



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Local Review Body

A Meeting of the **Local Review Body** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 08 June 2022** at **14:15** to consider the undernoted business.

- 1 Declarations of Interest**
Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.
- 2 21/01180/PP - 11 Hyndman Road, Seamill, West Kilbride**
Submit report by the Head of Democratic Services on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).
- 3 21/01036PP - 48 Stoneyholm Road, Kilbirnie**
Submit report by the Head of Democratic Services on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).
- 4 Urgent Items**
Any other items which the Chair considers to be urgent.

Webcasting

Please note: this meeting may be filmed for live and subsequent broadcast via the Council's internet site. At the start of the meeting, the Chair will confirm if all or part of the meeting is being live-streamed/webcast.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the live-stream/webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally, the press and public seating areas will not be filmed. However, by entering the Council Chambers and using the press or public seating area, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in them for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the meeting at this point. This will constitute your revocation of consent.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact dataprotectionofficer@north-ayrshire.gov.uk.

Local Review Body Sederunt

Robert Foster (Chair)
Timothy Billings (Vice-Chair)
Scott Davidson
Stewart Ferguson
Cameron Inglis
Amanda Kerr
Davina McTiernan
Jim Montgomerie
Ian Murdoch
Chloe Robertson

Chair:

Apologies:

Attending:

NORTH AYRSHIRE COUNCIL

8 June 2022

Local Review Body

Title:	Notice of Review: 21/01180/PP - 11 Hyndman Road, Seamill, West Kilbride
Purpose:	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.
Recommendation:	That the Local Review Body considers the Notice of Review.

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 21/01180/PP - 11 Hyndman Road, Seamill, West Kilbride for the formation of an upper floor balcony to the rear of the detached dwellinghouse at that address.
- 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;
 - Appendix 2 - Report of Handling;
 - Appendix 3 - Location Plan;
 - Appendix 4 - Planning Decision Notice;
 - Appendix 5 - Further Representations; and
 - 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/Socio-economic Duty

Financial

4.1 None arising from the recommendation of this report.

Human Resources

4.2 None arising from the recommendation of this report.

Legal

4.3 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.

Equality/Socio-economic

4.4 None arising from the recommendation of this report.

Environmental and Sustainability

4.5 None arising from the recommendation of this report.

Key Priorities

4.6 None arising from the recommendation of this report.

Community Benefits

4.7 None arising from the recommendation of 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 no further representations were received. Representations received from interested parties or statutory consultees to the planning application are attached at Appendix 5 and Appendix 6 provides the applicant's response to these representations.

Craig Hatton
Chief Executive

For further information please contact **Angela Little, Committee Services Officer**, on **01294 324132**.

Background Papers

0



Cunninghame House Friars Croft Irvine KA12 8EE Email: 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 100551412-001

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="Linda"/>	Building Number:	<input type="text" value="11"/>
Last Name: *	<input type="text" value="McAlpine"/>	Address 1 (Street): *	<input type="text" value="Hyndman Road"/>
Company/Organisation	<input type="text" value="NA"/>	Address 2:	<input type="text" value="Seamill"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="West Kilbride"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KA23 9NL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

North Ayrshire Council

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

Address 1:

11 HYNDMAN ROAD

Address 2:

SEAMILL

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

WEST KILBRIDE

Post Code:

KA23 9NL

Please identify/describe the location of the site or sites

Northing

647403

Easting

220026

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)

Formation of upper floor balcony to rear of detached dwellinghouse.

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.

<p>What does your review relate to? *</p> <p><input checked="" type="checkbox"/> Refusal Notice.</p> <p><input type="checkbox"/> Grant of permission with Conditions imposed.</p> <p><input type="checkbox"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.</p>	
<p>Statement of reasons for seeking review</p> <p>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)</p> <p>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.</p> <p>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.</p> <div style="border: 1px solid black; height: 60px; padding: 5px; margin-top: 10px;"> <p>See supporting document.</p> </div>	
<p>Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>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)</p> <div style="border: 1px solid black; height: 60px; margin-top: 10px;"></div>	
<p>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)</p> <div style="border: 1px solid black; height: 60px; padding: 5px; margin-top: 10px;"> <p>Appeal (21_01180_PP).pdf</p> </div>	
<p>Application Details</p>	
<p>Please provide the application reference no. given to you by your planning authority for your previous application.</p>	<div style="border: 1px solid black; padding: 2px; margin-top: 10px;">21/01180/PP</div>
<p>What date was the application submitted to the planning authority? *</p>	<div style="border: 1px solid black; padding: 2px; margin-top: 10px;">03/12/2021</div>
<p>What date was the decision issued by the planning authority? *</p>	<div style="border: 1px solid black; padding: 2px; margin-top: 10px;">21/01/2022</div>

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

See attached document "Appeal (21_01180_PP).pdf".

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)

No reasons.

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: Mr Kenneth McAlpine

Declaration Date: 03/04/2022

Reference No: 21/01180/PP
Proposal: Formation of upper floor balcony to rear of detached dwellinghouse
Location: 11 Hyndman Road, Seamill, West Kilbride, Ayrshire KA23 9NL

Dear Sir/Madam,

Please take this document as a further written submission to be included in the Appeal of the refusal of the original decision.

The Analysis from planning seems to only deal with the neighbour to the southwest of our property. This neighbour is one of the majority of neighbours who did NOT complain about the proposed balcony. This neighbour (13 Hyndman Road) is already overlooked by an existing balcony at 15 Hyndman Road, and bought the property when the existing balcony was present.

1.0 Strategic Policy 2

On the refusal of this Application a lot has been made of the term 'amenity' to mean privacy.

