

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 31 AUGUST 2001

**00/0465/FL: PROPOSED ERECTION OF SINGLE STOREY DWELLINGHOUSE AT
12 MAIN STREET KILMAURS BY MRS J F LEGGAT**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a single storey, 2 bedroom dwellinghouse on the site. The applicant proposes to externally finish the dwellinghouse with wet dash render and grey concrete tiles. The applicant also proposes white UPVC casement windows. Two in curtilage car parking spaces are proposed and the access to the site would remain to be taken via the private access road from Main Street.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.2 of the report, the application is considered to accord with the development plan. Therefore, given the terms of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at paragraphs 6.1 to 6.6 of the report there are material considerations relevant to the determination of the application. In this regard, the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications) also generally presume in favour of the application.

3.2 It is considered that the objections from the Architectural Heritage Society of Scotland in respect of the appearance and orientation of the proposed dwelling have been addressed through the submission of amended plans. The objections from the Society in respect of the width of the access road have not been substantiated by the Roads and Transportation Division.

3.3 Other than the response from the Architectural Heritage Society of Scotland, no further adverse consultation replies have been received and no further representations have been received in respect of the application.

3.4 It is considered that should the application be approved the proposed dwelling can be designed such that the external appearance will be in keeping with the location within the Conservation Area.

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 proposed development is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site measure 385 sq.m in area and lies to the rear of Kilmaurs Post Office, number 12 Main Street and a local authority special needs housing complex. Further residential properties lie to the north and south of the site, whilst tennis courts lie to the west. The site is generally level and presently forms part of the garden ground associated with number 12 Main Street. It is accessed from Main Street via a private single-track access road, adjacent to the Post Office and lies in the Kilmaurs Conservation Area.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a single storey, 2 bedroom dwellinghouse on the site. The applicant proposes to externally finish the dwellinghouse with wet dash render and grey concrete tiles. The applicant also proposes white UPVC casement windows. Two in curtilage car parking spaces are proposed and the access to the site would remain to be taken via the private access road from Main Street.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal provided vehicles can be driven into and out from the site in a forward gear.

Should the application be approved, a condition in respect of the above, can be included in the planning permission.

3.2 West of Scotland Water Authority has no objection to the proposal, provided its operational requirements are met regarding connection to the public sewerage system and adjacent public water main.

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

3.3 Transco has no objection to the proposal, provided its plant is safeguarded during the construction phase.

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

3.4 The Coal Authority has no objection to the proposal.

Noted.

3.5 The Architectural Heritage Society of Scotland has objected to the application on the following grounds:

- The proposed orientation of the house would present an unattractive, harled, blank gable end to Main Street

The proposed dwelling has since been rotated 90° within the plot such that the front elevation would face southward. Consequently, the dwelling would be less visible when viewed from Main Street.

- The proposed materials are “standard suburban “

The applicant has indicated the use of wet dash render and grey concrete tiles. Whilst the render may be acceptable, the use of grey tiles is not, given the location of the dwellinghouse. It is therefore considered that, should the application be approved, a condition be included on the planning permission requiring the use of natural slate.

- The house is proposed to be erected on a visible site on a traditional long rigg.

Given the re-orientation of the dwellinghouse on the site, the proposal would not be particularly visible when viewed from Main Street. Furthermore, given the pattern of development in the immediate vicinity of the site the reference to a “long rigg” is considered to be less relevant than might be the case elsewhere in the village where that development form remains an important feature.

- The proposed dwelling would appear to have less than the minimum 100 sq.m. of private garden space

The area of garden ground associated with the proposed dwellinghouse (excluding the in-curtilage car parking and the turning area) equates to approximately 140 square metres. Should the application be approved, a condition can be included on the planning permission requiring the

erection of appropriate screen fencing in order to provide adequate secluded garden ground.

- The access road to the site is very narrow.

This objection has not been substantiated by the Roads and Transportation Division.

3.6 The West of Scotland Archaeology Society has stated that valuable archaeological information may lie beneath the site. In that regard, it was suggested that an archaeological condition be included on the planning permission.

Such a condition could be attached to any consent.

3.7 Kilmaurs Community Council had not responded at the time of writing this report.

Noted.

