

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 18 SEPTEMBER 2003

**03/0231/FL: PROPOSED PRIVATE DWELLINGHOUSE
AT PLOT OFF PORTLAND ROAD, KILMARNOCK
BY MRS PAMELA DILLON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This is a full application for the proposed erection of a single dwellinghouse. The dwellinghouse is positioned centrally within the site facing at an angle onto the private driveway. The proposed house is 1½ storeys in height with velux windows within the roof. The house would have a monoblocked parking area for 2 cars and a third space in an integral garage. The dwellinghouse has a pitched roof and would be finished in grey slate, white dry dash render and brown facing brick on the external elevations and brown timber windows. It will have an external footprint of 83 m² and an overall height of 7 metres. A rear garden area extending to some 72 square metres is to be provided with boundary treatment comprising a timber fence to the south ranging from 1.5 m – 2 m in height. Along the eastern boundary, it is intended to utilise the existing masonry wall. All existing mature trees are to remain.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated at Section 5 of the report, the application is considered to be contrary to the Adopted Local Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise.

3.2 As detailed in Section 5 of the report, the proposed development is considered to be contrary to the terms of Policies RES 4, RES 22 and ENV 7 of EALP. The design and external finish of the dwellinghouse bears little relationship to the adjacent lodge house. It is considered that it will have a detrimental effect on the amenity, and compromise the architectural integrity of this property. The lodge house is a listed building which makes a positive contribution to Kilmarnock's heritage and the proposed house would severely

diminish its setting. It would be an overly dominant structure that would be visually prominent from Portland Road and would be detrimental to the visual amenity of the area. Furthermore the development would be prejudicial to the retention of mature trees covered by a Tree Preservation Order.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved 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 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 because it has been the subject of objections and is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site extends to approximately 320 m² in area, directly to the south of Springhill Lodge. It is accessed via the private driveway off Portland Road which serves Springhill House, Springhill Lodge, residential properties in Springhill Gardens and the four houses to the south and east of Springhill Stables. The access road bounds the site to the west, to the south is a grassed area with several mature trees subject to a Tree Preservation Order and to the east is Portland Place which is separated by a substantial 2 - 2½ metre high stone wall. The existing lodge to the north of the site is a Greek revival style single storey dwelling with an entrance portico and pediment facing the access road. It is a 'B' listed building and is finished in an off-white render, natural slate, stained hardwood sash and casement windows.

The site comprises a level grassed area with three mature trees in the southwest corner of the site and a small holly tree in the north east of the site.

2.2 **Proposed Development:** This is a full application for the proposed erection of a single dwellinghouse. The dwellinghouse is positioned centrally within the site facing at an angle onto the private driveway. The proposed house is 1½ storeys in height with velux windows within the roof. The house would have a monoblocked parking area for 2 cars and a third space in an integral garage. The dwellinghouse has a pitched roof and would be finished in grey slate, white dry dash render and brown facing brick on the external elevations and brown timber windows. It will have an external footprint of 83 m² and an overall height of 7 metres. A rear garden area extending to some 72 square

metres is to be provided with boundary treatment comprising a timber fence to the south ranging from 1.5 m – 2 m in height. Along the eastern boundary, it is intended to utilise the existing masonry wall. All existing mature trees are to remain.

3. CONSULTATIONS AND ISSUES RAISED

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

Noted.

3.2 The Grange Howard Community Council have no formal objections to this application however have concerns that the proposed development is very near to the sheltered housing and the adjoining residents are all very old and/or infirm. It is assumed that all necessary steps will be taken to safeguard the mature trees on the site. Furthermore, the Community Council report that the arrival of neighbour notification through the letterboxes of these elderly residents caused a great deal of alarm and panic and it may be in future that an alternative arrangement could be considered involving the warden/care worker.

The comments of the Community Council are noted regarding the issuing of neighbour notification certificates, however this is a statutory obligation on applicants applying for planning permission and was not undertaken by the Council. No complaints were received from residents of Springhill Gardens in this connection.

With regard to the existing mature trees on the site refer to the response from Outdoor Services below.

3.3 The Council's Outdoor Services Division recommends:

- (i) An exclusion area of 6 metres around the large protected sycamore on the roadside (BS 5837). The plans indicate the building would be on the 6 metre line which would not allow for any space to work within the exclusion zone.
- (ii) No vehicles, storage of equipment, etc should be allowed within this zone to protect the tree root system;
- (iii) The monoblock driveway will in itself not cause too much damage to the roots, but the compaction of vehicles would. This could lead to the root system losing efficiency which will affect the health of the tree in the long term.

