

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 11 JANUARY 2002 01/0688/FL: PROPOSED ERECTION OF CONSERVATORY AT 72 BARSKIMMING ROAD, MAUCHLINE FOR MR AND MRS McDERMID

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a conservatory to the rear of the existing dwellinghouse on the site.

2. RECOMMENDATION

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

3. CONTRARY DECISION

3.1 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 be a departure from the East Ayrshire Local Plan.

4. SUMMARY OF ANALYSIS

4.1 As is indicated at Paragraph 5.2 of the report, there are no policies contained within the Adopted Mauchline/Drongan/Ochiltree Local Plan relevant to the determination of this application. As is indicated at Paragraphs 6.2 to 6.4 of the report, there are material considerations relevant to the determination of this application.

4.2 Given the age of the Adopted Mauchline/Drongan/Ochiltree Local Plan, the Council has agreed that the EALP (Finalised Version with Modifications) should be considered as a prime material consideration. However, in this instance, there are no policies within the EALP (Finalised Version with Modifications) relevant to the determination of this application. The proposal would, however, with the use of conditions, comply with the East Ayrshire Design Guidance for Householder Development.

4.3 The objections relating to privacy and drainage can be addressed by the use of conditions on the planning permission.

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 full planning application which is to be considered by the Local Planning Committee under the Scheme of Delegation as the application is subject to an objection. The application was presented to the Local Planning Committee on 30 November 2001 and consideration of the proposal was continued to allow a Committee site visit.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises a detached residential property on the west side of Barskimming Road. Further residential properties lie to the rear and to either side of the application site.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a conservatory to the rear of the existing dwellinghouse on the site.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The West of Scotland Water Authority has stated that surface water run-off from the proposed extension should be taken to a soakaway or similar system. The authority states that due to capacity problems with the existing combined sewer overflow downstream of the property, the additional surface water run-off from the proposed extension will not be allowed to connect to the public sewer.

Should the application be approved, a condition, requiring the submission of details prior to the commencement of work on the site, showing the form and location of a soakaway system, can be included on the planning permission.

3.2 Scottish Power has no objection to the proposal subject to the protection of its apparatus during construction.

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

3.3 The Coal Authority has no objection to the proposal.

Noted.

3.4 Mauchline Community Council has not responded to the consultation letter.

Noted.

4. REPRESENTATIONS

One letter of objection, with two signatories, has been received in respect of the application from the occupiers of the property immediately adjacent to the southern boundary of the application site. The grounds of objection relate to:-

4.1 Lack of privacy : The objectors consider that, if planning permission were to be granted, the five windows on the side of the conservatory adjacent to their property would overlook their bathroom window and rear garden area. This is exacerbated by a difference in ground level of 1.5 metres between the base of the conservatory and the level of the garden of the adjacent property.

The building lines of the dwelling house (which is the subject of this application) and the objectors' property are offset such that the proposed conservatory will not extend beyond the rear building line of the adjacent dwelling. Nevertheless, a two metre high evergreen hedge (which lies within the objectors' property) screens only part of the southern boundary of the site. Given that the proposed conservatory comprises angled windows within a semi-hexagonal feature, a degree of overlooking may occur as a result. It is nevertheless considered that the erection of screen fence along the southern boundary within the application site, would address any overlooking concern. It is therefore considered that should the application be approved, a condition in that regard can be attached to the planning permission.

4.2 Drainage : The objector is concerned that an existing problem of surface water run-off which flows into their property from the application site, would be exacerbated by the erection of the proposed conservatory.

See Response to 3.1 above. The existing situation in respect of surface water is not relevant to the determination of this application. Nevertheless, as noted in paragraph 3.1 above, a condition in respect of the treatment of the additional run-off from the proposed conservatory can be attached to the planning permission, should the application be approved.

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 (1999) and the Adopted Mauchline/Drongan/Ochiltree Local Plan (1993). The Adopted Plan was prepared in the context of the then approved Strathclyde Structure Plan.

5.2 There are no specific policies within the Adopted Local Plan relevant to the determination of this application.

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 with Modifications), the consultation replies, the Council's Design Guidance and the objections detailed above.

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 (EALP) should be considered as a prime material consideration.

East Ayrshire Local Plan

6.3 There are, however, no specific policies relevant to the determination of this application contained within the EALP (Finalised Version with Modifications).

Noted.

Design Guidance

6.4 The East Ayrshire Council Design Guidance for Householder Development (April 2001) is also of relevance in the determination of the application.

With the use of the conditions outlined above, it is considered that the development can comply with the provisions of the Design Guidance.

Consultation Replies

6.5 The consultation replies indicate that approval of the application, subject to conditions, would be appropriate.

7. FINANCIAL OR 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 Paragraph 5.2 of the report, there are no policies contained within the Adopted Mauchline/Drongan/Ochiltree Local Plan relevant to the determination of this application. As is indicated at Paragraphs 6.2 to 6.4 of the report, there are material considerations relevant to the determination of this application.

8.2 Given the age of the Adopted Mauchline/Drongan/Ochiltree Local Plan, the Council has agreed that the EALP (Finalised Version with Modifications) should be considered as a prime material consideration. However, in this instance, there are no policies within the EALP (Finalised Version with Modifications) relevant to the determination of this application. The proposal would, however, with the use of conditions, comply with the East Ayrshire Design Guidance for Householder Development.

8.3 The objections relating to privacy and drainage can be addressed by the use of conditions on the planning permission.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control
03 January 2002
DS/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Consultation replies.
3. Letter of objection.
4. East Ayrshire Local Plan, Finalised Version with Modifications.
5. Mauchline/Drongan/Ochiltree Local Plan.
6. Approved Strathclyde Structure Plan.
7. Approved Ayrshire Joint Structure Plan.

Any person wishing to inspect the background papers listed above, should contact Mr Derek Scott on 01563 555483

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 01/0688/FL

Location	72 Barskimming Road MAUCHLINE KA5 5DX
Nature of Proposal:	Proposed erection of conservatory
Name and Address of Applicant:	Mr & Mrs McDermid 72 Barskimming Road MAUCHLINE KA5 5DX
Name and Address of Agent	C R Smith Conservatories ltd P O Box 27 Gardeners Street DUNFERMLINE KY12 ORN

DPO's Ref: [Derek Scott]
PPO's Ref; []

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

1. 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.

2. Notwithstanding any specification on the approved plans or application form, all surface water draining from the proposed conservatory shall be directed to a soakaway or similar system, details of the form and location of which shall be submitted to and approved by the Planning Authority prior to the commencement of any work on site.

REASON – In the interests of residential amenity.

3. The drainage system, approved in respect of Condition 2 above, shall be provided and installed in working order concurrent with the completion of the proposed extension.

REASON – In the interests of residential amenity.

4. Notwithstanding any specification on the approved plans or application form, details of a two metre high screen fence to be erected in the position indicated in green on approved plan reference number 01 shall be submitted to and approved by the Planning Authority. The fence, once approved, shall be erected on site prior to the commencement of use of the conservatory.

REASON – In the interests of residential amenity.

NOTES TO APPLICANT

1. The applicant is advised to make early contact with the West of Scotland Water Authority, 35 Glenburn Road, Prestwick, and Scottish Environment Protection Agency, 2 Alloway Place, Ayr with regard to the drainage of the site in respect of surface water run-off from the proposed conservatory.
2. All drainage arrangements shall comply with the requirements of the West of Scotland Water Authority and Scottish Environment Protection Agency.
3. The applicant is advised to make early contact with Scottish Power, Greenholm Street, Kilmarnock, with regard to the protection of their apparatus during the construction of the conservatory.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**

AGENDA