

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 22 NOVEMBER 2002

**02/0612/FL: PROPOSED ERECTION OF CONSERVATORY, GARAGE,
BOUNDARY WALLS AND ALTERATIONS TO ROOFING MATERIAL OF
HOUSE
AT 12A WALLACE STREET, GALSTON
BY MR & MRS GOWER**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicant proposes to erect a conservatory measuring 3.5 metres by 3.5 metres to the front of the dwelling house. The proposed conservatory is constructed of upvc window frames on brickwork to approximately 1 metre from ground level with a triple polycarbonate roofing material. In addition, the applicant proposes to erect a brick built roughcast garage measuring 4.6 metres wide by 6.6 metres long with a pitched roof covered in Marley Modern roofing tiles measuring 3.46 metres to its ridge. It is proposed to locate the garage to the east of the house adjacent to the northern and eastern boundaries leaving a gap of approximately 1metre between the house and the garage.

Two aspects of this application are retrospective, these are:

1. The erection of a facing brick boundary wall approximately 1.3metre high along the majority of the southern and eastern boundaries;
2. The re-cladding of the existing slated roof of the house in Marley Modern tiles; and
3. The installation of the two velux windows to the front elevation of the house.

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 is indicated at Section 5 of the report, the application is considered not to be in accordance with the development plan. Therefore, given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 above, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan which, due to its age, is of negligible relevance. The material considerations indicate that the proposal does not accord with the Council's Design Guidance as the proposals are considered to be detrimental to the character of the building and the Outstanding Conservation Area.

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 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.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 22 NOVEMBER 2002

**02/0612/FL: PROPOSED ERECTION OF CONSERVATORY, GARAGE,
BOUNDARY WALLS AND ALTERATIONS TO ROOFING MATERIAL OF
HOUSE
AT 12A WALLACE STREET, GALSTON
BY MR & MRS GOWER**

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 which is to be considered by the Local Planning Committee under the scheme of delegation because it is recommended for refusal and has been the subject of an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The development site is located within the Galston Outstanding Conservation area. The site is a former outbuilding ancillary to the main Wallace Street buildings which were converted to form a dwellinghouse pre 1975. The two storey property with a pitched roof, is located to the rear of the plot, with the result that the garden ground to the property is located to the front of the dwelling house – facing onto the public car park. The property is bounded to the west by single storey slate roofed outbuildings ancillary to the properties on Wallace Street and to the east by a modern two storey detached villa with ancillary garage. A Doctor's Surgery is located to the north of the development site. The southern aspect to the site is a Council owned car park through which the applicants take access to their property.

2.2 **Proposed Development:** The applicant proposes to erect a conservatory measuring 3.5 metres by 3.5 metres to the front of the dwelling house. The proposed conservatory is constructed of upvc window frames on brickwork to approximately 1 metre from ground level with a triple polycarbonate roofing material. In addition, the applicant proposes to erect a brick built roughcast garage measuring 4.6 metres wide by 6.6 metres long with a pitched roof covered in Marley Modern roofing tiles measuring 3.46 metres to its ridge. It is proposed to locate the garage to the east of the house adjacent to the northern and eastern boundaries leaving a gap of approximately 1metre between the house and the garage.

Two aspects of this application are retrospective, these are:

4. The erection of a facing brick boundary wall approximately 1.3metre high along the majority of the southern and eastern boundaries;
5. The re-cladding of the existing slated roof of the house in Marley Modern tiles; and
6. The installation of the two velux windows to the front elevation of the house.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have confirmed that they have no objection to the proposal.

Noted.

3.2 Scottish Environment Protection Agency and the Coal Authority have indicated that they have no objection to the proposal.

Noted.

3.3 Scottish Water have indicated that they object to this application due to the cost of providing infrastructure to serve the development being outwith Scottish Water's 'reasonable cost' obligations in terms of the Sewerage (Scotland) Act 1968. Scottish Water would remove its objection if the applicant utilises a soakaway or other similar method to accommodate the surface water run-off from the proposed development.

A condition can be attached to any grant of planning consent relating to the use of a soakaway or similar system.

3.4 Galston Community Council and Historic Scotland have not responded at the time of writing this report.

Noted.

