

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 MAY 2003

**03/0132/FL: PROPOSED ALTERATIONS AND EXTENSION TO
DWELLINGHOUSE AND ERECTION OF GARAGE AND CONSERVATORY
AT 3 McCARDEL WAY, STEWARTON
BY MR J ROBERTSON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for the erection of a garage and conservatory. The garage measures 3.9m x 7.9m and extends to a height of 3.9m to the top of the pitched roof. The garage will be built in facing brick, will re-use the door of the existing garage and will have tiles to match the existing house. The conservatory is approximately 25.5m² and has a maximum height of 3.6m and will be built in facing brick and brown timber effect upvc. The garage will be located to the north side of the property while the conservatory will be located to the rear south of the property.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the condition 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 accords with the Development Plan and therefore the application should be approved unless material considerations indicate otherwise.

3.2 In terms of the application the consultation received is supportive. The submitted letters of objection are noted but are not in themselves considered to be of sufficient weight to justify an unfavourable recommendation. The overall impact on the amenity of the area is such that the proposed development can be accommodated without detriment to the surrounding area.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused 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 constitute a significant departure from 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.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 MAY 2003

**03/0132/FL: PROPOSED ALTERATIONS AND EXTENSION TO
DWELLINGHOUSE AND ERECTION OF GARAGE AND CONSERVATORY
AT 3 McCARDEL WAY, STEWARTON
BY MR J ROBERTSON**

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 detailed Planning Permission to be considered by the Local Planning Committee under the scheme of delegation as it is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a single storey detached dwellinghouse located within a residential estate to the south east of Stewarton. The site has no other outbuildings and is bounded by the gardens of adjacent residential properties. The property has an existing integral garage which is being converted to form a new bedroom. This conversion does not require the benefit of planning permission. The site in McCardel way is located on lower ground (approximately 0.7m) than those properties in Hillcrest.

2.2 **Proposed Development:** Full planning consent is sought for the erection of a garage and conservatory. The garage measures 3.9m x 7.9m and extends to a height of 3.9m to the top of the pitched roof. The garage will be built in facing brick, will re-use the door of the existing garage and will have tiles to match the existing house. The conservatory is approximately 25.5m² and has a maximum height of 3.6m and will be built in facing brick and brown timber effect upvc. The garage will be located to the north side of the property while the conservatory will be located to the rear south of the property.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Water has no objection to the proposed development, commenting only that separate foul and surface water drainage systems would be required.

Noted.

3.2 Stewarton Community Council has not replied to its consultation at the time of writing this report.

Noted.

4. REPRESENTATIONS

Three letters of objection were received in respect of the proposed development. The grounds of objection are as follows:-

4.1 The proposed siting of the garage will restrict our already limited outlook from Hillcrest towards the Viaduct and Arran.

There is no right to a view, however, it is considered that due to the change in ground level between Hillcrest and McCardel Way there will be no significant detriment to the residential amenity of adjacent properties as a result of the proposed developments.

4.2 The proposed siting of the garage will reduce the potential re-sale value and desirability of the property.

This matter is not a valid planning consideration.

4.3 We are concerned that the foundations for the garage may undermine the fence post founds and effect the stability of our ground directly behind the fence.

Any detriment to the adjoining land or property as a result of the proposed development is a legal matter and is not a valid planning consideration. The applicant would be well advised to ensure that his proposals did not affect the adjoining property to preclude any legal action.

4.4 We have some concerns that the area between the rear of the proposed garage and the boundary fence would be used as a storage area.

Noted. The application as submitted does not include any reference to the use of this area. Domestic storage would not require the benefit of planning consent.

4.5 When this estate was built by Avonside Homes the properties in phase 3 (the position of the applicant's property) were supposedly situated to allow existing houses in phase 2 the maximum outlook and we feel that if Avonside Homes had thought it possible to build a larger bungalow at 3 McCardel Way they would have done so.

There is no restriction on any householder submitting an application to extend their property. Each application will be considered on its own merit.

4.6 According to our missives, permission must be sought from our superiors for any alterations/additions, outbuildings etc.

This matter is not relevant to the grant of planning permission. The issue of feu superior consent is a separate matter.

4.7 I would question the angle of the ground between the rear of the proposed garage and the base of the fence on the drawing showing the side elevation to garage as proposed.

