

## **EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 26 OCTOBER 2001**

**01/0274/FL: EXTENSION TO DWELLINGHOUSE AT 2 MACKIE AVENUE,  
STEWARTON BY MR W BROWN**

### **EXECUTIVE SUMMARY SHEET**

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

1.1 It is proposed to alter and extend the garage wing to form an additional bedroom above the garage and to convert the existing bedroom to a dressing room.

To facilitate the proposal a dormer feature is proposed on the side elevation of the wing which is 4.5m wide and breaks the roof line of the garage wing by approximately 600mm. The gable above the garage door will be altered to provide a single window. This is in lieu of a french door arrangement and balcony which have been deleted from the proposal. The installation of the window in the gable does not in itself required the benefit of planning permission.

#### **2. RECOMMENDATION**

2.1 It is recommended that the application be refused for the reasons indicated on the attached sheet

#### **3. SUMMARY OF ANALYSIS**

3.1 As is indicated at paragraph 5.1 of the report, the proposal is considered to be contrary to the Development Plan. Therefore given the terms of Section 25 and Section 37(2) of the 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 material considerations relevant to this application, primarily the detrimental impact on the amenity of the adjacent property and the visual amenity of the locale itself which add weight to the presumption in favour of the Development Plan.

**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.**

## EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 26 OCTOBER 2001

01/0274/FL: PROPOSED EXTENSION TO HOUSE TO FORM BEDROOM AT  
2 MACKIE AVENUE, STEWARTON BY MR W BROWN

### 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 detailed application which is to be considered by the Local Planning Committee under the scheme of delegation because it is subject to an objection and is recommended for refusal.

#### 2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a detached bungalow on the north side of Mackie Avenue. The house is in an elevated position in an L shaped configuration with a single storey wing extending forward from the main body of the house towards the road. This wing currently comprises a bedroom and garage and is constructed in a fashion to accommodate the slope in the site, the result being that the floor level of the garage is 1.2m lower than the level of the remainder of the house.

Adjacent properties to the application site are residential and of varying design predominantly single storey in character.

2.2 **Proposed Development:** It is proposed to alter and extend the garage wing to form an additional bedroom above the garage and to convert the existing bedroom to a dressing room.

To facilitate the proposal a dormer feature is proposed on the side elevation of the wing which is 4.5m wide and breaks the roof line of the garage wing by approximately 600mm. The gable above the garage door will be altered to provide a single window. This is in lieu of a french door arrangement and balcony which have been deleted from the proposal. The installation of the window in the gable does not in itself required the benefit of planning permission.

#### 3. CONSULTATIONS AND ISSUES RAISED

3.1 West of Scotland Water have raised no objection to the proposal.

***Noted.***

3.2 The Stewarton and District Community Council have not responded at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

Two letters of objection have been submitted in respect of this application from the occupier of the house to the immediate east of the application site. The grounds of objection are as follows:

4.1 The provision of the balcony will result in an overlooking problem directly into habitable rooms and consequently impair the enjoyment of these rooms, and will reduce the value of my property.

***Noted. It was considered that there was justification in these comments, with the exception of property value which is not a material planning consideration. The matter was taken up formally with the applicant who has responded by deleting the balcony.***

4.2 These grounds of objection related directly to the issue of the balcony but at the time of writing this report had not been withdrawn.

4.3 In addition to this aspect the applicant did submit information confirming the rationale behind the entire proposal including why the balcony was required. The balcony has now been deleted but the other dormer element of the proposal has been retained.

4.4 The applicant submits that the height and proportions of the dormer are not particularly intrusive and that the roof and window detailing compliment the existing fenestration.

#### **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 Adopted Stewarton Local Plan which was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan the proposal would fall to be considered against Policy 4.8.1 which prescribes General Design Control for residential development, in particular the following criteria.

“Building Form

(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/or incompatibility of materials; and
  - (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 “

***It is considered that the proposal, by nature of its scale and design, is not compatible with the above criteria in respect of the dormer extension being an over dominant feature, breaking the ridgeline of the wing of the house to the detriment of the architectural quality of the existing dwellinghouse.***

“Dormer Extensions

- (1) Dormers shall be of a scale and design appropriate to the building upon which they are proposed, and shall collectively occupy no more than 25% of the roof plane on which the dormer is proposed except in the following circumstances:
- (a) Larger dormers may be allowed in exceptional circumstances at the discretion of the District Planning Authority.
  - (b) On inconspicuous elevations dormers may be allowed up to a maximum of 50% of the roof plane on which the dormer is proposed.”

