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## **NORTH AYRSHIRE COUNCIL**

**26 September 2018**

### **Local Review Body**

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<b>Title:</b>	<b>Notice of Review: 18/00287/99 – 12 Haylie Gardens, Largs</b>
<b>Purpose:</b>	To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.
<b>Recommendation:</b>	That the Local Review Body considers the Notice of Review.

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### **1. Executive Summary**

- 1.1 The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, provides for certain categories of planning application for "local" developments to be determined by appointed officers under delegated powers. Where such an application is refused, granted subject to conditions or not determined within the prescribed period of 2 months, the applicant may submit a Notice of Review to require the Planning Authority to review the case. Notices of Review in relation to refusals must be submitted within 3 months of the date of the Decision Notice.

### **2. Background**

- 2.1 A Notice of Review was submitted in respect of Planning Application 18/00287/99 – Formation of 2 storey side extension including balcony to front and rear and installation of dormer extension to front of dwellinghouse.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 The following related documents are set out in the appendices to the report:-

Appendix 1 - Notice of Review documentation and supporting documents;  
Appendix 2 - Report of Handling;  
Appendix 3 - Location Plan;  
Appendix 4 - Planning Decision Notice;  
Appendix 5 - Further Representations  
Appendix 6 - Applicants Response to Further Representations

### **3. Proposals**

- 3.1 The Local Review Body is invited to consider the Notice of Review.

#### 4. Implications

<b>Financial:</b>	None arising from this report.
<b>Human Resources:</b>	None arising from this report.
<b>Legal:</b>	The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
<b>Equality:</b>	None arising from this report.
<b>Children and Young People:</b>	None arising from this report.
<b>Environmental &amp; Sustainability:</b>	None arising from this report.
<b>Key Priorities:</b>	None arising from this report.
<b>Community Benefits:</b>	None arising from this report.

#### 5. Consultation

- 5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and these are attached at Appendix 5 to the report.
- 5.2 The applicant has had an opportunity to respond to the further representations and their response is set out in Appendix 6 to the report.



**Elma Murray OBE**  
**Chief Executive**

For further information please contact **Euan Gray** on **01294 321430**.

#### Background Papers

## Appendix 1



Cunninghame House Friars Croft Irvine KA12 8EE Tel: 01294 324 319 Fax: 01294 324 372 Email: [eplanning@north-ayrshire.gov.uk](mailto:eplanning@north-ayrshire.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100130399-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

### Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

### Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Gillian"/>	Building Number:	<input type="text" value="12"/>
Last Name: *	<input type="text" value="Wilson"/>	Address 1 (Street): *	<input type="text" value="Haylie Gardens"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="07967141332"/>	Town/City: *	<input type="text" value="Largs"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KA30 8EN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="gill2002002@yahoo.co.uk"/>		

## Site Address Details

Planning Authority:

North Ayrshire Council

Full postal address of the site (including postcode where available):

Address 1:

12 HAYLIE GARDENS

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

LARGS

Post Code:

KA30 8EN

Please identify/describe the location of the site or sites

Northing

658506

Easting

220813

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Grounds detailed in supporting statement & as follows: Inaccuracies within the report of handling The proposal only covers an additional footprint of 49sq.m. in terms of design scale and proportion the application proposal respects the design, scale and proportions of the existing dwelling and surrounding properties. Therefore it is submitted that the proposal does not have a impact on the visual or residential amenity of the area and accords with the General Policy of the Development Plan.

## Type of Application

What type of application did you submit to the planning authority? \*



Application for planning permission (including householder application but excluding application to work minerals).



Application for planning permission in principle.



Further application.



Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Grounds of appeal are provided within the supporting statement & request for Local Review Body appeal as follows: There were inaccuracies reported within the Report of Handling. The application accords with the General Policy of the Local Development Plan and therefore should be approved. The design, scale, siting is commensurate with the existing dwelling & surrounding residential properties & does not impose any significant negative impacts that warrant refusal of the application.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Appeal Statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/00287/PP

What date was the application submitted to the planning authority? \*

05/04/2018

What date was the decision issued by the planning authority? \*

03/05/2018

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

I welcome a site visit by the Local Review Body - it can be carried out unaccompanied, however I will require prior notification in order to leave the garden gate unlocked to permit access to the rear garden area which cannot be seen from the public road/ adjacent car park.

