

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 27 APRIL 2001

**00/0826/FL: ERECTION OF 1½ STOREY DWELLINGHOUSE
AT 80 MAIN ROAD, FENWICK
BY MR CARMICHAEL**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This full application proposes the construction of a detached 1½ storey 6 apartment dwellinghouse on the mid front of the site, thus broadly lining through with the run of cottages to the south of the site. The house is designed to reflect the character of that row with external finishing materials to match. The house will have no front garden being accessed straight off the wider footpath at this area of Main Road, and a vehicular access is proposed between the proposed house and No 78 Main Road. An outline of a garage is detailed in the rear garden but is not part of the application.

2. RECOMMENDATION

2.1 It is recommended that this planning application be approved subject to the conditions on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As indicated above in paragraph 5.2 of the report there is a policy in the approved Development Plan which is applicable to the circumstances of this application, and it is considered that the proposal is in accordance with the criteria listed therein. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 and NPPG1: "The Planning System", confirm that where an application complies with the development plan it should be determined accordingly unless material considerations indicate otherwise. As indicated in Section 6.0 of the report there are material considerations relevant to this application. These however, are not of sufficient weight in their own right to merit the refusal of the application.

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 an application which is to be considered by the Local Planning Committee under the scheme of delegation because it has been the subject of objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a triangular area of land immediately to the north of No. 78 Main Road, Fenwick in the High Fenwick Conservation Area. Historically the site appears to have supported a building of some description and recently was attached as garden ground to No 78 Main Road prior to planning permission being granted on the site. Currently it is in a relatively unkempt, overgrown condition with numerous moderately sized trees in its confines along the front and north boundaries. Adjacent uses are predominantly residential in character with a row of listed cottages to the south and former local authority cottages to the north.

2.2 **Proposed Development:** This full application proposes the construction of a detached 1½ storey 6 apartment dwellinghouse on the mid front of the site, thus broadly lining through with the run of cottages to the south of the site. The house is designed to reflect the character of that row with external finishing materials to match. The house will have no front garden being accessed straight off the wider footpath at this area of Main Road, and a vehicular access is proposed between the proposed house and No 78 Main Road. An outline of a garage is detailed in the rear garden but is not part of the application.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transport Division have confirmed that they have no objection to the proposal provided their requirements have been met. These include the widening of the footpath, from the entrance to the Glebe to the north of the site and down past the proposed access to the site.

Noted. This requirement can be secured by the attachment of conditions if the Committee were of a mind to approve the application.

3.2 SEPA have no objection to the proposal.

Noted.

3.3 West of Scotland Water have confirmed that there is both a public sewerage system and public water supply main available for the proposed house.

Noted.

3.4 Transco have advised of their normal codes of practice for construction process in above proximity to low pressure mains in the area.

Noted.

3.5 The Architectural Heritage Society for Scotland have advised that they have no objection to the proposed house but confirm that they object to the use of UPVC windows in a Conservation Area, and the detailing of the proposed front door.

Noted. Certain details can be reassessed by means of a condition if the Committee is of a mind to approve the application.

3.6 Fenwick Community Council have responded to the original proposal; not at the time of writing to the amended scheme. Their comments are as follows:-

- The locations of the house should form a continuous terrace with the properties to the south.
- The creation of a driveway is opposed.
- Future major road works will support any scheme introducing the above criteria.
- A building without a drive and in keeping with the adjoining terrace would be welcomed.

The circumstances of the site are that there is a slight bend in the road at this point, which would not allow a straight continuation of the terrace. On

balance the design of the house as amended renders the proposal acceptable in the absence of it being physically attached to the adjacent terrace.

The Community Council is not satisfied with the principle of off-street parking. Such requirements are encouraged where possible by the Councils Roads Division, and certainly the facility is normally an asset to any proposal.

3.7 The Coal Authority have confirmed that they do not anticipate any ground stability problem in respect of this proposal.

Noted.

