

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 31 AUGUST 2001

**00/0491/FL, 00/0490/LB – PROPOSED NEW HOUSE INCORPORATING 2 STOREY
GARAGE AND GARRET AT 90 MAIN STREET, DUNLOP
BY DR J DUKE**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to alter and extend No. 90 Main Street, Dunlop at the garage side with a two storey addition and to the rear with several elements ranging in height from 1½ to single storey. These alterations are to provide a new 5 apartment house, finished to match the existing main building, where possible, ie. slate roof, timber sash and case windows etc.

A new vehicular access to the new house will be provided by widening the applicants existing access, and the solid stone wall will be lowered and railings will be inserted to match the section of wall to the east.

2. RECOMMENDATION

2.1 It is recommended that both the Planning Application and the Listed Building Application be approved subject to the conditions on the attached sheets.

3. SUMMARY OF ANALYSIS

3.1 As indicated in paragraph 5.2 of the report there is a policy in the approved Development Plan which is applicable to the circumstances of these applications, and it is considered that the proposal is in accordance with the criteria listed therein. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 confirm that where an application complies with the development plan it should be determined accordingly unless material considerations indicate otherwise. As indicated in Section 6 of the report there are material considerations relevant to these applications. These however are not of sufficient weight in their own right to merit the refusal of the applications.

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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BY DR J DUKE

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 and application for Listed Building Consent which require to be considered by the Local Planning Committee under the scheme of delegation because they have been subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is a category C(s) Listed Building on the north side of Main Street, Dunlop. No 90 Main Street, Dunlop is part of a larger 2 storey building which sits back from Main Street within the Dunlop Outstanding Conservation Area. Currently this larger building comprises 2 flats, No 86 and 88 and 1 house, No. 90, which is situated on the west end of the block and also enjoys the benefits of a traditionally proportioned stone finished addition which appears to be some form of store and hay loft. This building is used as a domestic store and garage by the applicant.

Both vehicular and pedestrian access to the site is from Main Street, Dunlop which is characterised by its narrow width and enclosing rows of cottages and narrow footways.

The frontage of the entire block comprising Nos. 86-90 is garden ground and off-street parking areas bounded by a natural stone wall. The existing vehicular access is central to this wall and the section fronting the site to the west is mostly solid to a height of 1.7m. The section to the east has apart from gate piers, been lowered to a height of 600mm with railings on top to 1.7 height.

2.2 **Proposed Development:** It is proposed to alter and extend No. 90 Main Street, Dunlop at the garage side with a two storey addition and to the rear with several elements ranging in height from 1½ to single storey. These alterations are to provide a new 5 apartment house, finished to match the existing main building, where possible, ie. slate roof, timber sash and case windows etc.

A new vehicular access to the new house will be provided by widening the applicants existing access, and the solid stone wall will be lowered and railings will be inserted to match the section of wall to the east.

3. CONSULTATION AND ISSUES RAISED

3.1 East Ayrshire Council Roads Division had initially responded with a confirmation that they have no objection to the proposal, provided that the footway along the site frontage was widened to a full 2.0m, and the access widened to 5.0m.

This response and specifically the recommended widening of the footway raised significant concerns within this Division which were supported by Historic Scotland in particular. It was considered that such an alteration, when only achievable across a section of the existing footway, would seriously disrupt the established footpath pattern which contributes strongly to the character of the Dunlop Conservation Area.

The option of investigating whether or not it would be possible to widen the footway across the entire frontage of Nos 86-90 Main Street was put to the applicant through his agent. This suggestion was explored with the other owners but they confirmed that they were not prepared to commit to such an idea.

The Roads Division who have now confirmed that they will accept the current proposal which has been amended and now incorporates a widened vehicular access as per the Roads Division requirements but with the footpath width retained.

3.2 West of Scotland Water confirmed that there is both a public water main and public sewerage system available for the proposal.

Noted.

3.3 The Coal Authority have advised of no ground stability issues which will impact on this proposal.

Noted.

3.4 Dunlop and Lugton Community Council have confirmed that the Main Street currently experiences parking problems, due to congestion and they hoped that off street parking would be available for the prospective residents.

Noted. Off street parking is detailed to the front of both the donor and the proposed house and as stated above the Council's Roads Division are satisfied with the proposal.

Additionally the Community Council have commented generally that the design and finishing should be sympathetic to the area and the immediate neighbours.