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Gillian Wilson

Declaration Date: 02/08/2018

**Appellants Response/ points of clarity in response inaccuracies reported in NAC Report of Handling:**

**DESCRIPTION**

<b>Page</b>	<b>NAC Report of Handling</b>	<b>Appellants Response/ Grounds of Appeal</b>
1	<i>"The detached garage would be demolished and the property would have a total ground floor footprint of some 197sqm2."</i>	<p>The application seeks to convert and alter the existing detached garage to form living accommodation. There is no proposal to demolish the garage. A structural engineer has inspected the garage and has assessed that the foundations and subfloor structure is suitable for alteration subject to testing verification.</p> <p>The proposed application results in a total new footprint of 36.75m<sup>2</sup> to the side of the house (driveway) &amp; an infill to the rear of the garage to follow the line of the existing conservatory occupying an additional footprint of 12.74m<sup>2</sup> to the rear.</p>
2	<i>"The existing conservatory would be removed and the closet wing extended with a single storey extension with a mono-pitch roof. This extension would project 2.74m into the garden..."</i>	<p>The application seeks to amend the existing conservator and does not propose to demolish and replace. Similar to the garage structure the conservatory foundations, sub floor and external walls were constructed to the same specification and standard as the closet extension therefore the structural engineering assessment it suitable for retention and alteration.</p> <p>The alterations to the conservator include removal of the wall on the north elevation, and alterations to the east and south walls to support new windows and monopitch roof structure which is a change to the polycarbonate hipped roof structure currently in place.</p>
3	<i>"The roof would have eaves higher than the existing dormer."</i>	As illustrated on the proposed front and rear elevation plans the eaves of the proposed side extension would be lower than the eaves of the existing dormers on both the front and rear elevations.

## Appellants Response to Analysis

Page	NAC Report of Handling	Appellants Response/ Grounds of Appeal
3	<i>"Notwithstanding the two-storey flatted development and four semi-detached two storey properties to the north, it is considered that the predominant house type in Haylie Gardens is one and one and a half storey detached and semi-detached properties. The two storey properties to the north are a later infill development with the two storey property at No. 8 Haylie Gardens being a later redevelopment of a bungalow on that plot. The other 22 properties in Haylie Gardens are not bigger than one and a half storey. The applicant relies on the later development to support the proposal. However, none of those are attached to an existing one and half storey property and are not characteristic of the area".</i>	<p>Haylie Gardens is characterised by a mix of housing types and designs as illustrated in the panoramic photograph in Fig 1,2 &amp; 3. The application property shares a boundary to the north with a two-storey flatted development and associated car park/ garden area (Figure 1). To the east is Irvine Road (Trunk A78), which sits at an elevated position and combined with the property's rear boundary wall generally there are no views of the property or private rear garden ground from Irvine Road. To the south, the property adjoins no.10 Haylie Gardens which is situated beside no.8 a modern designed detached split level property of 2 and single storey construction. To the west no.7 Haylie Gardens is a semi-detached one and half storey dwelling and adjacent to the north west there are detached and semi-detached 2 storey dwellings. Therefore, Haylie Gardens is characterised by dwellings of substantial variations in design and scale.</p> <p>All of the properties in Haylie Gardens contribute to defining its residential character, design &amp; setting, regardless of when those properties were built. The Case Officer infers because they were built later than the application property they are not relevant to the assessment of the application in the context of surrounding properties and the appellant strongly opposes this argument and planning appeal rulings support the appellants position.</p>
4	<i>Although the roof ridge heights would be the same, the proposed side extension has the appearance of a two storey extension on a one and a half storey property. The roof would have eaves higher than the existing dormer. The extension would project beyond the existing roof plane and it is considered that it would dominate the existing house. The extension of the existing roof plane and creation of the additional dormer, as well as the side extension, would imbalance the appearance of the property in the context of the attached adjoining property. It is considered that regard has not been had to the relationship with existing buildings and visual effect on the surrounding area.</i>	<p>As illustrated in Fig 4 and the Proposed Elevation Plans the roof ridge of the proposed side extension is not higher than the eaves of the existing dormer windows.</p> <p>If it was considered that the removal of the proposed additional dormer on the front elevation would render the proposal acceptable for approval, the appellant confirms acceptance to application of a condition on the consent that deletes the additional dormer proposed on the front elevation.</p> <p>The application is no different to other applications for a side extension on a semi-detached property, where the adjoin property has not extended to the side. Numerous examples can be cited (Figs 5 &amp; 6) where the Council has recently approved substantial side extensions, of similar scale/ proportion, to the application proposal, namely a property in the same street 4 Haylie Gardens (Application: 09/00442/PP); adjacent street 18 Anthony Road (Application:10/00215/PP ) &amp; 17 Beachway Largs, Fig.7 (Application: 16/00069/PP).</p>



