

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 07 SEPTEMBER 2001

**01/0342/FL: PROPOSED ERECTION OF TIMBER GARAGE AT 57 AVISYARD
AVENUE, CUMNOCK**

APPLICATION BY MRS STEVENSON

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a timber garage to the side of the dwellinghouse, approximately 10.5 metres back from Avisyard Avenue. The garage would be 17 square metres in size and would replace an existing, slightly smaller garage. The garage would have a pitched roof and would be of timber construction with a corrugated sheeted roof.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.2 above, 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 paragraph 6.1 above, there are material considerations relevant to this application. However, it is considered that these are supportive of the application.

3.2 It is considered that the garage would not have a detrimental affect on the amenity of the area. In terms of the letter of objection, Scottish Power, a consultee, has stated that its interests would be compromised through safety and convenience. It is considered that minimal weight should be given to this objection as Scottish Power can legally challenge any obstruction to its right of access and a condition can be imposed with regard to the provision of a slabbed base to the garage to allow ease of access to underground plant.

**Alan Neish
Head of Planning & 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 MRS STEVENSON

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 proposed development is subject to objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site lies to the east side of Avisyard Avenue, Cumnock, approximately 40 metres northwards of its junction with Davaar Avenue. The site comprises a two-storey end-terraced dwellinghouse and its curtilage at this location. The dwelling has been previously extended to the rear.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a timber garage to the side of the dwellinghouse, approximately 10.5 metres back from Avisyard Avenue. The garage would be 17 square metres in size and would replace an existing, slightly smaller garage. The garage would have a pitched roof and would be of timber construction with a corrugated sheeted roof.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Landward Community Council has not responded to the consultation letter at the time of writing.

Noted.

3.2 East Ayrshire Roads and Transportation Division has no objection to the proposed garage.

Noted.

3.3 West of Scotland Water Authority has no adverse comments to make on the proposed development.

Noted.

3.4 Scottish Power has advised that they object to the proposed development on the basis that its interests would be compromised through safety and convenience as the timber garage would be installed above their cables supplying this section of Cumnock. Scottish Power states that there is a safety issue on the basis that they require quick access to their underground equipment. The erection of this garage would prohibit access and, if its cables faulted, it would prevent speedy repair. Scottish Power is willing to negotiate with the applicant with a view to reaching agreement. However, until such times as negotiations are concluded to Scottish Power's satisfaction, it maintains the formal objection to the development to protect Scottish Power interests.

There are Scottish Power cables which run through the site and connect to an adjacent transmitter station. Although this area of ground is owned by the applicant, Scottish Power has a right of access and a right to lay cables within this area.

As outlined above Scottish Power is objecting on the basis of safety and inconvenience. Although Scottish Power is objecting on the grounds of safety, there has been an existing garage within the site for over thirty years, and this has not posed any problems. Furthermore, Scottish Power has a right of access through the site, and any obstruction of this access is a legal issue between them and the applicant. It is therefore considered that the weight attached to the grounds of objection should be minimal.

It is considered however that it would be appropriate to attach a condition to any planning consent, requiring the applicant to lay slabs as the base of the garage. These slabs could be quickly removed if access to the underground cables below were ever required. Furthermore, a note could be attached to any planning consent, advising the applicant to contact Scottish Power prior to the commencement of construction works, to receive guidance on the avoidance of cables.

4. REPRESENTATIONS

4.1 One letter of representation, from Scottish Power, has been received objecting to the proposed development. This is outlined in Paragraph 3.4 above. The applicant's agent has submitted a letter in support of the application. This is summarised as follows:

4.2 Scottish Power suggest re-positioning the garage. As can be seen from the site plans, there is no other available position for the garage to be erected which would not infringe on the line of Scottish Power cables.

As a result of an existing shed which is located within the rear garden, there are no alternative sites for the proposed garage (unless the existing

shed is removed). Due to the extent of the cables located within the curtilage of Avisyard Avenue, it would not be possible to site the garage to the side of the house, without it being located over the cables.

4.3 Scottish Power also suggested the cables be dug up and re-routed, with this work to be paid for by the applicant. This is not a viable option for a pensioner.

Noted.

4.4 They request that the Council reject Scottish Power's objection and grant permission for the erection of the garage on the following grounds;

- (a) The new garage is replacement for an existing garage which has been on the site on the same position for 32 years without any problems regarding safety;
- (b) It is their intention that the garage floor which will cover the cable tracks will consist of paving slabs on hardcore base, therefore allowing access to cables with minimum of work for Scottish power engineers if the occasion ever arises.

Scottish Power was made aware of the applicant's proposals, but advised that it wished to maintain the objection.

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 Cumnock and Auchinleck Local Plan, (1992). The Adopted Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the proposal would fall to be considered against Policy 15 which states that the Council will pursue a policy aimed at retaining the character of existing residential areas. The siting of ancillary developments within housing areas (e.g. garages, shops, community facilities) shall take cognisance of the possible effects on nearby houses.

The proposed development would not affect the amenity of adjacent dwellings or the character of the area and the proposal would therefore be in accordance with the policy provisions of the Adopted Plan.

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) (2001), the Council's Design Guidance and the representations received.

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.

6.3 The site lies within a residential area as defined by the EALP. There are however no relevant policies within the EALP which relate to this application.

Noted.

6.4 Although there are no relevant policies contained within the EALP, the proposal does require to be considered against the Council's Design Guidance. The specific guidance for garages states that all free-standing garages to be erected within the curtilage of a dwellinghouse will require to be located behind the front building line of the property and incorporate a dual pitched roof. Wooden garages may be considered acceptable but only where these are located behind the rear building line of the dwellinghouse.

The front of the proposed wooden garage would be located only 0.5 metres in front of the rear building line of the original dwellinghouse. The garage would have a dual pitched roof and is considered acceptable in terms of design.

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 at paragraph 5.2 above, 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 paragraph 6.1 above, there are material considerations relevant to this application. However, it is considered that these are supportive of the application.

8.2 It is considered that the garage would not have a detrimental affect on the amenity of the area. In terms of the letter of objection, Scottish Power, a consultee, has stated that its interests would be compromised through safety and convenience. It is considered that minimal weight should be given to this objection as Scottish Power can legally challenge any obstruction to its right of access and a condition can be imposed with regard to the provision of a slabbed base to the garage to allow ease of access to underground plant.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control

29 August 2001
VE/SMB/FGD

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. East Ayrshire Local Plan, Finalised Version with Modifications.
5. Cumnock - Auchinleck Local Plan.
6. Approved Ayrshire Joint Structure Plan.
7. Approved Strathclyde Structure Plan.

Any person wishing to inspect the background papers listed above should contact Miss Vivien Emery on 01563 555485.

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 01/0342/FL

Location	57 Avisyard Avenue CUMNOCK
Nature of Proposal:	Proposed erection of timber garage
Name and Address of Applicant:	Mrs Elizabeth Stevenson 57 Avisyard Avenue CUMNOCK KA18 3BJ
Name and Address of Agent	Mr Henry Stevenson 47 Avisyard Avenue CUMNOCK KA18 3BL

DPO's Ref: [Vivien Emery]
PPO's Ref; []

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

1. Notwithstanding the plans hereby approved, the base of the garage shall be slabbed, and not cemented, to the satisfaction of the Planning Authority.

REASON: To provide ease of access to underground cables located beneath the garage.

Note to Applicant: Prior to any works commencing on site, the applicant should contact Scottish Power with respect to guidance for undertaking works in the vicinity of underground plant in the interests of public safety.

**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