Noted. It is considered that the above comments would necessitate the amendment of the scheme. The applicant was advised of the above comments and has not amended the plans to incorporate these requirements. It is considered that in the current form, the application would have a detrimental effect on the TPO protected tree.

3.4 The Architectural Heritage Society of Scotland have not replied to their consultation at the time of writing this report.

Noted.

3.5 East Ayrshire Council Roads and Transportation Division have recommended that the application be deferred because the driveway and parking provision within the site as proposed cannot be achieved and there is no provision for pedestrian access to the dwelling. A 2 metre wide footway requires to be formed over the frontage of the site and extended to meet Portland Road over the frontage of the existing lodge house without reducing the existing road width to less than 5.5 metres.

The applicant has been advised of the requirement for the above but has not subsequently submitted amended plans. The requirements of the Roads Division with regard to the driveway and parking provision cannot be achieved without moving the position of the dwellinghouse within the site.

4. REPRESENTATIONS

4.1 There are two objectors to the proposed development and their grounds of objection are as follows:-

4.2 There is a Tree Preservation Order on the application site and they are concerned that damage would be done to the roots of the protected trees.

The proposed dwellinghouse is on the edge of the recognised standard exclusion zone of 6 metres and the position of the monoblock driveway will impact on a tree protected under the Order. It is considered that the development once completed and the preceding construction works would have an adverse effect on the protected Sycamore tree.

4.3 The owner of the lodge house will oppose any footpath to run on the border of this property and this will also restrict his access.

The Roads Division (as stated in paragraph 3.5 above) require a footpath to be formed to the junction of Portland Road without reducing the width of the access road to less than 5.5 metres. According to the advice from the Roads Division, this will entail forming the footpath on land within the ownership of the lodge house. A negative suspensive condition could be attached to any grant of planning consent requiring the footpath to be constructed before any other development commences on site.

4.4 The lodge house will experience a blockage of natural light as a result of the proposed dwellinghouse.

There are windows in the south elevation of the lodge house which if the proposal were to proceed, could experience a loss of natural light.

4.5 The applicants do not own the land as it is owned by Laurie Construction who have had previous applications refused for this site.

The applicants have certified that they own the application site which meets this Division's legal requirements. Section 6 of this report highlights the planning history of this site.

4.6 The position of the dwellinghouse does not meet with the line of sight to the lodge house and has been squeezed into the site at an angle.

Noted. The proposed development is assessed against the Council's Design Guidance in Section 5 of the report.

4.7 Additional traffic (especially construction traffic) would further degrade the surface of the unadopted road to Springhill Gardens and the site does not include visitor parking who would have no space available.

The Roads Division have not objected to the application on the grounds of traffic generation or visitor parking provision. The Roads Division have also advised that the standard of this private road (serving the nursing home, sheltered housing complex and several private dwellings) is below that required for a public road with insufficient road geometry, pedestrian provision, street lighting and drainage. Usually significant improvements to the private road would be required to permit further development although as the new dwellinghouse is relatively close to the public road, its effect on the remainder of the road would be negligible and the reduced requirement of providing pedestrian access would be accepted. However as indicated in Sections 3-6 the applicant has failed to meet the requirements of the Roads Division.

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 (1999) and the Adopted East Ayrshire Local Plan (EALP).

5.2 Policy RES 4 is relevant and encourages sympathetic residential development of gap, infill or other redevelopment sites subject to an assessment of the proposal against the surrounding natural and built environment and adjacent uses, transportation and infrastructure implications and in terms of compatibility with surrounding densities and housing types and compliance with the Council's Design Guidance.

5.3 Policy ENV 7 further states that all developers will be expected to comply fully with the Council's Design Guidance and Policy documents relating to and advising on the particular development proposed. Developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council. House design of infill or gap site residential development should recognise and reflect the scale, design features, rhythm of doors, windows, storey height, density and materials of surrounding buildings. The height and position of the house should not have an oppressive, overshadowing or visually intrusive impact on neighbouring properties.