Page	NAC Report of Handling	Appellants Response/ Grounds of Appeal
4	<p><i>Whilst an extension of this footprint could potentially be accommodated in the curtilage of the property with ample amenity space retained to the rear, it is also considered that the massing of the development is out of keeping with the host property. When viewed from the north, the extension would present a largely blank two storey elevation some 18m in length. Whilst an attempt to break up this mass has been made with the introduction of a gable, it is considered that the size and scale of the extension is out of keeping with the host property.</i></p> <p><i>The proposal would have a detrimental visual impact on the amenity of the area.</i></p> <p><i>Given the above, it is considered that the proposal is contrary to criterion (a) of the General Policy.</i></p>	<p>The appellant welcomes the acknowledgement that “this footprint could potentially be accommodated in the curtilage...with ample amenity space retained”. The “massing” is referred solely to the north elevation, and whilst the length of the extension will be partially visible, it is viewed in context of the surrounding 2 storey properties across a carpark expanse &amp; verge as illustrated in Fig 1. The length of building at first floor level of the extension is 14.5m, which is less than the length of the two storey buildings that surround the extension, where the only views of the north elevation are achieved and would be viewed in context from (ie 5-10 Haylie Neuk is 20m in length; 1-4 Haylie Neuk is 17m in length; 9&amp;11 Haylie Gardens is 15m in length; and 19 Halie Gardens is 17m in length).</p> <p>In assessment of the front elevation (west), the width of the extension is 4.5m which is almost half the width of the existing dwelling house at 7m.</p> <p>Owing to the road layout &amp; design public views of the proposed extension will be limited to the road in front of the properties no’s 5 &amp; 7 Haylie Gardens to the south-West &amp; West &amp; then from Haylie Neuk to the north &amp; the road in front of 2 storey properties 9,11 &amp; 19 Haylie Gardens to the north-west.</p> <p>The building line of the extension on the west elevation does not breach the existing building line of the original house. Similarly the building line of the extension on the east elevation does not breach the existing building line of the extension to the rear. The roof ridge of the extension does not breach the roof ridge height of the existing dwelling and the eaves height of the extension is lower than the eaves height of the existing dormers. There is no Supplementary Planning Guidance for household extensions but it is submitted that the proposal respects good practice planning design principles where the extension, in terms of design scale and proportion, respects the design, scale and proportions of the existing dwelling and surrounding properties. Therefore it is submitted that the proposal does not have a detrimental visual impact on the amenity of the area.</p>
4	<p><i>The balcony to the rear would be some 0.5m from the northern boundary and 8m from the southern boundary. Beyond the northern boundary would be the side elevation of the property to the north. The balcony would be set at a height of 2.44m, which is above the height of the southern boundary. It is considered that the balcony would introduce an element of overlooking to the rear amenity space of the property to the south, which does not presently exist. It is acknowledged that screening could be</i></p>	<p>It is welcomed the acknowledgement within the report that no impact on amenity is imposed in terms of overshadowing or overlooking, with exception of the rear balcony which the planning officer acknowledges could be satisfactorily mitigated through the application of screening.</p> <p>Whilst the appellant proposes that 8m separation between the rear balcony and rear garden ground of the adjoining property (10 Haylie Gardens) is adequate, the appellant is agreeable to the imposition of a condition requiring screening to obscure views from the balcony to the south.</p>