The definition of amenity is:

Cambridge dictionary definition:

"something, such as a swimming pool or shopping centre, that is intended to make life more pleasant or comfortable for the people in a town, hotel, or other place"

Merriam-Webster dictionary definition:

"something that helps to provide comfort, convenience, or enjoyment"

These are only the first two definitions when googling "amenity definition", and as you can see the Applicant is struggling to see how amenity morphs into privacy.

It is not the place of an Applicant to ensure the privacy of neighbours, that task alone must fall on the neighbour, and the neighbour alone, by simple placing of fences, structures, bushes or trees to protect their own privacy if they so desire.

2.0 Overlooking

2.1 Proposed balcony to nearest neighbour is 3.2m.

The Analysis gives a false and misleading impression because it fails to add that it is 3.2m over the Applicant's driveway to a double wall until the boundary of the neighbour which has their driveway running parallel to Applicant's driveway, therefore it is approximately 7m from balcony to neighbour's garden.

2.2 Existing views from rear window not much different to balcony.

Please refer to original application and Architects drawings on viewing angles to see that there is very little difference from existing windows and proposed balcony.

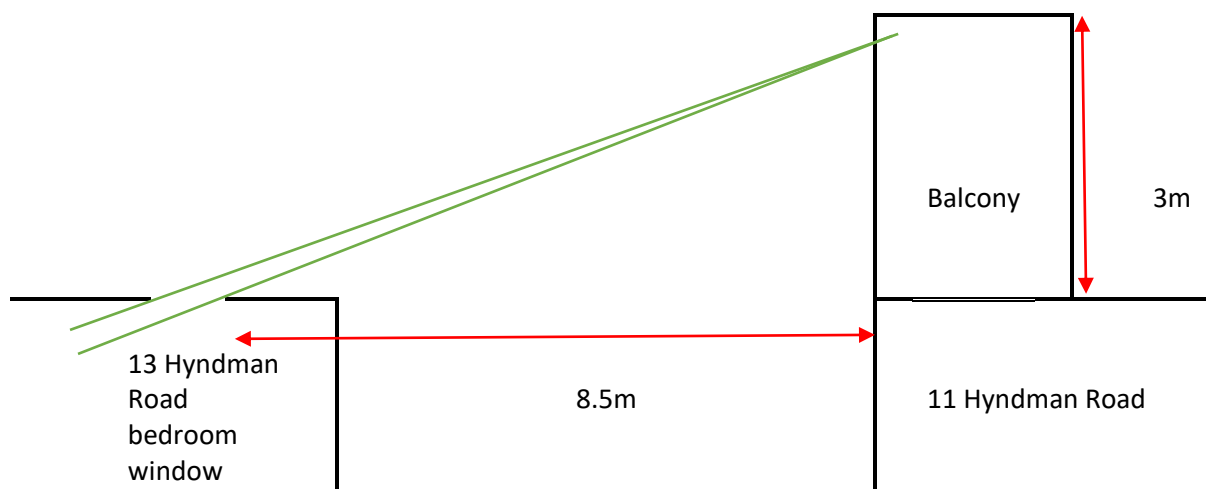
There is no absolute right to privacy and overlooking.

A neighbour's privacy is the neighbour's responsibility and not the Applicants.

In the 21 years the Applicant has been living at this address, none of the neighbours have deemed it necessary to screen off their gardens with trees or large bushes despite their gardens being overlooked from the rear of the Applicants property for 21 years.

2.3 Views backward to south-west (to 13 Hyndman Road)

Angle is so acute as to not warrant serious consideration (see diagram below):



3.0 Applicant and screening

Applicant did not propose any screening, as there are already two existing balconies in the six houses on this side of the road, none of which have any screening.

4.0 Existing balconies

The presence of two existing balconies in the six houses on this side of the street render all of the planning objections mute. How can North Ayrshire Council refuse outright the Applicants proposed balcony when there are already two existing balconies in situ, and this proposed balcony conforms with North Ayrshire's Strategic Policy 2 which states qualities of a successful place "by accentuating existing landmarks to create or improve views (including sea views)".

5.0 Future Neighbours

One of the Council's reasons for refusing the proposed balcony was that future neighbours may not like the proposed balcony. This is not a fact, it is pure and utter speculation.

Let us now deal on facts, and facts alone, out of the two neighbouring properties on either side of the Applicant, none complained about the proposed balcony. These are facts.

6.0 Objections

Of the eleven letters sent out to neighbours, only two neighbours objected. This means that 82% of neighbours contacted did not object at all to the proposed balcony.

The two objections were on the grounds of overlooking, and these can be mitigated as follows:

13 Faulds Wynd

6.1 Window to window, and proposed balcony to window is more than minimum distance for any overlooking issues (25m and 21.5m respectively).

6.2 In 17 years of living at this household this neighbour has never tried to mitigate any overlooking.

6.3 This household is already overlooked from a balcony at 7 Hyndman Road, which is about the same distance to their boundary than our proposed balcony, and the balcony at 7 Hyndman Road has no screening.

6.4 This household bought their property approximately 17 years ago when the balcony at 7 Hyndman Road was already present.

15 Faulds Wynd

6.5 This household from any window cannot see the proposed balcony, so the proposed balcony cannot see in any window of this property.

6.6 Window to window, and proposed balcony to window is more than minimum distance for any overlooking issues (23m and 19.5m respectively).

6.7 In 17 years of living at this household this household has never tried to mitigate any overlooking.

6.8 This household, rather than trying to mitigate overlooking, has instead recently cut back trees.

6.9 This household is already overlooked from a balcony at 15 Hyndman Road, which has no screening, and can see much more of this household than the proposed balcony.

