

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 18 SEPTEMBER 2003

**03/0633/FL: PROPOSED ERECTION OF HOUSE AND GARAGE
AT PLOT ONE FISHER COURT, KNOCKENTIBER**

BY MR AND MRS A SINCLAIR

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for a detached bungalow with integral garage. The proposed dwellinghouse is L-shaped and single storey in height. The proposal comprises three bedroomed accommodation and the front elevation faces Plot 3 Fisher Court. The proposed dwellinghouse is to be finished in facing brick with dark grey roof tiles.

2. RECOMMENDATION

2.1 It is recommended that the application be granted subject to the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report 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 As indicated in Section 6 there are material considerations relevant to this application. The objector's concerns relate to the impact the proposed development will have on car parking in the vicinity, design and size of the proposed dwelling and the site clearance works. The Roads Division have no adverse comments while the proposed dwelling house is considered to comply with Policy ENV 7 and Policy RES 4 of the EALP. The design and siting of the proposed house is considered compatible with the adjacent existing and proposed residential properties and adjoining rural area. This development will result in the development of a vacant site which will not be detrimental to the visual amenity of the area.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control it 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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BY MR AND MRS A SINCLAIR

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 an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a vacant plot of land approximately 717 sq metres in size at Fisher Court, Knockentiber. It is sited to the west of Knockentiber. The application site is located at the head of a cul-de-sac, adjacent to modern single storey bungalows, all located to the north-east of the site, while to the east of the application site is a vacant plot, which is the subject of a separate planning application for a 1½ storey house to be considered by this Committee. To the south of the site is a vacant plot, Plot 2 which is also the subject of a separate planning application for a 1¾ storey house to be considered by this Committee and terraced two storey properties on Hemphill View; while to the west of the site there is agricultural land.

2.2 **Proposed Development:** Full planning consent is sought for a detached bungalow with integral garage. The proposed dwellinghouse is L-shaped and single storey in height. The proposal comprises three bedroomed accommodation and the front elevation faces Plot 3 Fisher Court. The proposed dwellinghouse is to be finished in facing brick with dark grey roof tiles.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objections subject to an adoptable footway being provided on the existing road verge adjacent to numbers 1 and 2 Plann Cottages and continuing up Fisher Court finishing at the head of the Cul-de-sac, prior to the occupation of the dwellinghouse.

Noted. A condition can be attached to any grant of planning consent to meet the requirements of the Roads Division.

3.2 Transco, Scottish Water, the Coal Authority and Power Systems have no adverse comments to make regarding the proposed development.

Noted.

3.3 Knockentiber Community Council have not responded to their consultation letter at the time of writing this report.

4. REPRESENTATIONS

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

4.1 There is insufficient visitor parking.

The Roads Division have made no adverse comments with regard to this application. An access road of 3.5 metres in width will give access to the application site and the adjacent Plot 2. A parking area measuring 81.38 square metres is proposed to the front of the dwellinghouse which will provide sufficient parking space.

4.2 To comply with the existing development each property should have a minimum 6 metres from house to kerb, 100 square metre rear garden and two off road parking spaces

There is to be a distance of 6.9 metres between the side elevation of the proposed dwelling house and the kerb. The rear garden measures a total of 252 square metres in size. A parking area measuring 81.38 square metres is to be located to the front of the proposed dwelling.

4.3 It was previously stated by the Planning Division that only single storey dwelling houses of specific colour bricks, roof tiles, fascia and windows would be acceptable in that area.

This advice was expressed in relation to the adjacent plotted development on Fisher Court. Nevertheless, this application relates to a single storey bungalow and therefore complies with the above advice. A condition can be attached to any grant of planning consent with regard to the proposed materials to be used.

4.4 Surface vegetation, trees, hedgerows and kerb stones have been removed without permission.

Noted. The applicant does not require planning consent to carry out general maintenance of the grounds. The trees are not protected by a Tree Preservation Order.

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 Policy RES 4 of the EALP is relevant and states that the Council will positively encourage the sympathetic residential development of gap and infill sites. Developments will be assessed against the following criteria:

- (i) Impact on the surrounding natural and built environment and adjacent uses;
- (ii) Transportation and infrastructure implication;
- (iii) Compatibility with surrounding densities and housing types;
- (iv) Compliance with the Council's Development Promotion and Design Guidance.

It is considered that the proposed dwellinghouse does not adversely affect the amenity of the area and is compatible with the existing house types. Furthermore the Roads Division have no adverse comments to make on the application. As indicated in para 5.3 the development complies with Policy ENV 7 and as a result the proposed development is in accordance with Policy RES 4.

