

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 22 NOVEMBER 2002

**02/0671/FL: PROPOSED ERECTION OF ONE AND A HALF STOREY HOUSE
AT 29 CARNALEA COURT, GALSTON
BY REID ROSE DEVELOPMENTS LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposed development aims to demolish the existing single storey dwelling house and replace it with a one and a half storey dwelling house. The proposed dwelling house will contain 4 bedrooms at first floor and three apartments on the ground floor and an attached double garage.

1.2 The proposal utilises a front gable window and dormer which serves two bedrooms while the rear bedrooms and bathroom are served by velux windows. The total height of the proposed development is 7.3 metres, approximately 2 metres higher than the adjacent unit to the east and approximately the same height as the property to the west of the development site.

1.3 The main body of the proposed dwelling house is approximately 11.5 metre at its widest point and 12.5 metres in length. The proposal includes an attached double garage of 5 metres by 5 metres on the western gable of the building. The existing dwelling house is 15 metres long by 10.5 metres wide at its widest point and approximately 5 metres high to its ridge. The existing property is located approximately 1.4 metres away from the rear boundary at the narrowest point. It is proposed to locate the new dwelling house approximately 2.25 metres away from the rear boundary of the site at the narrowest point.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the condition 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 due to the age of this plan.

3.2 The proposed development complies with the East Ayrshire Local Plan and satisfies all the requirements of the consultees. The objectors have not raised issues whose effect is 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 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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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 has been the subject of objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located in a residential cul-de-sac with ten other properties varying in style between single storey, storey and a half and two storey dwellings. The site is bounded to the east by a single storey house, to the west by a storey and a half house gable fronted property and to the north (rear) by a single storey property.

2.2 **Proposed Development:** The proposed development aims to demolish the existing single storey dwelling house and replace it with a one and a half storey dwelling house. The proposed dwelling house will contain 4 bedrooms at first floor and three apartments on the ground floor and an attached double garage.

2.3 The proposal utilises a front gable window and dormer which serves two bedrooms while the rear bedrooms and bathroom are served by velux windows. The total height of the proposed development is 7.3 metres, approximately 2 metres higher than the adjacent unit to the east and approximately the same height as the property to the west of the development site.

2.4 The main body of the proposed dwelling house is approximately 11.5 metre at its widest point and 12.5 metres in length. The proposal includes an attached double garage of 5 metres by 5 metres on the western gable of the building. The existing dwelling house is 15 metres long by 10.5 metres wide at its widest point and approximately 5 metres high to its ridge. The existing property is located approximately 1.4 metres away from the rear boundary at the narrowest point. It is proposed to locate the new dwelling house

approximately 2.25 metres away from the rear boundary of the site at the narrowest point.

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 Water have indicated that they have no comment to make regarding this application.

Noted.

3.3 The Coal Authority have indicated that they have no objection to the proposals.

Noted.

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

Noted.

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

A note can be attached to any grant of planning consent relating to these measures.

4. REPRESENTATIONS

There are four letters of objection to the proposed development with five signatories.

4.1 The objections indicate that the proposed development is of a different type of dwelling to the existing one, and not in keeping with the area. The one and a half storey building will be inconsistent with the character of the surrounding properties and as such will have a detrimental effect on the amenity of the area.

The proposed development is a storey and a half building which is in keeping with the other houses within the immediate area. Within the immediate cul-de-sac there are 5 two storey houses and 3 storey and a half properties and 3 bungalows(including the one to be demolished). Within the entire Carnalea estate there are 16 two storey properties, 10 storey and a half properties and 11 bungalow properties. Therefore the style of dwelling house proposed is considered to be in keeping with both its general environment and its immediate location.

4.2 The gable end of the double garage will effectively block out the little light we enjoy through our kitchen window. We also enjoy direct sunlight into our garden at present, with this new dwelling this would also cease. The proposed development will affect light and outlook from my living room and utility room as the proposed development has brought the building forward blocking both the sunlight and our view from our windows. At present we can watch our children play safely around the cul-de-sac but our view and light will be obstructed by the new development.

With regard to the impact of the 5.4 metre gable of the double garage on the neighbouring property, the garage will be located approximately 1 metre away from the 1.8 metre high boundary fence. The existing building has a 5 metre high x 10 metre wide gable 3 metres away from the boundary, and thus the proposal will not have a significant detrimental impact on the adjacent property. The loss of light from the utility room and lounge room window of the property to the east of the site is not a significant factor as these windows are located within 1 metre of the side boundary and the proposed development is also located 1 metre away from the boundary thus the proposed development is a reasonable distance from the existing building, and is located only 1.5 metres further forward than the existing dwelling.

4.3 It will have an adverse effect on the price of my property.

The effect of the proposal on property values is not a material planning consideration.

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 Ayr County Development Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against it. Within the Development Plan the area is designated as industrial and therefore a residential development does not 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 1999), consultations and representations and planning history.

East Ayrshire Local Plan (Finalised Version with Modifications)

6.2 The Adopted Local Plan is considerably out of date and consequently of negligible effect. 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. Policy RES 4 indicates that the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against the following criteria:

- (i) Impact on the surrounding natural and built environment and adjacent uses;
- (ii) Transportation and infrastructure implications;
- (iii) Compatibility with surrounding densities and housing types; and
- (iv) Compliance with the Council's Development Promotion and Design Guidance.

The proposed development meets all the criteria laid down within this policy and therefore complies with the East Ayrshire Local Plan.

Consultees and Objections

6.3 The consultation responses and the submitted objection have been considered above and do not raise issues meriting the refusal of the application.

Planning History

6.4 An outline planning application was approved by Kilmarnock and Loudoun District Council on 28 March 1990 for residential development in this area. A Reserved Matters Application was approved with conditions on 26 June 1990 for a single storey dwellinghouse at this location.

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 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 due to the age of this plan.

8.2 The proposed development complies with the East Ayrshire Local Plan and satisfies all the requirements of the consultees. The objectors have not raised issues whose effect is 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 condition 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 represent a significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

13 November 2002
(CSI/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Representations.
2. Application Forms and plans.
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/Certificates.
8. Previous Planning Consents.

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0671/FL

Site of Proposal:	29 Carnalea Court GALSTON
Nature of Proposal:	Proposed Erection of a One and a Half Storey Dwelling
Name & Address of Applicant:	Reid Rose Developments Ltd 15 Falkland Avenue NEWTON MEARNS Glasgow G77 5DR
Name & Address of Agent:	Arena Architects 37 High Barholm KILBARCHAN PA10 2EG

DPOs Reference: CSI/MMM

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

1. Notwithstanding the plans hereby approved the facing brick, roof tiling and roughcasting materials to be used in the construction of the dwellinghouse are not hereby approved. Details and samples of facing brick, roof tiles and roughcast shall be submitted to and approved by the Planning Authority before any development commences on site.

REASON In the interests of visual amenity.

Note to Applicant – The applicant should contact Transco to ensure that all proposed works are carried out in accordance with Transco guidance “Measures to be taken to protect Transco Plant”.

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