6.10 This household bought their property approximately 17 years ago when the balcony at 15 Hyndman Road was already present.

Can we request that a site visit is undertaken as well as consideration of the many points made in this document.

Thanks and Regards,

Linda and Kenneth McAlpine

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	21/01180/PP
Proposal:	Formation of upper floor balcony to rear of detached dwellinghouse
Location:	11 Hyndman Road, Seamill, West Kilbride, Ayrshire KA23 9NL
LDP Allocation:	General Urban Area
LDP Policies:	Strategic Policy 2 /
Consultations:	None Undertaken
Neighbour Notification:	Neighbour Notification carried out on 08.12.2021 Neighbour Notification expired on 29.12.2021
Advert:	Not Advertised
Previous Applications:	None

Appeal History Of Site:

Relevant Development Plan Policies

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Description

Permission is sought for the creation of a rear dormer balcony inset into an existing ground floor projection of a detached dwellinghouse.

The balcony would be some 10.46sqm in area being 3.27m wide and projecting from the first-floor rear elevation by 3.2m. The balcony platform would be some 3m above ground level. It would be surrounded on its free edges by a 1.1m high glass balustrade. The existing window would be replaced with a set of doors.

The balcony would be sited on the south-western side of the north-west facing rear elevation. It would be some 3.2m from the side boundary to the south-west, some
21/01180/PP

13.1m to the rear boundary to the north-west and 6.7m from the other side boundary to the north-east.

Pre-application advice was sought in May 2021. The applicant was advised that balconies normally created a greater level of overlooking than was experienced from windows. The level of overlooking from the proposed balcony may impact on neighbouring properties. If an application was refused, there would be a right of appeal.

The site is within the General Urban Area of West Kilbride, as identified in the Adopted North Ayrshire Council Local Development Plan (the LDP). There are residential properties to all sides. The alteration of an existing residential property is acceptable in principle and the details of the proposal require to be assessed against Strategic Policy 2 of the LDP.

Consultations and Representations

Neighbour notification was carried out and there was no requirement to advertise the application. Two objections have been received which can be summarised as follows:

1. The balcony will overlook adjoining gardens and reduce the privacy of neighbouring properties.

Response: Noted.

Analysis

Strategic Policy 2 of the LDP sets out the qualities of a successful place. In respect of this application, it is considered that the main considerations are design and the impact on neighbouring amenity. The proposed balcony would be to the rear and not readily visible from public viewpoints. It would be visible from adjoining properties. However, the proposed design is considered to be appropriate for a rear garden setting and the proposal is therefore considered acceptable in design terms. The balcony would be inset within an existing pitched roof and therefore it is not considered to give rise to any issues by way of overshadowing or effecting daylight.

The balcony would project some 3m from the existing first floor rear elevation. It would provide views to all sides at a height of 3m above ground level. The view to the rear (north-west) would be across rear gardens although it is noted that this would be at a distance of over 13m, obscured by a garage building in the application property and the houses to the rear sit at oblique angles to the application property. The houses in the plots to the rear would also be some 20m from the balcony.

The views to both sides would also be across neighbouring rear gardens, with the south-west boundary only some 3.2m from the proposed balcony. The boundaries to either side comprise approx. 1.8m high timber fences. The balconies would give views over most of the adjacent gardens to either site.

The applicant has provided an overlooking calculation which it is claimed demonstrates that overlooking from the balcony would not be significantly greater than the existing window. Whilst potential static views may be similar, the use of a balcony gives a more intensive sense and perception of overlooking. From a window one or two people may gain a view for a limited time. However, a balcony of this size

would allow several people to enjoy views for longer periods in multiple directions. The use of a balcony would be more obvious to neighbours, adding to the sense of being overlooked. Given the projection of 3m and the alignment of the houses, the balcony could also provide views backwards toward the upper floor windows of the house to the south-west at a distance of approx. 8.5m.

It is noted that views towards the coast and Arran are west and south-west. Creating views in this direction would appear to be the principal reason for creating a balcony in this location. Therefore, whilst it could be possible to screen the north-eastern side boundary to mitigate overlooking in that direction, it does not appear possible to appropriately screen the south-western side to adequately protect properties in that direction. The applicant has not proposed any screening for the balcony.

It is noted that there are rear balconies at Nos. 7 and 15 Hyndman Road. There is no record of planning permission for these balconies, although both appear to have been in situ for more than 4 years. Notwithstanding, the presence of other balconies does not mean that further impacts on residential privacy can be supported. Indeed, additional privacy impacts would likely cause greater harm given the overlooking which exists from other properties. It is also noted that the extant balconies are smaller in scale than this proposal.

The applicant believes that no objections have been made by the neighbours to the side. In terms of overlooking the Council has a duty to consider the amenity of existing and future occupiers of neighbouring properties, and the absence, or otherwise, of objections from immediate neighbours is not considered to outweigh the other material considerations. The applicant has also made reference to balconies permitted elsewhere, despite objections. Each application must be considered on its merits. Permission being granted for other balconies in West Kilbride is again not considered to outweigh the considerations for this application.

The proposal is considered to be contrary to Strategic Policy 2 of the Local Development Plan in that it does not respect the amenity of existing and future users of adjoining properties by way of privacy. The application should therefore be refused.

