

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 3 OCTOBER 2003**

**03/0515/FL: PROPOSED ERECTION OF SINGLE DWELLINGHOUSE  
AT 15 JAMIESON ROAD, DARVEL  
BY MR C BARKER**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of a single storey dwellinghouse. The proposed dwellinghouse will offer 4-bedroom accommodation and will have an integral garage. The sycamore and yew trees in the front garden which are protected by a Tree Preservation Order will be retained. The pine tree will be removed to allow the formation of the driveway.

**2. RECOMMENDATION**

**2.1 The application should be approved subject to the conditions indicated on the attached sheet.**

**3. CONCLUSIONS**

3.1 As indicated at Section 5 of the report the application is 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 approved unless material considerations indicate otherwise.

3.2 There are material considerations relevant to this application as indicated in Section 6 of the report. The design and siting of the proposed house is compatible with the surrounding residential properties. It will not have an adverse impact on adjacent residential properties. The road improvements proposed will enable sight lines and help to reduce the speed of vehicles using Jamieson Road.

**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

would not require to be referred to the Development Services Committee as there would be no 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: 3 OCTOBER 2003

03/0515/FL: PROPOSED ERECTION OF SINGLE DWELLINGHOUSE  
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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 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 application site is 0.05 hectares in area and forms part of the garden ground of 15 Jamieson Road. The site is surrounded to the west by a field, to the east by Jamieson Road and residential properties, to the north by the garden ground of 15 Jamieson Road and to the south by vacant land and residential properties.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a single storey dwellinghouse. The proposed dwellinghouse will offer 4-bedroom accommodation and will have an integral garage. The sycamore and yew trees in the front garden which are protected by a Tree Preservation Order will be retained. The pine tree will be removed to allow the formation of the driveway.

2.3 A letter supporting the proposal has been submitted by the owner of the application site and adjacent property at 15 Jamieson Road, Darvel. They have indicated that they have lived here for over 40 years and in recent years have found the very large garden becoming unmanageable. They would welcome the chance to reduce the garden size and the proposed development would not only accomplish this but also encompass part of the ground they find unable to tend. They have been fully consulted on the design and siting of the new property and it will enhance not only their property but the surrounding area. The application is by their son who intends to live in the property.

The proposed house has been designed with attention to protected trees and they feel that they will benefit from inclusion in a garden whose layout and higher levels of maintenance will provide better care.

2.4 They believe that the proposed road alterations have been designed under the guidance of the Roads Division. They would welcome measures that introduces traffic calming to Jamieson Road.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council Roads and Transportation Division, Outdoor Amenities, Scottish Environment Protection Agency, Powersystems and Transco have no objections to the proposed development subject to conditions and/or notes. These relate to the timing of provision of road works, the need for a road opening permit and foul drainage being connected to the public sewer.

***Noted. The appropriate conditions and notes can be attached to any planning consent granted.***

3.2 Scottish Water have advised that there is a public sewerage system to which a connection may be made from the proposed development and the applicant should satisfy himself by site investigation if necessary that relative levels are such as will allow the development to be connected at an acceptable gradient. Their permission should be sought to connect to the public sewerage system. A totally separate drainage system of foul and surface water services will be required.

***A note can be attached to any grant of planning consent advising the applicant of the requirements of Scottish Water.***

3.3 The Coal Authority and Darvel and District Community Council have not responded to their consultation letters at the time of writing this report.

***Noted.***

### **4. REPRESENTATIONS**

4.1 There are two objectors to the proposed development. Their concerns are as follows:-

4.2 The erection of a second house will reduce the size and shape of the traditional plot area; the effect on the character and setting of the original house as well as its impact in reducing the quality and character of protected trees.

***It is considered that the proposed dwellinghouse can be accommodated on site without detriment to the character and setting of the existing two-storey red sandstone villa. A pine tree is the only***

***tree to be felled. The existing sycamore and yew trees are to be retained within the proposals.***

4.3 The plans submitted are not detailed enough and are vaguely sketched and not supported by an architect.

***It is considered that the plans are of sufficient detail to allow consideration of the proposed development.***

4.4 The increase in access and traffic issues have to be addressed with regard to the proximity to a primary school and the safety of pedestrians. The traffic is fairly heavy with cars and delivery lorries.

***The Roads Division have no objections to the proposed development subject to conditions concerning the timing of provision of the footpath build out and its standard of provision. As part of this application the applicant is proposing measures which will reduce the speed of vehicles using Jamieson Road as well as facilitate appropriate sight lines.***

4.5 The inclusion of a pavement on what is already a very narrow road will constitute a safety hazard. There will only be room for single line traffic. There are already cars parked on the road thus reducing the flow of traffic further.

***See response to 4.4.***

4.6 Will moving the storm drain alter the line of the flood water?

***The Roads Division have advised that the existing storm drain should be moved further up the road. Its re-siting will not affect adjacent properties.***

4.7 The objectors believe that part of the application site belongs to them and the applicant does not have title to part of the application site.

***The applicant has confirmed that they have carried out the correct ownership notification in terms of the development. All road improvements are within the public road.***

4.8 The rear garden area only just achieves the minimum size required assuming the raised deck area is included. They request that the raised deck area is removed. They object to the raised decking being included within the calculation of the rear garden area.

