

**EAST AYRSHIRE COUNCIL**

**NORTHERN LOCAL PLANNING COMMITTEE: 24 NOVEMBER 2000**

**00/0622/LB & 00/0676/FL: PROPOSED BOUNDARY FENCE  
AT SANDGATE, 4 BREWLAND STREET, GALSTON  
BY MR A S CROWE-CHRISTIE**

**EXECUTIVE SUMMARY SHEETS**

**1. DEVELOPMENT DESCRIPTION**

1.1 The development comprises of an interwoven fence (five feet in height) which forms an enclosure to the rear of the property. The fence extends approximately 1.8 metres out from the rear wall of the property and lies the full length of the rear of the property approximately 7.5 metres. Access to the enclosure is taken directly from french doors at the rear of the flat and from the communal path at the rear of the property.

**2. RECOMMENDATION**

2.1 The applications should be approved subject to the conditions indicated on the enclosed sheet.

**3. SUMMARY OF ANALYSIS**

3.1 The proposed development is consistent with the policies of the East Ayrshire Local Plan Finalised Version. In terms of impact, the fence will not have an adverse impact on the amenity of the adjacent properties in terms of amenity.

**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 retrospective planning application and listed building application which is to be considered by the Local Planning Committee under the scheme of delegation as they have been subject to objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises the garden ground of the eastern most flat at 4 Brewland Street, Galston. The flat is part of the former co-operative building at 4-12 Brewland Street which has been converted to flats.

2.2 The building is a Category 'B' Listed Building. The listing whilst describing the front façade in great detail does not describe the rear of the building.

2.3 **Proposed Development:** The development comprises of an interwoven fence (five feet in height) which forms an enclosure to the rear of the property. The fence extends approximately 1.8 metres out from the rear wall of the property and lies the full length of the rear of the property approximately 7.5 metres. Access to the enclosure is taken directly from french doors at the rear of the flat and from the communal path at the rear of the property.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Historic Scotland have no comments to make on the proposals.

***Noted.***

3.2 The Architectural Heritage Society of Scotland have no comments to make on the application.

3.3 The Environmental Health and Waste Management Division has no comments to make an objections to the application.

3.4 Galston Community Council have not responded at the time of writing.

#### 4. REPRESENTATIONS

Two letters of objection have been received to the proposed development. The grounds of objection are as follows:-

4.1 The fence was erected 3 years ago without planning consent or neighbour notification to the residents of the building.

***Following a letter of objection to the fence (received on 4 July 2000) the owner was advised by the Council's Enforcement Officer that Planning Permission and Listed Building Consent was required. This has resulted in the submission of the current application.***

4.2 Complaints due to repositioning of boundary fence – fence now on wrong boundary line.

***This is a legal issue and as such is outwith the remit of this Division.***

4.3 The position of the fence makes the rest of the building and path walkways look out of parallel (they have run the fence at parallel with the other boundary wall instead of parallel with stair wall).

***The fence runs parallel with the existing path and is considered satisfactory in its current location.***

4.4 The colour the fence has been painted is totally out of character with the rest of the building and is two toned in colour.

***It is considered that fence would be more in keeping with the existing building and surroundings if it was stained brown. This can be conditioned into the application if granted consent.***

4.5 The low amenity area is supposed to be open plan but this fence is the first thing seen from the stairs and spoils the building. The fence spoils the look of the back garden area and building

***. It is not considered that the fence is detrimental to the back garden area of the building in terms of visual amenity and it is considered to comply with the relevant policies of the relevant local plan. (See Section 5)***

4.6 There is a white shower screen fixed between the wall and the shed to act as a shelter for timber and plants.

***This is a matter which is not relevant to the present proposal under consideration.***

4.7 A garden shed has been erected with no permission or notification to residents.

***This is a matter which is not relevant to the present proposal under consideration.***

4.8 A tumble dryer has been installed in the shed, the power supply is running out through the window and along the chips. This tumble dryer is used for commercial use as Mrs Crowe runs a hairdressers shop and she uses this to dry towels outside work hours. The tumble dryer can be heard running at all hours of the day and night and also at weekends causing a noise disturbance.

