

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 03 AUGUST 2001

**01/0119/FL: ERECTION OF HOUSE AT PLOT F, OLD GLASGOW ROAD,
STEWARTON BY ANNE SMITH**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to erect a 1½ storey apartment dwellinghouse with a feature two storey tower on its south east corner. Given this unusual design in a corner plot the house has effectively three main elevations and includes a first floor lounge aspecting west south and east. Parking provision is detailed immediately to the south of the house and areas of private garden are situated primarily to the north and east.

External finishing materials will match the existing materials utilised on site.

2. RECOMMENDATION

2.1 **It is recommended that the application be approved subject to the condition on the attached sheet.**

3. SUMMARY OF ANALYSIS

3.1 As indicated at paragraph 5.1 of the report, the application is considered to be generally in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is stated at paragraph 6 of the report, there are material considerations relevant to this application, however, it is considered that these are, with regard to the East Ayrshire Local Plan, supportive of the application and in terms of the letter of objection in particular, of insufficient weight to overcome the presumption in favour of the development plan.

**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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STEWARTON BY ANNE SMITH

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination by the Local Planning Committee a detailed planning application. The application requires to be determined by the Committee because it has been the subject of an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a residential plot in a six plot development off Old Glasgow Road, Stewarton. Plot F is immediately on the left as you enter the development and effectively backs onto Old Glasgow Road. Due to the drop in level as you enter the site this plot sits approximately 1.1m below the level of Old Glasgow Road, and the levels do drop towards the east of the development which is bounded by the Annick Water.

Adjacent areas are all residential in nature with the houses currently nearing completion on site on Plots B and C.

2.2 **Proposed Development:** It is proposed to erect a 1½ storey apartment dwellinghouse with a feature two storey tower on its south east corner. Given this unusual design in a corner plot the house has effectively three main elevations and includes a first floor lounge aspecting west south and east. Parking provision is detailed immediately to the south of the house and areas of private garden are situated primarily to the north and east.

External finishing materials will match the existing materials utilised on site.

3. CONSULTATION AND ISSUE RAISED

3.1 East Ayrshire Council Roads and Transportation Division have raised no objections to the proposed development as detailed.

Noted.

3.2 The Scottish Environment Protection Agency have confirmed that they have no objection to the proposed development on the understanding that the foul drainage is connected to the public sewer.

Noted.

3.3 West of Scotland Water have advised that both sewerage and water connections are available.

Noted.

3.4 The Coal Authority do not identify any ground stability issues which may impact on the development site.

Noted.

3.5 Stewarton and District Community Council have not replied at the time of writing.

Noted.

4. REPRESENTATIONS

One letter of objection has been submitted from one nearby resident. The grounds of objection are as follows:-

4.1 The orientation of the plot is such that the large roof mass is presented to Old Glasgow Road and consequently obscuring the outlook from adjacent properties.

Noted. However the separation distance is approximately 26m and it is consequently considered that the amenity of the property concerned is not significantly affected. There is in planning terms no right to an outlook over a third party's property.

4.2 Initial indicative proposals detailed an alternative layout which presented different house types in a more open context with less impact on adjacent uses in terms of loss of privacy or impact on amenity.

Noted. However that arrangement was only indicative and as is not unusual in circumstances of plotted developments, each individual tends to adapt their house to the plots. The design of the house is relatively unusual but is intended to present a strong feature within the site. The privacy issue is a concern directed to the principle of having lounge accommodation on the first floor of the proposed house. However given that the distance involved to the objector's property is 26m; 35m to side garden; the impact on privacy is not considered to be of any great significance. No objection on this particular matter has been raised by an

existing owner on site. The potential for overlooking into existing plots is a matter of a more immediate and discernible nature and there is some limited opportunity to look across the part side garden of Plot A. It is considered that this element is acceptable given the relationship of the two plots.

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 policy 4.8.1 which specifies design criteria for residential development in the then Local Plan Area.

This policy is comprehensive and lists various considerations covering building form, materials, windows and doors and dormer extensions.

The proposed development has been assessed against the relevant terms of this policy and whilst its striking design is noted it is considered that it accords with the terms listed and with the Adopted Local Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principle material considerations relevant to the determination of this application are the East Ayrshire Local Plan (Finalised Version with Modifications) (EALP) letters of objection and impact on amenity of adjacent properties and the area.