	<i>introduced to mitigate this overlook and the applicant has advised they would accept such a condition. However, given that the development is held to be contrary to criterion (a), it is considered that permission cannot be granted and a condition could not be imposed. The development is therefore also considered to be contrary to criterion (b).</i>	
4 & 5	<i>The applicant has been advised of the unacceptability of the proposal and to consider alternative designs with reduced massing and with any two storey elements potentially confined to the rear. The applicant has asked that the application be determined on its current merits.</i>	<p>The appellant welcomes the planning officer's acceptance to accommodate a two-storey extension to the rear of the property. A planning application has been submitted to NAC that proposes a two storey extension to the rear and one and half storey extension to the side (18/00662/PP) which is currently under consideration.</p> <p>The appellant does not consider that the reasons for refusal are adequately supported and justified. The appellant submits that there is no detrimental impact in terms of amenity where the application accords with the General Policy of the Local Development Plan. North Ayrshire Council do not have supplementary planning guidance that is applicable for a residential extension and there are no other material considerations that warrant refusal of the application, therefore the appeal should be granted.</p>



Fig 1. North elevation of application property as viewed from road at no.11 Haylie Gardens. Panoramic photograph shows the property in context with adjacent 2 storey dwellings.



Fig 2. Application Property & position of panoramic photo in Fig 1 & photo in Fig 3.



Fig 3. Application Property as viewed from outside no.3 – photo illustrates that side extension would not be seen from the South on Haylie Gardens given that side extension does not breach existing building line. Also shows the application property viewed in context with existing 2 storey adjacent properties/ surrounding properties characterised by different designs.



Fig 4. Streetscape Image of Application Property (No.12) as viewed in context of the streetscape on Haylie Gardens (looking east).



Fig 5. Application Approved side extension at 34 Scott Drive (07/00782/PP)



Fig 6. Substantial side extension 84 Greenock Road (Application:15/00127/PP)





Fig.7 Beachway, Largs – subdivision & substantial extension/ alteration to form 2 semi-detached dwellings (Application: 16/00069/PP)

## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

<b>Reference No:</b>	18/00287/PP
<b>Proposal:</b>	Formation of 2 storey side extension including balcony to front and rear and installation of dormer extension to front of dwellinghouse
<b>Location:</b>	12 Haylie Gardens, Largs, Ayrshire, KA30 8EN
<b>LDP Allocation:</b>	Residential/Housing
<b>LDP Policies:</b>	General Policy /
<b>Consultations:</b>	None Undertaken
<b>Neighbour Notification:</b>	Neighbour Notification carried out on 05.04.2018 Neighbour Notification expired on 26.04.2018
<b>Advert:</b>	Not Advertised
<b>Previous Applications:</b>	03/00930/PP for Erection of extension, conservatory and dormer window to rear of dwelling house, erection of detached garage and erection of 2m high wall on rear boundary Approved subject to Conditions on 24.11.2003
<b>Appeal History Of Site:</b>	

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### Description

It is proposed to extend a 4 bedroom semi-detached one and a half storey property by way of alterations to the roof including additional dormer on the front elevation, erection of a two storey extension to the side and rear with balconies on the front and rear elevations and alterations to existing rear extensions.

The property has previously been extended under planning permission dated 24th November 2003 (ref: 03/00930/PP), for a single storey rear closet wing extension with conservatory and rear dormer roof extension, which gave a total of 4 bedrooms in the property. The property currently has a footprint of some 132sqm including a detached single storey garage. The detached garage would be demolished and the property would have a total ground floor footprint of some 197sqm.

The proposed extensions would facilitate; the creation of a bathroom, the enlargement of the master bedroom and the creation of 1 additional bedroom all

upstairs, giving a total of 5 bedrooms. At ground floor an internal garage, playroom and utility room would be created and the kitchen would be enlarged to create a kitchen/dining room at ground floor.

The roof alterations would comprise the extension of the ridge by some 3.5m to the north, to tie in with the proposed two storey extension. A dormer window would be constructed on the extended front (west) roof plane, which would project some 2.5m from the roof plane and be some 2.5m in width, to match the existing front roof plane former.

The two storey extension to the side would have a roof ridge of some 7.2m at its highest point, which would be the same height as the roof ridge of the existing property. The ridge would run east west and be hipped at either end. The eaves of this extension would be some 5.56m in height. The eaves of the existing property are 3.78m. The extension would have a gable in the middle of the side (north) elevation with a roof projection 6.84m in height.

The front elevation of this extension would comprise a garage door at ground floor with a balcony accessed by double doors above. The balcony would be set at a height of 3.5m and surrounded by a 1m high glass balustrade. The balcony would project beyond the front roof plane of the application property. The rear (east) elevation would also have a balcony, set at 2.44m in height due to the difference in ground levels. The side elevation would have four casement windows at first floor level and two at ground floor.