5.3 Policy ENV7 of the EALP is relevant and advises that all developers will be expected to fully comply with the Council's Design Guidance and Policy documents relating to and advising on the particular type of development proposed. It states that house types for individual or small-scale residential development of infill or gap sites must reflect and respect the built form of the surrounding area by reflecting the existing buildings in terms of design, storey height, density, scale and materials to be used. Furthermore the Design Guidance also states that any new housing development should not result in unacceptable overlooking or have a visually intrusive impact on neighbouring properties.

It is not considered that the proposed single storey dwellinghouse will be detrimental to or adversely affect the amenity of neighbouring existing or proposed dwelling houses. There is no direct overlooking to adjacent proposed houses. Furthermore, the proposed development is considered to be in keeping with the character of the area. The proposed development is therefore in accordance with Policy ENV 7.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses and letter of objection received, which are addressed in Sections 3 and 4 of this report and the planning history of the site.

Consultation Responses and Representations Received

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

Planning History

6.3 KL/W/FL/92/08A: Planning consent was granted for a two- storey detached house with integral garage at Plot One, Fisher Court on 8 July 1992. This consent has now expired

6.4 KL/W/OL/92/079A: Outline Planning Consent was granted for a detached dwelling house and integral garage at Plot Two, Fisher Court on 8 July 1992. This consent has now expired.

6.5 03/0634/FL: Proposed erection of house and garage at Plot 2 Fisher Court, Knockentiber. This application is also to be considered by this Committee.

6.6 03/0729/FL: Proposed erection of single dwellinghouse at Plot 3 Fisher Court, Knockentiber. This application is also to be considered by this Committee.

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 in Section 5 of the report 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 As indicated in Section 6 there are material considerations relevant to this application. The objector's concerns relate to the impact the proposed development will have on car parking in the vicinity, design and size of the proposed dwelling and the site clearance works. The Roads Division have no adverse comments while the proposed dwelling house is considered to comply with Policy ENV 7 and Policy RES 4 of the EALP. The design and siting of the proposed house is considered compatible with the adjacent existing and proposed residential properties and adjoining rural area. This development will result in the development of a vacant site which will not be detrimental to the visual amenity of the area.

9. RECOMMENDATION

9.1 It is recommended that the application be granted subject to the conditions indicated 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 it 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

09 September 2003

(BD/MMM/IMB)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms and Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Representations Received.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Planning Application Nos: KL/W/FL/92/)8A; KL/W/OL/92/079A.

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

03/0633/FL

Site of Proposal:	Plot 1 Fisher Court KNOCKENTIBER
Nature of Proposal:	Proposed Erection of House and Garage
Name & Address of Applicant:	Mr & Mrs A Sinclair Plot 1 Fisher Court KNOCKENTIBER Kilmarnock KA2 0ED
Name & Address of Agent:	Douglas E Cree 4D Ladykirk Road PRESTWICK KA9 1JW

DPOs Reference: BD/MMM

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

1. The proposed development shall be carried out in accordance with the application form received on 24 June 2003 and the amended plans received by the Planning Authority on 26 August 2003.

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

2. Notwithstanding the submitted plans, details and samples of all external materials shall be submitted to and approved by the Planning Authority before any development commences on the site and shall be implemented on site as approved.

REASON In the interests of visual amenity.

3. No construction work, site clearance or preparation works shall take place before 08.00 hours and after 17.00 hours on Mondays to Saturdays nor at any time on Sundays.

REASON In the interests of residential amenity.

4. No development shall commence on site until a footway and retaining wall have been constructed along the area as indicated on the attached plan. Details of the design and construction of the footway and retaining wall and their exact location shall be submitted to and approved by the Planning Authority.

REASON In the interests of road safety.

5. Notwithstanding the submitted plans details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

6. Notwithstanding the submitted plans the rear and side elevations of the dwellinghouse shall be finished in roughcast in a colour to be approved by the Planning Authority and maintained thereafter as approved.

REASON In the interests of visual amenity.

7. Notwithstanding the submitted plans a landscaping scheme for the treatment of the north-west boundary of the site shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented not later than the next appropriate planting season after the occupation of the house.

REASON The site is adjacent to the rural area and landscaping is required to maintain the boundary between the built area and rural area.

8. Prior to the occupation of the dwellinghouse a 1.8 metre high solid fence shall be erected along the eastern boundary of the site.

REASON In the interests of visual and residential amenity.

NOTES:-

1. The applicant shall make early contact with Power Systems as the development may affect apparatus in the area. Power Systems can be contacted on 0141 567 4152.
2. The applicant shall make early contact with Scottish Water as the applicant must make a separate application to Developer Services to connect to the public sewage system. Scottish Water can be contacted on 0845 601 8855.

3. It is recommended that the applicant makes early contact with East Ayrshire Council roads and Transportation Division at Greenholm Street, Kilmarnock regarding Road Construction Consent and Road Bond for the proposed footway.
4. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.

**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.**