



Cunninghame House,  
Irvine.  
2 November 2017

### **Local Review Body**

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 8 NOVEMBER 2017** at **2.15p.m.**, or at the conclusion of the meeting of the Planning Committee, whichever is the later to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

**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. Minutes (Page 4)**

The accuracy of the Minutes of the meeting of the Committee held on 23 August 2017 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

**3. Notice of Review: 17/00829/PP - 4 Baidland Meadow, Dalry (Page 9)**

Submit report by the Chief Executive on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).

*Notice of Review documentation and supporting documents (Page 11-24)*

*Further Representations from interested parties (Page 25-35)*

*Applicant's response to further representations (Page 36-46)*

*Report of Handling (Page 47-51)*

*Location Plan (Page 52)*

*Planning Decision Notice (Page 53-54)*

**4. Urgent Items**

Any other items which the Chair considers to be urgent.

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**Local Review Body**

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Sederunt: Tom Marshall (Chair)  
Timothy Billings (Vice-Chair)  
Robert Barr  
Ian Clarkson  
Robert Foster  
Christina Larsen  
Shaun Macaulay  
Ellen McMaster  
Ronnie McNicol  
Donald Reid

Chair:

Attending:

Apologies:

Meeting Ended:

Local Review Body  
23 August 2017

**Irvine, 23 August 2017** - At a Meeting of the Local Review Body of North Ayrshire Council at 3.05 p.m.

**Present**

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Robert Foster, Christina Larsen, Shaun Macaulay, Ellen McMaster, Ronnie McNicol and Donald Reid.

**In Attendance**

A. Hume, Planning Adviser to the Local Review Body (Item 3) and R. Middleton, Planning Adviser to the Local Review Body (Item 4) (Economy and Communities); A. Craig, Team Manager (Litigation) (Legal Services) and A. Little, Committee Services Officer (Chief Executive's).

**Chair**

Councillor Marshall in the Chair.

**Order of Business**

In terms of Standing Order 9.4, the Chair agreed to vary the order of business to allow consideration of Agenda Item 4 (N/16/01176/PP - Site to the North of Fairlie Bowling Club, Main Road, Fairlie - Erection of 19 affordable housing units) as the first item of business.

**1. Declarations of Interest**

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor McMaster, as a customer of the applicant, declared an interest in Item 3 (N/16/01126/PP - Jameston Moss, Dalry) and left the meeting for that item of business.

**2. Minutes**

The accuracy of the Minutes of the meeting of the Committee held on 14 June 2017 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Notice of Review: N/16/01176/PP - Site to the North of Fairlie Bowling Club, Main Road, Fairlie - Erection of 19 affordable housing units**

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers for the erection of 19 affordable housing units at the site to the north of Fairlie Bowling Club, Main Road, Fairlie.

The Notice of Review documentation, the Planning Officer's Report of Handling, a copy of the Decision Notice, further representations and the applicant's response to further representations were provided as appendices to the report.

The Planning Adviser to the Local Review Body introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant.

The Planning Adviser thereafter summarised the Notice of Review for the Applicant, the Report of Handling of the Appointed Officer, the representations lodged and the applicant's response to further representations. Photographs and plans of the site were displayed.

The Local Review Body agreed that it had sufficient information before it to determine the matter without further procedure.

Members asked questions and were provided with further information in relation to:-

- previous planning permissions for the site (both of which have expired) that were not relevant to the current application;
- ownership of the site that was not a relevant planning matter;
- the new Local Development Plan which is at a relatively early stage in its preparation, public consultation on the Main Issues Report that took place during the early part of 2017 and an update on progress that was provided to Members in June 2017; and
- that Section 25 of the Town and Country Planning (Scotland) Act 1997 that requires decisions by planning authorities to be taken in accordance with the development plan, unless material considerations indicate otherwise.