3.8 Historic Scotland have advised that they have no objection to the proposal but have confirmed that certain items of detail that they are concerned over; treatment of windows, external painterwork, finish of chimney cans etc.

Noted. These matters can be dealt with by means of a condition if the Committee are of a mind to approve the application.

4. REPRESENTATIONS

Four letters of objection have been submitted in respect of this application. One is from the Architectural Heritage Society for Scotland (see paragraph 3.5 above), two are from local residents and one is from the Fenwick Community Council (see Paragraph 3.6 above). Their comments are as follows.

4.1 Fenwick is a Conservation Village and the proposal is not in keeping with the architecture of the village.

Noted. A Conservation Area designation does not in itself preclude suitable development and the design and scale of the proposed house is considered to be of an appropriate standard for the site's circumstances.

4.2 The proposed house is too large for the site and is consequently out of keeping with the area.

Noted. The site is unconventional in shape but large enough to meet the Council's requirements in terms of open space allocations. The house has been designed so as to have a minimal impact on existing properties in terms of overlooking.

4.3 The proposal will have a direct detrimental impact on the amenity of the house at 2 Glebe Terrace and enjoyment of the conservatory at that address.

The conservatory in question did not require planning permission and was built within the last few years on the south side of the house to the north of the site. Separation distance from the proposed house is approximately 12m at ground floor level and there are not considered to be any overlooking problems from the proposed house. There will be an impact on the outlook from the conservatory but the objector has no right to that outlook being maintained.

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 Adopted Ayrshire Joint Structure Plan and the Adopted Stewarton Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan the proposal would fall to be considered against Policies 4.1.2 and 4.8.4. respectively.

These policies prescribe that Housing Development shall be allowed on sites within the urban envelope of Fenwick provided they meet listed criteria which in Policy 4.1.2(2) include "the proposed development is for an infill site which in the opinion of the planning authority constitutes vacant or degraded land and is not likely to be detrimental to adjacent uses".

It is considered that this application complies with the adopted Local Plan.

Policy 4.8.4 lists design criteria for proposals within a conservation area and again it is considered that the proposal is in accordance with that policy.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications), representations received and planning history.

6.2 East Ayrshire Local Plan (Finalised Version with Modifications)

As stated above the Adopted Plan is considerably out of date and therefore it is considered appropriate that greatest weight be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Council Local Plan (Finalised Version with Modifications) (EALP) should be considered a prime material consideration.

Policy RES4

“Within Settlement Boundaries, the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites not specifically safeguarded or identified for particular development purposes on the Local Plan maps. 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; and
- (iv) Compliance with the Council’s Development Promotion and Design Guidance”.

The proposal has been assessed against the above criteria and is considered to be acceptable.

6.3 Representations Received

As detailed above in paragraph 4, three letters of objection have been submitted in respect of the application. It is considered that the principle objections of amenity and design raised by the local residents are not sufficiently substantive to justify a refusal of planning consent. Certain other matters of detail can be addressed by condition.

6.4 Planning History

Outline Planning Permission for a dwellinghouse on this site has been issued twice previously. Kilmarnock and Loudoun District Council Ref: KL/E/OL/91/329A in February 1992 and East Ayrshire Council Ref: 99/0234/OL in July 1999.

The latter consent, issued following consideration by the Northern Area Local Planning Committee, required amongst other things that there be provided 2 off site parking spaces.

6.5 Impact on Amenity of Area/Residents

It is considered that the proposal can be accommodated on site with no significant impact on the amenity of adjacent residents or the area as a whole. Indeed the proposal could enhance the area by the removal of an area which, although currently is not in an unsightly condition, has been the subject of action in the past to have waste material removed.

Additionally, the Roads Division’s requirements mentioned above could also have a beneficial road safety impact by slowing traffic at the location of the site.

The particular impact on adjacent houses is one which has been assessed and found to be acceptable although additional matters could be addressed by condition if the Committee were of a mind to issue consent in terms of screening (possibly utilising existing trees) and the removal of permitted development rights.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determining this application.

