

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 18 SEPTEMBER 2003

**03/0699/FL: PROPOSED ERECTION OF UPVC CONSERVATORY TO
REAR OF DWELLING
AT 24 SOUTH DEAN ROAD, KILMARNOCK BY MRS RUSSELL**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of a conservatory to the rear of the semi-detached dwelling. The proposed conservatory is to be attached to the existing rear flat roofed extension. The proposed conservatory is to be constructed in white upvc with a brick firewall erected on the mutual boundary with 22 South Dean Road. The proposed conservatory will measure 4 metres in length and 3.25 metres in width

2. RECOMMENDATION

2.1 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 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 is 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. Furthermore, the proposed, development does not conflict with Policy ENV7 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 it is understood that the objector has no legal right to access the applicant's property to maintain his extension. As the objection rests solely on this point and the objector is not prepared to entertain a 'sealing' of existing and proposed extensions, it is on balance considered that the application can 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 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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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 is a semi-detached red sandstone traditional, one and a half storey dwelling house on South Dean Road. The site is surrounded by similar residential properties to the north, south and east, while to the north west of the property is the Dean Castle Country Park. To the rear of the property is an existing modern flat roofed extension to which the proposed conservatory is to be attached.

2.2 **Proposed Development:** Full planning consent is sought for the erection of a conservatory to the rear of the semi-detached dwelling. The proposed conservatory is to be attached to the existing rear flat roofed extension. The proposed conservatory is to be constructed in white upvc with a brick firewall erected on the mutual boundary with 22 South Dean Road. The proposed conservatory will measure 4 metres in length and 3.25 metres in width

3. CONSULTATIONS AND ISSUES RAISED

3.1 New Farm Loch Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

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

Noted.

4. REPRESENTATIONS

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

4.1 There is nothing on the plans which shows the distance between the conservatory wall and the wall of number 22 South Dean Road as there shall be insufficient room to allow repairs to the wall.

The objector has a flat roof rear extension which is not built on the mutual boundary, and projects beyond (approximately 1.5 metres) from the existing flat roof rear extension of the applicant. Presently the objector would require the applicant's permission to maintain this wall as he could not maintain this wall from his own property. Following further consultation with the applicants agent it has been indicated that a treatment of lead flashing between the extension at number 22 and the proposed conservatory at number 24 South Dean Road could be installed to prevent any maintenance being required of either the extension wall or conservatory wall as the gap between both conservatory and existing neighbouring extension can be effectively sealed. This solution could be addressed by means of a condition attached to any grant of planning consent. However, the objector has verbally indicated that they would not agree to this 'sealing the gap' solution.

The Building Control Section have confirmed that whilst sealing the gap would be the preferred solution they would not withhold a Building Warrant if a gap equivalent to the width of the original boundary wall was maintained. Any planning consent issued without the seal between the proposed and existing (neighbour's) extension would sanction a development making it impossible for the objector's wall to be maintained. However, the objector would in any case require the permission of the applicant to enter on to their property to maintain his existing extension. On balance, and being advised that this is a solution which would be consistent with any grant of the necessary Building Warrant, it is considered that the proposed conservatory can be approved without any condition installing a lead flashing seal.

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 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 dwellinghouse.

It is not considered that the proposed conservatory would have a detrimental impact on neighbouring properties as there are no windows overlooking neighbouring residential properties and the size of the conservatory is 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 Responses and Representations Received

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 is 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. Furthermore, the proposed development does not conflict with Policy ENV7 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 it is understood that the objector has no legal right to access the applicant's property to maintain his extension. As the objection rests solely on this point and the objector is not prepared to entertain a 'sealing' of existing and

proposed extensions, it is on balance considered that the application can be approved.

9. RECOMMENDATION

9.1 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 because there would be no significant breach of policy.

Alan Neish
Head of Planning and Building Control

9 September 2003
(BD/IMB/MS)

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters 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: Alan Neish

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0699/FL

Location: 24 South Dean Road
Kilmarnock

Nature of Proposal: Proposed Erection of UPVC Conservatory
to Rear of Property.

Name & Address of Applicant: Mrs Russell
24 South Dean Road
KILMARNOCK
KA3 7RB

Name & Address of Agent: Conservatory Advisory Centre
Catherinefield House
Catherinefield Industrial Estate
DUMFRIES
DG1 3PQ

DPO's Ref: BD/IMB

The above FULL application should be granted.

NOTE: 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.

**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.**