

**EAST AYRSHIRE COUNCIL**

**SPECIAL NORTHERN AREA LOCAL PLANNING COMMITTEE: 14 AUGUST  
2003**

**03/0177/FL: PROPOSED ERECTION OF FENCE  
AT 22 INCHMURRIN DRIVE, KILMARNOCK  
BY MR MATTHEW GRANT**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning consent is sought to erect a 1.8 metre high timber fence from the front entrance door along the north-western boundary adjacent to the pavement at Eriskay Place and along the runway to the front of the garage which is sited at the rear of the garden. The proposed fence is to be angled at the front of the runway into the garage to meet sightline requirements. The proposed fence is of a closely boarded design.

**2. RECOMMENDATION**

2.1 **The application should be refused for the reasons indicated on the enclosed sheet.**

**3. CONCLUSIONS**

3.1 As indicated at Section 5 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.

3.2 As indicated in Section 6 of the report there are material considerations relevant to this application and they are not supportive of the proposal. The concerns of the objectors are material in the determination of this application. The proposed fence by reason of its siting, height and design would be an incongruous feature in the streetscape and thereby being detrimental to the visual amenity of the area.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as there would be a significant breach of 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 because it is the subject of objections and recommended for refusal.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is 2-storey semi-detached dwellinghouse and its curtilage. The dwellinghouse occupies a corner plot sited at the junction between Inchmurrin Drive and Eriskay Place. The front entrance door to the dwellinghouse is off Eriskay Place.

2.2 **Proposed Development:** Full planning consent is sought to erect a 1.8 metre high timber fence from the front entrance door along the north-western boundary adjacent to the pavement at Eriskay Place and along the runway to the front of the garage which is sited at the rear of the garden. The proposed fence is to be angled at the front of the runway into the garage to meet sightline requirements. The proposed fence is of a closely boarded design.

**3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council Roads and Transportation Division have no adverse comments to make regarding the proposed development.

***Noted.***

3.2 Southcraigs Community Council have not responded to their consultation letter at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

There are 4 objectors to the proposed development and their grounds of objection are as follows:-

4.1 The height of the fence would be detrimental to the surrounding properties and the area of Eriskay Place and Iona Place. It would obstruct and change the outlook of adjacent houses and presents on unattractive approach to the cul-de-sac.

***It is considered that the siting and height of the proposed fence would detrimentally affect the appearance of the street as a whole. The proposed fence would present an incongruous feature at the entrance to the cul-de-sac.***

4.2 The adjacent house is enhanced by the 'open plan' approach and would obstruct a visitor's view on approach.

***The proposed fence by its siting and height would be out of place with the surrounding area.***

4.3 All fences more than 1 metre in height should be constructed in alignment of houses. Previous occupants of 22 Inchmurrin Drive had an interwoven fence which was in alignment between the house and garage.

***There have been discussions with the applicant regarding re-siting the proposed fence more towards the rear of the property whereby it would be more acceptable in terms of height and siting. The applicant is not prepared to amend the present application under consideration.***

4.4 The proposed fence would be hazardous for pedestrians as the driver of any vehicle emerging from the driveway next to the fence whether forward or reverse would have restricted visibility. This would also apply to 2 Eriskay Place.

***The Roads Division has no objections to the proposed development. The proposed fence has been angled at the driveway in order to avoid any restriction on visibility.***

4.5 If this proposal is granted, other homeowners in Wardneuk may follow and it could become a barricaded estate not the 'open plan' estate built by Wimpey.

***Noted.***

## **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 East Ayrshire Local Plan (EALP).

5.2 There are no policies specifically relevant to this proposal with the EALP although the requirement in ENV 7 to have regard to the Council's Design Guidance highlights the Council's general concern that domestic works are in keeping with the existing house and do not impact adversely on neighbouring properties. It is considered that the proposed fence is out of keeping with the surrounding residential area and therefore the proposed development is not consistent with the Design Guidance.

## **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant in the determination of this application are the consultation responses and the representations received which are detailed in Sections 3 and 4 of the report.

### Consultation Responses and Letters of Representation

6.2 It is not considered that the consultation response raises any issues that would warrant refusal of this application. The letters of objection have been addressed in Section 4 of this report and many of their concerns are material in terms of the appropriateness of the development. Primarily these are the effect of the proposal on the character of the established residential area and the proposed fence by its siting and height being an incongruous feature within the residential area.

## **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 indicated at Section 5 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.

8.2 As indicated in Section 6 of the report there are material considerations relevant to this application and they are not supportive of the proposal. The concerns of the objectors are material in the determination of this application. The proposed fence by reason of its siting, height and design would be an incongruous feature in the streetscape and thereby being detrimental to the visual amenity of the area.

## **9. RECOMMENDATION**

**9.1 The application should be refused for the reasons indicated on the enclosed sheet.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as there would be a significant breach of Council policy.

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

01 August 2003  
(PC/MMM)

FV/AN

## **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Certificates/Notices.
3. Consultation Responses.
4. Letters of Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.

Anyone wishing to inspect the above papers please contact Pamela Clifford on 01563 576772.

***Implementation Officer: Dave Morris***

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0177/FL

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Site of Proposal: 22 Inchmurrin Drive  
KILMARNOCK  
KA3 2JD

Nature of Proposal: Proposed Erection of Fence

Name & Address of Applicant: Mr Matthew Grant  
22 Inchmurrin Drive  
KILMARNOCK  
KA3 2JD

Name & Address of Agent:

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DPOs Reference: PC/MMM

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

1. The proposed fence does not accord with Policy ENV7 of the Adopted East Ayrshire Local Plan as it fails to comply with the Council's Approved Design Guidance. The proposed fence would detract from the visual amenity of the dwellinghouse to which it relates and the surrounding residential area by reason of its siting and height.
2. The proposed fence would set an unacceptable precedent by reason of its siting and height for similar fences in the area which would have a detrimental effect on the established visual amenity of the area.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
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