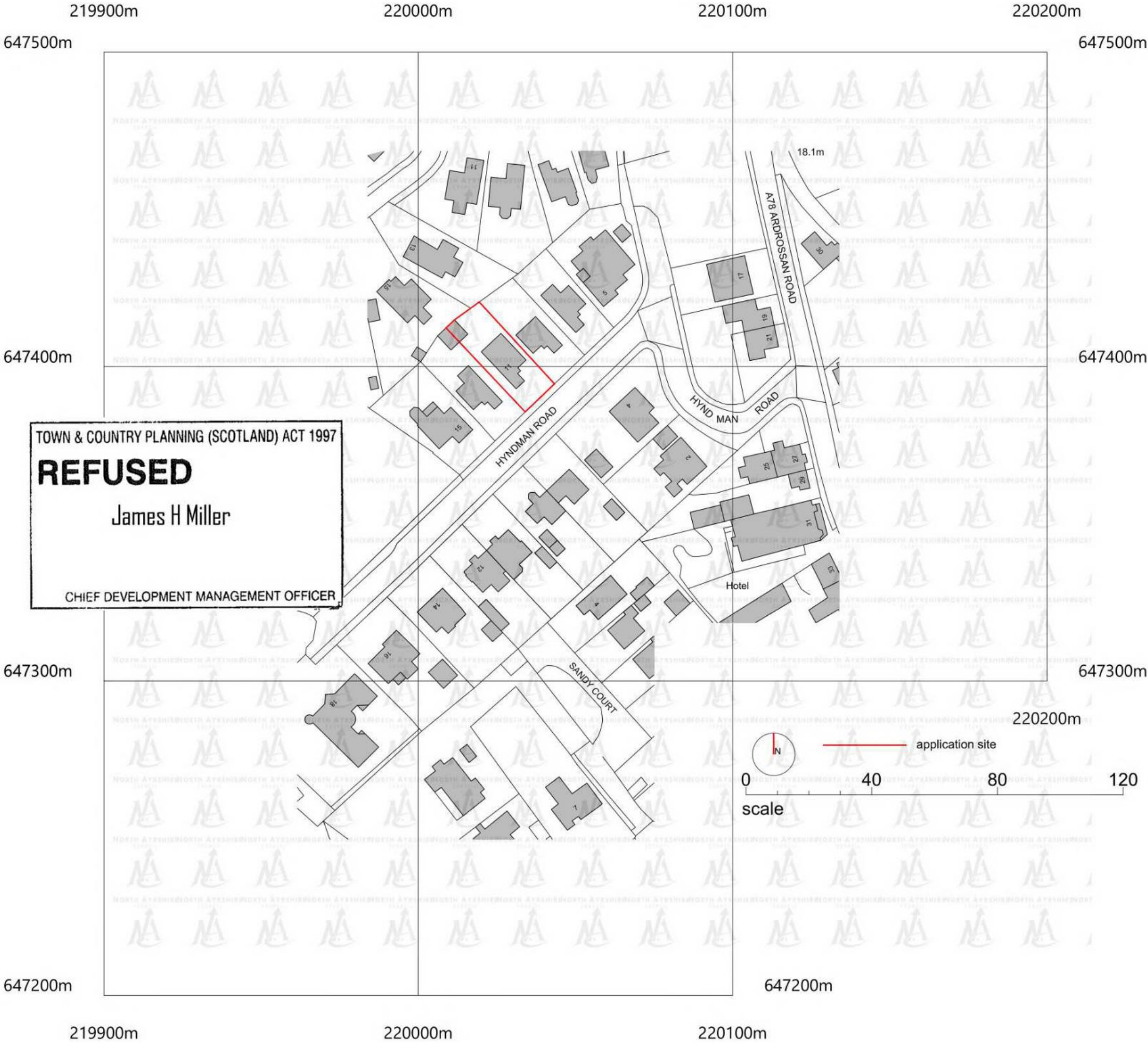
Decision

Refused

Case Officer - Mr Iain Davies

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Block Plan / Site Plan	050	
Location Plan	010	
Existing Elevations	002 Rev A	
Existing Plan	001	
Proposed Plan	101 Rev A	
Proposed Elevations	102 Rev B	
Block Plan / Site Plan	150	



TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

REFUSED

James H Miller

CHIEF DEVELOPMENT MANAGEMENT OFFICER

Rev	Date	Notes
NOTES		
DO NOT SCALE		
The Contractor must check and verify all site and building dimensions, levels & sewer inverts at DCM's before commencing work.		
This drawing must be read with the Contract Specification and any related engineers or specialist contractors drawings		
The information contained on this drawing is the sole copyright of cooper architects ltd and may not be reproduced without express written permission.		
planning		
Project 11 Hyndman Road Seamill West Kilbride		
Client Kenneth and Linda McAlpine		
Drawing Location Plan		
Job No. 288	Dwg No. 010	Rev.
Scale 1:1250	Sheet A3	Scale Sheet
Drawn CC	Date 17 11 21	Checked CC
cooper architects		
51 main street west kilbride ka23 9bx t: 01294 829718 m: 07515 939053 e: cathy@cooper-architects.co.uk		
CAD Ref. 255		



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/21/01180/PP

(Original Application No. N/100510018-001)

Type of Application: Local Application

REFUSAL OF PLANNING PERMISSION

**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 : Mr & Mrs Kenneth & Linda McAlpine
c/o Cooper Architects Ltd Fao Catherine Cooper
51 Main Street
West Kilbride
Ayrshire
KA23 9AW

With reference to your application received on 6 December 2021 for planning permission under the above mentioned Acts and Orders for :-

Formation of upper floor balcony to rear of detached dwellinghouse

at 11 Hyndman Road
Seamill
West Kilbride
Ayrshire
KA23 9NL

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

1. The proposal is contrary to Strategic Policy 2 of the Local Development Plan in that it does not respect the amenity of existing and future users of adjoining properties by way of overlooking which would have an unacceptable impact on privacy.

Dated this : 21 January 2022



.....
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

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

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.