This Division has advised the applicant in writing of its concern regarding the design and siting of the proposed dwellinghouse and no amended plans have been submitted. It is considered that the position of the dwellinghouse within the site bears little relationship to the existing lodge house which is a listed building and a traditionally designed and finished property. The diagonal positioning of the house within the site does not complement the lodge house and would adversely affect the setting of the 'B' listed building. It is considered that the proposed dwellinghouse is inappropriate in design, bulk and scale when assessed against the lodge house. It incorporates a modern fenestration arrangement with windows that fail to have traditional proportions or a vertical emphasis. The integral garage contributes to the impression of a modern dwellinghouse and the property fails to incorporate any architectural features of the lodge house such as the degree of roof pitch, roof design, external materials and chimney detail. The extensive use of timber boundary fencing also creates a modern design feature. The proposed development is therefore considered to be contrary to Policies RES 4 and ENV 7 of EALP.

5.5 Policy RES 22 states that all developers require to observe the minimum private open space standards detailed in the local plan. The standards for a detached property are 100 square metres.

The proposed dwellinghouse has approximately 72 square metres of private garden ground and is therefore contrary to Policy RES 22 with no basis for accepting any relaxation in this standard.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other material considerations relevant to the determination of this application are the consultations and representations received which are detailed in Sections 3 and 4 of the report and the planning history of the site.

Consultations and Representations

6.2 The issues raised by the consultees are addressed in Section 3 of the report. It is considered that the comments of East Ayrshire Council Outdoor Services and the Roads and Transportation Division are of particular relevance. The concerns of the objectors are material in the determination of this application with regard to the position of the proposed dwellinghouse.

Planning History

6.3 98/0004/FL: Full planning permission was granted on 20 April 1999 for a dwellinghouse on land comprising the current application site. The design of the dwellinghouse and its positioning was subsidiary and complementary to the lodge and inconspicuous from Portland Road. The house echoed the Greek revival style of the lodge with a similar entrance portico with pediment facing the access road. External materials comprised off-white render, natural slate and hardwood sash and casement windows. The approval was also conditional in that no development was to commence on the site until a footway is provided over the frontage of the site linking with the public footway on Portland Road and the access road leading from Portland Road to the site have both been upgraded to an adoptable standard.

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 considered to be contrary to the Adopted Local Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise.

8.2 As detailed in Section 5 of the report, the proposed development is considered to be contrary to the terms of Policies RES 4, RES 22 and ENV 7 of EALP. The design and external finish of the dwellinghouse bears little relationship to the adjacent lodge house. It is considered that it will have a detrimental effect on the amenity, and compromise the architectural integrity of this property. The lodge house is a listed building which makes a positive contribution to Kilmarnock's heritage and the proposed house would severely diminish its setting. It would be an overly dominant structure that would be visually prominent from Portland Road and would be detrimental to the visual amenity of the area. Furthermore the development would be prejudicial to the retention of mature trees covered by a Tree Preservation Order.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be approved 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 as there would be no significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

09 September 2003
(FMF/MMM/MS)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation Responses.
3. Statutory Notices/Certificates.
4. Representations.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Planning Application No: 98/0004/FL.

Anyone wishing to inspect the above papers please contact Fiona Finlay on 01563 576768.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0231/FL

Site of Proposal: Plot Of Portland Road
KILMARNOCK

Nature of Proposal: Proposed Private Dwellinghouse

Name & Address of Applicant: Mrs Pamela Dillon
15 Muir Drive
DARVEL
KA17 0EU

Name & Address of Agent:

DPOs Reference: FMF/MMM/MS

The above FULL application should be refused on the following grounds:-

1. The proposed development is contrary to Policies RES 4 and ENV 7 of the Adopted East Ayrshire Local Plan and would by reason of design, siting, size, scale, bulk, external materials and proportion have a detrimental impact on the general character and high amenity value of the adjacent 'B' listed Springhill Lodge.
2. The proposal constitutes an over development of the site and would result in a new dwellinghouse in a plot which is out of scale and character with the design and setting of the adjacent property at Springhill Lodge.
3. The proposed development is contrary to Policy RES 22 in that the proposal fails to provide the minimum private garden ground as required by this policy.
4. The proposed development would set an unacceptable precedent for the approval of similar designed development which would be detrimental to the character and amenity of the setting of the adjacent listed building.

5. The proposed development would be detrimental to road safety by reason of there not being adequate parking provision within the curtilage of the site and no provision for pedestrian access to the dwelling.

6. The proposed development would be prejudicial to the long term retention and survival of adjacent trees covered by a Tree Preservation Order.

**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.**