3.8 The Department of Education and Social Services has no objection to the proposal but asks that the developers be vigilant in terms of site security during the development works to ensure the safety and security of children at the neighbouring primary school.

A note to the applicants can be provided to that effect.

4. REPRESENTATIONS

4.1 Other than the objection received from the Architectural Heritage Society of Scotland, no further representations have been received in respect of the application.

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 Kilmarnock Local Plan 1986. The Adopted Local Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application falls to be determined with regard to Policy 4.1.5 which permits housing development to a maximum of 10 dwellings on sites within Kilmaurs.

It is considered that the proposed development is consistent with the provisions of 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) and the objection 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) should be considered as a prime material consideration.

6.3 The application site lies within the Kilmaurs Conservation Area as defined in the East Ayrshire Local Plan (Finalised Version with Modifications). The application therefore requires to be determined with regard to Policy ENV 4 of the East Ayrshire Local Plan (Finalised Version with Modifications). Policy ENV 4 states:

“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. Whenever 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.”

As noted above, the applicant has indicated that the use of white painted wet dash render and grey concrete roofing tiles are proposed as well as white UVPC windows. Whilst the use of the render is acceptable, concrete roofing tiles are not. As it stands at present, the proposal is contrary to the provisions of Policy ENV4. It is therefore considered that for the application to be approved, conditions should be included on the planning permission requiring the use of natural slate and that the appearance of the windows replicate the appearance and construction of sash and case windows. It is considered that this is further justified given that adjacent properties are roofed in natural slate.

6.4 The application also requires to be considered with regard to Policy RES 5 of the East Ayrshire Local Plan (Finalised Version with Modifications). Policy RES 5 states:

“Within Settlement Boundaries, the Council will be supportive of the sub-division of existing house curtilages for the development of dwellinghouses subject to the following criteria being met:

- (i) The proposal is fully in keeping with the existing residential character and appearance of the area within which it is located.”*

It is not considered that the erection of a dwellinghouse on the site would be detrimental to the character or appearance of the area given that a number of residential properties exist within relatively close proximity to the site. Furthermore, the planning permission can be designed to ensure that the appearance of the proposed dwelling is appropriate to its setting within the Conservation Area.

(ii) *“The proposal meets all the design requirements of the Council and does not create unacceptable damage to the amenity of the surrounding properties.”*

See response to (i) above.

(iii) *“Acceptable levels of privacy are maintained to neighbouring properties and to the new housing proposed.”*

The applicant has demonstrated on the submitted plans that existing levels of privacy, in respect of adjacent properties, are maintained. Furthermore, the privacy and residential amenity of the proposed dwelling would not be compromised. The applicant has also demonstrated that adequate private garden ground can be achieved.

“Backland development (i.e. the erection of any dwellinghouse situated to the rear of an existing building and/or without a proper road frontage) will not be permitted where, in the opinion of the Council, this would adversely affect the amenity of the area, the setting of either the proposed or original building on the site, or the amenity of neighbouring properties.”

See response to (iii) above.

6.5 Policy RES 22 is also of relevance. Policy RES 22 states that the applicant should provide a minimum of 100 sq.m private garden ground.

As noted in response to para 3.5 above, approx 140 sq m of private garden ground can be provided within the development site.

6.6 As discussed in paragraph 3.5, the objection is not considered to be such as to merit refusal of the application. However, regard must be had to the site’s location in a Conservation Area and for that reason conditions could be utilised to secure an appropriate standard of finish.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As is indicated at paragraph 5.2 above, the application is considered to accord with the development plan. Therefore, given the terms of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at paragraphs 6.1 to 6.6 above there are material considerations relevant to the determination of the application. In this regard, the provisions of the East Ayrshire Local Plan (Finalised Version with Modifications) also generally presume in favour of the application.

8.2 It is considered that the objections from the Architectural Heritage Society of Scotland in respect of the appearance and orientation of the proposed dwelling have been addressed through the submission of amended plans. The objections from the Society in respect of the width of the access road have not been substantiated by the Roads and Transportation Division.

8.3 Other than the response from the Architectural Heritage Society of Scotland, no further adverse consultation replies have been received and no further representations have been received in respect of the application.

8.4 It is considered that should the application be approved the proposed dwelling can be designed such that the external appearance will be in keeping with the location within the Conservation Area.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions on the attached sheet.

