed. The applicant is proposing traditional metal railings that would be painted black.***

5.4 Policy ENV 7 requires developers to comply with the Council's Design Guidance in order to ensure that all development is of the highest quality of design in keeping with and sympathetic to the character and appearance of its surrounding area. In general the guidance seeks to ensure that any alterations or extensions to buildings are subordinate to the original buildings and their design should reflect and enhance the overall character and appearance of the area in terms of size, scale, fenestration, finish and materials.

***The proposal is considered to meet the provisions of the design guidance. The buildings proposed are smaller than the existing building and do not detract from the setting of the property. Their materials are entirely appropriate and will match those of the existing***

*property. In addition all physical works have been designed with regard to the Outstanding Conservation Area.*

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

6.1 The principal material considerations relevant to the determination of this application are the letter of representation and consultation responses and the planning history of the site.

### Consultation Responses and Representations

6.2 The consultation responses and letter of objection have been addressed in Sections 3 and 4 of this report and do not raise any issues that would warrant the refusal of this application.

### Planning History

6.3 The site was used as a children's day care nursery with associated extensions and alterations (ref no: 98/0186/FL). Further proposals comprise demolition of chimney stack and outbuildings and further extension to the property (ref nos: 98/0185/CA, 00/0162/FL and 00/0163/CA).

## **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 paragraph 5.2 it is considered that 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 There are material considerations relevant to this application as indicated in Section 6 of the report and they are supportive of the proposal. The proposal is considered to be in accordance with the Council's Design Guidance and the issues raised by the consultation process and the letter of objection are not such that would warrant refusal of the application.

8.3 The site lies within a primarily residential area and its conversion to residential use will be in keeping with neighbouring properties. The reinstatement of traditional metal railings is not considered to be inappropriate. Furthermore the new buildings within the rear garden will be traditionally finished in natural stone and slate roof and set within an extensive plot surrounded by high boundary walling which is a feature of these properties. There would be sufficient garden ground left after the development has taken place.

## **9. RECOMMENDATION**

**9.1 It is recommended that this 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 be a significant breach of policy.

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

21 May 2003  
(FMF/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices.
3. Public Advertisements.
4. Statutory consultations.
5. Letters of Representation.
6. Adopted East Ayrshire Local Plan.
7. Approved Ayrshire Joint Structure Plan.

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

***Implementation Officer: Dave Morris***

030154FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0154/FL

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Site of Proposal:	26 London Road KILMARNOCK
Nature of Proposal:	Proposed Change of Use from Children's Nursery to House and Erection of Garage and Greenhouse
Name & Address of Applicant:	Mr & Mrs O Thomson 26 London Road KILMARNOCK KA3 7AQ
Name & Address of Agent:	Mr Robert G Lang 25 Bellevue Crescent AYR KA7 2DP

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DPOs Reference: FMF/MMM

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

1. The use of the garage hereby granted planning permission, shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garage.

REASON In order to safeguard the residential amenity of the surrounding area.

2. Notwithstanding the approved plans, the metal gates and railings shall be painted black.

REASON In the interests of visual amenity and the character of the Conservation Area.

3. Notwithstanding the approved plans all metal railings to be formed to the front of the application site shall be formed using existing holes in the stone wall and no new holes shall be formed without the prior written approval of the Planning Authority.

REASON In order to safeguard the visual amenity of the Conservation Area.

4. Notwithstanding the approved plans, the roof to the proposed garage shall be natural slate and the walls to the garage and lower portion of the greenhouse shall be externally finished with natural stone.

REASON In order to safeguard the visual amenity of the Conservation Area.

**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.**