Noted, it is considered that the proposal is acceptable in this regard; (see paragraph 6.2 below).

3.5 West of Scotland Archaeology Service have advised that given the sites location the proposal may raise archaeological issues. They do not however consider that these issues could be significant. Accordingly, they have cited Government advice on the matter in particular NPPG5 and PAN42 and recommend the attachment of the following condition if the Committee are of a mind to approve the application.

“The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the planning authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the West of Scotland Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to the planning authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.”

Noted. It is considered that this option is a suitable approach given the scale of the proposal involved and will allow the recording of any evidence if and when encountered.

3.6 The Architectural Heritage Society of Scotland have advised that the amendments made following their initial comprehensive consultation response have convinced them that the proposal is acceptable, and accordingly their initial objection is withdrawn.

Noted, one minor issue remains outstanding, which relates to the finish of the stone wall; this particular aspect can be secured by condition.

3.7 Historic Scotland have similarly been consulted on several occasions now and have agreed that the proposal is acceptable, it now being amended to take account of their comments.

Noted. Again certain items i.e. window finishes, roofing materials, roof lights, downpipes etc although appropriately incorporated in the current plans can be further secured by means of a condition.

3.8 The Scottish Civic Trust have advised that they consider the proposal should be refused as a number of elements concern them as follows.

The Trust is not convinced that the proposal is the best use for the garage/loft building, and consider that the proposal would detract from the building's character.

Noted. However, the Civic Trust do not put forward any alternative use and Historic Scotland and the Architectural Heritage Society of Scotland are satisfied with the proposal.

The Trust confirm that the degree of alterations to the rear are overly fussy and consequently disrupt the existing elevations.

Noted. It is the view of this office that the rear elevation is, due to existing additions, already a weakened feature of this entire block. The proposal has been amended by the removal of a rear dormer which was considered to be over-elaborate. Again it should be borne in mind that other agencies, in particular Historic Scotland, are of the view that the proposal is acceptable.

Additionally a rear mono-pitched single storey extension has already been approved at the rear of this block. (Application No. 98/0455/FL and 98/0463/LB refer).

The extension should be finished in natural materials.

Noted. This particular matter can be addressed by means of conditions where considered appropriate, for example, the use of natural slate to the roof.

The Trust object to the loss of the existing barn, (garage), door.

This door is confirmed as being retained.

3.9 The National Trust For Scotland were consulted given the sites relationship with No. 92 Main Street over which they have a Conservation Agreement. The Trust has not objected to the proposal.

Noted.

4. REPRESENTATIONS

In addition to the objections from the Scottish Civic Trust (see paragraph 3.8), one letter has been submitted from adjacent residents immediately to the west of the application site at No. 92 Main Street. This property has an unusual relationship with the application site where currently its kitchen overlooks the front garden of the site.

4.1 The objector expressed a desire to have the area overlooked by this window kept clear and unobstructed.

Noted. Currently this relationship is maintained purely by good neighbourliness and the request that it be secured and permanently maintained is beyond the reasonable powers of this authority. However, given the proposed new level of exposure of this area of front garden, a condition could be applied requesting details of landscaping which would indirectly limit the extent of activity impacting on the window.

4.2 The design and materials are inappropriate for the Conservation Area, and the positioning of the house in an open area removes an environmental benefit.

Noted. The principle of the proposal has been assessed both by the Council and Historic Scotland and found to be acceptable. The proposal has been amended in a positive manner to respond to initial concerns.

4.3 My property (No 92 Main Street, Dunlop) has been restored in association with the National Trust for Scotland who should be consulted on the matter.

Noted. The National Trust were consulted but did not raise any issue with the plans.

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 Stewarton Local Plan (1985). The Adopted Local Plan 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 Policies 4.1.2 and 4.8.4. respectively.

These policies confirm that Housing Development shall be allowed on sites within the urban envelope of Dunlop provided they meet listed criteria which in Policy 4.1.2(1) include a limitation of site size and assessment of use relative to adjacent properties. It is considered that this proposal is policy compliant in this regard.

Policy 4.8.4 lists design criteria for proposals within a conservation area and again it was considered appropriate to consider the proposal in line with that Policy. It is the Division's view that the proposal accords with the criteria listed.

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), the consultations, representations and the impact of the proposal on the amenity of the area and immediate neighbours.

6.2 East Ayrshire Local Plan (Finalised Version with Modifications)

As stated above 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), should be considered a prime material consideration.