Councillor Barr, seconded by Councillor Billings, moved to refuse the application. There being no amendment, the motion was declared carried

Accordingly, having considered all of the information, the Local Review Body agreed to uphold the decision to refuse planning permission on the grounds that:-

1. That the proposed development does not accord with Policies RES1 and RES2 of the North Ayrshire Local Development Plan, which identify appropriate sites for development, as there is an adequate supply of allocated housing land within North Ayrshire.
2. That the proposed development is contrary to Policies ENV2, ENV7 and ENV8 of the North Ayrshire Local Development Plan in that the proposal would (1) represent unjustified development in the countryside, (2) not constitute small scale growth of existing rural housing groups, (3) result in ribbon development with the potential for visual and physical coalescence along the undeveloped coast, and (4) set an undesirable precedent for other unjustified development within the countryside.
3. That the proposed development by reason of its scale, location and design would be contrary to criteria a) and b) of the General Policy of the Local Development Plan and Neighbourhood Design Guidance, as it would (1) result in unacceptable development within the countryside to the detriment of the visual amenity of the area, and create a significant adverse impact on the landscape setting of Fairlie; and (2) due to the location would not offer an acceptable level of residential amenity for future occupants, given the proximity of the site to the A78(T).

Councillor McMaster left the meeting at this point in view of having declared an interest in respect of the next item of business. Councillor Foster also left the meeting as he had not been in attendance at the site visit in respect of the next item of business and was therefore precluded from taking part in the determination of the Review.

#### **4. Notice of Review: N/16/01126/PP - Jameston Moss, Dalry**

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers for the erection of a wind turbine (36m to hub and 47m to blade tip) and formation of an access track and associated infrastructure at Jameston Moss, Dalry.

The Notice of Review documentation and further representations received from interested parties, were provided as Appendices 1 and 2 to the report.

At its meeting on 14 June 2017, the Local Review Body, agreed to (a) proceed to a site familiarisation visit; (b) advise the applicant and interested parties accordingly; and (c) note that only those Members of the LRB who attended the site visit would be eligible to participate in the determination of the review request. A site familiarisation visit was duly held on 15 August 2017, attended by Councillors Marshall, Billings, Barr, Clarkson, Larsen, Macaulay, McNicol and Reid.

The Planning Advisor to the Local Review Body, introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant and that only those Members who had attended the site familiarisation visit were eligible to participate in the determination of the review request. Photographs and plans of the proposed development were displayed and the Planning Advisor provided the LRB with a verbal summary of the review documents.

Members asked questions and were provided with further information in relation to the Ayrshire Supplementary Planning Guidance on Wind Farm Development that recommends the minimum separation distance of 700m from the turbine to existing houses and that the nearest property is 300m from the proposed turbine.

Councillor McNicol, seconded by Councillor Barr, moved to grant the application on the grounds that they do not agree that there would be a detrimental impact on the landscape or visual amenity of the area. There being no amendment, the motion was declared carried.

Accordingly, having considered all of the information, the Local Review Body agreed (a) to grant the application, subject to the following conditions:-

1. That, prior to the commencement of the development hereby approved, full details of the route to be used by construction traffic shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall include: a comprehensive route plan, swept path analysis of junctions following on-site surveys, details of any works required to alter junctions or lengths of road along the route to form over-run areas and full details of restoration/reinstatement works, including replacement planting. Thereafter, the development shall be implemented only in accordance with such details as may be approved, including the restoration/reinstatement and replanting of any land so affected by construction traffic, whether or not included in the submitted details, all to the satisfaction of North Ayrshire Council as Planning Authority.
2. The proposed wind turbine noise immission level, when assessed at nearby noise sensitive premises, shall not exceed 25dB(A)LA90,10min at all wind speeds up to and including 10 ms<sup>-1</sup> when measured at 10m above ground level. In the case where the wind speed is measured at a height other than 10m, the wind speed data shall be standardised to 10m.

