

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 2 AUGUST 2002**

**02/0252/FL: PROPOSED ERECTION OF SINGLE DWELLINGHOUSE ON  
VACANT LAND  
AT 4-6 STEWARTON ROAD, DUNLOP  
BY MR HAMILTON**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 It is proposed to erect a single (4 apartment) dwellinghouse on the site in what is basically an L shaped configuration abutting the footpath and the hotel. The house is configured in a manner to present 1½ storeys to the street with three dormer windows, and two storeys to the rear. The proposed external finishing materials are not detailed in the submission.

The house has no door on the front elevation but is provided with a pend on the hotel side which provides both vehicular access to off street parking and pedestrian access to the principle entrance to the house. An area of garden is provided to the south west of the house.

**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 paragraph 5.2 of the report the application is considered to be contrary to 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 refused unless material considerations indicate otherwise. As indicated in section 6 of the report there are material considerations relevant to this application. It is considered that these add weight to the presumption in favour of the development plan and in turn would support the refusal of this amended application.

## **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 it would not represent a significant departure from 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 objection and is recommended for refusal.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is an unoccupied area of land in the centre of Dunlop. It is adjacent to the Category B listed Kings Arms Hotel within the Main Street, Dunlop Outstanding Conservation Area. Historically the site was occupied by a single storey flat roofed function suite attached to the hotel.

The site is level and is enclosed on all sides by walls of varying heights with an opening to Main Street. Adjacent uses other than the hotel are of a residential nature.

2.2 **Proposed Development:** It is proposed to erect a single (4 apartment) dwellinghouse on the site in what is basically an L shaped configuration abutting the footpath and the hotel. The house is configured in a manner to present 1½ storeys to the street with three dormer windows, and two storeys to the rear. The proposed external finishing materials are not detailed in the submission.

The house has no door on the front elevation but is provided with a pend on the hotel side which provides both vehicular access to off street parking and pedestrian access to the principle entrance to the house. An area of garden is provided to the south west of the house.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has advised that it has no objection to the current proposal.

***Noted. The pend arrangement and resultant off street parking provision has been deliberately proposed by the applicant to satisfy the Roads Division. However it is considered that the arrangement has implications for the design and scale of the house and for the allocation of garden ground.***

3.2 The Scottish Environment Protection Agency has confirmed that it has no objections to the proposal.

***Noted.***

3.3 Scottish Water has responded as below:-

There is a public sewerage system to which a connection may be made from the proposed development. The applicant should satisfy him/herself, by site investigation if necessary, that relative levels are such as will allow the development to be connected at a gradient acceptable to Scottish Water.

Non-objection by Scottish Water to this outline/detailed planning application must not be inferred as guaranteeing automatic permission to connect to the public sewer. The applicant must make separate application to Developer Services for permission to connect to the public sewerage system at the appropriate time. Scottish Water may refuse permission to connect, or grant permission to connect, subject to such conditions as they think fit.

There is an existing public water main located in the street adjacent to the site which may be suitable to provide a supply to the proposed development. However, details of the highest water fitting related to Ordnance Datum and the proposed demands must be forwarded to Scottish Water in order that hydraulic testing can be carried out.

***Noted.***

3.4 Dunlop and Lugton Community Council have objected to the proposal on the following grounds:

“We still feel that the proposed dwelling is too large for this particular plot. We would like the materials to be used for any building to be in line with those used for other properties on that particular side and section of Stewarton Road. There is general agreement that the plot should not be left as it is. However, this is a

conservation area and it is felt that a building that mimics the original stables would be more appropriate”.

***Noted. The scale and the design of elements including the dormers of the proposal have again been the subject of discussion with the applicant and the concerns expressed by the Community Council are shared by this Division. The applicant was formally advised to consider further amendments to the proposal, however he is unwilling to alter the proposal other than to introduce chimneys and has requested that the current proposal be determined as submitted. It is therefore still considered that the scale of the proposal is inappropriate for the site.***

The proposed vehicular access will conflict with the existing telephone kiosk and bus stop arrangement adjacent to the site and will obstruct the deliveries made to the hotel.

***Noted. As stated above in para 3.1, the Council's Roads Division are satisfied with the proposal. Aspects of street furniture/telephone kiosk could be dealt with by means of condition or notes if the Committee agree to approve the application.***

3.5 The Architectural Heritage Society of Scotland has objected to the proposal on the following grounds:

- The house is over ambitious in scale. A smaller 1 storey cottage might be feasible.

***Noted. This office agrees with the general nature of these comments and has written to the applicant (as detailed above in para 3.4).***

- The site should remain a garden as originally intended.

***Noted. Assessment can only be made of the current application as submitted.***

3.6 The Scottish Civic Trust has objected to the proposal advising that in its view the building proposed is awkward due to the scale and positioning of certain elements; for example the pend area, and the lack of an appropriate focal point for the house as it has no front door. The Trust recommend that the design of the house be revisited.

