

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 16 MAY 2003

03/0069/FL: PROPOSED BUILDING ADDITIONS, GARDEN OUTHOUSES AND ACCESS DRIVE AT BARRFIELD STEADING, OLD GLASGOW ROAD, STEWARTON FOR MR DAVID CHILD

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to carry out a number of works at the premises, specifically:-

1. Install a small galvanised metal balcony at first floor level on the north elevation of the house.
2. Form a boiler house of 2.5 square metres floor area, finished with natural slate and wet dash render.
3. Locate Oil tank; 1.8 X 1.2 metres.
4. Summerhouse; 2.44 X 2.53 metres in wood and with felt roof.
5. Ornamental Pond; 60 square metres area.
6. Gabion Wall. (Length 16metres at a maximum height of 1.5 metres)
7. Wooden garage; (single).
8. New Access Drive; 3.5 X 240 metres. Formed from graded stone and type 1 finish. Existing field accesses and field drains to be retained / intercepted.
9. Potting Shed; 4.88 X 3.05 metres in wood with felt roof.
10. Timber decking; 5 x 5.75 metres with balustrade, attached to south gable of house.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report the proposal is considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning Act 1997, the application should be approved unless material considerations indicate otherwise. As indicated in Section 6 of the report there are material considerations relevant to this application, however, it is considered that these are generally supportive of the application.

3.2 Notwithstanding the points of objection, the relationship between the application site and adjoining property, and the proposals themselves, are not considered to raise impacts of such weight as to merit refusal of the application.

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 such a decision would not be a 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 the 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 because it is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located to the north west of the Old Glasgow Road about 2.5 kilometres from Stewarton. Barrfield Steading is one of a number of older and converted residential properties located some 300 metres from the main road off a shared private access that climbs gently to the housing group. It was itself formed further to a planning consent for the rehabilitation and conversion of derelict farm buildings into a new dwellinghouse with garage; granted planning consent in June 1999.

The property is part two storey, part single storey and is of traditional appearance with a sizeable garden area extending to the south.

2.2 **Proposed Development:** It is proposed to carry out a number of works at the premises, specifically:-

1. Install a small galvanised metal balcony at first floor level on the north elevation of the house.
2. Form a boiler house of 2.5 square metres floor area, finished with natural slate and wet dash render.
3. Locate Oil tank; 1.8 X 1.2 metres.
4. Summerhouse; 2.44 X 2.53 metres in wood and with felt roof.
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9. Potting Shed; 4.88 X 3.05 metres in wood with felt roof.
10. Timber decking; 5 x 5.75 metres with balustrade, attached to south gable of house.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads & Transportation Division has no objections because the development does not interfere with the public road and does not involve the construction of any new dwellings; “the Roads Division is unaffected.”

Noted

3.2 East Ayrshire Council Environmental Health and Waste Management Section has no objections but suggest that the fuel oil tank be bunded to 110% of its capacity to contain any spillage and to afford protection from vehicular damage.

Noted. A condition can be attached to any consent granted to require the provision of an impermeable bund.

3.3 The Scottish Environment Protection Agency has no objection to the proposal, but would request that the oil tank be contained within an impermeable bund.

Noted. A condition can be attached to any consent granted to require the provision of an impermeable bund.

3.4 Scottish Water has no comments on the application in respect of water issues. In that there are no known sewers in the area, any drainage will require to be treated by septic tank or some other suitable system to the satisfaction of SEPA. Any new septic tank should be sited such as to allow easy access for the tanker.

Noted. Scottish Water’s requirements can be accommodated by means of a condition and note attached to any consent granted.

3.5 Stewarton and District Community Council has not responded at the time of drafting the report.

Noted.

4. REPRESENTATIONS

4.1 The proposal has been amended by the applicants in respect of the design of the new access drive, with consequent re-notification of neighbours. The Planning and Building Control Division has notified the objector of the amended proposals. There is one letter of objection from a neighbour. The grounds of objection are as follows:-

4.2 There is no need for the new driveway that will create visual disamenity in the historic landscape of the Rural Protection Area and also increase the financial

burden for those left to maintain the existing access. The applicant should help upgrade the existing access and it is noted that other elements of the proposal preclude through access from the new drive to neighbouring properties.

