

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 03 MAY 2002

**01/0731/FL: PROPOSED EXTENSION TO FORM GARAGE
AT 2 DUNLOP STREET, FENWICK
FOR MR DAVID KILPATRICK**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought to erect a garage within the curtilage of the dwellinghouse. The garage is proposed to be erected such that it would be attached to the south (side) elevation of the dwellinghouse.

1.2 The applicant proposes to render the garage to match the dwellinghouse with the submitted plans showing a flat roof. A 1100 mm high timber balustrade is shown attached to the fascia boards, forming a roof terrace. A door opening is shown from the first floor, accessing the terrace. The applicant has been advised that this arrangement would not be considered appropriate in terms of visual and residential amenity, particularly given the prominent nature of the site. The applicant was requested to remove the roof terrace from the description of the application and from the plans and show the garage with a pitched roof. The applicant subsequently removed the reference to the roof terrace from the description of the application, however, the submitted plans, still show the garage incorporating a roof terrace and a flat roof. The applicant has been advised of this on several occasions, however, no further communication has been received. The Planning Authority has therefore not been provided with details of an appropriate alternative roofing treatment.

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 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 other material considerations and these add weight to the view that the proposal is unacceptable because the garage is contrary to Policy ENV 7 of the EALP.

3.2 The proposal also requires to be determined with regard to East Ayrshire Council's Design Guidance for Householder Development. As is noted in the report the proposal is contrary to the provisions set out in 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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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 semi-detached dwellinghouse on a prominent location on the east side of Dunlop Street. Residential properties lie to either side and to the rear of the application site, whilst open space lies to the front of the site on the opposite side of Dunlop Street.

2.2 **Proposed Development:** Full planning permission is sought to erect a garage within the curtilage of the dwellinghouse. The garage is proposed to be erected such that it would be attached to the south (side) elevation of the dwellinghouse.

2.3 The applicant proposes to render the garage to match the dwellinghouse with the submitted plans showing a flat roof. A 1100 mm high timber balustrade is shown attached to the fascia boards, forming a roof terrace. A door opening is shown from the first floor, accessing the terrace. The applicant has been advised that this arrangement would not be considered appropriate in terms of visual and residential amenity, particularly given the prominent nature of the site. The applicant was requested to remove the roof terrace from the description of the application and from the plans and show the garage with a pitched roof. The applicant subsequently removed the reference to the roof terrace from the description of the application, however, the submitted plans, still show the garage incorporating a roof terrace and a flat roof. The applicant has been advised of this on several occasions, however, no further communication has been received. The Planning Authority has therefore not been provided with details of an appropriate alternative roofing treatment.

3. CONSULTATIONS AND ISSUES RAISED

3.1 West of Scotland Water (Scottish Water) has advised that the proposal would involve building over a public sewer. Prior to the commencement of any work on site the Authority has advised that the developer should contact West of Scotland Water to discuss whether protection or diversion is required.

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

3.2 Fenwick 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 submitted.

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 (1999) and the Adopted Stewarton Local Plan (1987).

5.2 Building Design Guidance is applied through Policy 4.8.4 of the Adopted Local Plan. For house extensions this requires the use of pitched roofs except in inconspicuous locations. This is considered to be a conspicuous location where a pitched roof should be provided in the interests of visual amenity. The application is therefore contrary to 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 for Householder Development 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), EALP, should be considered as a prime material consideration.

East Ayrshire Local Plan (Finalised Version with Modifications)

6.3 Policy ENV 7 of the EALP is of relevance and 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 particular 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 be contrary to the provisions of the Design Guidance and as such, would be contrary to the provisions of Policy ENV 7 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 3(b) of the Guidance provides that the materials and colours used in the construction of extensions should match the finish of the existing dwellinghouse. Section 3(d) of the Guidance states that extensions to residential properties should incorporate double pitched or hipped roofs in situations open to general view.

Notwithstanding the applicant's proposal to render the external walls of the garage to match those of the dwellinghouse, the submitted details continue to show the use of a wooden balustrade at odds with the materials and finish of the existing dwelling. The roof of the garage is also proposed to be flat. It is therefore considered that the proposal does not comply with the provisions of the Council's Design Guidance.

Consultation Replies

6.5 The consultation reply from West of Scotland Water (Scottish Water) does not 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 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 Sections 25 and 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 other material considerations and these add weight to the view that the proposal is unacceptable because the garage is contrary to Policy ENV 7 of the EALP.

8.2 The proposal also requires to be determined with regard to East Ayrshire Council's Design Guidance for Householder Development. As is noted in the report the proposal is contrary to the provisions set out in 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

23 March 2002
(DS/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Replies.
4. Adopted Stewarton Local Plan.
5. East Ayrshire Local Plan (Finalised Version with Modifications)
6. East Ayrshire Council's Design Guidance for Listed Buildings and Buildings within Conservation Areas.
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

010731FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0731/FL

Site of Proposal: 2 Dunlop Street
FENWICK

Nature of Proposal: Proposed Extension to Form Garage

Name & Address of Applicant: Mr David Kilpatrick
2 Dunlop Street
FENWICK
Kilmarnock KA3 6EF

Name & Address of Agent:

DPOs Reference: DS/MMM

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

1. The proposal is contrary to the provisions of Policy ENV 7 of the East Ayrshire Local Plan (Finalised Version with Modifications) as it fails to comply with the provision of the East Ayrshire Council Design Guidance for Householder Development.
2. The proposal is contrary to Sections 3(b) and 3(d) of the Council's Design Guidance for Householder Development as it proposes a flat roofed extension to a building on a prominent site which is not finished wholly in materials which match those of the dwellinghouse. Whilst incorporating a timber balustrade and roof terrace the proposal would therefore be detrimental to the established character and appearance of the area.
3. The proposal is contrary to Policy 4.8.4 of the Adopted Stewarton Local Plan in that it does not incorporate a pitched roof despite being located in a conspicuous position exposed to general public view.

**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