

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 28 JUNE 2002

**02/0134/FL: PROPOSED PORCH/CONSERVATORY AT KENWAY
COTTAGE KILMAURS FOR MR AND MRS PATTISON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a conservatory/entrance porch on the front elevation of the dwellinghouse. The proposed conservatory is asymmetrical in design and measures approximately 17 sq.m. in floor area.

2. RECOMMENDATION

2.1 It is recommended that the application be refused for the reasons listed 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 Sections 25 and 37 (2) of Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are other material considerations and these add weight to the view that the proposal is unacceptable since the proposal is contrary to Policy ENV 7 of the East Ayrshire Local Plan (Finalised Version with Modifications).

3.2 The proposal also requires to be determined with regard to the East Ayrshire Council Design Guidance for Householder Development. As is noted in the report it is recommended that the proposal is contrary to the provisions of the Design Guidance.

CONTRARY DECISION NOTE

Should the Committee agree to grant the application contrary to the advice of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee for determination as such a decision would not be 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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02/0134/FL: PROPOSED PORCH/CONSERVATORY AT KENWAY COTTAGE KILMAURS FOR MR AND MRS PATTISON

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 recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a one and a half storey dwellinghouse and its curtilage and lies approximately 250m west of Kilmaurs. The existing dwellinghouse, whilst originally two semi-detached cottages, has an attractive well balanced façade which fronts onto the unclassified public road.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a conservatory/entrance porch on the front elevation of the dwellinghouse. The proposed conservatory is asymmetrical in design and measures approximately 17 sq.m. in floor area.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Water and the Coal Authority have no objection to the proposal.

Noted.

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

Noted.

4. REPRESENTATIONS

4.1 No representations have been received.

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 Approved Ayrshire Joint Structure Plan and the Adopted Kilmarnock Local Plan 1986.

5.2 Householder design guidance is applied through Policy 4.8.1 of the Adopted Local Plan which states that proposed extensions should not dominate the existing building by means of scale or incompatibility of materials.

It is considered that the proposed conservatory/entrance porch, which is relatively large, given its conspicuous location on the front elevation, would dominate and alter the appearance of the existing dwelling to the detriment of its balanced form and character. The extension in this forward location is disproportionate to the dwellinghouse. The proposal is therefore considered to be contrary to Policy 4.8.1 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), the Council's Design Guidance and the consultation replies 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 agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) should be considered as a prime material consideration.

East Ayrshire Local Plan

6.3 Policy ENV 7 of the East Ayrshire Local Plan states that:

“All developers will be expected to comply 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 accepted by the Council.”

The Design Guidance for Householder Development is discussed in para 6.4 below. The proposal is considered to be contrary to the provisions of the Design Guidance and as such, would be

contrary to the provisions of Policy ENV7 of the East Ayrshire Local Plan (Finalised Version with Modifications).

Design Guidance

6.4 The East Ayrshire Council Design Guidance for Householder Development is of relevance in the determination of the application. Section 2 (a) of the Guidance provides that front porch extensions should be of a size and scale in keeping with the size and scale of the dwellinghouse.

As noted in Section 2.1 above, the existing dwellinghouse has an attractive, well balanced façade. It is considered that the proposed conservatory/entrance porch which is not in itself symmetrical and which measures approx 17 sq.m in floor area and is 5m wide by 3.5m high would be overlarge for its prominent location on the front elevation. It is further considered that the extension would detract from the balanced form and character of the dwelling and would not therefore accord with the provisions of the Design Guidance.

Consultation Replies

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

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 at paragraph 5.2 of the report, the application is considered to be contrary to the Development Plan. Therefore, given the terms of Sections 25 and 37 (2) of Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are other material considerations and these add weight to the view that the proposal is unacceptable since the proposal is contrary to Policy ENV 7 of the East Ayrshire Local Plan (Finalised Version with Modifications).

8.2 The proposal also requires to be determined with regard to the East Ayrshire Council Design Guidance for Householder Development. As is noted in the report it is considered that the proposal is contrary to the provisions of the Design Guidance.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons listed on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree to grant the application contrary to the advice of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee for determination as such a decision would not be 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. Statutory Notices/Certificates.
3. Consultation replies.
4. Adopted Kilmarnock Local Plan.
5. East Ayrshire Local Plan (Finalised Version with Modifications).
6. East Ayrshire Council Design Guidelines for Householder Development.
7. Approved Ayrshire Joint Structure Plan.
8. Approved Strathclyde Structure Plan.

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0134/FL

Site of Proposal:	Kenway Cottage KILMAURS
Natural of Proposal:	Proposed Porch/Conservatory
Name & Address of Applicant:	Mr and Mrs Pattison Kenway Cottage KILMAURS Kilmarnock KA3 2PG
Name & Address of Agent:	Mr David Jarvie 27 Aytoun Road GLASGOW G41 5HW

DPOs Reference: DS/SA

The above FULL application should be refused for the following reasons:

- (1) The proposal is contrary to Policy 4.8.1 of the Adopted Kilmarnock Local Plan as the proposed conservatory/entrance porch would dominate and alter the appearance of the existing dwelling to the detriment of its balanced form and character and would be to the detriment of the visual amenity of the area.
- (2) The proposal is contrary to Policy ENV 7 of the East Ayrshire Local Plan (Finalised Version with Modifications) as it fails to comply with the provisions of the East Ayrshire Council Design Guidance for Householder Development.
- (3) The proposal is contrary to Section 2(a) of the Council's Design Guidance for Householder Development as the proposed conservatory/entrance porch is not of a size and scale in keeping with the size and scale of the existing dwellinghouse, which would be to the detriment of its balanced form and character and which would be to the detriment of the visual amenity of the area.

**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