The relevant policies in the EALP against which the proposal requires to be assessed are RES 5 and ENV 2, 4 & 7.

Policy RES 5 relates primarily to the sub-division of existing houses and lists criteria against which the proposal should be assessed as follows:

- (i) The proposal is fully in keeping with the existing residential character and appearance of the area within which it is located;
- (ii) The proposal meets all the design requirements of the Council and does not create unacceptable damage to the amenity of surrounding properties; and
- (iii) Acceptable levels of privacy are maintained to neighbouring properties and to the new housing proposed.

This policy was formulated to maximise the contribution the existing properties can make to meet housing demand.

The proposal has been assessed against these criteria and is considered to be acceptable. The issue of impact on the privacy of the adjoining property is not considered to be such as to merit refusal of the application, particularly if a condition is applied requiring appropriate landscaping

Policies ENV 2, 4 & 7 were all prepared to assist in maintaining high standards of design and to minimise any adverse impact of proposals affecting Listed Buildings.

The proposal has been assessed against the above criteria and, on balance, has been found to be acceptable, subject to the application of a number of conditions.

These conditions relate to alterations to the rear of the proposed building and involve the reduction of the size of a bedroom window, introduction of a banding feature and a slight increase in roof height and pitch.

6.3 Representations Received

As detailed above a letter of objection has been submitted in respect of the planning application. It is considered that the principle objections of amenity and design raised by the local residents are not such as to justify a refusal of planning consent. Certain other matters of detail can be addressed by condition.

6.4 Impact on amenity of adjacent properties

The proposal has been assessed and in terms of the above it is considered that it would present no significant detriment to the immediate neighbours in particular the objectors at No. 92 Main Street.

The side extension does include new windows with a westerly aspect but given the relationship with this property and the apartments involved it is considered that the proposal is acceptable.

6.5 Consultations

With the exception of the Scottish Civic Trust, the consultations are supportive of the applications.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated above in paragraph 5.2 there is a policy in the approved Development Plan which is applicable to the circumstances of these applications, and it is considered that the proposal is in accordance with the criteria listed therein. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 confirm that where an application complies with the development plan it should be determined accordingly unless material considerations indicate otherwise. As indicated in Section 6 above there are material considerations relevant to these applications. These however are not of sufficient weight in their own right to merit the refusal of the applications.

9. RECOMMENDATION

9.1 It is recommended that both the Planning Application and the Listed Building Application be approved subject to the conditions on the attached sheets.

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

22 August 2001 (IW/MS)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form/Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of Objection.
5. Previous Applications: 98/0455/FL, 98/0463/LB.
6. NPPG1: "The Planning System".
7. Stewarton Adopted Local Plan.
8. East Ayrshire Local Plan (Finalised Version with Modifications).
9. NPPG 5: Archaeology and Planning
10. PAN 42: Archaeology.
11. Approved Strathclyde Structure Plan
12. Approved Ayrshire Joint Structure Plan

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

Implementation Officer: Dave Morris

I:NLPC/000491&000490LB

TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1972

Application No: 00/0491/FL

Location: 90 Main Street,
DUNLOP

Nature of Proposal: Proposed new house incorporating 2 storey
Garage and garret adjoining 90 Main Street
Dunlop

Name & Address of Applicant: Dr John Duke
90 Main Street
DUNLOP KA3 4AG

Name & Address of Agent: Mr W B Watson
32 Newmill Road
DUNLOP KA3 4BA

DPO's Ref: (IW/MS)

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 received on 11 July 2000 and the amended plans received by the Planning Authority on 26 September 2000, boundary wall plans, floor plans and elevation plans received on 23 April 2001.

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

2. Notwithstanding the plan(s) hereby approved details/samples of all external finishing materials to be used shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interest of visual amenity and preserving the character of a Listed Building.

3. Details submitted in pursuance of Condition No 2 above shall provide for the following:

(i) all external walls shall be wet-dash harled and painted in a colour to be agreed with the exception of the banding around windows, which shall be painted in a

contrasting colour to be agreed in writing by the Planning Authority prior to the commencement of development.

REASON To ensure that the development is compatible with the character and appearance of the nearby properties and the Outstanding Conservation Area in which it is located.

4. Notwithstanding the submitted details, the dwellinghouse shall be roofed in natural slate and details of the skews shall be submitted to and approved by the Planning Authority prior to the commencement of works on site.

