

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 08 AUGUST 2003

**03/0195/FL: PROPOSED REAR EXTENSION AND TIMBER
DECKING/BALCONY
AT 73 HIGH STREET, NEWMILNS
BY MR A HOUSTON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of a 2-storey rear extension and a first floor timber decking balcony. The 2-storey extension comprises a garage and storage room, including a toilet, on the ground floor and an en-suite bedroom and sun room on the first floor. The proposed first floor decking area extends to 36.16m² and is raised 3m above ground level. A 1.1m handrail is located around the edge of the decking balcony. At its furthest point the extension measures 9.8m along the boundary adjacent to No. 71 High Street at a wall height of 5.4m.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated at Section 5 of this report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development does not accord with the Development Plan and therefore the application should be refused unless material considerations indicate otherwise.

3.2 Within the EALP the requirement in Policy ENV 7 to have regard to the Council's Design Guidance highlights the Council's concern that domestic works are in keeping with the existing house and do not impact adversely on neighbouring properties. It is considered that due to the scale, massing and projection of the extension, the development adversely impacts the residential amenity of the adjacent properties and as such should be refused.

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 will not require to be referred to the Development Services Committee as there would be no 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 required to be determined by the Local Planning Committee under the scheme of delegation because it is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a one and a half (viewed from the front) and a two and a half (viewed from the rear) storey detached house located on the north side of High Street, Newmilns. The site is bound by agricultural land to the south and west and by residential properties to the north and east.

2.2 **Proposed Development:** Full planning consent is sought for the erection of a 2-storey rear extension and a first floor timber decking balcony. The 2-storey extension comprises a garage and storage room, including a toilet, on the ground floor and an en-suite bedroom and sun room on the first floor. The proposed first floor decking area extends to 36.16m² and is raised 3m above ground level. A 1.1m handrail is located around the edge of the decking balcony. At its furthest point the extension measures 9.8m along the boundary adjacent to No. 71 High Street at a wall height of 5.4m.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Outdoor Services, The Coal Authority, Scottish Environment Protection Agency and Scottish Water have advised that they have no adverse comments to make regarding the proposed development.

Noted.

3.2 Transco have not replied to their consultation at the time of writing this report.

Noted.

4. REPRESENTATIONS

No letters of representation have been received.

The applicant has submitted the following information in support of the application. They have submitted a supporting letter from their neighbour and seek the Committee's consideration of their circumstances and objective assessment of the application:-

4.1 Before the plans were drafted and once plans were available, the immediate neighbours were consulted and were supportive of the proposals. Considerable thought was put into the design of this extension and the extra expense was to ensure that the completed development appeared to be part of the house and was in keeping with its style.

Following submission of the application, the applicant was asked to reduce the size and it was suggested by East Ayrshire Council's Planning Division that the ground floor be used as a bedroom meaning the applicant would be separated from their children by 3 flights of stairs, one corridor and a hallway. In the event of an emergency, eg fire they would be completely cut off as the kitchen lies between the bottom flight of stairs and the corridor.

Committee are asked to note that the applicants youngest child is 3 years old and has health problems. The family state they would benefit from an extra bedroom. Due to his ill health a sunroom would be a great addition overlooking the garden. Repositioning the sunroom to the other side of the house is not feasible as it does not receive sunlight after 7.30am.

Altering the extension to remove the bay feature and replacing it with a flat roof above the garage would result in a hideous looking design. Furthermore the option of a detached garage would result in re-designing of the existing decking and children's play area. In addition to this the garage would also be less secure as it is required to store a classic car. The applicants feel that neighbouring properties have 2-storey extensions and that the recommendations of the Planning Division comprise personal opinions of officers.

Whilst the above comments are noted, it is not considered that these are of such merit that would warrant the approval of this application. This Division is concerned at the large scale of the proposed extension and its impact in amenity terms on the

enjoyment of neighbouring property. It is considered that the extension is too large and over-dominant in size and architectural form.

In the consideration of this application this Division expressed an opinion based on the professional experience of its officers. There are no records of any planning applications for any 2-storey extensions in the area since 1975. The Division has attempted to achieve an amended scheme in order to reach a compromise with the applicants in a form that would be more appropriate. The applicants, however, have been unwilling to amend their proposals and this Division believes it has no other option but to recommend the application for refusal.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that 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.

5.2 Within the East Ayrshire Local Plan Policy, ENV 7 requires all developers to have regard to the Council's Design Guidance. This 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 due to the scale, massing and projection of the extension, it adversely impacts on the residential amenity of the adjacent property.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultations, representations and the impact of the proposal on the amenity of the area and immediate neighbours.

Consultations

6.2 It is not considered that any aspects of the consultations received indicate that the application should be refused.

Representations

6.3 There were no letters of representation received.

Impact on the Amenity of the Area

6.4 It is considered that the due to the scale, massing and projection of the extension, it does adversely impact on the residential amenity of the adjacent properties. The proposal extends the existing gable elevation with the adjacent residential property by 9.8m in length, at a wall height of 5.4m.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated at Section 5 of this report, applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development does not accord with the Development Plan and therefore the application should be refused unless material considerations indicate otherwise.

8.2 Within the EALP the requirement in Policy ENV 7 to have regard to the Council's Design Guidance highlights the Council's concern that domestic works are in keeping with the existing house and do not impact adversely on neighbouring properties. It is considered that the due to the scale, massing and projection of the extension, the development adversely impacts the residential amenity of the adjacent properties and as such should be refused.

9. RECOMMENDATION

9.1 It is recommended that the application be refused for the reasons indicated on the attached 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 will not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

28 July 2003
(EMcL/MMM)

FV/AN

LIST OF BACKGROUND PAPERS

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

Anyone wishing to inspect the above papers please contact Eddie McLennaghan on 01563 576787.

Implementation Officer: Dave Morris

030195FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0195/FL

Site of Proposal: 73 High Street
NEWMILNS

Nature of Proposal: Proposed Erection of Rear Extension and
Timber Decking/Balcony

Name & Address of Applicant: Mr A Houston
73 High Street
NEWMILNS
KA16 9EA

Name & Address of Agent:

DPOs Reference: EMcL/MMM

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

1. The proposed development would be contrary to Policy ENV7 of the East Ayrshire Local Plan and the Council's Design Guidance by reason of unacceptable design due to scale, massing and projection and the resultant adverse impact on the residential amenity of the adjoining property.

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