

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 21 DECEMBER 2001

**01/0117/FL & 01/0159/LB: PROPOSED KITCHEN AND CONSERVATORY
EXTENSION AND INSTALL A VELUX ROOFLIGHT
AT 72 MAIN ROAD, FENWICK
BY MRS R B RODGER**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to extend the property to the rear by the addition of a flat roofed extension to provide improved ground floor accommodation. The extension will comprise an extended kitchen and a conservatory. The details of these elements are such that the roofline of the kitchen is approximately 250mm above the conservatory, giving the extension a stepped appearance. It is also proposed to install a small velux conservation rooflight in the front roof area.

2. RECOMMENDATION

2.1 It is recommended that the Listed Building Consent and Planning Application be refused for the reasons indicated on the attached sheets.

3. CONTRARY DECISION

3.1 Should the Committee agree that the applications be approved contrary to recommendation of the Head of Planning and Building and Building Control, the applications will not require to be referred to the Development Services Committee as this would not be a significant departure in principle from Policy.

4. SUMMARY OF ANALYSIS

4.1 As is indicated at Section 5 of the report, the planning and listed building applications are considered to be contrary to the development plan. Therefore, given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 with regard to the planning application and Section 25 with regard to the Listed Building application the proposal should be refused unless material considerations indicate otherwise. As is indicated at paragraph (6) of the report, there are material considerations relevant to these applications, however, these considerations, in particular the informal comments of Historic Scotland on the principle of the proposal, add weight to 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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AT 72 MAIN ROAD, FENWICK
BY MRS R B RODGER**

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 and an application for Listed Building Consent which require to be considered by the Local Planning Committee under the scheme of delegation because they are subject to an objection and are recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises a Category "C" Listed Cottage on the east side of Main Road, Fenwick, within the High Fenwick Conservation Area.

No 72 is a one and a half storey terraced cottage within a characterful group of cottages all similarly listed. It is finished in render with a slated roof. To the rear, the cottage is characterised by an original lean-to roof arrangement which deepens the house to accommodate kitchen, bathroom and utility area.

2.2 **Proposed Development:** It is proposed to extend the property to the rear by the addition of a flat roofed extension to provide improved ground floor accommodation. The extension will comprise an extended kitchen and a conservatory. The details of these elements are such that the roofline of the kitchen is approximately 250mm above the conservatory, giving the extension a stepped appearance. It is also proposed to install a small velux conservation rooflight in the front roof area.

3. CONSULTATIONS AND ISSUES RAISED

3.1 West of Scotland Water have confirmed that the applicant should contact their office prior to the commencement of work.

Noted.

3.2 Fenwick Community Council have not responded at the time of writing this report.

Noted.

3.3 Historic Scotland have informally advised that they consider that the flat roofed arrangement of the extension is not appropriate for a listed building.

Noted. This aspect of the design has been assessed and taken up with the applicant. It was recommended that the applicant consider the introduction of a full pitched roof over the extension, finished in a manner sympathetic to its listed status.

The applicant has verbally responded by confirming that the additional cost of such a proposal would be outwith their resources and that the application should be considered as it stands.

3.4 The Architectural Heritage Society of Scotland object on the grounds of detailed design aspects such as window proportion and the materials used. It finds the new kitchen window design alien to the character of the existing rear windows and opposes the use of upvc windows.

Noted. The issue of the proposed materials has been assessed and found to be acceptable in this context. The Council's Design Guidance accepts suitably designed upvc windows on Category "C" Listed Buildings. The aspect of proportion and design of the windows could be addressed by means of a condition had the more significant issue of the sizeable flat roofed extension been satisfactorily addressed.

4. REPRESENTATIONS

There have been no objections received other than that from the Architectural Heritage Society of Scotland as detailed above.

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 these applications, 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 Policy 4.7.13 which presumes against any alteration to a Listed Building which the Council considers to have a detrimental effect on the character of that building.

The flat roofed design of the extension has been assessed against the policy and is considered to be contrary to its aims. Consequent to this conclusion the applicant was advised to amend the proposal and has chosen not to do so.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the applications are the East Ayrshire Local Plan (Finalised Version with Modifications), the consultations, impact on adjacent properties and Government Guidance.

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 greater weight 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.

The relevant policies in the EALP against which the proposal requires to be assessed are ENV 4 and 7. These policies seek to minimise the adverse impact of proposals on Listed Buildings.

The proposal has been assessed against these policies and found to be unacceptable in its flat roofed form. The Council is of the view that an alternative arrangement could be agreed upon but the applicant/agent have not been willing to enter into detailed discussion on the matter.

The non availability of resources is not a valid reason to set aside the design requirements as established in the Council's Design Guidance. This was approved in April 2001 and endorses the avoidance of flat roofed extensions on listed buildings and buildings in Conservation Areas.