Clearly there is an existing vehicular access to Barrfield Steading, however it is not the function of the planning system to require that such access must be used by the existing dwellings to the exclusion of the formation of a suitable alternative access. The applicant is not required to demonstrate a need for the new access to an existing dwelling. Provided the design, road safety implications and visual impacts of the new access are considered acceptable, it would be appropriate to approve it. The consequences of so doing in terms of existing legal or maintenance obligations are not material planning considerations. The driveway has been amended to take a more direct line to the subject house, as does the existing access, and it is considered that its construction would be compatible with maintaining visual amenity in the area. There is no planning requirement for the applicants to facilitate a linkage from the new access to other existing houses.

4.3 The summer houses will create visual and residential disamenity by introducing uncoordinated, adhoc buildings in the countryside. The summerhouses could become habitable dwellinghouses or tourist chalets in the future; if granted they should be conditioned to prevent such use. One of the summerhouses is 10 metres from a living room window, the others are in the objectors line of vision and will cause visual disamenity. The lack of demonstrated / justifiable need makes the inclusion of the summerhouses totally unacceptable.

There is no planning requirement for the applicant to demonstrate a "need" for the erection of summer or other outhouses in the curtilage of an existing residential property. The structures proposed are clearly everyday domestic features present in many residential locations throughout East Ayrshire. The question of "need" or "justification" becomes relevant only where the dwelling itself is a new feature in such a rural location.

It is considered extremely unlikely that the summerhouse, potting shed or garage would ever be used for residential purposes given their construction. Their use for purposes ancillary to the residential use of the existing house can be conditioned in order that commercial activities are not established, but in terms of precedent, it is not considered that they would in their proposed form create a basis for future separate residential activity.

The design of the summerhouse, shed and garage is unremarkable and inoffensive. Their location is not considered to diminish the visual amenity of the area nor the residential amenity of neighbouring properties to any significant degree. In this respect there is no right to a

view or overriding need to maintain an unrestricted line of vision across other property.

4.4 The application site lies in the Rural Protection Area where Policy SD3 of the Adopted East Ayrshire Local Plan applies criteria constraining development. The application is contrary to every single criteria of SD3, eg the proposals are not an acceptable form of residential use and cannot be justified in terms of location, social or economic benefit, they do not support rural land diversification or the operational needs of agriculture or forestry and are visually obtrusive in the Rural Protection Area.

The objector is incorrectly highlighting the relevance of a strategic policy within the Adopted Local Plan, the intention of which is to lay out in broad terms the Council's strategic approach to the development of land. It would be appropriate to have regard to such policies if the proposal was for the first introduction of residential activity into a rural area, however such activity has already been approved. The development before Committee is in respect of a series of minor "householder" or similar proposals and therefore Policy SD3 is not applicable.

4.5 The application lies in National Scenic and Sensitive Landscape Character Areas as defined in the Approved Ayrshire Joint Structure Plan. Policies E2 and G3 regulate development in such areas and the proposals are contrary to these policies in that they will not protect and maintain, enhance or restore the scenic beauty, natural systems, wildlife or cultural heritage nor would they promote the social and economic well being of communities.

The application site does not lie within a National Scenic Area nor a Sensitive Landscape Character Area. Policies E2 and G3 of the Structure Plan do not apply.

4.6 The balcony has already been built and overlooks the objector's property, particularly a living room and bedroom. This is an invasion of the objector's privacy and is detrimental to their enjoyment of their house and residential amenity.

The balcony, boiler house and oil tank have already been erected. Notwithstanding this, the balcony and the objector's house are approximately 25 metres apart. In addition, it is considered that the relative orientation of one to the other is such that there would be no significant impact on residential amenity or privacy. The balcony projects from a window opening which prior to the rehabilitation of the property had been accessible from ground level via an external staircase leading to the upper level of the original byre.

5. ASSESSMENT AGAINST THE 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 and the Adopted East Ayrshire Local Plan.

Approved Ayrshire Joint Structure Plan

5.2 The Ayrshire Joint Structure Plan presents broad, strategic policies for the regulation of development within Ayrshire.

The policy content of the Structure Plan is reflected in the Adopted East Ayrshire Local Plan where more detailed policies advance the strategic goals of the Structure Plan. It is against the Local Plan that this householder application should be assessed.