4. REPRESENTATIONS

One letter of objection has been received in relation to this development.

4.1 The grounds of objection state that the erection of this garage will significantly reduce the natural daylight into one of the consulting rooms.

It is considered that the erection of the garage will not result in a significant loss of daylight to adjacent property.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 requires 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 Ayr County Development Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against it. The site is designated as being zoned as for commercial use. The proposal therefore fails to accord with the development plan.

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), consultations and representations.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan Finalised Version (EALP) should be considered a prime material consideration.

East Ayrshire Local Plan

6.3 Policy ENV 4 states that the Council will seek to ensure that all development within or affecting the setting of a conservation area or affecting the appearance or setting of a listed building, is sympathetic to the area or building concerned in terms of its layout, size scale, design, siting, materials and colour of finish. Wherever possible, all proposals should seek to preserve, enhance, or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the

area or building concerned. The reason for this policy is to ensure that all new development is sympathetic to the character of existing buildings.

6.4 Policy ENV7 indicates that all developers will be expected to comply with the Council's existing and emerging Design Guidance and Policy documents relating to and advising on the particular type of development proposed. Developments which do not meet the required design standards detailed in these documents will require to be fully justified and may not be supported by the Council. The reason for this policy is to ensure a high standard of design in line with Council advice and guidance.

The proposed development fails to take account of its location within the Outstanding Conservation Area. This is significantly highlighted through the use of Marley Modern tiles instead of slate on the roof of the main house and the garage, the incorporation of modern style velux windows rather than conservation style velux windows, the use of UPVC window units rather than timber and polycarbonate roofing material for the conservatory and the erection of a facing brick wall around the open sides of the property, rather than a traditional brick wall painted or finished in wet dash roughcast. It is considered that the proposals are unsympathetic to the character of the Outstanding Conservation Area and for this reason the proposed development fails to accord with the policies of the East Ayrshire Council Local Plan and the Design Guidance on development within Conservation Areas.

Consultees and Objections

6.5 The consultation responses and the submitted objection have been considered above and do not raise issues of sufficient weight to merit the refusal of the application.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in determining this application. However due to part of the application being retrospective, consideration would have to be given to the pursuit of formal enforcement action to achieve appropriate finishes to the development. In this regard the Division would discuss means by which an acceptable solution might first be achieved before initiating enforcement action.

8. CONCLUSIONS

8.1 As is indicated at Section 5 of the report, the application is considered not to be in accordance with the development plan. Therefore, given the terms of Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated at Section 6 above, there are material considerations relevant to this application. It is considered that the weight that should be attached to these material considerations should be greater than that given to the policies of the Adopted Local Plan which, due to its age, is of negligible relevance. The material considerations indicate that the proposal does not accord with the Council's Design Guidance as the proposals are considered to be detrimental to the character of the building and the Outstanding Conservation Area.

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 it would not represent a significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

12 November 2002
(CSI/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms and Plans.
2. Representations.
3. Statutory Consultations.
4. East Ayrshire Local Plan (Finalised Version with Modifications).
5. Approved Ayrshire Joint Structure Plan.
6. Ayr County Development Plan.
7. Statutory Notices and Certificates.
8. East Ayrshire Council Design Guidance.

Anyone wishing to inspect the above papers please contact Craig Iles on 01563 576770.

Implementation Officer: Dave Morris

020612FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0612/FL

Site of Proposal:	12A Wallace Street GALSTON
Nature of Proposal:	Proposed Erection of Conservatory, Garage & Boundary Wall and Alterations to Roofing Material Finishes
Name & Address of Applicant:	Mr & Mrs Gower 12A Wallace Street GALSTON KA4 8HP
Name & Address of Agent:	B Line Design Ltd 25 Wilson Avenue KILMARNOCK KA3 7AP

DPOs Reference: CSI/MMM

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

1. The proposed development would have a detrimental effect on the character and amenity of the Outstanding Conservation Area.
2. The proposed development would be contrary to Policies ENV 7 and ENV 4 of the East Ayrshire Local Plan and the Council's Design Guidance by virtue of the use of inappropriate materials within an Outstanding Conservation 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.**

AGENDA