

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 28 JUNE 2002**

**02/0212/FL: ERECTION OF GARAGE AT 27 KERSLAND GAIT,  
STEWARTON FOR MR AND MRS O'ROURKE**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of a garage attached to the western wall of the dwellinghouse. The applicant proposes that the external materials to be used in the construction of the garage shall match those of the existing dwellinghouse.

#### **2. RECOMMENDATION**

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

#### **3. CONCLUSIONS**

3.1 As is indicated in Section 5 of the report, the application is considered to accord with the development plan. Therefore given the terms of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are other material considerations relevant to the determination of the application. In this regard, the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications) and the East Ayrshire Council Design Guidance for Householder Developments also presume in favour of the applicant.

3.2 No consultation replies have been received which would indicate that the application should be refused.

3.3 The representations received are not considered to justify a refusal of the application. The forward projection of the garage is not considered to be disproportionate.

#### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as

such a decision would not represent a significant departure from 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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STEWARTON FOR MR AND MRS O'ROURKE

### 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 as the application is subject to objections.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a semi-detached dwellinghouse and its curtilage within the Kersland Gait development in Stewarton.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a garage attached to the western wall of the dwellinghouse. The applicant proposes that the external materials to be used in the construction of the garage shall match those of the existing dwellinghouse.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal.

***Noted.***

3.2 Scottish Water has no objection to the proposal provided its operational requirements are met.

***Should the application be approved, an appropriate note in respect of the above can be attached to the planning permission.***

3.3 The Coal Authority has no objection to the proposal.

***Noted.***

3.4 Stewarton Community Council has not responded to the consultation letter at the time of writing this report.

***Noted.***

#### 4. REPRESENTATIONS

Three letters of objection have been received in respect of the application. The grounds of objection can be summarised as follows:

4.1 The erection of garage, which would project 2m forward from the front building line of the existing dwellinghouse, would be detrimental to the aesthetics of the building itself and to the aesthetics of the open plan nature of the estate as a whole.

***Whilst the proposed garage would project 2m forward of the existing dwellinghouse, there is no clearly established building line on that part of the estate. The applicant has also indicated that the proposed garage would be finished in materials to match those of the existing dwellinghouse. It is therefore considered that the proposal would not be detrimental to visual amenity or to the character of the overall development.***

4.2 The proposal would give rise to a "blindspot" for cars proceeding down the hill towards children playing.

***This point of objection has not been substantiated by the Roads and Transportation Division.***

4.3 The proposal would reduce the value of several properties on the estate.

***The value of properties is not a planning consideration.***

#### 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 Stewarton Local Plan (1987) and the Approved Ayrshire Joint Structure Plan. The Adopted Local Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 The proposal requires to be assessed against Policy 4.8.1 – 1 (1) and (2) of the Adopted Stewarton Local Plan. This policy states:

- “(1) New buildings, alterations and extensions to existing buildings shall be compatible with the local architectural character.
- (2) Extensions (including the erection of garages) shall be designed in a manner which ensures that:
  - (a) they do not appear to dominate the existing building by reason of scale and and/or incompatibility of materials;

- (b) neighbouring properties are not detrimentally affected by overlooking, loss of privacy or loss of daylight, either through the position of the extension or the location of windows/doors (particularly at first floor level); and
- (c) a reasonable amount of open space and garden ground is retained within the curtilage of the dwellinghouse.”

***Given that the applicant proposes the use of materials to match the existing dwelling, it is considered that the proposal would be compatible with the general style and appearance of the immediate neighbourhood. Furthermore, it is not considered that the proposal would dominate the appearance of the existing dwellinghouse or detrimentally affect the neighbouring properties by virtue of overlooking or loss of daylight. The extent of the forward projection of the garage is not disproportionate. It is therefore considered that the proposal complies with the provisions of Policy 4.8.1 – 1 (1) and (2) of the Adopted Stewarton Local Plan.***

## **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

6.1 The other principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan (Finalised Version with Modifications), the Council's Design Guidance for Householder Development, the consultation replies and the objections detailed above.