From: [REDACTED]
To: [Angela Little \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: RE: Notice of Review - 21/01180/PP - 11 Hyndman Road, Seamill, West Kilbride
Date: 12 April 2022 16:38:46
Attachments: [DFFAAD09CE2149B0A195F9D1A3BA48B6.png](#)
[202F8352CF9C4FCDA9BFD36002AF5E46.png](#)

*** This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. ***

Angela

I confirm my objection to the application under "Notice of Review" for 11 Hyndman Road

[REDACTED]

Sent from [Mail](#) for Windows

From: [REDACTED]
Sent: 06 April 2022 10:49
To: [REDACTED]
Subject: Fwd: Notice of Review - 21/01180/PP - 11 Hyndman Road, Seamill, West Kilbride

Get [Outlook for iOS](#)

From: Angela Little (Committee Services Officer / Committee & Member Serv) <alittle@north-ayrshire.gov.uk>
Sent: Wednesday, April 6, 2022 10:42:26 AM
To: [REDACTED]
Subject: Notice of Review - 21/01180/PP - 11 Hyndman Road, Seamill, West Kilbride

Dear Mr [REDACTED]

Please find attached notification of a Notice of Review received in respect of the above planning application.

I am working from home and can be contacted by email

Angela Little
Committee Services Officer

01294 324132
Democratic Services
Cunninghame House
Irvine
KA12 8EE

**** Please help reduce waste. Don't print this email unless absolutely necessary. ****

This document should only be read by those persons to whom it is addressed and is not intended to be relied upon by any person without subsequent written confirmation of its contents. Accordingly, North Ayrshire Council disclaim all responsibility and accept no liability (including in negligence) for the consequences for any person acting, or refraining from acting, on such information prior to the receipt by those persons of subsequent written confirmation.

If you have received this e-mail message in error, please notify us immediately by telephone. Please also destroy and delete the message from your computer.

Any form of unauthorised reproduction, dissemination, copying, disclosure, modification, distribution and/or publication of any part of this e-mail message (or attachments transmitted with it) by the addressee(s) is strictly prohibited.

Please be advised that North Ayrshire Council's incoming and outgoing e-mail is subject to regular monitoring.

[North Ayrshire Council Website](#)

From: [REDACTED]
To: [Angela Little \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: Re: Notice of Review - 21/01180/PP - 11 Hyndman Road, Seamill, West Kilbride
Date: 06 April 2022 10:17:21

*** This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. ***

Hi Angela

My decision remains the same, this is an invasion of my privacy and would look directly into my garden and the back of my home.

Do you need anything further from me [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

On Wed, 6 Apr 2022 at 09:34, Angela Little (Committee Services Officer / Committee & Member Serv) <alittle@north-ayrshire.gov.uk> wrote:

Dear Ms [REDACTED]

Please find attached notification of a Notice of Review received in respect of the above planning application.

I am working from home and can be contacted by email

Angela Little

Committee Services Officer

01294 324132

Democratic Services

Cunninghame House

Irvine

KA12 8EE

**** Please help reduce waste. Don't print this email unless absolutely necessary. ****

This document should only be read by those persons to whom it is addressed and is not intended to be relied upon by any person without subsequent written confirmation of its contents. Accordingly, North Ayrshire Council disclaim all responsibility and accept no liability (including in negligence) for the consequences for any person acting, or refraining from acting, on such information prior to the receipt by those persons of subsequent written confirmation.

If you have received this e-mail message in error, please notify us immediately by telephone. Please also destroy and delete the message from your computer.

Any form of unauthorised reproduction, dissemination, copying, disclosure, modification, distribution and/or publication of any part of this e-mail message (or attachments transmitted with it) by the addressee(s) is strictly prohibited.

Please be advised that North Ayrshire Council's incoming and outgoing e-mail is subject to regular monitoring.

[North Ayrshire Council Website](#)

From: [REDACTED]
To: [Angela Little \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: RE: Notice of Review - 21/01180/PP - 11 Hyndman Road, Seamill, West Kilbride
Date: 29 April 2022 15:03:31

*** This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. ***

Hi Angela,

Further objection from 13 Faulds Wynd

We do not believe this to be a genuine objection for the following reasons:

This household is already “overlooked” from a balcony at 7 Hyndman Road, which has no screening. This household bought the property when this existing balcony was in situ 17 years ago.

Between 13 Faulds Wynd and 11 Hyndman Road, window to window and proposed balcony to nearest window are more than the minimum distance for any overlooking/privacy issues (25m and 21.5m respectively). We also contacted North Ayrshire Council (NAC) who stated that the minimum acceptable distance mitigating overlooking/privacy issues is 18m, so we have no idea why this balcony was point-blank refused in the first place when it is more than the minimum distance set by NAC to mitigate overlooking/privacy issues.

In 17 years of living at 13 Faulds Wynd this household has never tried to mitigate any overlooking/privacy issues that our two-storey detached dwelling provides, and has always provided. The proposed balcony only moves existing views approximately 3.5m closer but is still 21.5m away from this neighbour's property which is still within the minimum distance set by NAC to mitigate overlooking/privacy issues.

Further objection from 15 Faulds Wynd

We do not believe this to be a genuine objection for the following reasons:

This household is already “overlooked” from a balcony at 15 Hyndman Road, which has no screening and can see much more of this household than our proposed balcony. This household bought the property when this existing balcony was in situ 17 years ago.

This household from any window cannot see the proposed balcony, so the proposed balcony cannot see any window of this property.