***The proposed development provides approximately 94 square metres of rear garden ground without including the rear raised decking area. As the raised decking area will provide useable***

***amenity space, it is considered that the slight deficit in the private open space requirement is acceptable in this instance. It would however be appropriate in these circumstances to remove permitted development rights for any further extensions to the property; requiring a planning application to be submitted.***

4.9 The proposed revisions to the access point and incorporation of street calming measures including bollards, encroach on and affect their land and are made without notice, consultation or agreement with the adjoining owners. The design and layout of these street calming measures directly affect the frontage of land owned by the objector. The street calming measures therefore have a detrimental affect on their property ownership and without further explanation, discussion and agreement these measures are objected to in the strongest possible terms.

***All road improvements are within the public road. All adjacent properties have been re-neighbour notified of the proposed amendments to the development and the road alterations. The traffic calming measures will help to reduce the speed of vehicles using Jamieson Road.***

4.10 The objector requires details of how the access will be retained onto Jamieson Road from their property. They request the full specification, detailed drawings and other information relating to the construction and design of the streetscaping in front of their property.

***The amended plans show that the adjacent site and garage will be accessed by a dropped kerb. The works to the public road will require to be carried out to an adoptable standard.***

4.11 Further details are required regarding the boundary treatment to the South and West boundaries of the application site. Both boundaries adjoin land owned by the objector.

***A condition can be attached to any grant of planning consent requiring details of the design of all fences and walls to be erected on site.***

4.12 The objector has recommended that a condition be attached to any grant of planning consent requiring the applicant to provide an accurate, properly scaled Certified Land Survey by a reputable Land Surveyor to show that there is no discrepancy between the red-line plan and the amended site layout plan.

***It is not considered necessary to attach such a condition to any grant of planning consent as the application site identified on the location plan and site layout plan are the same. It would not be***

***appropriate to determine the application if both plans were not consistent with each other.***

## **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 East Ayrshire Local Plan (EALP).

5.2 The relevant policy in the EALP is RES 5 which is supportive of the subdivision of existing house curtilages for the development of dwellinghouses subject to the following criteria:-

- (i) The proposal is fully in keeping with the existing residential character and appearance of the area within which it is located;
- (ii) The proposal meets all design requirements of the Council and does not create unacceptable damage to the amenity of surrounding properties; and
- (iii) Acceptable levels of privacy are maintained to neighbouring properties and to the new housing proposed.

Backland development (ie the erection of any dwellinghouse situated to the rear of an existing building and/or without a proper road frontage) will not be permitted where, in the opinion of the Council, this would adversely affect the amenity of the area, the setting of either the amenity proposed or original building on the site, or the amenity of neighbouring properties.

***The proposed development meets the terms of the above policy. It is considered that the proposed dwellinghouse is in keeping with the existing residential character and appearance of other dwellinghouses on Jamieson Road. Its siting and design does not affect the setting of the existing red sandstone two storey villa on site. the proposed development is not considered to be backland development as it has its own road frontage and access.***

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

6.1 The other material considerations relevant to the determination of this application are the consultations and representations received which are detailed in Sections 3 and 4 of the report.

***It is not considered that any aspects of the consultations or representations received 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. CONCLUSIONS**

8.1 As indicated at Section 5 of the report the application is 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 approved unless material considerations indicate otherwise.

8.2 There are material considerations relevant to this application as indicated in Section 6 of the report. The design and siting of the proposed house is compatible with the surrounding residential properties. It will not have an adverse impact on adjacent residential properties. The road improvements proposed will enable sight lines and help to reduce the speed of vehicles using Jamieson Road.

## **9. RECOMMENDATION**

**9.1 The application should 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 would not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

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

24 September 2003

(PC/MMM/MS)

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Responses.
4. Letters of Representation.
5. Adopted East Ayrshire Local Plan.
6. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Pamela Clifford on 01563 576772.

***Implementation Officer: Dave Morris***

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0515/FL

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Site of Proposal: 15 Jamieson Road  
DARVEL

Nature of Proposal: Proposed Erection of Single Dwellinghouse

Name & Address of Applicant: Mr Christopher Barker  
2 Crofthead  
Priestland  
DARVEL KA17 0NZ

Name & Address of Agent:

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DPOs Reference: PC/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 and location plan received on 06 June 2003 and the amended plans received by the Planning Authority on 04 August 2003 and 2 September 2003.

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

2. Notwithstanding the submitted plans, the external materials are not hereby approved. Details/samples of the external materials shall be submitted to and approved in writing by the Planning Authority before any development commences on the site and implemented thereafter according to the approved details.

REASON In the interests of visual amenity.

3. No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected

around the trees shown on the approved plans as being retained on the site. The fencing shall enclose the area described by the limit of the spread of the branches of the tree.

Such fencing shall be maintained during the course of development, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

REASON To ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity.

4. Notwithstanding the submitted plans, details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved in writing by the Planning Authority before any development commences on the site.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity and residential amenity.

5. The proposed build-outs and other external road works shown on the approved plans shall have been completed to an adoptable standard prior to the occupation of the proposed dwellinghouse.

REASON In the interests of road safety.

6. Notwithstanding the approved plans, details of the height, design and materials of the raised decking area shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site and implemented according to the approved details.

REASON In the interests of visual and residential amenity.

7. Notwithstanding the provision of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, or any Order or amendment replacing this, no extensions or garages (unless forming part of the approved layout) shall be erected on the site, unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON To enable the Planning Authority to ensure that such structures are provided in a manner compatible with the visual amenity of the area.

## Notes

1. The applicant is advised that the external road alterations will require a Road Opening Permit from the Council's Roads and Transportation Division, Greenholm Street, Kilmarnock.
2. The applicant will require to make separate application to Scottish Water for permission to connect to the public sewerage system. Scottish Water at this time offer no commitment as regards to the determination of such application. A totally separate drainage system of foul and surface water sewers will be required.

**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.**