Alan Neish
Head of Planning and Building Control

21 August 2001 (DS/SA)
FV-DVM

LIST OF BACKGROUND PAPERS

1. Application forms and plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. East Ayrshire Local Plan (Finalised Version with Modifications).

5. Adopted Kilmarnock Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Approved Strathclyde Structure Plan.

Anyone wishing to inspect the above papers please contact Derek Scott on (01563) 576769.

Implementation Officer: Dave Morris

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EAST AYRSHIRE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no 00/0465/FL

Location: 12 Main Street KILMAURS

Nature of Proposal: Proposed erection of Single Storey Dwellinghouse

Name and Address of Applicant: Mrs J F Leggat
12 Main Street
KILMAURS
KA3 2RQ

Name and Address of Agent:

DPO's Ref: DS/SA

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

(1) The proposed development shall be carried out in accordance with the application form and plans submitted on 20 June 2000 as revised by the amended block plan, received by the Planning Authority on 4 June 2001, showing the proposed dwellinghouse rotated 90° within the plot.

REASON To ensure the development is carried out in accordance with the approved details.

(2) Prior to the occupation of the dwellinghouse, details of a turning area, which shall be provided within the site and maintained free from obstruction at all times thereafter, shall be submitted to and approved by the Planning Authority.

REASON To ensure that vehicles can enter and exit the site in a forward gear, in the interests of public road safety.

(3) Prior to the occupation of the dwellinghouse, two in curtilage car parking spaces shall be provided within the site and thereafter maintained free from obstruction at all times.

REASON To ensure that adequate car parking is provided.

(4) Notwithstanding the terms of Condition 1, or any specification on the approved plans or application form, the roof shall be externally finished with natural slate.

REASON In the interests of visual amenity.

(5) Notwithstanding the terms of Condition 1 or any specification on the approved plans or application form the proposed UPVC windows shall replicate the appearance of traditional sash and case windows. Details of the proposed windows shall be submitted to and approved by the Planning Authority before the development commences. In addition, the following window openings shall be provided with a central mullion finished with smooth cement to match that around the windows and having a front face level with that of the surrounding cement bands:- bedroom, north elevation/lounge, west elevation/bedroom, south elevation.

REASON In the interest of visual amenity.

(6) Notwithstanding the terms of Conditions 4 and 5, or any specification on the approved plans or application form, samples of all external construction materials shall be submitted to and approved by the Planning Authority prior to the commencement of any work on site.

REASON In the interests of visual amenity.

(7) Prior to the occupation of the dwellinghouse, details of the design of a 1.8 metre high screen fence to be erected in the location indicated in green on the approved plan, reference number A001, shall be submitted to and approved by the Planning Authority. Thereafter, the approved fence shall be erected on site prior to the occupation of the dwellinghouse.

REASON In the interests of residential and visual amenity.

(8) Notwithstanding the terms of Conditions 1 and 7, or any specification on the approved plans or application form, details of the design and location of all other fences and walls to be erected within the site shall be submitted to and approved by the Planning Authority prior to the commencement of any work on site.

REASON In the interests of visual amenity.

(9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no garages, sheds or other structure shall be erected within the site without the prior formal written approval of the Planning Authority.

REASON In the interests of residential and visual amenity.

(10) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written

scheme of investigation which has received the prior approval of the Planning Authority and which is fully compliant with the Terms of Reference which will be issued by the West of Scotland Archaeology Service on behalf of the Planning Authority.

REASON To ensure that appropriate archaeological work is undertaken before the development commences.

NOTES

1. The applicant is advised to make early contact with the West of Scotland Water, 35 Glenburn Road, Prestwick, in regard to water supply and drainage.
2. The applicant is advised to make early contact with the Scottish Environment Protection Agency, 2 Alloway Place, Ayr with regard to drainage arrangements.
3. All drainage arrangements shall comply with the regulations of the West of Scotland Water and Scottish Environment Protection Agency.
4. The applicant is advised to make early contact with Transco, 95 Kilbirnie Street, Glasgow with regard to the safeguarding and protection of its plant during the construction phase.
5. The applicant should be vigilant in respect of site security during the development works in order to ensure the safety and security of children at the neighbouring primary school.

**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