***The fact that there is a tumble dryer in the shed is not a planning matter. The use of the tumble dryer for drying towels used in conjunction with Mrs Crowe's business is not relevant to the current application and it is not considered that planning consent is required as a material change has not taken place. The noise generated by the tumble dryer is not a planning matter and has been referred to the appropriate Division.***

4.9 The deeds state that no fence or sheds are to be erected.

***This is a legal matter and as such is outwith the control of this Division.***

4.10 The deeds state that the ground floor flat's garden areas have to be kept clean and tidy.

***This is a legal matter and as such is outwith the control of this Division.***

4.11 A black cable (co-ax) runs up the outside wall, round side of the building and along the front, in doing this he bored a hole from the inside out and burst the sandstone outside, defacing the building.

***This is a matter which is not relevant to the present proposal under consideration.***

4.12 The black wrought iron handrail also painted green does not match the other handrails on ground floor.

***This is a matter which is not relevant to the present proposal under consideration.***

4.13 If on removal of fence could it be stated that the concrete to hold the posts (that are in our garden) be taken out and removed as well. No neighbour notification has been received by other residents who feel exactly the same.

***The applicant has stated on their application form that he is the owner of the land in question. As such the position of the posts are a legal matter and are outwith the control of this Division. The application form also states that the neighbours have been notified (the onus is on the applicant to carry out the neighbour notification correctly).***

4.14 The fence looks unsafe, as if it is about to fall down.

***It is considered that the fence is in good condition and as such this is a matter which is not relevant to the present proposal under condition.***

## **5. DEVELOPMENT PLAN STATUS**

5.1 It is the policy contained in the East Ayrshire Local Plan (Finalised Version) which has been agreed for determination purposes by the Council and to which greatest weight should be attached.

“The Council will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a Listed Building, is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Wherever possible, all proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.”

It is considered that the proposed fence will not have an adverse impact on the design and character of the listed building or the character of the Galston Outstanding Conservation Area.

## **6. PLANNING HISTORY**

6.1 Planning and Listed Building Consent was approved on 26 June 1996 for the proposed conversion of shops/offices/hall to 14 No Flats at 4-12 Brewland Street, Galston.

## **7. OTHER PLANNING CONSIDERATIONS**

7.1 There are no other planning considerations.

## **8. FINANCIAL AND LEGAL IMPLICATIONS**

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

## **9. CONCLUSIONS**

9.1 The proposed development is consistent with the policies of the East Ayrshire Local Plan Finalised Version. In terms of impact, the fence will not have an adverse impact on the amenity of the adjacent properties in terms of amenity.

## **10. RECOMMENDATION**

10.1 The applications should be approved subject to the conditions indicated on the enclosed sheet.

**Alan Neish**  
**Head of Planning and Building Control**

## **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of objection.
5. East Ayrshire Local Plan Finalised Version.
6. Previous Applications: 96/0084/LB and 96/0085/FL.

Anyone wishing to inspect the above papers should contact Stuart McAdam on 01563 576639.

**Implementation Officer: Alan Neish**

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0622/LB

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Site of Proposal	Sandgate 4 Brewland Street GALSTON KA4 8AQ
Nature of Proposal	Proposed Boundary Fence
Name & Address of Applicant	Mr A S Crowe-Christie Sandgate 4 Brewland Street GALSTON KA4 8AQ

Name & Address of Agent

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DPO's Reference YM/MS

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

1. Notwithstanding the submitted plans and application forms, the colour of the paint on the fence is not hereby approved. Details of alternative paint and colour shall be submitted to and approved by the Planning Authority within one month of this permission and the fence shall be completely painted within three months of the approval of such details.

REASON In the interest of visual amenity.

**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**