6.2 East Ayrshire Local Plan (Finalised Version with Modifications).

As stated above the Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to a more recent expression of policy.

With regard to the EALP it is considered appropriate to assess the application against the terms of Policy RES 4 which prescribes the following:-

“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 reason for this policy is to bring areas of vacant and often derelict land into active use and to improve the amenity of the area and to consolidate the existing built environment.

The proposal has been assessed against this policy and found to be compatible with the terms listed. It is a corner plot within a redevelopment site in Stewarton. It is designed with striking features which echo the vernacular style and is considered to be broadly compatible with the area.

The design guidance referred to lays down principles of practice which cover items such as location and design. The character of the plot has however impacted on the design of the proposed house resulting in it having three conspicuous elevations and emphasizing the corner tower feature. It does differ from the other house types already approved on site which reflect several contemporary styles. However, the proposal now before the Committee is the result of correspondence with the applicant's agent which sought a solution of a more traditional kind that would reflect its location beside the Old Glasgow Road.

6.3 Representation Received

As detailed in Section 4 above there has been one letter submitted in respect of this application.

It is not considered that the grounds raised are sufficient, given the relationship of the site to the objector's premises, to justify a refusal of the application on grounds of residential amenity. The issue of whether a 2 storey house should be permitted on this site has been addressed previously.

6.4 Impact on amenity of adjacent properties.

There is some slight overlooking from minor windows in the upstairs bedroom which could impact on Plot E. This aspect could be addressed by condition to secure either opaque windows or an alternative arrangement if the Committee were of a mind to approve the application.

6.5 Impact on amenity.

It is considered that the proposal can be accommodated on site with no detriment to the area as a whole. It will be a characterful addition to the development site but the plot itself straddles the boundary between the established housing on Old Glasgow Road and the other plots in this development. Accordingly its design is more reflective of properties on the main road and the house can be supported in terms of its design and amenity impact.

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 at paragraph 5.1 above, the application is considered to be generally in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is stated at paragraph 6 above, there are material considerations relevant to this application, however, it is considered that these are, with regard to the East Ayrshire Local Plan, supportive of the application and in terms of the letter of objection in particular, of insufficient weight to overcome the presumption in favour of the development plan.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control

24 July 2001
(IW/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. Statutory Certificates/Notice.
3. Letter of Objection.

4. Adopted Stewarton Local Plan.
5. EALP Finalised Version with Modifications.
6. NPPG 1 the Planning System.

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

010119FL

EAST AYRSHIRE COUNCIL
TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0119/FL

Site of Proposal: Plot F
Old Glasgow road
STEWARTON

Nature of Proposal: Proposed Erection of House

Name & Address of Applicant: Anne Smith
C/o Roof Profiles Ltd
7 Kyle Road
IRVINE KA12 8JF

Name & Address of Agent: Robert G Lang RIBA ARIAS
25 Bellevue Crescent
AYR KA7 2DP

DPOs Reference: IW/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 16 February 2001 and the amended plans received by the Planning Authority on 15 May 2001.

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

2. 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.

3. Details submitted in pursuance of Condition No 2 above shall include the proposed treatment on the north western boundary of the plot coloured blue on the approved plan.

REASON

4. Notwithstanding the plans hereby approved details/samples of the external materials to be used shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interests of visual amenity.

5. Prior to the commencement of works on site, details of existing ground and finished site levels/floor levels shall be submitted to and approved by the Planning Authority.

REASON In the interests of visual amenity.

6. Notwithstanding the plans hereby approved the windows on the north elevation are not hereby approved and further details of these features including glazing shall be submitted to and approved by the Planning Authority prior to commencement of work on site.

REASON In the interests of residential amenity.

Notes:

1. There is a public sewerage system to which a connection may be made. The developer should satisfy himself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a reasonable gradient.
2. The developer must make a separate application to West of Scotland Water for permission to connect to the public sewerage system.
3. A totally separate drainage system will be required.
4. A development of the type and size proposed can be serviced from an existing public water main located in the street adjacent to the site location.

Separate application will have to be made for the provision of site water mains if required, and service connections. Consultation should be undertaken with West of Scotland Water regarding compliance with current bylaws and use of water for building purposes.

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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