Adopted East Ayrshire Local Plan

5.3 A number of policies within the Local Plan concern new residential development within the countryside. This proposal however is in respect of proposals of a “householder” nature pertaining to an existing residential property. Consequently compliance with the terms of the Council’s Design Guidance as indicated by Policy ENV 7 would be necessary.

The “Householder Design Guidance” was approved by Council in April 2001 and includes guidance in respect of garages, house extensions and LPG tanks (although it would be reasonable to also apply this to oil tanks). As drafted this advice is most relevant in relation to urban locations where for example building lines are more apparent and development to the rear of same would be encouraged. The application site presents no clear building line.

The Guidance does address new residential development in the countryside and comments on the landscaping and garden ground areas of new development. Although not strictly applicable, the guidance in this section discourages the use of tarmac driveways, (the proposal indicates graded stone); encourages the use of appropriate landscaping and suggests that outbuildings and structures should be designed as an integral part of the overall design. In this respect the bulk of the proposals are adjacent to the existing house although the potting shed and wooden garage are more distant. On balance, and noting the construction of the garage and shed, it is not considered that this would merit refusal of the application.

5.4 Policies ENV 11 and 12 address development proposals within rural areas and pursue development that respects the local landscape, minimises visual impact and compliments the area.

For the main part, these policies consider proposals comprising the first introduction of development into a rural location. However, it is considered that an assessment of the proposals against these policies confirms them to be acceptable. The proposals are considered to be consistent with the development plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The material considerations relevant to the determination of this application are the representation and the consultation replies received (as assessed in Sections 3 and 4 above) and the impact of the proposals in respect of visual and residential amenity.

Consultations and Representations

6.2 The Consultations and Representations have been considered in Sections 3 and 4 of this report and it is not considered that they raise issues of sufficient merit as to warrant refusal of the application.

Visual and Residential Amenity

6.3 The application in visual terms is considered to be acceptable given the nature of the proposals. The oil tank is wet dash rendered with a slate roof and the other features are essentially common domestic additions to a residential property.

6.4 The impacts of the development in terms of residential amenity and privacy have been assessed in Sections 4 and 5 of this report and do not indicate that the application should be refused.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSION

8.1 As indicated in Section 5 of the report the proposal is considered to be in accordance with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning Act 1997, the application should be approved unless material considerations indicate otherwise. As indicated in Section 6 of the report there are material considerations relevant to this application, however, it is considered that these are generally supportive of the application.

8.2 Notwithstanding the points of objection, the relationship between the application site and adjoining property, and the proposals themselves, are not considered to raise impacts of such weight as to merit refusal of the application.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated 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 such a decision would not be a significant breach of council policy.

Alan Neish
Head of Planning and Building Control

06 May 2003
(DVM/IMB)

FV/DVM

List of Background Papers

1. Application form and plans.
2. Statutory Notices & Certificates.
3. Consultation Responses.
4. Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan
7. East Ayrshire Council Design Guidance.
8. Planning Consent 98/0194/FL

Anyone wishing to inspect the above papers please contact Dave Morris on (01563) 576753.

Implementation Officer: Dave Morris

TP24

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0069/FL

Location: Barrfield Steading,
Old Glasgow Road,
STEWARTON

Nature of Proposal: Proposed Building Alterations, Garden Outhouses
and Access Drive

Name & Address of Applicant: Mr David Child,
Barrfield Steading
Old Glasgow Road
STEWARTON
KA3 5JU

Name & Address of Agent:

(DVM/IMB)

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 received on the 24th January 2003 as revised by the amended access plan received by the Planning Authority on 04 April, 2003.

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

2. The proposed potting shed, garage and summerhouse shall not be used for commercial purposes other than those being incidental to the occupant's enjoyment of this residential property.

REASON To safeguard the amenity of adjacent residential properties.

3. The oil storage tank shall be contained within an impermeable bund capable of containing 110% of the tank's volume.

REASON To prevent any pollution in the event of spillage and to afford protection from vehicular damage.

4. The proposed potting shed, wooden garage and summerhouse hereby approved shall be maintained in a neat and tidy condition.

REASON In the interest of visual amenity and to preserve the visual quality of the area.

5. Notwithstanding the plans hereby approved, any septic tank provided to serve the development shall be sited in such a position as will enable it to be emptied by the tanker.

REASON In the interest of public safety.

Note to Applicants

The applicants are advise to make early contact with Scottish Water to confirm its requirements in respect of the drainage of the site.

**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.**