

**EAST AYRSHIRE COUNCIL**

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

**02/0906/FL: PROPOSED ERECTION OF DINING AREA EXTENSION  
AT 9 HEARTH ROAD, CUMNOCK**

**APPLICATION BY MRS. M. STEELE**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is sought for the erection of a single storey extension projecting 3.9 metres from the rear elevation of the existing dwellinghouse. The proposed extension will provide an additional 10.8 m<sup>2</sup> of accommodation comprising a new dining room. The proposed extension is 3.0 metres wide and is set back 0.3 metres from the common boundary with 11 Hearth Road.

1.2 Demolition of the existing brick built shed is proposed within the site to facilitate the proposed extension. This is 'permitted development' and does not require specific planning permission.

1.3 The roof of the proposed extension will slope away from the rear elevation of the dwellinghouse at an angle of 15 degrees. The roof will be finished in grey concrete tiles to match the finish of the existing roof. Externally the walls of the extension will be dry dash rendered with a brown chip to match the existing dwellinghouse wall finish. White uPVC patio doors are proposed on the northern elevation, with a single white uPVC door on the western elevation to match the existing dwelling.

**2. RECOMMENDATION**

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

**3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report, the proposed development 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 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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### 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 Hearth Road in Cumnock around 180 metres south of the junction of Hearth Road with Ayr Road. The application site comprises the existing two storey end terraced dwellinghouse and an existing garage within the curtilage and a brick built shed which straddles the common boundary with 11 Hearth Road.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a single storey extension projecting 3.9 metres from the rear elevation of the existing dwellinghouse. The proposed extension will provide an additional 10.8 m<sup>2</sup> of accommodation comprising a new dining room. The proposed extension is 3.0 metres wide and is set back 0.3 metres from the common boundary with 11 Hearth Road.

2.3 Demolition of the existing brick built shed is proposed within the site to facilitate the proposed extension. This is 'permitted development' and does not require specific planning permission.

2.4 The roof of the proposed extension will slope away from the rear elevation of the dwellinghouse at an angle of 15 degrees. The roof will be finished in grey concrete tiles to match the finish of the existing roof. Externally the walls of the extension will be dry dash rendered with a brown chip to match the existing dwellinghouse wall finish. White uPVC patio doors are proposed on the northern elevation, with a single white uPVC door on the western elevation to match the existing dwelling.

### 3. CONSULTATIONS AND ISSUES RAISED

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

***Noted.***

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

***Noted. In response to their general comments, a note should be attached to any consent granted advising of certain operational issues.***

3.3 East Ayrshire Legal Services Division has stated that it will be necessary for the applicant to arrange for the access in favour of 11 Hearth Road to be redirected. As both properties are now ex-Council properties, this is a matter for owner/occupiers.

***The occupiers of the adjacent dwelling at 11 Hearth Road have a legal right of access through the application site where it is proposed to construct the extension. This right of access would require to be redirected to allow the development to take place. However this a legal matter which requires to be addressed between the applicant and the owners of 11 Hearth Road, and is not a relevant material consideration in the determination of an application for planning permission.***

### 4. REPRESENTATIONS

4.1 One letter of representation has been received objecting to the proposed development. The points of objection are summarised as follows:

4.2 Part of our property would have to be demolished (a brick shed) as a result of the proposed development. We are not happy with this idea as we use this shed for garden equipment etc.

***The applicant could demolish their portion of the brick built shed on their site provided that no works were undertaken on the neighbouring property. Clearly the proposed demolition and building operations will require to take account of the objector's legal position in this matter. Nevertheless, this matter is not a material consideration in the determination of this application for planning permission.***

4.3 Lighting to our kitchen will be affected. The kitchen window sits next to the boundary where the extension is proposed and due to the height (3.6 metres) there would be very little, if any, sunlight getting into our kitchen.

***The kitchen window at 11 Hearth Road is located on the north-eastern elevation of the property. The location of the proposed extension to the north-west of the affected window and its distance from the affected window serve to minimise the impact on levels of daylight and sunlight received. Additionally, were the garage not located within 5 metres of the proposed extension or the dwellinghouse, the proposed extension could have been built under permitted development rights without requiring an application for planning permission. In this instance, it is considered that there will be some limited 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.***

4.4 It would be appreciated if you could advise what our access is going to be to the rear of our house.

***Legal Services have advised that as the application site is a former Council house, Feu Superior's Consent will be required if planning permission were to be granted and implemented. Legal Services have further advised that it will be necessary for the applicant, should planning permission be granted, to arrange for the access in favour of 11 Hearth Road to be redirected. This is a matter for the owner/occupiers of the respective properties and this matter is not a material consideration in the determination of this application for planning permission.***

## **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 Local Plan was prepared within the context of the approved Strathclyde Structure Plan.

### Cumnock and Auchinleck Local 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), (EALP), the consultation responses and the representation received.

### East Ayrshire Local Plan

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 EALP should be considered as a prime material consideration. Policy ENV7 states that all developers will be expected to comply with the Council's Design Guidance relating to and advising on the particular type of development.

***The proposed development, subject to a condition concerning finishing materials, is compliant with the Council's Design Guidance.***

### Consultation Responses

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 in 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. It is considered that the point of objection on daylighting impact does not 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. Separate from any planning considerations, the Council would have to grant Feu Superior's Consent for the development to proceed.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of the report, the proposed development 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 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 condition 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  
28 February 2003  
RD/RD/SMB  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory notices and 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 Robert Duncan on 01563 555483.

**Implementation Officer: Dave Morris**

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 02/0906/FL

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Location	9 Hearth Road Cumnock
Nature of Proposal:	Proposed erection of dining area extension
Name and Address of Applicant:	Mrs M Steele 9 Hearth Road Cumnock KA18 1JF
Name and Address of Agent	---

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

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

1. The proposed extension shall be finished in materials to match those of the existing dwellinghouse.

REASON: To ensure that the extension matches the external appearance of the existing building and thereby maintains the visual quality of the area.

➤ **NOTES TO APPLICANT**

1. The applicant should make early contact with Scottish Water at 35 Glenburn Road, Prestwick, to confirm issues regarding access to the existing public sewer.
2. The applicant is advised of the comments of the Scottish Environment Protection Agency that roof and surface water should be discharged to a soakaway/filter trenches.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 555320.**