

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 21 NOVEMBER 2003

**03/0847/FL: PROPOSED ERECTION OF CONSERVATORY
AT 5 ALMOND PLACE, KILMARNOCK
BY MR D QUIGLEY**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of a conservatory to the rear of the dwelling. The proposed conservatory is to be constructed in white upvc with a facing brick firewall erected on the mutual boundary with 3 Almond Place. The proposed conservatory will measure 3.375 metres in length and 3.7025 metres in width. The facing brick firewall located on the mutual boundary with 3 Almond Place will measure 3.6 metres in length. The proposed conservatory measures approximately 5 metres in height, which is as a result of the variation in ground levels between the western and eastern boundaries of the site.

2. RECOMMENDATION

2.1 The application should be approved subject to the conditions on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated at Section 5 of the report, the application is in accordance with the Adopted East Ayrshire Local Plan and 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 consultation responses received have no adverse comments to make regarding the proposed development. With regard to the letter of objection it is not considered that the conservatory will have a significant detrimental impact on the amenity of the neighbouring 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 the application will not require to be referred to the Development Services Committee because there would be no 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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**03/0847/FL: PROPOSED ERECTION OF CONSERVATORY
AT 5 ALMOND PLACE, KILMARNOCK BY MR D QUIGLEY**

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 as it is subject to an objection acknowledged prior to the review of the scheme of delegation.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a modern semi-detached one and a half storey dwelling house on Almond Place in the Grange Estate. The site is surrounded by similar residential properties. Within the rear garden of the property is an existing modern garage and the site slopes downwards from the dwelling house to its eastern boundary.

2.2 **Proposed Development:** Full planning consent is sought for the erection of a conservatory to the rear of the dwelling. The proposed conservatory is to be constructed in white upvc with a facing brick firewall erected on the mutual boundary with 3 Almond Place. The proposed conservatory will measure 3.375 metres in length and 3.7025 metres in width. The facing brick firewall located on the mutual boundary with 3 Almond Place will measure 3.6 metres in length. The proposed conservatory measures approximately 5 metres in height, which is as a result of the variation in ground levels between the western and eastern boundaries of the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Grange/Howard Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

3.2 The Coal Authority, Transco and Scottish Water 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 We understand all houses within East Ayrshire should have 100 square metres of rear garden while this extension and existing garage would reduce the garden ground to 73 square metres.

Noted. Schedule 4 of the East Ayrshire Local Plan relates to Private Open Space Standards for new residential development and states that detached or semi-detached houses should meet a minimum of 100 square metres of private garden ground. This policy relates to new-build development only and is not a material consideration in the determination of this application. It is considered that the construction of the conservatory will not adversely affect the availability of garden ground for the dwellinghouse and will not result in overdevelopment of the site.

4.2 The site preparation states the removal of existing timber decking. The only timber decking is within our garden.

Noted. The applicant states that this was an administrative error made by his architect and has confirmed in writing that no alterations will be made to the timber decking situated to the rear of 3 Almond Place.

4.3 The brick wall to be built between the two properties would overshadow our decking area and livingroom.

The proposed facing brick firewall is 3.6 metres in length. It is not considered that the proposed conservatory will not have a sufficiently adverse impact on the extent of daylighting reaching the decking area as to merit refusal of the application.

4.4 They object to the prospect of sitting staring at a brick wall

Noted. The right to a view is not a material planning consideration. It is not considered that a firewall of 3.6 metres in length will have an impact on the visual amenity of the adjacent property or area sufficient to merit refusal of the application.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37 (2) of the Town & 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 (EALP).

Adopted East Ayrshire Local Plan

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 conservatory would have a significant detrimental impact on neighbouring properties as there are no windows directly overlooking neighbouring residential properties. The size and the materials of the conservatory are considered to be in keeping with the existing dwelling house.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation replies that are detailed in Section 3 of the report and the letter of objection received, detailed in Section 4 of the report.

Consultation Replies and Representations

6.2 It is not considered that any aspects of the consultation replies or the letter 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 at Section 5 of the report, the application is in accordance with the Adopted East Ayrshire Local Plan and 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 consultation responses received have no adverse comments to make regarding the proposed development. With regard to the letter of objection it is not considered that the conservatory will

have a significant detrimental impact on the amenity of the neighbouring property.

9. RECOMMENDATION

9.1 The application should 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 because there would be no significant breach of policy.

Alan Neish
Head of Planning and Building Control

13 November 2003
(BD/MMM/SA)

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 East Ayrshire Local Plan.

Any person wishing to inspect the above papers please contact Barry Douglas on (01563) 576770.

Implementation Officer: Dave Morris

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0847/FL

Location: 5 Almond Place
KILMARNOCK

Nature of Proposal: Proposed Erection of Conservatory.

Name & Address of Applicant: Mr D Quigley
5 Almond Place
KILMARNOCK
KA1 2HS

DPO's Ref: BD/MMM

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

1. Notwithstanding the approved plans, the facing brick is not hereby approved. Details and samples of the facing brick shall be submitted to and approved by the Planning Authority before any development commences on the site and implemented as approved thereafter.

REASON In the interests of visual amenity

NOTES:-

1. The applicant shall make early contact with Scottish Water as the development may be built over or obstruct access to a public sewer. Scottish Water can be contacted on 0845 601 8855.

2. The applicant shall make early contact with Transco as the development may affect Transco apparatus in the area. Transco can be contacted on 0141 418 4093.

**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.**