

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 20 JUNE 2003

03/0216/FL: PROPOSED ADDITION OF SUN LOUNGE AT 4A INSTITUTE AVENUE, CATRINE

APPLICATION BY MR BARRY HOLLAND

EXECUTIVE SUMMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to erect a single storey sun lounge at the rear of the house. A buff stone base is proposed with red facing brick walls and a plastic "ultra frame" roof. The side wall would form a boundary with the adjacent property.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these issues have been adequately addressed and are not of sufficient weight to merit refusal of the application.

3.2 The proposed sun lounge is a minor extension to a semi-detached dwellinghouse. The development is proposed at the rear of the property and would normally be regarded as Permitted Development, however Conservation Area status requires it to be the subject of an application for full planning permission.

3.3 The letter of representation has raised concern that the works will affect the stability of the adjacent patio which is on an elevated base. The construction of the development is a matter which is considered by the Building Control Service and is therefore not a material planning consideration.

3.4 The development is not one which has any adverse effect on the character of the Conservation Area. It is not considered that the development will affect the neighbouring property unduly.

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 it does not represent a significant departure from the development plan.

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

SOUTHERN LOCAL PLANNING COMMITTEE: 20 JUNE 2003

03/0216/FL: PROPOSED ADDITION OF SUN LOUNGE AT 4A INSTITUTE AVENUE, CATRINE

APPLICATION BY MR BARRY HOLLAND

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 the subject of an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is a semi-detached property along the riverside at Institute Avenue in Catrine. The house is located within Catrine Conservation Area and is in a predominantly residential area of the village. At present the rear curtilage of the house has a hard surface and there is a small fish pond. At the time of the site visit it was evident that the development had commenced in so far as the foundations had been dug but work had ceased when the applicants realised they needed planning permission. There is no tangible boundary with the neighbouring property along the length of the proposed sun lounge.

2.2 **Proposed Development:** It is proposed to erect a single storey sun lounge at the rear of the house. A buff stone base is proposed with red facing brick walls and a plastic "ultra frame" roof. The side wall would form a boundary with the adjacent property.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Scottish Water has no comments to make regarding the proposed development.

Noted.

3.2 Power Systems has no objection to the proposed development.

Noted.

3.3 The Coal Authority has no objection to the proposed development and has no adverse comments to make.

Noted.

3.4 Transco has advised that the information pack should be passed to the contractor on site if planning permission is granted.

Noted.

3.5 Catrine Community Council has not responded at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 One letter of representation has been submitted and objects to the proposed development on the grounds that the construction of the sun lounge will be overbearing and weaken the structure of the elevated patio at 4B Institute Avenue. There is also a strip of land to which the applicant is making claim and this will add to the overbearing nature and proximity to the patio area.

The objectors are concerned about the wall of the sun lounge as at present there is no boundary that maximises light onto the objectors' patio which is also at the rear. However the proposed structure will not be any higher than 2 metres at this wall and is therefore a normally acceptable boundary between adjoining properties. While it will create a screen that is not there at present it is not considered that the development will be unduly overbearing on the neighbouring property, particularly as the rear of the properties are south facing and therefore capture most of the daytime sunlight from the back rather than the side. The issue of land ownership is a legal matter and has no weight in determining this application.

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 (2003).

Ayrshire Joint Structure Plan

5.2 Policy E19 of the structure plan states that development proposals which are considered to have an adverse effect on designated Conservation Areas shall not conform to the structure plan.

It is not considered that the proposed development would have an adverse effect on the Conservation Area and therefore it does conform to the Structure Plan.

East Ayrshire Local Plan

5.3 Policy ENV4 of the local plan seeks to ensure that all development within or affecting the setting of a Conservation Area is sympathetic to the area in terms of its layout, size, scale, design, siting, materials and colour of finish.

The proposed development is a minor extension at the rear of a dwellinghouse and it is considered that the design scheme is sympathetic to the existing dwelling. It therefore complies with this policy.

5.4 Policy ENV7 requires all developers to fully comply with the Council's design guidance relating to the type of development proposed.

It is considered that the proposed development does comply with the Design Guidance on Householder Development and hence it is compliant with this policy.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses and the third party letter of representation.

Consultations Responses

6.2 There are no matters arising from the consultation responses that would indicate that the application should not be approved.

Representations

6.3 The letter of objection refers to the ownership of a strip of ground that is being claimed by the applicant in order to construct the sun lounge. This is a legal matter and has no weight in determining this application. The letter also states a concern regarding the overbearing affect which the development would have on the neighbouring property's rear patio. It is considered that the points of objection are not of sufficient weight to merit 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 indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these issues have been adequately addressed and are not of sufficient weight to merit refusal of the application.

8.2 The proposed sun lounge is a minor extension to a semi-detached dwellinghouse. The development is proposed at the rear of the property and would normally be regarded as Permitted Development, however Conservation Area status requires it to be the subject of an application for full planning permission.

8.3 The letter of representation has raised concern that the works will affect the stability of the adjacent patio which is on an elevated base. The construction of the development is a matter which is considered by the Building Control Service and is therefore not a material planning consideration.

8.4 The development is not one which has any adverse effect on the character of the Conservation Area. It is not considered that the development will affect the neighbouring property unduly.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed 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 it does not represent a significant departure from the development plan.

Alan Neish
Head of Planning and Building Control

12 May 2003
NM/NM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letter of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/0216/FL

Location	4A Institute Avenue CATRINE KA5 6RT
Nature of Proposal:	Proposed addition of sun lounge
Name and Address of Applicant:	Mr Barry Holland 4A Institute Avenue CATRINE KA5 6RT
Name and Address of Agent	As Above

DPO's Ref: Nicola Monroe
PPO's Ref: Hugh Melvin

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

1. Notwithstanding the details on the plans hereby approved, the external finish to the walls of the sun lounge is not hereby approved. Details of a finish to match the existing property shall be submitted to and approved by the Planning Authority prior to the commencement of development on site.

REASON – To avoid discord between the old and new in the interests of visual amenity.

**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.**