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 therefore agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration.

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

6.3 Policy ENV 7 of the East Ayrshire Local Plan (Finalised Version with Modifications) states that:

“All developers will be expected to comply fully with the Council's existing and emerging Design Guidance and policy documents relating to and advising on the type of 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.”

***The Design Guidance is discussed in paragraph 6.4 below. The proposal is considered to accord with the Design Guidance for Householder Development and therefore accords with the provisions of Policy ENV 7.***

## Design Guidance

6.4 The East Ayrshire Council Design Guidance for Householder Development is of relevance in the determination of the application. Sections 3 (a), 3 (b) and 3 (c) of the Guidance state:

“(a) Extensions to existing properties shall be sited and designed to minimise any overlooking of neighbouring properties and to ensure maximum provision of privacy and daylighting.”

***It is not considered that the proposed extension would bring about any loss of light or privacy for adjacent properties.***

“(b) The materials and colours used in the construction of extensions to residential properties should match the finish of the existing dwellinghouse.”

***As noted in paragraph 2.2 above, the external materials to be used in the construction of the proposed extension match those of the existing dwellinghouse.***

“(c) Wherever possible any residential extension should be sited so as to avoid the unnecessary removal of trees, hedges or other landscape features which are considered to contribute positively to the appearance and character of the area.”

***The proposed extension would not require the unnecessary removal of any such features which contribute to the landscape character of the area. The proposal is therefore considered to accord with the provisions of the Design Guidance for Householder Development.***

## Consultation Replies

6.5 No consultation replies have been received which would indicate that the application should be refused.

***Noted.***

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council in the determination of the application.

## **8. CONCLUSIONS**

8.1 As is indicated in Section 5 of the report, the application is considered to accord with the development plan. Therefore given the terms of the Town and Country Planning (Scotland) Act 1997, the application should be

approved unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are other material considerations relevant to the determination of the application. In this regard, the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications) and the East Ayrshire Council Design Guidance for Householder Developments also presume in favour of the application.

8.2 No consultation replies have been received which would indicate that the application should be refused.

8.3 The representations received are not considered to justify a refusal of the application. The forward projections of the garage is not considered to be disproportionate.

## **9. RECOMMENDATION**

**9.1 It is recommend that the application be approved subject to the conditions listed on the attached sheet.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as such a decision would not represent a significant departure from Council policy.

**Alan Neish**  
**Head of Planning and Building Control**  
17 June 2002 (DS/SA)  
(FV/DVM)

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Consultation letters.
3. Consultation replies.
4. Adopted Stewarton Local Plan.
5. East Ayrshire Local Plan (Finalised Version with Modifications).
6. East Ayrshire Council Design Guidance for Householder Development.
7. Letters of Objection.
8. Approved Strathclyde Structure Plan.
9. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers, please contact Derek Scott on (01563) 576769.

## EAST AYRSHIRE COUNCIL

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

02/0212/FL

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Site of Proposal:	27 Kersland Gait STEWARTON
Nature of Proposal:	Proposed Erection of Garage
Name & Address of Applicant:	Mr and Mrs M O'Rourke 27 Kersland Gait STEWARTON KA3 5HN
Name & Address of Agent:	

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DPOs Reference: DS/SA

The above FULL application should be approved subject to the following conditions:

(1) The proposed development shall be carried out in accordance with the application form and plans submitted on 13 March 2002 and 25 March 2002 as revised by the block plan received by the Planning Authority on 29 May 2002.

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

(2) Notwithstanding the plans hereby approved the external appearance of all materials to be used in the construction of the garage shall match the materials of the dwellinghouse.

REASON To ensure that the extension matches the external appearance of the dwellinghouse and thereby maintain the visual quality of the area.

**NOTES:**

The applicant is advised to make early contact with Scottish Water, 35 Glenburn Road, Prestwick with regard to the location and protection of its apparatus during construction and to the provision of drainage arrangements.

**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**