The proposed garage has been designed to accommodate the difference in levels in land. The details of the plans have been assessed on site and are considered to accurately reflect the situation on site.

4.8 The proposed new garage will be sited approximately 200 mm from the dividing fence line with No. 1 McCardel Way. This will mean that all future maintenance or renewal of the fence will be virtually impossible.

Maintenance of this fence is not a material planning consideration in the determination of this application. If the fence is in joint ownership it is a legal issue which is a separate matter from any grant of planning permission.

4.9 With the living room window of No. 6 Hillcrest overlooking the proposed location of the conservatory I am very concerned about the potential negative impact this will have on the view which I currently enjoy.

There is no right to a view, however, it is considered that, due to the change in ground level between Hillcrest and McCardel Way, there will be no significant detriment to the adjacent properties. Furthermore, the proposed conservatory does not extend further back than the existing garage located in the garden of No. 5 McCardel Way and therefore the proposal would be confined within the limits of existing extensions in the vicinity.

4.10 I am concerned about the possibility of excessive glare from reflected sunlight from this structure.

It is considered that due to the difference in levels between the objectors property and the proposed development and the angle of

the roof panels that any glare in the direction of Hillcrest will be minimal.

4.11 I am interested to establish the height of the proposed conservatory in relation to the new extension at the rear of what I believe to be No. 5 McCardel Way for which we received no notification.

The height of the extension at No. 5 McCardel Way is 3.9m and the proposed conservatory at No. 3 is 3.6m in height. The occupier of 6 Hillcrest was not notified in the application process for the extension at 5 McCardel Way as there was no requirement to neighbour notify this property in terms of the Town and Country Planning (General Development Procedure)(Scotland) Order 1992.

4.12 The proximity begs the question of how do they intend to build the structure considering the existing fence.

The construction of the structure is not a material planning consideration in the determination of this application although it is possible, but more time consuming, to build the garage wall from within at this point. Any damage the building of the structure may have on the fence is a legal issue which is separate from any grant of planning permission.

4.13 I have no objection to a garage but feel it should be reduced in width or re-sited to allow a minimum of 1m between the gable end and the dividing fence between No. 1 and No. 3 for future maintenance to be carried out easily and safely.

Maintenance of the garage is not a material planning consideration in the determination of this application.

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 The Structure Plan address development issues at a more strategic level than is proposed in this instance. On assessing the details of this application against the terms of the Adopted East Ayrshire Local Plan it is concluded that the relevant policy is Policy ENV 7.

5.3 Policy ENV 7 states that all developers will be expected to comply fully with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. This is in order to ensure a high standard of design for new development in line with Council advice and guidance.

It is considered that the proposed development meets the requirements of Policy ENV 7 as the development complies with both the Council's Design Guidance and policy documents relating to this type of development in terms of design and layout.

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 The consultation response received offers no objection to the proposed development.

Representations

6.3 The issues raised by the objectors have been assessed in Section 4 above and are considered to be of insufficient weight to justify the refusal of the application in this instance.

Impact on the Amenity of the Area

6.4 The circumstances of the proposed development are such that it is considered that the proposals can be accommodated without detriment to the surrounding area.

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 accords with the Development Plan and therefore the application should be approved unless material considerations indicate otherwise.

8.2 In terms of the application the consultation received is supportive. The submitted letters of objection are noted but are not in themselves considered to be of sufficient weight to justify an unfavourable recommendation. The overall impact on the amenity of the area is such that the proposed development can be accommodated without detriment to the surrounding area.

9. RECOMMENDATION

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

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused 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 constitute a significant departure from policy.

Alan Neish
Head of Planning and Building Control

07 May 2003
(EMcL/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. East Ayrshire Council Design Guidance (2001).
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.

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

Implementation Officer: Dave Morris

030132FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0132/FL

Site of Proposal: 3 McCardel Way
STEWARTON

Nature of Proposal: Proposed Alterations and Extension to
Dwellinghouse and Erection of Garage and
Conservatory

Name & Address of Applicant: Mr J Robertson
3 McCardel Way
STEWARTON
KA3 5EF

Name & Address of Agent:

DPOs Reference: EMcL/MMM

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

1. The proposed garage and conservatory shall be finished in materials to match those of the existing dwellinghouse.

REASON To ensure that the garage and conservatory match the external appearance of the existing building and thereby maintain the visual quality of the area.

**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.**