

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 20 DECEMBER 2002

**02/0636/LB: PROPOSED CONSERVATORY
AT 66 MAIN STREET, DUNLOP
BY MR & MRS J HOBKIRK**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to extend the property to the rear by the addition of a flat roofed sun room which will be accessed through the back door of the cottage. The proposed extension measures 4 metres by 3.15 metres and is 2.29 metres in height and is to be constructed in white double glazed upvc with a white ultralite roof and red rustic facing brick underbuild and side wall.

2. RECOMMENDATION

2.1 It is recommended that Listed Building Consent be refused for the reasons indicated on the attached sheets.

3. CONCLUSIONS

3.1 As is indicated at Section 5 of the report, the listed building application is considered to be contrary to the development plan. Therefore, given the terms of Section 25 with regard to the Listed Building application the proposal should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however, these considerations, in particular the informal comments of Historic Scotland on the principal of the proposal and the Council's Design Guidance add weight to the presumption in favour of the development plan.

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 it would not represent a significant departure from policy. The application would however

require to be notified to Historic Scotland under the Listed Buildings and Buildings in Conservation Area (Scotland) Regulations 1997.

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 an application for Listed Building Consent which requires to be considered by the Local Planning Committee under the scheme of delegation because it is recommended for refusal.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises a Category 'B' Listed cottage on the north side of Main Road, Dunlop, which falls within the Main Street Dunlop Outstanding Conservation Area. The property is a mid-terraced single storey cottage within a group of similarly listed cottages. The properties on the opposite side are also listed. It is finished in white render with a slated roof. The rear of the cottage has previously been altered and is finished in brickwork and render painted white. Part of the rear roof has a "mansard" effect.

2.2 **Proposed Development:** It is proposed to extend the property to the rear by the addition of a flat roofed sun room which will be accessed through the back door of the cottage. The proposed extension measures 4 metres by 3.15 metres and is 2.29 metres in height and is to be constructed in white double glazed upvc with a white ultralite roof and red rustic facing brick underbuild and side wall.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Water has not objected to the proposal provided that the applicant utilises a soakaway or similar, to accommodate the surface water run-off from the proposed development.

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

3.2 The Scottish Environment Protection Agency has no objection to the proposal.

Noted.

3.3 Historic Scotland have informally advised that they consider that the flat roofed arrangement of the extension is not appropriate for a listed building and that the extension should be finished in traditional materials.

Noted. This aspect of the design has been assessed and taken up with the applicants. It was recommended that the applicants consider the introduction of a full pitched roof over the extension, finished in a manner sympathetic to its listed status. They have declined to amend their proposal.

3.4 The Scottish Civic Trust has no objection to the proposal.

Noted.

3.5 The Architectural Heritage Society of Scotland has commented that the existing extensions have already created some confusion to the rear of the cottage. In this context the proposal makes very little adverse impact. It is suggested that all materials are traditional and all finishes match existing.

Noted. The issue of the proposed materials has been assessed and found to be acceptable in this context. The Council's Design Guidance accepts suitably designed UPVc windows on Category 'C' Listed Buildings.

3.6 The West of Scotland Archaeology Service has raised no archaeological issues in respect of the application.

Noted.

3.7 Dunlop and Lugton Community Council has no objection to the proposal.

Noted.

4. REPRESENTATIONS

4.1 No representations have been submitted.

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 these applications, the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted Stewarton Local Plan (1987). 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 Policy 4.7.13 which presumes against any alteration to a Listed Building which the Council considers to have a detrimental effect on the character of that building.

The flat roofed design of the extension has been assessed against the policy and is considered to be contrary to its aims. The applicants were advised to amend the proposal and have chosen not to do so.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the applications are the East Ayrshire Local Plan (Finalised Version with Modifications), the consultations, impact on adjacent properties, Government Guidance and East Ayrshire Council Design Guidance.

East Ayrshire Local Plan (Finalised Version with Modifications)

6.2 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 ENV 4 and ENV 7. These policies seek to minimise the adverse impact of proposals on Listed Buildings.

