

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 03 MAY 2002

**02/0036/FL: PROPOSED ERECTION OF CONSERVATORY,
TIMBER GARAGE AND SHED
AT 73 GATESIDE ROAD, GALSTON
BY MR & MRS THOMPSON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 **Proposed Development:** Full planning permission is sought for the erection of a single storey conservatory to the rear of the flat. The proposed conservatory has a separating fire wall between it and the neighbouring property to the north of the application site. The extension is proposed to measure 3.5 metres by 3 metres in floor area with the boundary wall being approximately 3.7 metres in height by 3.6 metres in length.

1.2 The proposal includes the erection of a flat roofed timber hut 2.5 metres by 2 metres by 2.2 metres high located 1.2 metres from the rear of the flat and 0.3 metres away from the southern boundary.

1.3 The proposal also includes the erection of a pitched roof garage at the western end of the garden fronting onto the disused railway line. The garage is 4.9 metres by 2 metres by 2.1 metres high and is of timber construction.

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 at para 5.2 of the report, the application is considered to be in accordance with 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 approved unless material considerations indicate otherwise. As is indicated at para 6.1 of the report, there are material considerations relevant to this application, however, it is considered that these are generally supportive of the application.

3.2 It is considered that the objection relating to the size of the extension is not of weight sufficient to merit refusal of the application due to the extension complying with East Ayrshire Council's Design Guide. As indicated the quality of workmanship and effect on services will be addressed as part of the Building Control process. The objections either do not justify a refusal or are not relevant planning considerations.

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 will not require to be referred to the Development Services Committee as it would not be a significant breach of 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 is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises of a downstairs residential flatted property in a block of four. The garden area is L-shaped in nature and terminates adjacent to the redundant Galston to Hurlford railway line. The garden area is bounded on both sides by other gardens with separating fences of approximately 1.8 metres high. A large number of the gardens in the immediate vicinity have huts and garages and various other outbuildings.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a single storey conservatory to the rear of the flat. The proposed conservatory has a separating fire wall between it and the neighbouring property to the north of the application site. The extension is proposed to measure 3.5 metres by 3 metres in floor area with the boundary wall being approximately 3.7 metres in height by 3.6 metres in length.

2.3 The proposal includes the erection of a flat roofed timber hut 2.5 metres by 2 metres by 2.2 metres high located 1.2 metres from the rear of the flat and 0.3 metres away from the southern boundary.

2.4 The proposal also includes the erection of a pitched roof garage at the western end of the garden fronting onto the disused railway line. The garage is 4.9 metres by 2 metres by 2.1 metres high and is of timber construction.

3. CONSULTATIONS AND ISSUES RAISED

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

Noted.

3.2 The West of Scotland Water Authority (Scottish Water) have indicated that the existing downstream combined sewer overflow has been classified as unsatisfactory and preliminary investigations suggest that upgrading of the sewerage system will be outwith reasonable cost. In addition the increase in surcharging caused by the proposed development will also be unacceptable. As such the developer will not be allowed to connect the roof water from the development into the existing combined system and as such a soakaway or similar system of water dispersal should be utilised.

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

3.3 The Scottish Environment Protection Agency has no objection to the proposal.

Noted.

3.4 Galston Community Council has not responded to the consultation letter at the time of writing.

Noted.

3.5 The Coal Authority has no objections to the proposal.

Noted.

4. REPRESENTATIONS

Two letters of objection, one of which has two signatories have been received in relation to this application.

4.1 There are several grounds of objection relating to the quality of past workmanship, likely damage to gas pipe serving a kitchen and loss of view from a window.

Concern is expressed also about interference with air circulating to a gas boiler vent and the need to re-route mains gas supply in the event of the development proceeding.

Whilst all of the above will be of concern to the objectors, these specific points are not valid planning considerations and should be disregarded in the determination of this application.