***Noted. It is considered that the issues raised are valid. The applicant has been requested to considers an alternative design but has declined to adopt the recommendations made.***

3.7 Historic Scotland has commented that the design of the house would have an adverse impact on the character of the Outstanding Conservation Area and the setting of the hotel which is a Listed Building. Accordingly it has suggested an alternative design within East Ayrshire which is felt to be more appropriate for a site within a Conservation Area.

***Noted. The applicant has been requested to consider amending the proposal but has declined to make significant changes.***

Furthermore Historic Scotland question elements of the proposed house confirming the pend should in their view be omitted and the scale of the dormer windows are too large in scale.

***Noted. (see para 4.8.4 below).***

Historic Scotland also advise that the site may be too small for the scale of house proposed.

***Noted. (see para 4.8.4 below).***

#### **4. REPRESENTATIONS**

In addition to the representations from the consultees above, a letter of objection has been lodged by the residents of the house immediately to the rear of the site.

4.1 The objector's house and garden currently share a boundary with the hotel and the application site. The boundary treatment between the site and the objector's garden is a 2.1 m high wall.

The grounds of objection raised relate to the following matters:

The proposal will, due to its height and proximity, detrimentally affect the house and garden by overshadowing and overlooking.

***The two storey element of the proposed house directly abuts the wall and increases its height to approximately 5 m across a length of 7.2 m with the total height of this gable extending to 7 m. It is considered that the scale of this element remains sufficiently significant to have a detrimental impact on the enjoyment of the adjacent house and garden. Additionally there are two windows proposed on the second storey to the rear of the house which now serve the lounge and will, due to the separation distance, result in an overlooking problem in respect of the neighbouring premises.***

## 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 purpose of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted Stewarton Local Plan 1987. 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 confirm that Housing Development shall be allowed on sites within the urban envelope of Dunlop provided they meet general criteria. Policy 4.1.2 specifically raises the aspect of impact on adjacent properties and as discussed above the proposal is considered to be contrary to the terms of this policy, having a significant impact on the property to the rear.

Policy 4.8.4 confirms detailed criteria against which an application in a Conservation Area has to be assessed.

***This revised proposal has been assessed against 4.8.4 and is still considered to be in conflict with the policy for the following reasons.***

***The building is not compatible with the local character in that it presents a house which due to the level of upper floor accommodation, the large dormer windows and the two storey wing to the rear is over ambitious in scale and will have a significant and overbearing impact on this area of Dunlop.***

***The pend access, while introduced to address the Roads Division's requirements, is considered to be out of scale with the proposed house to reflect a traditional pend and again would introduce an alien element into the streetscape.***

***The main dormer windows are over large relative to the other proportions of the house whose front elevation is designed in an attempt to produce a cottage type property. The result is that these elements become the dominant visual element when, more conventionally, they would be considerably smaller and subservient to the main ground floor of the building.***

***The proposal will due to its scale have a detrimental effect on the amenity of the adjacent property by reason of presenting an overbearing/and overshadowing impact.***

***The proposal will have a detrimental impact on the privacy and amenity of the adjacent property by reason of overlooking from a principal apartment.***

***The proposal does not have an adequate provision of private garden ground and is therefore considered to be an overdevelopment of the site.***

***Accordingly the proposed development is considered to be contrary to the terms of the Adopted Local Plan.***

## **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), East Ayrshire Council Design Guidance, objection letters, consultation responses, impact on the Conservation Area and the history of the site.

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

### **East Ayrshire Local Plan (Finalised Version with Modifications)**

6.3 The relevant policies in the EALP against which the proposal requires to be assessed are RES4, RES22, ENV4 and ENV7.

Policy RES4 confirms the assessment criteria for residential development in existing settlements. The reason for this policy is to improve the amenity of the area and consolidate the built environment.

***The proposal has been assessed and found to be contrary to certain aspects as follows:***

***Item (i) impact on adjacent uses/properties, and item (iv) compliance with EAC Design Guidance.***

***The impact on adjacent properties has been discussed previously (Sections 4 & 5 above) and is considered to be significantly detrimental. Item (iv) EAC Design Guidance is the new consolidated document and lists criteria to be applied in a number of areas and in particular as follows:-***

2) New Build Development in Conservation Areas

Where a new build development is proposed within a Conservation Area, the proposed building will require to reflect the character of adjoining buildings in terms of building line, height, massing, scale, choice of materials, colour, fenestration and solid/void proportions. When determining an appropriate building height for any new proposals, the height of surrounding buildings and the impact of the proposal on the skyline must be taken into account. All materials used should be of a sympathetic and suitable colour and finish.

***It is considered that the general proportions and design of the house are still too large and heavy and consequently unacceptable. As discussed above the massing of the building, in particular the roof arrangement with the over large principle dormer windows, the two storey rear wing and the pend are all unacceptable in the circumstances of this proposal.***

10) Dormer windows should be appropriate for the building and area concerned.

***In an effort to maximise the size of the house and the level of accommodation proposed the roof arrangement and principle dormers remain out of scale and proportion with the ground floor of the proposal and are considered to have a detrimental impact on the design.***

Policy RES22

In terms of the required private open space for the proposed detached house a minimum allocation of a 100 sq m should be provided.