On the rear at ground floor the side extension would tie in with alterations to the existing rear extension. The existing conservatory would be removed and the closet wing extended with a single storey extension with a mono-pitch roof. This extension would project 2.74m into the garden with the roof being 2.98m at its highest point sloping to 2.53m at the eaves. The rear (east) elevation would have three windows openings and door giving access to the garden. The return (south) elevation of the rear extension would have a single picture window.

At their closest points, the extensions would be some 0.5m from the northern boundary, 12.85m from the eastern (rear) boundary, 5m from the western (front) boundary and 2.44m from the southern boundary.

The site is within the settlement of Largs, as identified in the Adopted North Ayrshire Council Local Development Plan (the LDP). All development proposals require to be assessed against the General Policy of the LDP.

## **Consultations and Representations**

Neighbour notification was carried out and there was no requirement to advertise the application. There has been one representation and one objection received. The objection can be summarised as follows:

1. There are no turning facilities in the street. Construction traffic could cause disturbance and lorries turning previously has damaged walls. The length of the construction period would cause noise and disruption.

Response: It is noted there is no turning head in this part of Haylie Gardens. However, potential disturbance from construction traffic and/or during the construction process are not material planning considerations. If permission was  
18/00287/PP

granted the developer would have to ensure any works undertaken did not cause a statutory nuisance. Environmental Health can investigate such nuisances under their powers and damage caused to other properties would be a private legal matter.

2. The property will appear overdeveloped in the context of surrounding buildings.

Response: Agreed. An assessment of the visual impact of the proposal is given below.

The representation can be summarised as follows:

1. Concern about lack of ventilation to gable end of nearby property.

Response: The works would be approx. 2.5m from the gable of the nearest property to the north. The works would run for approx. 2.7m of the length of the gable, which is some 9.7m in length. It is not proposed to attach the works to an adjoining gable. As such it is not considered that the proposal would have any impact on ventilation of a gable.

2. Concern about lack of light.

Response: The properties to the north sit largely to the east of the position of the proposed works. It is not considered the proposal would affect the amenity space of those properties. The works would be visible at oblique angles from the windows on the western elevation of those properties. However, the detached garage already exists in proximity to those windows and it is not considered that there would be any significant loss of daylight to the north. The two storey element would be some 8m from the property to the south, and largely behind the existing closet wing extension. It is also not considered that there would be any significant loss of daylight to the south.

## **Analysis**

There are no land use issues arising from the extension of an existing dwellinghouse and the details of the application therefore only require to be assessed against criteria (a) siting, design and external appearance and (b) amenity of the General Policy.

Criterion (a) of the General Policy states that the siting of development should have regard to the relationship with existing buildings and visual effect on the surrounding area. Design should have regard to the existing townscape and consideration should be had to size, scale, form, massing, height and density.

Notwithstanding the two-storey flatted development and four semi-detached two storey properties to the north, it is considered that the predominant house type in Haylie Gardens is one and one and a half storey detached and semi-detached properties. The two storey properties to the north are a later infill development with the two storey property at No. 8 Haylie Gardens being a later redevelopment of a bungalow on that plot. The other 22 properties in Haylie Gardens are not bigger than one and a half storey. The applicant relies on the later development to support the proposal. However, none of those are attached to an existing one and half storey property and are not characteristic of the area.



Although the roof ridge heights would be the same, the proposed side extension has the appearance of a two storey extension on a one and a half storey property. The roof would have eaves higher than the existing dormer. The extension would project beyond the existing roof plane and it is considered that it would dominate the existing house. The extension of the existing roof plane and creation of the additional dormer, as well as the side extension, would imbalance the appearance of the property in the context of the attached adjoining property. It is considered that regard has not been had to the relationship with existing buildings and visual effect on the surrounding area.

Whilst an extension of this footprint could potentially be accommodated in the curtilage of the property with ample amenity space retained to the rear, it is also considered that the massing of the development is out of keeping with the host property. When viewed from the north, the extension would present a largely blank two storey elevation some 18m in length. Whilst an attempt to break up this mass has been made with the introduction of a gable, it is considered that the size and scale of the extension is out of keeping with the host property.

The proposal would have a detrimental visual impact on the amenity of the area.

Given the above, it is considered that the proposal is contrary to criterion (a) of the General Policy.

