

## **EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 18 SEPTEMBER 2003**

**03/0729/FL: PROPOSED ERECTION OF SINGLE DWELLING HOUSE  
AT PLOT THREE FISHER COURT, KNOCKENTIBER  
BY JOHN AND SHONA CARDEN**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought for a detached dwelling house of one and a half storeys in height. The proposal comprises 4 bedroom accommodation and the front elevation faces the turning point at the head of the cul-de-sac in Fisher Court, although the main front door will be from the east elevation. The proposed dwelling is to be finished in facing brick to match the proposed dwellings at Plots 1 and 2 Fisher Court. Dormer windows and velux windows are proposed at first floor on the side elevations of the dwellinghouse. These will be glazed with opaque glazing. A bay window is proposed on the front elevation and a conservatory to the rear.

#### **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 the existing dwelling houses in terms of design compatibility and size of the proposed dwelling. The Roads Division have no adverse comments to make on the application 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. The 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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### 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 823 sq. metres in size at Fisher Court, 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 and northeast of the site. To the east of the application site are traditional stone built cottages adjoining the one and a half storey Plann House which is accessed via Kilmaurs Road. To the south of the site are terraced two storey properties on Hemphill View; and to the west of the site there are two vacant plots which are the subject of separate planning applications for a single storey dwellinghouse and a one and a three quarter storey house also to be considered by this Committee.

2.2 **Proposed Development:** Full planning consent is sought for a detached dwelling house of one and a half storeys in height. The proposal comprises 4 bedroom accommodation and the front elevation faces the turning point at the head of the cul-de-sac in Fisher Court, although the main front door will be from the east elevation. The proposed dwelling is to be finished in facing brick to match the proposed dwellings at Plots 1 and 2 Fisher Court. Dormer windows and velux windows are proposed at first floor on the side elevations of the dwellinghouse. These will be glazed with opaque glazing. A bay window is proposed on the front elevation and a conservatory to the rear.

#### 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, Power Systems and the Coal Authority 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.

***Noted.***

#### **4. REPRESENTATIONS**

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

4.1 To comply with the existing development the proposed dwelling should have a minimum of 100 square metre rear garden.

***The rear garden measures a total of 442 square metres in size.***

4.2 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 given in relation to the adjacent plotted development on Fisher Court. The application relates to a one and a half storey bungalow. However, it is felt that a one and a half storey dwelling house would be acceptable in this location, as the neighbouring Plann House is a one and a half storey dwelling and two storey houses are located along the southern boundary. A condition can be attached to any grant of planning consent with regard to the proposed materials to be used.***

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

***Refer to response to 4.2.***

4.4 There is no pavement access to Plots 1, 2 and 3 Fisher Court.

***The Roads Division have recommended that a footway is 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 grant of***

***planning consent to meet the requirements of the Roads Division in this regard.***

## **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 RES4 of the EALP is relevant and states that the Council will positively encourage the sympathetic residential development of gap and in-fill 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 dwelling house will not adversely affect the amenity of the area and is compatible with the existing house types in the area. Furthermore, Roads Division have no adverse comments to make with regard to the application. 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. The Design Guidance for New Residential Development 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, scale, density and materials to be used. Furthermore the Design Guidance also states that any new housing development shall not result in unacceptable overlooking or have a visually intrusive impact on neighbouring properties.

***It is not considered that this 1 ½ storey dwelling will be detrimental to or adversely affect the amenity of neighbouring***

***dwellinghouses. The proposed dwellinghouse has been sited and designed to minimise its impact in terms of overlooking on the adjacent Plann House and the new dwellinghouse on the adjacent plots. 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. 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 letters of objection received, which are addressed in Section 3 and 4 of this report.

### Consultation Responses and Representations Received

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

### Planning History

6.2 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.

6.3 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.

6.4 03/0633/FL: Proposed erection of a house and garage at Plot 1, Fisher Court, Knockentiber. This application is also to be considered by this Committee.

6.5 03/0634/FL: Proposed erection of a house and garage at Plot 2, 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 objectors' concerns relate to the impact the proposed development will have on the existing dwelling houses in terms of design compatibility and size of the proposed dwelling. The Roads Division have no adverse comments to make on the application 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. The 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**

4 September 2003  
(BD/MMM/SA)

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 &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0729/FL

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Site of Proposal: Plot 3  
Fisher Court  
Knockentiber  
KILMARNOCK  
KA2 0ED

Nature of Proposal: Proposed Erection of Single Dwellinghouse

Name & Address of Applicant: John and Shona Carden  
31 Turnberry Wynd  
IRVINE  
KA11 4DP

Name & Address of Agent:

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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 8 August 2003 and the amended plan received by the Planning Authority on 4 and 5 September 2003.

REASON To ensure that the 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 areas as indicated on the attached plan. Details of the design and construction of the footway and its 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. Prior to the occupation of the dwellinghouse, 1.8 metre high solid timber fences shall be erected along the western and eastern boundaries of the site.

REASON In the interests of visual and residential amenity.

7. Prior to the occupation of the dwellinghouse, the opaque glazing in the first floor dormer windows and stair windows shall be installed and thereafter maintained. A sample of the opaque glazing shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented thereafter as approved.

REASON To prevent overlooking to adjacent residential properties.

8. 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.

NOTES:-

1. The applicant shall make early contact with Power Systems as the development may affect Power Systems 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 connect to the public sewage system. Scottish Water can be contacted on 0845 601 8855.
3. 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.**