Between 15 Faulds Wynd and 11 Hyndman Road, window to window and proposed balcony to nearest window are more than the minimum distance for any overlooking/privacy issues (23m

and 19.5m respectively). We also have no view of this property's conservatory or patio from the upstairs of our house or from the location of the proposed balcony. We also contacted North Ayrshire Council (NAC) who stated that the minimum acceptable distance mitigating overlooking/privacy issues is 18m, so we have no idea why this balcony was point-blank refused in the first place when it is more than the minimum distance set by NAC to mitigate overlooking/privacy issues.

In 17 years of living at 15 Faulds Wynd this household has never tried to mitigate any overlooking/privacy issues that our two-storey detached dwelling provides, and has always provided. The proposed balcony only moves existing views approximately 3.5m closer but is still 19.5m away from this neighbour's property which is still within the minimum distance set by NAC to mitigate overlooking/privacy issues.

This household, rather than trying to mitigate overlooking, has instead recently cut back trees.

Overall, this proposed balcony only received two objections out of eleven households contacted, this amounts to 82% of households having no objection to this proposed balcony.

If required, we are prepared to plant an evergreen shrub or small evergreen tree in our garden to mitigate any perceived overlooking/privacy issues even though it is a greater distance than the minimum acceptable distance mitigating overlooking/privacy issues.

We strongly believe that a site visit will allow NAC to review all these points and better understand why we believe that these two objections are not genuine for the aforementioned reasons.

Thanks and Regards,

Linda and Kenneth McAlpine

From: Angela Little (Committee Services Officer / Committee & Member Serv) <alittle@north-ayrshire.gov.uk>

Sent: 20 April 2022 15:08

To: [REDACTED]

Subject: Notice of Review - 21/01180/PP - 11 Hyndman Road, Seamill, West Kilbride

Dear Mrs McAlpine

Please find attached details of further representations received in respect of the Notice of Review and information on the next stage of the process

I am working from home and can be contacted by email

Angela Little

Committee Services Officer

01294 324132

Democratic Services

Cunninghame House

Irvine

KA12 8EE

**** Please help reduce waste. Don't print this email unless absolutely necessary. ****

This document should only be read by those persons to whom it is addressed and is not intended to be relied upon by any person without subsequent written confirmation of its contents. Accordingly, North Ayrshire Council disclaim all responsibility and accept no liability (including in negligence) for the consequences for any person acting, or refraining from acting, on such information prior to the receipt by those persons of subsequent written confirmation.

If you have received this e-mail message in error, please notify us immediately by telephone. Please also destroy and delete the message from your computer.

Any form of unauthorised reproduction, dissemination, copying, disclosure, modification, distribution and/or publication of any part of this e-mail message (or attachments transmitted with it) by the addressee(s) is strictly prohibited.

Please be advised that North Ayrshire Council's incoming and outgoing e-mail is subject to regular monitoring.

[North Ayrshire Council Website](#)

NORTH AYRSHIRE COUNCIL

8 June 2022

Local Review Body

Title:	Notice of Review: 21/01036/PP - 48 Stoneyholm Road, Kilbirnie
Purpose:	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.
Recommendation:	That the Local Review Body considers the Notice of Review.

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 21/01036/PP - 48 Stoneyholm Road, Kilbirnie for the formation of dormer windows to the front and rear of detached dwelling house at that address.
- 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;
 - Appendix 2 - Report of Handling;
 - Appendix 3 - Location Plan; and
 - Appendix 4 - Planning Decision Notice.

3. Proposals

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

4. Implications/Socio-economic Duty

Financial

4.1 None arising from the recommendation of this report.

Human Resources

4.2 None arising from the recommendation of this report.

Legal

4.3 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.

Equality/Socio-economic

4.4 None arising from the recommendation of this report.

Environmental and Sustainability

4.5 None arising from the recommendation of this report.

Key Priorities

4.6 None arising from the recommendation of this report.

Community Benefits

4.7 None arising from the recommendation of 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 no further representations were received.

Craig Hatton
Chief Executive

For further information please contact **Angela Little, Committee Services Officer**, on **01294 324132**.

Background Papers

0



Cunninghame House Friars Croft Irvine KA12 8EE Email: 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 100490994-002

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

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ayrshire Architecture"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Ayrshire"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Architecture"/>	Building Number:	<input type="text" value="1"/>
Telephone Number: *	<input type="text" value="01793 555555"/>	Address 1 (Street): *	<input type="text" value="100 High Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Irvine"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="KA12 8EE"/>
Email Address: *	<input type="text" value="info@ayrshirearchitecture.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	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="Colin"/>	Building Number: <input type="text" value="48"/>
Last Name: *	<input type="text" value="Clark"/>	Address 1 (Street): * <input type="text" value="Stoneyholm Road"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Kilbirnie"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="KA25 7JS"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="REDACTED"/>	

Site Address Details

Planning Authority:	<input type="text" value="North Ayrshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="48 STONEYHOLM ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="KILBIRNIE"/>
Post Code:	<input type="text" value="KA25 7JS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="654786"/>	Easting	<input type="text" value="232013"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Formation of dormer windows to front and rear of detached dwelling house

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.

We are seeking a review of the Planning Authority's decision because we think that the application does accord with the current North Ayrshire Local Plan requirements and have outlined why in the attached supporting statement

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)

supporting statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/01036/PP

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

22/10/2021

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

18/02/2022

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)

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: Mr Ayrshire Architecture

Declaration Date: 17/05/2022

Application for Notice of Review to Local Review Body

for

Proposed attic conversion with dormer extensions

at

**48 Stoneyholm Road,
Kilbirnie**

for

Mr & Mrs Clark

Application Ref No: 21/01036/PP



Application for Notice of Review to Local Review Body

**Proposed Attic conversion with dormer extensions at
48 Stoneyholm Road, Kilbirnie
May 2022**

INDEX

- 1 Introduction**
- 2 Reason for Refusal and Responses**
- 3 Photographs**
- 4 Summary**

Application for Notice of Review to Local Review Body

**Proposed Attic conversion with dormer extensions at
48 Stoneyholm Road, Kilbirnie
May 2022**

1 Introduction

- 1.1** Mr & Mrs Clark instructed Ayrshire Architecture to prepare drawings and submit the necessary applications for the proposed attic conversion with dormer extension and associated alterations at 48 Stoneyholm Road, Kilbirnie.