8. CONCLUSIONS

8.1 As indicated above in paragraph 5.2 there is a policy in the approved Development Plan which is applicable to the circumstances of this application, and it is considered that the proposal is in accordance with the criteria listed therein. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 and NPPG1: "The Planning System", confirm that where an application complies with the development plan it should be determined accordingly unless material considerations indicate otherwise. As indicated in Section 6.0 above there are material considerations relevant to this application. These however, are not of sufficient weight in their own right to merit the refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that this planning application be approved subject to the conditions on the attached sheet.

Alan Neish
Head of Planning and Building Control

05 April 2001 (IW/MS)
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.

3. Consultations Replies.
4. Letters of Objection.
5. Previous Applications: KL/E/OL/91/329A & 99/0234/OL.
6. Adopted Stewarton Local Plan.
7. East Ayrshire Local Plan Finalised Version with Modifications.
8. NPPG1 "The Planning System".

Anyone wishing to inspect the above papers please contact Ian Walker on (01563) 576769.

Implementation Officer: Dave Morris

i:NorthCom/000826

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 00/0826/FL

Location	80 Main Road FENWICK
Nature of Proposal	Proposed Erection of a Single One and a Half Storey Dwellinghouse
Name & Address of Applicant	Mr Carmichael c/o Nicoll Design 184 Main Street PRESTWICK KA9 1PG
Name & Address of Agent	Nicoll Design 184 Main Street PRESTWICK KA9 1PG

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 14 December 2000 and the amended plans (Drawing Nos. B537 – PO1 Rev D and B537-LP1) received by the Planning Authority on 16 February 2001.

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

2. Notwithstanding the plans hereby approved, all external walls shall be wet-dash harled and painted white, with the exception of the banding around windows, which shall be painted in a contrasting colour to be agreed in writing by the Planning Authority prior to the commencement of development.

REASON To ensure that the development is compatible with the character and appearance of the nearby properties and the Conservation Area in which it is located.

3. 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.

4. Notwithstanding the plan(s) hereby approved a front boundary wall and gates, no greater than one metre in height and finished in material to match the proposed dwellinghouse, shall be constructed along the frontage of the plot, (other than where the house itself abuts the footpath), within 2 months from the occupation of the house. Details of the features shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON In the interests of visual amenity and road safety.

5. Notwithstanding the submitted details, the dwellinghouse shall be roofed in natural slate and details of the chimneys and chimney cans shall be submitted to and approved by the Planning Authority prior to the commencement of works on site.

REASON To ensure the development is compatible with the character and appearance of the nearby properties and the Conservation Area in which it is located.

6. All windows shall be of white painted timber sash and case construction unless otherwise agreed in writing by the Planning Authority prior to the commencement of development on site.

REASON To ensure the development is compatible with the character and appearance of the nearby properties and the Conservation Area in which it is located.

7. Notwithstanding the details hereby approved, the front door of the proposed house shall be finished in painted timber, details of same to be submitted to and approved by the Planning Authority prior to the commencement of works on site.

REASON In the interests of visual amenity.

8. Details of the eaves, including those on the dormer windows of the proposed house, shall be submitted to and approved by the Planning Authority prior to the commencement of works on site.

REASON In the interests of visual amenity.

9. Prior to the commencement of works on site final details of the off site road works shall be submitted to, and approved by the Roads and Transportation Division. These works shall be implemented prior to the occupation of the dwellinghouse.

REASON In the interests of road safety.

10. That prior to the commencement of works on site details of the existing trees on site and proposed retained trees shall be submitted to and approved by the Planning Authority.

REASON In the interests of visual/residential amenity.

11. Notwithstanding the plans hereby approved the garage detailed is not hereby approved.

REASON In the interests of visual amenity.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any order revoking and re-enacting that order, permitted development Class 1 Part 1 of Schedule 1 of the said Order are hereby removed in relation to the application site.

REASON To enable the Planning authority to retain control over future development on the site in the interests of residential amenity.

**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.**

AGENDA