Criterion (b) of the General Policy states that in relation to neighbouring properties, regard should be taken of privacy, sunlight and daylight. Given the position of the proposed development and alignment of neighbouring properties, it is not considered that there would be any significant impact in terms of overshadowing or loss of daylight. There are four windows proposed for the first floor of the north elevation. There would be intervisibility between these windows and windows on the western elevation of the property to the north. However, it would only be in very oblique angles. The distance between those windows and proposed window where intervisibility would be at its greatest is approx. 13m. It is also considered therefore that there would be no significant overlooking impacts from proposed windows.

There are two balconies proposed. The balcony on the front would be some 15m distant from the nearest property to the west. That property sits at a lower height than the application property with the nearest sensitive window approx. 19.7m from the location of the balcony. Given this separation, it is not considered that there would be any significant overlooking from this balcony.

The balcony to the rear would be some 0.5m from the northern boundary and 8m from the southern boundary. Beyond the northern boundary would be the side elevation of the property to the north. The balcony would be set at a height of 2.44m, which is above the height of the southern boundary. It is considered that the balcony would introduce an element of overlooking to the rear amenity space of the property to the south, which does not presently exist. It is acknowledged that screening could be introduced to mitigate this overlook and the applicant has advised they would accept such a condition. However, given that the development is held to be contrary to criterion (a), it is considered that permission cannot be granted and a condition could not be imposed. The development is therefore also considered to be contrary to criterion (b).

The applicant has been advised of the unacceptability of the proposal and to consider alternative designs with reduced massing and with any two storey elements

18/00287/PP

potentially confined to the rear. The applicant has asked that the application be determined on its current merits.

Given the preceding considerations, the application does not accord with the relevant requirements of the Local Development Plan, in particular criteria (a) and (b) of the General Policy. As such it is recommended that planning permission be refused.

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**Decision**

Refused

Case Officer - Mr Iain Davies

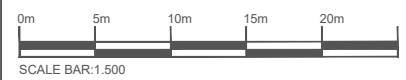
## Appendix 1 - Drawings relating to decision

<b>Drawing Title</b>	<b>Drawing Reference (if applicable)</b>	<b>Drawing Version (if applicable)</b>
Visualisations	18-KA30-CD-05 A	
Existing Floor Plans	18-KA30-PS-01	
Existing Block Plan	18-KA30-PS-01-LP	
Proposed Floor Plans	18-KA30-PS-03	
Proposed Elevations	18-KA30-PS-04	
Location Plan		
Existing Elevations	18-KA30-PS-02 B	
Block Plan / Site Plan	18-KA30-PS-02-LP B	



GENERAL NOTES:

ALL SIZES ARE TO BE CHECKED ONSITE PRIOR TO CONSTRUCTION/MANUFACTURE.



PROJECT TITLE:  
18-KA30 | Double Storey Extension

PROJECT ADDRESS:  
12 Haylie Gardens,  
Largs  
KA30 8EN

DRAWING NO.:	SCALE:
18-KA30-PS-01-LP	1:500 @ A4

DRAWING TITLE:  
Location Plan (As Existing)

DATE:	REVISION:
23/03/2018	A



## Appendix 4



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/18/00287/PP

(Original Application No. N/100084243-001)

REFUSAL OF PLANNING PERMISSION

Type of Application: Local Application

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,  
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)  
REGULATIONS 2013

To : Mrs Gillian Wilson  
12 Haylie Gardens  
Largs  
Ayrshire  
KA30 8EN

With reference to your application received on 5 April 2018 for planning permission under the above mentioned Acts and Orders for :-

Formation of 2 storey side extension including balcony to front and rear and installation of dormer extension to front of dwellinghouse

at 12 Haylie Gardens  
Largs  
Ayrshire  
KA30 8EN

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. That the proposed development would be contrary to criteria (a) and (b) of the General Policy in the adopted North Ayrshire Council Local Development Plan. The development would not have regard to its relationship with existing buildings; the size, scale and massing is out of keeping with the host property; and it would have a negative visual effect on the surrounding area. The development would also have an adverse impact on the established residential amenity of the property to the south by way of overlooking.