1.2 The Site

The property is a detached bungalow with a pitched roof with slates and the external wall finish is wet dash render.

1.3 Application

An application was submitted on 22nd October 2021 and was validated on 9th November 2021. The application reference number is 21/01036/PP and was allocated to Joseph Thomson, Assistant Planning Officer.

On 9th December, Mr Thomson contacted Ayrshire Architecture regarding the possibility of using a hipped roof dormer design, similar to other local properties, and he included photographs giving examples of other properties in the local area.

Following investigation, and consultation with Mr and Mrs Clark, Ayrshire Architecture replied to Mr Thomson stating that the structure and height of the existing roof did not allow the formation of pitched, hipped roof dormers and as such, could the application be determined as it was submitted.

The application was refused under delegated powers on 18th February 2022.

Application for Notice of Review to Local Review Body

**Proposed Attic conversion with dormer extensions at
48 Stoneyholm Road, Kilbirnie
May 2022**

2 Reasons for Refusal and responses

2.1 Reason

By reason of their size and flat roof box design, the proposed dormer windows would be contrary to the aims of the Strategic Policy 2 (Placemaking) of the adopted North Ayrshire Local Plan. The stated aim of which is to ensure all development contributes to making quality places. The policy also seeks to safeguard, and where possible enhance environmental quality through the avoidance of adverse environmental and amenity impacts. In this case, it is considered that the proposed dormers would be out of character with the design of the dwellinghouses within the street, all to the detriment of the character and amenity of the area.

Response

There are other examples of flat roofed dormers in Stoneyholm Road in particular and Kilbirnie in general. The photographs in paragraph three show the dormers mentioned. The dormers in Stoneyholm Road are to the rear of No 18. The others on Largs Road are on the front elevation and are in a very prominent location as you enter the town from the west. The proposed dormers in this application are of a similar style to those shown in the photographs.

The height of the existing roof and pitches of the hips limit the size of any dormers and the requirement to use slates on any pitched roof dormer would mean that there would not be enough space between the side walls to make the dormers viable.

Given the scale, symmetry and setting of the proposed dormers in that they are not overly large and do not look out of place on the streetscape, it is considered they are not detrimental to the visual amenity of the area.

As noted in the handling report, there were no objections from the neighbours who had been notified.

The cul de sac on which No 48 is sited is off the main part of Stoneyholm Road and therefore less open to public view and this minimises any impact the dormers may have on the general area.

Mr & Mrs Clark have three children, two girls and a boy. The proposals were to create a better family home and more spacious living environment. One of them has an Autism Spectrum Disorder and this proposal would help create much needed space to allow the children to have a bedroom each and allow them to be more independent.

Application for Notice of Review to Local Review Body

**Proposed Attic conversion with dormer extensions at
48 Stoneyholm Road, Kilbirnie
May 2022**

3 Photographs

- 3.1 Photographs show examples of flat roofed dormers nearby in Stoneyholm Road and in Largs Road, Kilbirnie.

18 Stoneyholm Road, Kilbirnie



Largs Road, Kilbirnie



Largs Road, Kilbirnie



Largs Road, Kilbirnie



Application for Notice of Review to Local Review Body

**Proposed Attic conversion with dormer extensions at
48 Stoneyholm Road, Kilbirnie
May 2022**

4 Summary

- 4.1** The examples mentioned above, together with the photographic examples, show that the proposed dormer extensions would not be out of keeping or detrimental to the visual amenity of the area and therefore would comply with the requirements of the current North Ayrshire Local Development Plan.

As a result of all the information detailed in this report, it is considered that the application should be granted consent and the refusal decision overturned by the Local Review Body.

Application for Notice of Review to Local Review Body

**Proposed Attic conversion with dormer extensions at
48 Stoneyholm Road, Kilbirnie
May 2022**

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	21/01036/PP
Proposal:	Formation of dormer windows to front and rear of detached dwelling house
Location:	48 Stoneyholm Road, Kilbirnie, Ayrshire, KA25 7JS
LDP Allocation:	General Urban Area
LDP Policies:	Strategic Policy 2 / SP1 - Towns and Villages Objective /
Consultations:	None Undertaken
Neighbour Notification:	Neighbour Notification carried out on 10.11.2021 Neighbour Notification expired on 01.12.2021
Advert:	Not Advertised
Previous Applications:	None

Appeal History Of Site:

Relevant Development Plan Policies

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts.

We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

SP1 - Towns and Villages Objective

Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
 - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
 - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

Description

Planning permission is sought for the formation of dormer windows to the front and rear of a detached dwelling house. The proposed dormer windows would facilitate the conversion of attic space to form 2 no. new bedrooms. They would have a flat roof design. Materials would consist of vertically hung slates to the dormer walls, to match with the existing roof covering to the house, and white UPVC double glazed windows.

The application site is located at 48 Stoneyholm Road in Kilbirnie which consists of a detached hipped roof bungalow with attic space and garden ground to the front and rear, including access and off-street parking to the front. The attic has not previously been converted to habitable accommodation. The site fronts onto Stoneyholm Road to the west and is bounded by housing on all sides.