The proposal has been assessed against these policies and found to be unacceptable in its flat roofed form. It is considered that an alternative arrangement could be designed. The applicants are not agreeable to this.

Design Guidance

6.3 The Council's agreed Design Guidance indicates that extensions should reflect and enhance the character of the Conservation Area or Listed Building. Furthermore, materials should be in keeping with the building concerned and flat, mansard monopitch and asymmetrical roofs should be avoided.

The application does not comply with the Council's Design Guidance.

Consultations

6.4 As detailed above, there is no objection from the consultees on this application but the informal response from Historic Scotland is considered to be a substantive and informed comment of sufficient weight to merit refusal of the application.

Impact on Adjacent Properties

6.5 The proposal has been assessed in terms of the impact it may have on the adjacent properties and found to raise no difficulties in terms of overlooking. This is due to the enclosed nature of the rear garden.

Government Guidance

6.6 The proposal has been considered against the terms of the Memorandum of Guidance on Listed Buildings and Conservation Areas produced by Historic Scotland.

This document stresses the importance of assessing the impact of extensions on Listed Buildings and confirms that additions should be in keeping with other parts of the building and that the new external features should harmonise with their surroundings.

The proposal has been assessed against this background and been found to be inadequate in respect of the above in terms of overall design.

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 is indicated at Section 5 of the report, the listed building application is considered to be contrary to the development plan. Therefore, given the terms of Section 25 with regard to the Listed Building application the proposal should be refused unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however, these considerations, in particular the informal comments of Historic Scotland on the principal of the proposal and the Council's Design Guidance add weight to the presumption in favour of the development plan.

9. RECOMMENDATION

9.1 It is recommended that Listed Building Consent be refused for the reasons indicated on the attached sheets.

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 it would not represent a significant departure from policy. The application would however require to be notified to Historic Scotland under the Listed Buildings and Buildings in Conservation Area (Scotland) Regulations 1997.

Alan Neish
Head of Planning and Building Control

04 December 2002
(SMcA/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form/Plans.
2. Statutory Certificates.
3. Consultations.
4. Correspondence with Applicant/Agent.
5. Stewarton Adopted Local Plan.
6. East Ayrshire Local Plan (Finalised Version with Modifications).
7. Memorandum of Guidance on Listed Buildings and Conservation Areas.
8. Approved Ayrshire Joint Structure Plan.
9. Approved Strathclyde Structure Plan.
10. East Ayrshire Council Design Guidance.

Anyone wishing to inspect the above papers please contact Stuart McAdam on 01563 576770.

Implementation Officer: Dave Morris

020636LB

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0636/LB

Site of Proposal:	66 Main Street DUNLOP
Nature of Proposal:	Proposed Conservatory to Rear
Name & Address of Applicant:	Mr & Mrs J Hobkirk 66 Main Street DUNLOP Kilmarnock KA3 4AG
Name & Address of Agent:	Gryffe Homeworld Per Quickplans 10 The Loan MAUCHLINE KA5 6AN

DPOs Reference: SMcA/MMM

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

1. The proposed extension would, by reason of introducing a visually unsympathetic extension, have a detrimental effect on the architectural design of this Category 'B' listed building and would also be detrimental to the visual amenity of the Main Street Dunlop Outstanding Conservation Area. The extension is inappropriate as a result of introducing a flat roofed structure of a size and design which does not preserve or enhance the Conservation Area or the Listed Building.
2. The proposed development would be contrary to Policy 4.7.13 of the Adopted Stewarton Local Plan and Policies ENV 4 and ENV 7 of the East Ayrshire Local Plan Finalised Version with Modifications by reason of introducing a visually unsympathetic extension onto a Category 'B' Listed Building in an Outstanding Conservation Area.

3. The proposed development would be contrary to the terms of Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas by reason of introducing a visually unsympathetic extension onto a Category 'B' Listed Building in an Outstanding Conservation Area.

4. The proposed development would be contrary to the terms of East Ayrshire Council's approved Design Guidance by reason of the introduction of a flat roof extension.

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