REASON To ensure the development is compatible with the character and appearance of the nearby properties and the Outstanding Conservation Area in which it is located.

5. All windows shall be of white painted timber sash and case construction.

REASON To ensure the development is compatible with the character and appearance of the nearby properties and the Outstanding Conservation Area in which it is located.

6. Notwithstanding the details hereby approved, the front door of the proposed house shall be finished in painted timber, details of same to be submitted to and approved by the Planning Authority prior to the commencement of works on site.

REASON In the interests of visual amenity.

7. Details of the eaves of the proposed house shall be submitted to and approved by the Planning Authority prior to the commencement of works on site.

REASON In the interests of visual amenity.

8. Full details of the design and construction of all fences, walls and railings to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

9. Notwithstanding the details on the plan hereby approved further details of the proposed west elevation coloured blue shall be submitted for the approval of the Planning Authority prior to the commencement of work on site.

REASON In the interest of visual amenity.

10. Details to be submitted in pursuance of Condition No. 9 above shall provide for a reduced upper floor window, cement band set below eaves level and an increased roof pitch.

REASON In the interest of visual amenity.

11. Details of the hardstanding, surfacing material, and landscaping of the area to the front of the proposed house shall be submitted to and approved by the Planning Authority prior to the commencement of work on site. These details shall in particular address the provision of landscaping adjacent to the kitchen of No. 92 Main Street.

REASON In the interest of visual amenity.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any order revoking and re-enacting that order, permitted development Class 1 Part 1 of Schedule 1 of the said Order are hereby removed in relation to the application site.

REASON To enable the Planning Authority to retain control over future development on the site in the interests of residential and visual amenity.

13. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the West of Scotland Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

REASON In the interest of re-identifying and recording and preserving archaeological remains.

Note to applicant – a construction consent will be required for the work to the footway to ensure accordance with the standard suitable for inclusion in the list of public footways.

TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1972

Application No: 00/0490/LB

Location: 90 Main Street,
DUNLOP

Nature of Proposal: Proposed new house incorporating 2 storey
Garage and garret adjoining 90 Main Street
Dunlop

Name & Address of Applicant: Dr John Duke
90 Main Street
DUNLOP KA3 4AG

Name & Address of Agent: Mr W B Watson
32 Newmill Road
DUNLOP KA3 4BA

DPO's Ref: (IW/MS)

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

1. The proposed development shall be carried out in accordance with the application form received on 11 July 2000 and the amended plans received by the Planning Authority on 26 September 2000, boundary wall plans, floor plans and elevation plans received on 23 April 2001.

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

2. Notwithstanding the plan(s) hereby approved details/samples of all external finishing materials to be used shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interest of visual amenity and preserving the character of a Listed Building.

3. Details submitted in pursuance of Condition No 2 above shall provide for the following:

(i) all external walls shall be wet-dash harled and painted in a colour to be agreed with the exception of the banding around windows, which shall be painted in a

contrasting colour to be agreed in writing by the Planning Authority prior to the commencement of development.

REASON To ensure that the development is compatible with the character and appearance of the nearby properties and the Outstanding Conservation Area in which it is located.

4. Notwithstanding the submitted details, the dwellinghouse shall be roofed in natural slate and details of the skews shall be submitted to and approved by the Planning Authority prior to the commencement of works on site.

REASON To ensure the development is compatible with the character and appearance of the nearby properties and the Outstanding Conservation Area in which it is located.

5. All windows shall be of white painted timber sash and case construction.

REASON To ensure the development is compatible with the character and appearance of the nearby properties and the Outstanding Conservation Area in which it is located.

6. Notwithstanding the details hereby approved, the front door of the proposed house shall be finished in painted timber, details of same to be submitted to and approved by the Planning Authority prior to the commencement of works on site.

REASON In the interests of visual amenity.

7. Details of the eaves of the proposed house shall be submitted to and approved by the Planning Authority prior to the commencement of works on site.

REASON In the interests of visual amenity.

8. Full details of the design and construction of all fences, walls and railings to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

9. Notwithstanding the details on the plan hereby approved further details of the proposed west elevation coloured blue shall be submitted for the approval of the Planning Authority prior to the commencement of work on site.

REASON In the interest of visual amenity.

10. Details to be submitted in pursuance of Condition No 9 above shall provide for a reduced upper floor window, cement band below eaves level and an increased roof pitch.

REASON In the interest of visual amenity.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA