

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 14 FEBRUARY 2003**

**02/0897/FL: PROPOSED ERECTION OF REAR EXTENSION  
AT 11 BANFIELD DRIVE, CUMNOCK**

**APPLICATION BY MR. J. SAMSON**

**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 existing dwellinghouse. The proposed extension will provide an additional 52 m<sup>2</sup> of accommodation, which, together with internal alterations to the existing house layout, will provide a new sitting room, kitchen and bedroom. The existing kitchen area will be altered to provide a new bathroom, while the existing bathroom area will provide a new en-suite for the additional bedroom. A new bathroom window opening will be created in the gable of the existing dwellinghouse, however this is 'permitted development' and does not require specific planning consent.

1.2 The roof of the proposed extension will tie into the roof of the existing dwelling and will be finished in materials to match the finish of the existing roof. Externally the walls of the extension will incorporate a fyfestone base course and will be rendered to match the existing dwelling.

1.3 The applicant has advised that part of the reason for the extension with its modified bathroom is to assist in the care of a relative who is confined to a wheelchair. It is intended that the additional and adapted accommodation will enable the applicant to provide respite care for this relative. Two letters of support confirming this position have been provided from health care professionals.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As is indicated in section 5 of the report, the application is considered 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 approved unless material considerations

indicate otherwise. As is indicated in section 6 of the report, there are material considerations relevant to this application.

3.2 These considerations have been assessed and are not considered to be such as to merit refusal of the application. The proposed development will provide additional accommodation within an extension consistent with the Council's Design Guidance.

### **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 because there will be no significant departure from 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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**APPLICATION BY MR. J. SAMSON**

**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 as it is subject to an objection.

**2. APPLICATION DETAILS**

2.1 **Site Description:** The site is located on the north side of Banfield Drive in Cumnock some 120 metres north west of the junction of Banfield Drive with Oakbank Drive. The application site comprises the existing single storey detached dwellinghouse, garage and its curtilage at this location.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a single storey extension to the rear of the existing dwellinghouse. The proposed extension will provide an additional 52 m<sup>2</sup> of accommodation, which, together with internal alterations to the existing house layout, will provide a new sitting room, kitchen and bedroom. The existing kitchen area will be altered to provide a new bathroom, while the existing bathroom area will provide a new en-suite for the additional bedroom. A new bathroom window opening will be created in the gable of the existing dwellinghouse, however this is 'permitted development' and does not require specific planning consent.

2.3 The roof of the proposed extension will tie into the roof of the existing dwelling and will be finished in materials to match the finish of the existing roof. Externally the walls of the extension will incorporate a fyfestone base course and will be rendered to match the existing dwelling.

2.4 The applicant has advised that part of the reason for the extension with its modified bathroom is to assist in the care of a relative who is confined to a wheelchair. It is intended that the additional and adapted accommodation will enable the applicant to provide respite care for this relative. Two letters of support confirming this position have been provided from health care professionals.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Community Council has not responded to the consultation letter.

***Noted.***

3.2 The Coal Authority, Scottish Power, Transco and Scottish Water have no adverse comments to make on the proposed development.

***Noted.***

### 4. REPRESENTATIONS

4.1 One letter of representation has been received objecting to the proposed development, the points of objection being summarised as follows:

4.2 The value of the applicant's property will go up after this development but mine will almost certainly reduce. I will now have difficulty in selling my property.

***The alleged impact on the value of property is not a material consideration in the determination of this application.***

4.3 I will be faced with a building site feet away from my side door as my house sits end onto the street. The site is now a mature development as I have been in this property for 14 years and now faced with the disruption and upheaval a building site can cause for months.

***It is accepted that, given the proximity of the objector's property to the proposed extension, there is likely to be some disturbance and inconvenience during construction works. There is an existing timber screen fence sited along the boundary between the two properties which will assist in screening the proposed works. However, the construction works will be temporary in nature. and conditions can be attached to any consent granted to ensure that these operations are undertaken at acceptable times to minimise impact on neighbouring residential properties.***

4.4 Light will be blocked into my kitchen, bathroom and lounge which has health implications.

***The applicant's house is oriented such that neighbouring houses project beyond it to the rear. The proposal will result in an extension that projects to the rear of neighbouring property by an approximately equivalent distance of 4 metres, a distance not uncommon between residential properties. It is accepted that***

***there will some impact on daylighting in respect of the objector's kitchen window, however, this impact is not considered to be of sufficient weight to justify refusal of the application.***

4.5 There is no timescale or stated hour when this development would take place. Noise and dust pollution will be a problem as I work nightshift. This would have health and safety implications as I drive to work.

***The construction works will be temporary in nature and conditions can be attached to any consent granted to ensure that these operations are undertaken at acceptable times to minimise impact on the amenity of neighbouring residential properties.***

4.6 The proposed development is out of character with the rest of the Kings Homes development due to its size and close proximity to the boundary.

***While it is accepted that the proposed extension is large, it is not considered that it is out of keeping with the locality in which it is located. Although it is located close to the boundary between the two properties, this is not considered to be a sufficiently significant factor to merit refusal of the application.***

4.7 The objector asks if the owner or builder has the necessary insurance to cover any possible liabilities he may have to cover. The objector indicates the potential for conflict now or in the future.