Dated this : 3 May 2018

.....  
for the North Ayrshire Council

(See accompanying notes)



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)  
REGULATIONS 2013 – REGULATION 28

KAREN YEOMANS : Executive Director (Economy & Communities)

**FORM 2**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

## Appendix 5



Planning Application: N/18/00287/PP : 12 Haylie Gardens [REDACTED] to: euangray  
19/08/2018 14:52  
From: [REDACTED]  
To: euangray@north-ayrshire.gov.uk

Attn: Euan Gray

The following are our concerns regarding the proposed extension for [12 Haylie Gardens, Largs](#) :

1. Access to our home - we reside at the end of the cul-de-sac where there are no turning or parking facilities. There is no room for extra traffic, skips etc. This will make it extremely difficult to access and/or exit our drive with our car. Heavy vehicles turning have left us with a damaged front wall in the past.
2. We object to the front of the house coming as far forward as the bay window. We were told verbally (on the last plan) that the front of the house would stop at level of existing building not taking in the bay window.
3. As the proposer is going to be mainly building this himself, we are concerned about the length of time it will take to be completed. We have lived with building work on his house on and off for over 10 years.

Yours sincerely

[REDACTED]

## Appendix 6

Further to the concerns raised in relation to the request for Review of (18/00287/99) please find below the applicants response in bold font. For ease of reference the concerns are in italics.

*1. Access to our home - we reside at the end of the cul-de-sac where there are no turning or parking facilities. There is no room for extra traffic, skips etc. This will make it extremely difficult to access and/or exit our drive with our car. Heavy vehicles turning have left us with a damaged front wall in the past.*

**Response:** Whilst we agree with the Report of Handling that these concerns are not planning matters we respond as follows. Our application proposes no intensification of use at the property and no change to the road formation therefore no change to the access/ parking for our neighbours will result. Haylie Gardens is not a private road and neither the applicant nor the neighbour raising these concerns can restrict use of the road. We are considerate neighbours and have never blocked or obstructed access to/from our neighbour's driveway. If a skip is required to be accommodated on the public road the appropriate road permits will be obtained. The neighbours raising the concerns will be familiar with the considerations in locating a skip on Haylie Gardens as they did this when they carried out roof works on their property last year which was accommodated by us without raising any complaints.

**We are aware of an incident when a van (not a HGV) damaged the objecting party's wall when turning at the end of the cul-de-sac. Whilst this is not a planning matter we wish to stress that this was a vehicle in no way connected to our property.**

*2. We object to the front of the house coming as far forward as the bay window. We were told verbally (on the last plan) that the front of the house would stop at level of existing building not taking in the bay window.*

**Response:** We provided a copy of the drawings to our neighbours at the time of submission of the application and later discussed this with them. I would maintain that the extension doesn't project any further than beyond the building line of the existing house as the bay window is part of the building line to front elevation. The front elevation of the extension, at ground floor level, continues along the existing building line and projection for the garage door opening mirrors the projection for the existing bay window at a mere 50cm. At first floor level the line of the building for the extension on the front elevation matches the building line of the existing dormer window and therefore it is only the balcony balustrade that projects beyond this but the roof line at both ridge and eaves height from the existing dwelling would be maintained for the extension.

*3. As the proposer is going to be mainly building this himself, we are concerned about the length of time it will take to be completed. We have lived with building work on his house on and off for over 10 years.*

**Response:** Should planning consent be granted we are fully aware that the works will require a building warrant, which is a separate to planning. We are similarly aware that a timescale for completion of the works will be attached to any warrant granted. We would strongly refute the accusation made that we have been carrying out "building work" at the property for over 10 years. We obtained planning permission in 2003 and building warrant (2004) for the "building works" forming the rear extension and detached garage and completion certificate was granted by North Ayrshire Council. The rear boundary wall was granted a warrant in 2010 (some 45m from the neighbours property and not within view of Haylie Gardens). I can only assume that the complaint duration refers to other improvements/ alterations we have made to our property, like painting,



driveway resurfacing and internal decorating. We consider these concerns wholly unreasonable and would merely draw our neighbour's attention to the similar alterations/ improvements they have carried out to their own property during this time, re-roofing, replacement windows, driveway resurfacing. It is unreasonable for our neighbours to expect to influence/ control general improvement/ decoration works at any property on Haylie Gardens – except if they feel these are being carried out in a way that breaches environmental health ie noise.

We are considerate neighbours and whilst it is unfortunate that one of our neighbours have concerns around changes to our property we do not consider these concerns to be either material planning considerations or of significance that contributes to/ sustains refusal of the planning application.