

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 18 SEPTEMBER 2003

**03/0634/FL: PROPOSED ERECTION OF HOUSE AND GARAGE
AT PLOT TWO, FISHER COURT, KNOCKENTIBER
BY MR DAVID McDONNELL**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for a detached one and three quarter storey dwelling house and detached garage. The garage is 6 metres in length and 4 metres in width. The dwellinghouse comprises 3 bedroomed accommodation and the front elevation overlooks Plot 1 Fisher Court. The proposed dwelling is to be finished in facing brick with dark grey roof tiles. Wallhead dormers which break the roof line are proposed at the front and the rear of the dwellinghouse. A single storey turret which forms part of a lounge is proposed to the front of the dwellinghouse.

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 objectors' 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 to make while the proposed dwelling house is considered to comply with Policies ENV 7 and RES 4 of the EALP. The design and siting of the proposed house is considered compatible with the adjacent proposed and existing 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 DAVID McDONNELL

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 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, accessed via a private road which serves both Plots One and Two Fisher Court. The site is 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, Plot 3 which is the subject of a separate planning application for a 1½ storey house also to be considered by this Committee. Traditional stone built cottages adjoin the one and a half storey Plann House which is accessed via Kilmaurs Road. To the north of the site is a vacant plot – Plot 1 which is also the subject of a separate planning application for a single storey house to be considered by this Committee. To the south of the site there are 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 one and three quarter storey dwelling house and detached garage. The garage is 6 metres in length and 4 metres in width. The dwellinghouse comprises 3 bedroomed accommodation and the front elevation overlooks Plot 1 Fisher Court. The proposed dwelling is to be finished in facing brick with dark grey roof tiles. Wallhead dormers which break the roof line are proposed at the front and the rear of the dwellinghouse. A single storey turret which forms part of a lounge is proposed to the front of the dwellinghouse.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objection 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.

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

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

Noted.

3.3 Knockentiber Community Council have not responded at the time of writing this report.

Noted.

4. REPRESENTATIONS

There are four objectors to the proposed development and their grounds of objection are as follows:

4.1 No neighbour notification has been received in relation to the neighbouring field as of 19 June 2003.

Noted. This error was rectified by the applicants agent.

4.2 The plans show a two-storey development that is out of keeping with Fisher Court.

Noted. The proposed dwelling house is one and three quarter storey in height and is considered to be compatible with the neighbouring Plann House which is a one and a half storey dwelling, and the two storey terraced houses to the south of the application site. Previously planning consent was granted for a two-storey dwelling at this location in 1992 at the time of the granting of planning consent for the majority of the bungalows built on Fisher Court. The applicant has submitted sections of the site to illustrate that the proposed dwellinghouse will be no higher than the existing Plann House from the Kilmaurs Road.

4.3 There is insufficient visitor parking

Noted. The Roads Division have made no adverse comments with regard to this application. Sufficient parking will be provided with the curtilage of the site.

4.4 To comply with the existing development each property should have a minimum 6 metres from house to kerb, 100 square metre rear garden and 2 off road parking spaces.

The proposed dwelling house does not have a frontage on to Fisher Court. The private garden measures a total of 388 square metres in size. There is a parking area located to the front elevation of the dwelling measuring 88.8 square metres.

4.5 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 the Fisher Court development.

This advice was given in relation to the adjacent plotted development on Fisher Court. This proposal relates to a one and three quarter storey dwelling that is considered to be acceptable in this location, as the neighbouring Plann House is a one and half storey dwelling and 2 storey terraced houses lie to the south. It is considered that the proposed height of the dwellinghouse is acceptable in this location. A condition can be attached to any grant of planning consent with regard to the proposed materials to be used. Furthermore previous consent was granted in 1992 for a two storey dwelling at this location, although this consent has now expired.

4.6 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 implications;
- (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 ENV 7 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 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 this 1¾storey dwelling will be detrimental to or adversely affect the amenity of neighbouring dwelling houses. The applicant has submitted sections of the site which illustrate that the proposed dwelling will be no higher than the existing 1 ½ storey Plann House when viewed from Kilmaurs Road. There is no direct overlooking to adjacent proposed or existing 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 ENV7.

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 letters 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 03/0633/FL: Proposed erection of house and garage at Plot 1 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 been 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 objectors' 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 to make while the proposed dwelling house is considered to comply with Policies ENV 7 and RES 4 of the EALP. The design and siting of the proposed house is considered compatible with the adjacent proposed and existing 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

9 September 2003
(BD/MMM/SA)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of Representation.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Planning Application Nos: KL/W/FL/92/08 AND 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

03/0634/FL

Site of Proposal:	Plot 2 Fisher Court KNOCKENTIBER Kilmarnock
Nature of Proposal:	Proposed Erection of House and Garage
Name & Address of Applicant:	Mr David McDonnell Plot 2 Fisher Court KNOCKENTIBER Kilmarnock KA2 0ED
Name & Address of Agent:	Douglas E Cree 4D Ladykirk Road PRESTWICK KA9 1JW

DPOs Reference: BD/MMM/SA

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 06 June 2003 and the amended plans received by the Planning Authority on 19th June, 31st July, 19th and 26 August and 5th September 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 approved plans in green. Details of the design and construction of the footway 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, a landscaping scheme for the treatment of the north-west boundary 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.

7. The existing hedge along the southern boundary of the site shall be retained intact and maintained thereafter to the satisfaction of the Planning Authority.

REASON To maintain the contribution of the existing features to the quality of the area in the interests of visual amenity.

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

REASON In the interests of visual and residential amenity.

NOTE:

1. The applicant shall make early contact with PowerSystems as the development may affect PowerSystems apparatus in the area. PowerSystems 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 for

permission 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 the East Ayrshire Council Roads and Transportation Division, Greenholm Street 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.

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