

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 22 NOVEMBER 2002**

**02/0736/FL: PROPOSED REAR EXTENSION  
AT 25 LUGTON ROAD, DUNLOP  
BY MR & MRS P BORLAND**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of a single storey extension to the rear of the dwellinghouse to form a kitchen. The proposed extension measures 4 metres by 3.5 metres with a ridge height of 4.2 metres and is of a pitched hipped roof design. The proposed materials will match the existing dwellinghouse.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As is indicated at para 5.2 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As indicated at para 6.1 of the report, there are material considerations relevant to this application which are supportive of the application.

3.2 It is considered that the objection relating to services, character of the dwellinghouse and to loss of sunlight have been addressed in Section 4 and are not considered to be of sufficient weight as to merit refusal of the application.

**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 that 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.**

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AT 25 LUGTON ROAD, DUNLOP  
BY MR & MRS P BORLAND**

**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 to be considered by the Local Planning Committee under the Scheme of Delegation because it is subject to an objection.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The application site comprises a semi-detached, single storey residential property. Further residential properties lie to either side and to the rear of the application site.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a single storey extension to the rear of the dwellinghouse to form a kitchen. The proposed extension measures 4 metres by 3.5 metres with a ridge height of 4.2 metres and is of a pitched hipped roof design. The proposed materials will match the existing dwellinghouse.

**3. CONSULTATIONS AND ISSUES RAISED**

3.1 Scottish Water has not objected to the proposal but has advised that this application may involve building over or in such a way as to obstruct access to an existing public sewer. The applicant must contact Developer Services in order to ascertain if diversion or protection is appropriate. The water supply and drainage arrangements must be to Scottish Water's satisfaction.

***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 Transco have indicated that they do not object to the proposals however the proposed works should be carried out in accordance with Transco guideline "Measures to be taken to protect Transco Plant".

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

3.4 Stewarton Community Council have no objection to the proposals.

***Noted.***

#### **4. REPRESENTATIONS**

One letter of objection has been received from the occupier of the attached property to the north west of the application site. The grounds of objection relate to the following:-

4.1 The extension is being built on top of the main sewage pipe, gas pipe and water pipe which supplies both our houses and as we have had bursts to the existing lead water pipe on several winters it could pose a problem in the future.

***Neither Scottish Water, Transco or the Scottish Environment Protection Agency have objected to the proposal. A note regarding any possible diversion or protection works can be attached to any grant of planning permission. The Building Warrant process will also address such infrastructure matters in the processing of the warrant application.***

4.2 The extension would take away the character of the house.

***It is not considered that the extension will detract from the character of the house given its size and that the external materials to be used in the construction of the extension shall match those of the existing dwellinghouse. Indeed, an extension of this size would have been permitted development under the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 had the existing roof not required to be altered.***

4.3 The extension would stop the sun getting through to my back garden.

***The extension extends 4 metres from the rear of the boundary with a ridge height of 4.2 metres above the ground level of the existing and adjacent properties. The proposed extension is located to the south of the objectors property. Nevertheless it is considered that the proposals would not bring about a significant reduction in natural daylight to the adjacent attached property to such an extent that would justify a refusal of the application.***

## **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 this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted Stewarton Local Plan which was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Policy 4.8.1 of the Adopted Local Plan sets out general design criteria applicable to residential development in the local plan area. The criteria is intended to maintain and enhance the existing building style which contributes to the character of the area.

***It is considered that the proposed extension complies with the wording and the purpose of the Adopted Local Plan.***

## **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

6.1 The other material considerations relevant to the determination of this application are the East Ayrshire Local Plan (Finalised Version with Modifications), the consultation replies, the Council's Design Guidance and the objection detailed above.

6.2 The Adopted Local Plan is considerably out of date and it is therefore 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 with Modifications) should be considered as a prime material consideration.

East Ayrshire Local Plan (Finalised Version with Modifications)

6.3 Policy ENV 7 of the East Ayrshire Local Plan (Finalised Version with Modifications) is of relevance and 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. 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 Design Guidance is discussed in paragraph 6.4 below. The proposal is considered to be in accordance with the Design Guidance and as such, would be in accordance with Policy ENV 7 of the East Ayrshire Local Plan (Finalised Version with Modifications).***

#### Design Guidance

6.4 The East Ayrshire Council’s Design Guidance for Householder Development is of relevance in the determination of the application and states the following:

- Extensions shall be sited and designed to minimise any overlooking of neighbouring properties and to ensure maximum provision of privacy and daylighting
- The materials and colours used in the construction of extensions should match the finish of the existing dwellinghouse
- All extensions should incorporate double-pitched or hipped roofs in situations open to general view

***It is considered that the proposal meets the terms of the Council’s Design Guidance.***

#### Consultation Replies

6.5 The consultation replies indicate that approval of the application would be appropriate.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

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

## **8. CONCLUSIONS**

8.1 As is indicated at para 5.2 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section

25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As indicated at para 6.1 of the report, there are material considerations relevant to this application which are supportive of the application.

8.2 It is considered that the objection relating to services, character of the dwellinghouse and to loss of sunlight have been addressed in Section 4 and are not considered to be of sufficient weight as to merit refusal of the application.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved, subject to the conditions listed 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 that would not represent a significant breach of Council policy.

**Alan Neish**  
**Head of Planning and Building Control**

12 November 2002  
(SMcA/MMM)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letter of objection.
5. East Ayrshire Council Design Guidance (2001).
6. Adopted Stewarton Local Plan.
7. East Ayrshire Local Plan (Finalised Version with Modifications).
8. Approved Strathclyde Structure Plan.
9. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Stuart McAdam on 01563 576757.

**Implementation Officer: Dave Morris**

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0736/FL

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Site of Proposal:	25 Lugton Road DUNLOP Kilmarnock
Nature of Proposal:	Proposed Erection of a Rear Extension
Name & Address of Applicant:	Mr & Mrs P Borland 25 Lugton Road DUNLOP Kilmarnock
Name & Address of Agent:	J A Hutton 48 Craighill Drive Clarkston GLASGOW G76 7TF

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DPOs Reference: SMcA/MMM

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 received on 17 September 2002 and the plans received by the Planning Authority on 10 and 17 September 2002.

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

2. Notwithstanding the plans hereby approved the external appearance of all materials to be used in the construction of the extension shall match the materials of the original building.

REASON To ensure that the extension matches the external appearance of the existing building and thereby maintain the visual quality of the area.

### Notes to Applicant:

The applicant is advised to make early contact with Scottish Water, 35 Glenburn Way, Prestwick in regard to water supply and drainage arrangements.

1. (i) This application may involve building over in such a way as to obstruct access to an existing public sewer. The applicant must contact Developer Services in order to ascertain if diversion or protection is appropriate. The applicant may be required to enter into an agreement with Scottish Water in terms of Section 21 of the Sewerage (Scotland) Act 1968.
  - (ii) A totally separate drainage system of foul and surface water sewers will be required.
  - (iii) Consultation should be made with Developer Services regarding compliance with current byelaws and use of water for building purposes is advised. It is strongly recommended that a cold water storage system is provided, for each house or flat having an actual (not nominal) capacity of 200 litres.
2. The proposed works should be carried out in accordance with Transco guideline "Measures to be taken to protect Transco Plant". The applicant is advised to contact Transco's Operations Office prior to commencement of works.
  3. The proposed works may involve diversion or protection works. The applicant is advised to contact the relevant agencies prior to commencement of works on 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.**

**AGENDA**