***These are not valid grounds of objection or material considerations in the determination of this application.***

4.8 I pay council tax for a three bedroom bungalow, whereas the applicant pays for a two bedroom bungalow and as I understand, he will still pay the same after this addition. Increase in value in rooms – council tax the same!

***This is not a valid ground of objection or a material consideration in the determination of this application.***

4.9 How can this extension be built and maintained without access from my property and the boundary fence being removed. How can scaffolding be erected without encroaching onto my property or will health and safety be ignored? There will be no access or removal of the boundary fence for the building or maintenance of this extension.

***The applicant could in effect build on the boundary of the site provided that no part of the extension encroaches onto the neighbouring property. Although access to the side of the proposed extension is limited, construction works and maintenance can be undertaken without encroachment onto neighbouring property. Clearly the building operations will require to take account of the objector's legal position in this matter and***

***how the interests of health and safety will consequently be best served.***

4.10 My elderly parents will have to bear the hassle of looking after my interests and I will hold the Council responsible if anything happens to them.

***The view of the objector is noted.***

## **5. ASSESSMENT AGAINST THE 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 (1999) and the Adopted Cumnock and Auchinleck Local Plan (1992). The Adopted Plan was prepared within the context of the then approved Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposed development requires to be assessed against Policy 15 which seeks to retain the character of residential areas.

***The proposed development, being an extension to provide additional accommodation for an existing dwellinghouse, would not be contrary to this policy.***

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

6.1 The principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan, (Finalised Version with Modifications) (2002), consultations and the representations received.

### East Ayrshire Local Plan (Finalised Version with Modifications)

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 with Modifications) 2002, (EALP), should be considered as a prime material consideration. The policy in the EALP relevant to this proposal is the expectation in ENV 7 to have regard to the Council's Design Guidance. This requires extensions to existing properties to 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 to residential properties should match the finish of the existing dwellinghouse and should incorporate double-pitched or hipped roofs in situations open to general view.

***Although the applicant is proposing a large extension to the existing dwellinghouse, there will be no detrimental impact resulting from either overlooking or privacy. No windows are proposed on the elevation of the proposed extension adjacent to the residential property at No. 9 Banfield Drive. A new bathroom window is proposed on the gable of the existing dwellinghouse, however this is a 'permitted development'. Nonetheless, the window proposed will serve a bathroom and will have obscure glass. This, together with the existing screen fence will ensure that privacy of the adjacent residential property is not detrimentally affected. In proposing a pitched roof and matching materials, the design of the extension is consistent with the Council's Design Guidance and Policy ENV7***

***However, it is accepted that there will some impact on daylighting in respect of the objector's kitchen window, however, this impact is not considered to be of sufficient weight to justify refusal of the application.***

#### Consultation Replies

6.3 The consultation replies do not indicate that the application should be refused.

#### Representations

6.4 The terms of a letter of objection are detailed Section 4 above.

***It is considered that many of the points of objection are not valid or material considerations in the determination of this application. The points of objection relating to noise and disturbance can be addressed to some degree by the imposition of appropriate conditions in any consent granted for the proposed development. It is considered that the points of objection are not of sufficient weight to justify refusal of the application.***

## **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 in section 5 of the report, the application is considered 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 approved unless material considerations

indicate otherwise. As is indicated in section 6 of the report, there are material considerations relevant to this application.

8.2 These considerations have been assessed and are not considered to be such as to merit refusal of the application. The proposed development will provide additional accommodation within an extension consistent with the Council's Design Guidance.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application 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 will not require to be referred to the Development Services Committee because there will be no significant departure from Council policy.

Alan Neish  
Head of Planning and Building Control  
02 February 2003  
HM/HM  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory notices/certificates.
3. Consultation responses.
4. Letter of representation
5. Adopted Cumnock and Auchinleck Local Plan (1992).
6. Approved Ayrshire Joint Structure Plan (1999).
7. East Ayrshire Local Plan, Finalised Version with Modifications (2002).
8. Approved Strathclyde Structure Plan.

Any person wishing to inspect the background papers listed above, should contact Mr Hugh Melvin on 01563 555481.

**| Implementation Officer: Dave Morris**

Location **11 Banfield Drive  
CUMNOCK KA18 1AS**

Nature of Proposal: **Proposed erection of rear extension**

Name and Address of Applicant: **Mr. J. Samson  
11 Banfield Drive  
CUMNOCK KA18 1AS**

Name and Address of Agent

DPO's Ref: [Hugh Melvin]  
PPO's Ref; [ ]

The above **FULL** application should be approved subject to the following conditions:

1. Construction works on the proposed extension shall be confined between the 0800 and 1800 hours Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays. No construction works shall take place on Sundays.

REASON: In the interests of residential amenity

2. The proposed extension shall be finished in materials to match the external finishes of the existing dwellinghouse to which it relates.

REASON: In the interests of visual amenity.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, or any Order or enactment replacing this, no alterations shall be undertaken to the proposed extension unless a further specific planning application is submitted to and approved by the planning authority.

REASON: In the interests of residential amenity.

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