***As is noted above it is considered that the dormer extension on the west side of the garage wing is, by reason of scale and design an insensitive and over-dominant addition, inappropriate to the form and design of the existing house. It has a consequent detrimental impact on the streetscape.***

***The applicant has been advised of the Council’s view and suggested amendments on the proposal and, as mentioned above in para 4.3 responded by confirming the reasoning behind the proposal deleted the balcony from the proposal. Although he has removed the balcony from the submission, the formation of a dormer breaking the ridge line remains unacceptable in visual terms and contrary to the Adopted 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), representations and impact on the amenity of the area.

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

As stated, the Adopted Plan is considerably out of date, and therefore it is considered appropriate that greater weight be attached to more recent expressions

of policy. The Council has agreed that the East Ayrshire Local Plan Finalised Version with Modifications (EALP) and Design Guide should be considered a prime material consideration.

Policy ENV 7 of the East Ayrshire Local Plan prescribes that all developers should comply with the Council's Design Guidance and policy documents relating to and advising on the particular type of development. Developments which do not meet the required design standard details will require to be justified and may not be supported by this Council.

***The relevant section of the Council's Design Guidance is detailed below but it is considered that the dormer extension as proposed is contrary to the terms of this policy.***

The design guide prescribes the following in respect of dormer extensions.

- “(a) Dormers shall be of a scale and design appropriate to the building on which they are proposed and, in all cases, the design and positioning of the windows shall reflect the position, character and proportion of other windows in the same façade. Dormer window extensions shall also take account of the design of other dormers existing on the building and of existing dormers on adjoining properties.
- (b) Side and, if appropriate, front panels should be finished externally in the same materials and colours as the roof covering of the existing house.
- (c) Dormers should, collectively, occupy no more than 25% of the area of the roof plane on which they are proposed in situations exposed to general view and no more than 50% in less prominent locations.
- (d) Dormers shall be set a minimum of 0.5 metres away from gables, hips and down from the ridge in order that the roofline remains unaltered. Under no circumstances shall dormers rise above the ridge of the roof.
- (e) Single and continuous box dormer (i.e. two or more rooms linked) will not be permitted in situations exposed to public view, other than in non sensitive areas where such dormers are already prevalent.”

***The proposed extension is approximately 4m long on a section of roof which extends 9m from the main house and breaches the ridge line of the wing by 600mm. Accordingly, it is considered that the proposal is contrary to items (a), (c) and (d) above due to its scale and height on this prominent part of the house. Consequently the application should be refused.***

6.3 Representations The letters of objection submitted in respect of the application are such that they did raise valid concerns in respect of the initial application, certain of which have been addressed by the deletion of the balcony. However, there is an additional consideration of overlooking into side aspecting rooms of their house at a distance of approximately 8m (25ft.). It is considered that the angle of view and the distance involved is such that this concern is unjustified.

6.4 Impact on Amenity of House/Area The existing house is, in its main body, a low profile bungalow with an ancillary wing coming forward of the main body which includes the garage. Due to the prominent position of the site, the garage wing has a visually dominant position. The proposal presents an overlarge alteration and dominant feature of the house to the detriment of that house. Equally it is considered that the proposal would have a similarly disruptive impact on the immediate streetscape.

## **7. FINANCIAL OR LEGAL IMPLICATIONS**

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

## **8. CONCLUSION**

8.1 As is indicated at paragraph 5.1 above the proposal is considered to be contrary to the Development Plan. Therefore given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application, primarily the detrimental impact on the amenity of the adjacent property and the visual amenity of the locale itself which add weight to the presumption in favour of the Development Plan.

## **9. RECOMMENDATION**

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

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

10 October 2001  
(IW/MS/IMB/SA)  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Letters of Objection.
4. Correspondence from applicant.
5. Adopted Stewarton Local Plan.
6. East Ayrshire Local Plan/Finalised Version with Modifications.
7. NPPG1: The Planning System.

8. Approved Joint Ayrshire Structure Plan.
9. Approved Strathclyde Structure Plan.

Anyone wishing to inspect the above papers please contact Ian Walker on (01563) 576769.

***Implementation Officer: Dave Morris***

Form TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 01/0274/FL

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Location: 2 Mackie Avenue  
STEWARTON

Nature of Proposal: Proposed Extension to House to Form Bedroom.

Name & Address of Applicant: Mr William Brown  
2 Mackie Avenue  
STEWARTON  
Kilmarnock KA3 5HE

Name & Address of Agent:

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DPO's Ref: Ian Walker  
PPO's Ref: ( )

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

1. The proposed development would by reason of its scale, design and projection above the ridgeline have a detrimental affect on the architectural quality of the existing dwellinghouse and the visual amenity of the surrounding area.
2. The proposed development would be contrary to Policy 4.8.1 of the Adopted Stewarton Local Plan, Policy ENV 7 of the East Ayrshire Council Local Plan Finalised Version with Modifications and the East Ayrshire Council Design Guidance, by reason of its scale, height and projection above the ridgeline.

**AGENDA**