The application site is located within the General Urban Area within the settlement boundary of Kilbirnie as identified in the Adopted Local Development Plan (LDP). Therefore, the Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy) applies. All applications for planning permission require to be considered in accordance with Strategic Policy 2 (Placemaking).

The determination of this application was delayed from the 9th December 2021 to 8th February 2022. This was due to a request from the case officer for amendments 21/01036/PP

to the roof design of the proposed dormer windows. However, no revised drawings were received. The proposal therefore requires to be determined on the basis of the original submission.

Consultations and Representations

Neighbour notification was carried out for this application in accordance with statutory procedures. No representations were received in response to the application. No consultations required to be undertaken.

Analysis

The erection of dormer windows to a domestic dwellinghouse does not give rise to any land use policy implications and would be acceptable in principle in terms of the Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy). The application therefore falls to be considered in accordance with Strategic Policy 2 (Placemaking). The stated purpose of Strategic Policy 2 on Placemaking is to ensure "all development contributes to making quality places." The policy also seeks to "safeguard, and where possible enhances environmental quality through the avoidance of adverse environmental or amenity impacts." Strategic Policy 2 (Placemaking) identifies six qualities of a successful place which all applications for planning permission are expected to meet. In this case, it is considered that the 'Distinctive', 'Safe and Pleasant', and 'Adaptable' qualities are most relevant.

'Distinctive'

Located to both the front and rear roof planes of the dwellinghouse, the proposed dormer windows would be readily visible from public viewpoints on Stoneyholm Road, particularly the front dormer. There are many examples of houses in the surrounding area which have been extended by dormer windows. However, it should be noted that existing dormer windows in the surrounding area have primarily adopted either a gable fronted or hipped roof design. In this case, given the hipped roof design of the main dwellinghouse, it is considered that a similar roof design would be more appropriate than the flat roof box design as proposed. To the north of the application site, there is an example of a hipped bungalow on Stoneyholm Road, similar in design to 48 Stoneyholm Road, which has been extended to the front by a dormer window with a hipped roof design. Therefore, at the request of the case officer, amendments were sought for a revised roof design to the proposed dormer windows in line with the above observations. However, the agent advised that the structure and height of the existing roof do not allow for the formation of pitched, hipped roofs on the proposed dormers. No revised drawings were received.

It is noted that due to the relatively large scale of the proposed dormers that the hipped roof, as sought by the case officer, cannot be achieved. However, it is considered that dormer windows of a smaller scale would likely allow for a hipped roof to be formed and would be a more appropriate solution in this case.

The external material finishes to the dormer walls and windows would draw upon the existing slate roof and window design to the main dwellinghouse. However, it is not considered that this would outweigh the inappropriate flat roof box design of the dormer windows. Therefore, it is not considered the proposal would be distinctive in terms of the roof design of the main house and of existing dormer windows in the surrounding area.

'Safe and Pleasant'

21/01036/PP

The proposed dormer windows to the front and rear of the house would face onto the public road at Stoneyholm Road and the applicant's own rear garden ground respectively. It is not considered that the proposal would give rise to any privacy impacts to neighbours. Similarly, there would be no sunlight/daylight impacts.

The proposal would increase the total number of bedrooms within the house from 3 to 4. However, there is extensive garden ground/driveway to the front and side of the house to comfortably accommodate the appropriate off-street parking arrangements for a house of this size. Therefore, there would not be any adverse transport or parking impacts.

Despite the above, and as considered earlier in the Analysis, it is noted that the proposal would be readily visible from public viewpoints on Stoneyholm Road (particularly the front dormer window) and that the proposed flat roof box design would be inappropriate and out of keeping with the roof design to the main dwellinghouse and existing dormer windows to neighbouring housing. It is considered that this would have a detrimental impact on the visual amenity of both the application site and the surrounding streetscape.

'Adaptable'

The proposal would allow for the enlargement of the upper floor of the dwellinghouse to form 2 no. new bedrooms for the enjoyment of existing and future occupants. However, as noted above, it is considered that the proposal would be inappropriate in terms of the proposed flat roof box design, which would have a detrimental visual impact to the surrounding area.

Given the above observations, it is not considered that the proposal meets the relevant qualities of a successful place as identified in Strategic Policy 2 (Placemaking).

Based on the above observations, the proposal does not accord with the relevant policies of the LDP and there are no other material considerations to indicate otherwise. Therefore, planning permission should be refused.

Decision

Refused

Case Officer - Mr Joe Thompson

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Full Layout - Existing and Proposed	01	
Proposed Elevations	01	
Proposed Cross Section	03	
Location Plan	loc	



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/21/01036/PP

(Original Application No. N/100490994-001)

REFUSAL OF PLANNING PERMISSION

Type of 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 : Mr Colin Clark
c/o Ayrshire Architecture
2 Turnberry Wynd
Irvine
Ayrshire
KA11 4DP

With reference to your application received on 9 November 2021 for planning permission under the above mentioned Acts and Orders for :-

Formation of dormer windows to front and rear of detached dwelling house

at 48 Stoneyholm Road
Kilbirnie
Ayrshire
KA25 7JS

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

1. By reason of their size and flat roof 'box' design, the proposed dormer windows would be contrary to the aims of Strategic Policy 2 (Placemaking) of the adopted North Ayrshire Local Development Plan (LDP), the stated purpose of which is to ensure "all development contributes to making quality places." The policy also seeks to "safeguard, and where possible enhance environmental quality through the avoidance of adverse environmental or amenity impacts." In this case, it is considered that the proposed dormers would be out of character with the design of the dwellinghouse and neighbouring houses within the street, all to the detriment of the character and amenity of the area.

Dated this : 18 February 2022



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

aitriona ley ead Ser i e onomi e elo ment Regeneration

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.