6.3 Consultations

As detailed above, there was a mixed response from consultees on this application but the informal response from Historic Scotland is considered to be a substantive and informed comment of sufficient weight to merit refusal of the application.

6.4 Impact on Adjacent Properties

The proposal has been assessed in terms of the impact it may have on the adjacent properties and found to raise no difficulties in terms of overlooking. This is due to the enclosed nature of the rear garden which is partly attributable to a flat roofed extension to the rear of 74 Main Road.

The applicants have cited this extension in support of their own application. However, this extension was constructed approximately 23 years ago and the Council's requirements in respect of such extensions have been strengthened in terms of design. It is therefore considered that that extension does not add weight to the argument for the extension as currently proposed.

6.5 Government Guidance

The proposal has been considered against the terms of the Memorandum of Guidance on Listed Buildings and Conservation Areas produced by Historic Scotland.

This document stresses the importance of assessing the impact of extensions on Listed Buildings and confirms that additions should be in keeping with other parts of the building and that the new external features should harmonise with their surroundings.

The proposal has been assessed against this background and been found to be inadequate in respect of the above in terms of overall design.

7. FINANCIAL OR 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 Section 5 above, the planning and listed building applications are considered to be contrary to the development plan. Therefore, given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 with regard to the planning application and Section 25 with regard to the Listed Building application the proposal should be refused unless material considerations indicate otherwise. As is indicated at paragraph (6) above, there are material considerations relevant to these applications, however, these considerations, in particular the informal comments of Historic Scotland on the principle of the proposal, add weight to the presumption in favour of the development plan.

9. RECOMMENDATION

9.1 It is recommended that the Listed Building Consent and Planning Application be refused for the reasons indicated on the attached sheets.

Alan Neish
Head of Planning and Building Control

(IW/MLS/MMM)
10 December 2001

FV-DVM

LIST OF BACKGROUND PAPERS

1. Application Form/Plans.
2. Statutory Certificates.
3. Consultations.
4. Correspondence with applicant/agent.
5. Stewarton Adopted Local Plan.
6. East Ayrshire Local Plan (Finalised Version with Modifications).
7. Memorandum of Guidance on Listed Buildings and Conservation Areas.
8. Approved Ayrshire Joint Structure Plan.
9. Approved Strathclyde Structure Plan.

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

Implementation Officer: Dave Morris

TP24

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0117/FL

Location	72 Main Road FENWICK
Nature of Proposal	Proposed Rear Extension to Dwelling
Name & Address of Applicant	Mrs R B Rodger 72 Main Road FENWICK Kilmarnock KA3 6DU
Name & Address of Agent	D A Design Services Thornhouse Business Centre 30 Ballot Road IRVINE KA12 0HW

DPO's Ref: IW/MLS

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

1. The proposed extension would, by reason of introducing a visually unsympathetic extension, have a detrimental effect on the architectural design of this Category 'C' listed building and would also be detrimental to the visual amenity of the Kilmaurs Conservation Area. The extension is inappropriate as a result of introducing a flat roofed structure of a size and design which does not preserve or enhance the Conservation Area or the Listed Building.
2. The proposed development would be contrary to Policy 4.7.13 of the Adopted Stewarton Local Plan and Policies ENV 4 and ENV 7 of the East Ayrshire Local Plan Finalised Version with Modifications by reason of introducing a visually unsympathetic extension onto a Category 'C' Listed Building.
3. The proposed development would be contrary to the terms of the Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas by reason of introducing a visually unsympathetic extension onto a Category 'C' Listed Building.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0159/LB

Location	72 Main Road FENWICK
Nature of Proposal	Proposed Kitchen & Conservatory Extension and Proposed Installation of a Velux Rooflight
Name & Address of Applicant	Mrs R B Rodger 72 Main Road FENWICK Kilmarnock KA3 6DU
Name & Address of Agent	D A Design Services Thornhouse Business Centre 30 Ballot Road IRVINE KA12 0HW

DPO's Ref: IW/MLS

The above LISTED BUILDING application should be refused on the following grounds:

1. The proposed extension would, by reason of introducing a visually unsympathetic extension, have a detrimental effect on the architectural design of this Category 'C' listed building and would also be detrimental to the visual amenity of the Kilmaurs Conservation Area. The extension is inappropriate as a result of introducing a flat roofed structure of a size and design which does not preserve or enhance the Conservation Area or the Listed Building.
2. The proposed development would be contrary to Policy 4.7.13 of the Adopted Stewarton Local Plan and Policies ENV 4 and ENV 7 of the East Ayrshire Local Plan Finalised Version with Modifications by reason of introducing a visually unsympathetic extension onto a Category 'C' Listed Building.
3. The proposed development would be contrary to the terms of the Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas by reason of introducing a visually unsympathetic extension onto a Category 'C' Listed Building.

**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