***The proposal currently before the Committee presents approximately 80 sq m of private garden provision. Accordingly this provision is significantly less than the minimum required. The proposal is therefore considered to constitute overdevelopment of the site.***

Policy ENV4

Policy ENV4 is the Council's policy in respect of development within an Outstanding Conservation Area and confirms the elements that will be assessed

ie layout, size, scale, design etc in an effort to enhance the character of the Outstanding Conservation Area.

***The proposed development is considered to be contrary to the terms of this policy, in particular with respect to its scale and proportions of certain elements eg the rear roof area and the dormer windows.***

Policy ENV7

Policy ENV 7 confirms that proposals will be expected to comply with the existing and emerging Design Guidance and policy document relative to that proposal.

***Again the proposal in this case is considered to be contrary to this policy in terms of scale and design.***

#### Letter of Objection

6.4 The grounds of objection have been assessed as discussed above and are considered to have a direct and valid bearing on the proposal before the Committee. In particular the scale and design of the proposal is considered to have a significant detrimental impact on the amenity of the objector's property.

#### Consultation Responses

6.5 Whilst the service agencies have confirmed that they are satisfied with the proposal, the comments from the Community Council, Historic Scotland, the Civic Trust and the Architectural Heritage Society relative to the scale and design of the proposal are sufficiently substantiative to merit an unfavourable recommendation for the proposal.

#### Impact on the Outstanding Conservation Area

6.6 As discussed above the scale and design of the proposal has been the subject of extensive assessment and it is considered that the combination of massing of the roof, scale of the principle dormer windows and the large pend result in a house which would be overlarge for the site and out of character with the area and have a consequent detrimental impact on the Dunlop Main Street Outstanding Conservation Area.

#### Planning History of Site

6.7 Planning permission was approved for the erection of a 2 storey flatted block on this site in March 1985 (Application No 78/0324/C refers).

That consent did not commence and, in the interim, the Council's requirements in terms of Roads and Design Guidance have become more stringent. As

discussed previously, it is considered that the proposal fails to meet the required standards in particular with regard to design.

A similar application from the same applicant was considered by the Northern Area Local Planning Committee on 01 March 2002 (EAC Ref: 01/0149/FL). That application involved a larger house, similarly proportioned to the current proposal with approximately 63 sq m of garden ground. The application was refused by Committee for the following reason.

“The proposed house is unacceptable due to the overall scale of the development and the lack of adequate garden ground”.

***This new proposal involves effectively the same house but 2m shorter with a private garden provision of approximately 80 sq m. Accordingly it is considered that the overall scale of the proposed house remains the issue and the applicant has not adequately addressed the Committee’s concerns.***

## **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 is indicated at paragraph 5.2 of the report the application is considered to be contrary to 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 refused unless material considerations indicate otherwise. As indicated in section 6 of the report there are material considerations relevant to this application. It is considered that these add weight to the presumption in favour of the development plan and in turn would support the refusal of this amended application.

## **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 it would not represent a significant departure from Council policy.

**Alan Neish**  
**Head of Planning and Building Control**

18 June 2002  
(IW/MMM)

FV/DVM

## **LIST OF BACKGROUND PAPERS**

1. Application Forms/Plans.
2. Statutory Notices.
3. Consultations.
4. Letter of Objection.
5. Correspondence with Applicant.
6. Adopted Stewarton Local Plan 1987.
7. Adopted Ayrshire Joint Structure Plan.
8. Approved Strathclyde Structure Plan.
9. East Ayrshire Council Finalised Local Plan with Modifications.
10. Previous Application Nos: 78/0324/C, 01/0149/FL.

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

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0252/FL

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Site of Proposal: 4-6 Stewarton Road  
DUNLOP

Nature of Proposal: Proposed Erection of Single  
Dwellinghouse on Vacant Land

Name & Address of Applicant: Mr Alexander M Hamilton  
6-8 Titchfield Street  
GALSTON  
Ayrshire KA4 8AP

Name & Address of Agent:

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DPOs Reference: IW/MMM

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

1. The proposed development is contrary to Policy 4.1.2 of the Adopted Stewarton Local Plan in that it would have a detrimental impact on the adjacent property by reason of its scale of development on the common rear boundary.
2. The proposed development is contrary to Policy 4.8.4 of the Adopted Stewarton Local Plan by reason of its scale and proportions and its inappropriate design in the Outstanding Conservation Area.
3. The proposed development is contrary to Policies RES4, ENV4 and ENV7 of the East Ayrshire Local Plan (Finalised Version with Modifications) and would by reason of scale and proportion have a detrimental impact on the architectural qualities and amenity of the Outstanding Conservation Area.
4. The proposal constitutes an overdevelopment of the site and is contrary to Policy ENV22 of the East Ayrshire Local Plan (Finalised Version with Modifications) in that there is inadequate private garden ground to serve the needs of the proposed house.

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**AGENDA**