

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 07 NOVEMBER 2003

**03/0627/FL: PROPOSED ALTERATIONS AND EXTENSION TO EXISTING
DWELLINGHOUSE AND RELOCATION OF EXISTING GARAGE
AT 2 SALISBURY AVENUE, HURLFORD
BY MR & MRS I HAMILTON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full Planning Consent is sought for alterations to and extension of the existing dwellinghouse and relocation of the existing garage. The proposed extension measures 23.5m square in area, 4m in height. The extension has two windows situated on the south elevation, one window on the east elevation and a door with obscure glazing on the north elevation. The garage is proposed to be moved 0.3m south and 1.55m east. There will be no alterations to the size of the garage.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated at Section 5 of the 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 consultations received are supportive. The submitted objections 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.

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.

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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 a application which is to be considered by the Local Planning Committee as it is subject to an objection received in advance of the review of the Scheme of Delegation, and the objector had already been notified of the decision to determine the application at the Local Planning Committee.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is a one storey semi-detached cottage style house located at 2 Salisbury Avenue, Hurlford, to the north eastern boundary of Hurlford just off the Galston Road. The site is bounded by the Galston road to the south, residential properties of Salisbury Avenue to the north, residential properties of Marchmont Court to the west and Holyoake Court to the east.

2.2 **Proposed Development:** Full Planning Consent is sought for alterations to and extension of the existing dwellinghouse and relocation of the existing garage. The proposed extension measures 23.5m square in area, 4m in height. The extension has two windows situated on the south elevation, one window on the east elevation and a door with obscure glazing on the north elevation. The garage is proposed to be moved 0.3m south and 1.55m east. There will be no alterations to the size of the garage.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Coal Authority, Scottish Environment Protection Agency, Transco and Scottish Water had no comments to make on this application.

Noted.

3.2 The Hurlford and Crookedholm Community Council has not responded to their consultation at the time of writing this report.

Noted.

4. REPRESENTATIONS

Objections have been received from one individual and the valid grounds for objection are as follows:-

4.1 The extension would be very intrusive to my garden not least because the height is nearly as high as the house presently.

The development conforms with the Council's Design Guidance and policy documents relating to this type of development in terms of design and layout.

4.2 This would also be intrusive to my bedroom; my concerns as a pensioner living alone are evident.

The amendments to the plans, which revise window positions and employ the use of opaque glass, address the issues of overlooking.

4.3 My overall privacy would certainly be encroached.

See reply to point 4.2.

4.4 I bought this house because of the sun in my garden from first thing in the morning to late on at night and this extension will certainly cut off most of the sunlight my garden receives during the day.

The height of the extension is lower than that of the house and the point where the extension will directly come between the sun and the garden will be when the sun is at its highest in the sky. It is therefore considered that the extension's effect on the extent of sunlight reaching the garden will not be as significant as claimed.

4.5 The size of the extension to the original house mass would be unbalanced as the extension is so large.

See reply to point 4.1.

4.6 An extension of two rooms to a small 2 bedroom semi detached bungalow with a small garden area does not lend itself to a small overall area.

The overall size of the extension and the garden area remaining is found to be acceptable and accords with policy ENV 7 of the Adopted East Ayrshire Local Plan.

4.7 The proposal appears to be very near to my garden fence and bedroom leaving little space between the fence and the brick wall.

The proposed extension will be 2.5m from the boundary and as such is not considered to be close enough to have a significant effect such as would warrant refusal of the application.

4.8 The door and window proposed would make myself very conscious that people could be looking in my bedroom at any time.

See reply to point 4.2.

4.9 The proposal will certainly affect the resale value of my house which selling in years to come would be affected by the standard of care I could expect in supported accommodation.

The resale value of a house is not a material planning consideration when assessing an application.

4.10 I have a strong suspicion that the proposed lounge is more likely to be used as a playroom for my neighbour to increase her child minding business as she appears to be presently looking after some children.

The applicant has informed the department that no such childminding business is in operation on the premises.

4.11 The changes of an opaque glass door and removal of a window does not fully eradicate the intrusiveness of the door, which would still incur people exiting in front of my bedroom window.

See reply to point 4.2.

4.12 The noise level will increase as the size of the garden will be dramatically reduced therefore concentrating the noise to a small area i.e. directly beside my garden.

It is not considered that the reduction of the size of the garden will significantly increase the noise levels and as such does not merit the refusal of this application.

4.13 Changes to the “law” may prevent the proposal being presented at Committee and there being a Hearing.

Whilst there has been an agreed revision of the Scheme of Delegation because the objection predated the revision the item is to be considered by the Local Planning Committee.

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 Within the East Ayrshire Local Plan, Policy ENV 7 requires all developers to have regard to the Council’s Design Guidance. This highlights the Council’s general concern that domestic works are in keeping with the existing house and do not impact adversely on neighbouring properties.

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 responses received offer no objection to the proposed development.

Representations

6.3 The issues raised by the objector have been assessed in Section 4 above and are considered to be of insufficient weight, given the amendment of the proposal, 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 it 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 the 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 consultations received are supportive. The submitted objections 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.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions 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

30 October 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.
7. Representations.

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

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0627/FL

Site of Proposal: 2 Salisbury Avenue
HURLFORD

Nature of Proposal: Proposed Alterations and Extension to Existing
Dwellinghouse and Relocation of Existing
Garage

Name & Address of Applicant: Mr & Mrs I Hamilton
2 Salisbury Avenue
HURLFORD KA1 5HD

Name & Address of Agent: Pryce Architectural & Construction Consultants
8 Grougar Road
Crookedholm
KILMARNOCK KA3 6LA

DPOs Reference: EMcL/MMM

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

1. The proposed development shall be carried out in accordance with the application form received on 17 June 2003 and the amended plans received by the Planning Authority on 08 September 2003 and the original plans drawing numbers Hamil.W3 and Hamil.W4.

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

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**