4.2 Objections have also been submitted which are relevant to the determination of the application as follows:-

- (a) The proposal will block out a lot of sunlight from an adjacent kitchen.
- (b) The proposed conservatory is a monstrosity.

The size of the proposed extension is of reasonable length in relation to the size of property; it extends some 3.59 metres from the rear of the property. In addition, it should be noted that the boundary between the properties is not at right angles to the building and therefore the conservatory wall is set at an angle approximately of 115° in relation to the rear wall of the building rather than 90°. Taking the length of the conservatory and its angling away from the neighbouring property, the impact of the structure is not considered to be sufficient to merit an unfavourable recommendation. The quality or method of the construction work undertaken by the applicant as a result of the granting of planning permission is not a planning matter and will be addressed through the Building Warrant process.

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 Joint Ayrshire Structure Plan and the Ayr County Development Plan 1953.

5.2 The Ayr County Development Plan identifies the development site as being in residential use. The proposed development is therefore in accordance with the development plan. The aforementioned plan is however significantly out of date and it is therefore considered that the application should be determined against the policies of the East Ayrshire Local Plan (Finalised Version with Modifications).

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

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

6.2 The Adopted Local Plan is considerably out of date and it is therefore 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 Finalised Version with Modifications

6.3 Policy ENV 7 expects developers to fully comply with the Council's existing and emerging Design Guidance.

Noted, see paragraph 6.4.

Design Guidance

6.4 The East Ayrshire Council Design Guidance for Householder Development (April 2001) is of relevance in the determination of the application as follows:-

- Extensions shall be sited and designed to minimise any overlooking of neighbouring properties and to ensure maximum provision of privacy and daylighting.
- The materials and colours used in the construction of extensions should match the finish of the existing dwellinghouse.

It is considered that the proposal meets the terms of the Council's Design Guidance.

Consultation Replies

6.5 The consultation replies indicate that approval of the application would be appropriate.

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 para 5.2 of the report, the application is considered to be in accordance with 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 approved unless material considerations indicate otherwise. As is indicated at para 6.1 of the report, there are material considerations relevant to this application, however, it is considered that these are generally supportive of the application.

8.2 It is considered that the objection relating to the size of the extension is not of weight sufficient to merit refusal of the application due to the extension complying with East Ayrshire Council's Design Guide. As indicated the quality of workmanship and

effect on services will be addressed as part of the Building Control process. The objections either do not justify a refusal or are not relevant planning considerations.

9. RECOMMENDATION

9.1 It is recommended 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 will not require to be referred to the Development Services Committee as it would not be a significant breach of policy.

Alan Neish
Head of Planning and Building Control

23 April 2002
(CSI/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of Objection.
5. East Ayrshire Council Design Guidance (2001).
6. Ayr County Development Plan.
7. East Ayrshire Council Local Plan (Finalised Version with Modifications).
8. Approved Strathclyde Structure Plan.
9. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Craig Iles on 01563 576770.

Implementation Officer: Dave Morris

020036FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0036/FL

Site of Proposal: 73 Gateside Road
GALSTON

Nature of Proposal: Proposed Erection of Conservatory, Timber
Garage and Shed

Name & Address of Applicant: Mr & Mrs Thompson
73 Gateside Road
GALSTON KA4 8EQ

Name & Address of Agent:

DPOs Reference: CSI/MMM

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

1. The garage shall be used for the storage and repair of motor vehicles belonging to the owner or occupier of the premises only, and shall not be used for any other commercial or industrial purpose.

REASON To safeguard the residential amenity of the area.

2. The garage and hut hereby approved shall be maintained in a neat and tidy condition.

REASON In the interests of visual amenity and to preserve the visual quality of the area.

3. Roof water from the proposed development shall not be connected into the existing combined sewerage system and consequently a soakaway or similar system of water dispersal shall be utilised.

REASON The existing downstream combined sewer overflow has been classified as unsatisfactory and any increase in surcharging caused by the development would be unacceptable.

**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