3. At the reasonable request of the Planning Authority/Environmental Health Service or following a valid complaint to the Planning Authority/Environmental Health Service relating to noise immission arising from the operation of the wind turbine, the operator shall measure the level of noise immission from the wind turbine at the property to which the complaint relates in line with a methodology agreed by the Planning Authority/Environmental Health Service.
4. That, in the event of the wind turbine hereby approved failing to produce electricity for any continuous period in excess of 6 months, it shall be deemed to be no longer required and unless otherwise agreed in writing by North Ayrshire Council as Planning Authority, shall be dismantled and removed from the site within the following 6 months to the satisfaction of North Ayrshire Council as Planning Authority.

The meeting ended at 3.55 p.m.



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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 3**

**8 November 2017**

#### **Local Review Body**

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**Title:** **Notice of Review: 17/00829/PP - 4 Baidland Meadow, Dalry**

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**Purpose:** To submit, for the 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.

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**Recommendation:** 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 17/00829/PP - erection of a double garage to include the removal of an existing garage.
- 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 - Further Representations from interested parties;
- Appendix 3 - Applicant's response to further representations;
- Appendix 4 - Report of Handling;
- Appendix 5 - Location Plan; and
- Appendix 6 - Planning Decision Notice.

- 2.4 The applicant has requested in the Notice of Review that a site visit is carried out to allow Members to familiarise themselves with the layout of the development.

### 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>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 2 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 3 to the report.



ELMA MURRAY  
Chief Executive

Reference :

For further information please contact Euan Gray on 01294 324130

### Background Papers

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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 100067179-001

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

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Alan Neish Consulting Ltd"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="ALAN"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="NEISH"/>	Building Number:	<input type="text" value="20"/>
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Montgomerie Drive"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Stewarton"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="KA3 3AP"/>
Email Address: *	<input type="text" value="alan@alanneishconsulting.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="Nick"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Monir"/>	Address 1 (Street): * <input type="text"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text"/>
Extension Number:	<input type="text"/>	Country: * <input type="text"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

## 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="4 BAIDLAND MEADOW"/>
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="DALRY"/>
Post Code:	<input type="text" value="KA24 5HP"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="651233"/>	Easting	<input type="text" value="227593"/>
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## 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)

Erection of a double garage to include the removal of an existing garage.

## 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.

See attached Appeal 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)

Appeal Statement and Supporting Statement submitted with the planning application.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

17/00829/PP

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

10/08/2017

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

11/09/2017

## 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)

It is important to visit the site given the nature of the reasons for refusal being related to the impact of the proposal on adjacent properties.

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

## 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 ALAN NEISH

Declaration Date: 25/09/2017



**ALAN NEISH**  
(CONSULTING) LTD

**DEVELOPMENT SOLUTIONS**  
FOR PEOPLE & LAND

**Appeal to North Ayrshire Councils Local Review Body regarding the Refusal of Planning Consent for the Erection of a Double Garage to include the removal of an existing garage at 4 Baidland Meadow, Dalry.**

**Prepared by Alan Neish Dip TP**

**Alan Neish Consulting Ltd.**

**25/9/17**



## **1. Background.**

1.1. This appeal relates to a refusal of planning permission by officers under Delegated powers for the erection of a double garage to the rear of Mr Monir, s property at 4 Baidland Meadows, Dalry. Baidland Meadows sits in isolated countryside and is a group of houses that have been created around a previous farm and its buildings. The farm no longer exists and the appeal property sits in a group of 6 houses which enjoy the amenity provided by the wider rural area in which the group sits.

1.2. The property is adjoined to no 5 and sits at right angles to it. The property on the other side of the appeal site no. 3, is separated by the applicants timber garage which is to be removed to give access to the rear garden and the proposed garage. The rear garden of the appeal site is long and narrow similar to the other properties. The properties have the appearance of a “terrace” at the front whilst having the advantage of an open aspect to the rear overlooking the wider countryside.

1.3. There is a lack of car parking in the area and this application seeks to address this and to provide additional storage for the applicant within his garden area. The applicant has 2 vintage Land Rover Defenders which he keeps as a hobby. One is currently parked within an area of common ground, which means that other residents cannot use it. He also has his own car and by erecting the garage at the rear of the garden all of these vehicles can be accommodated within the application site.

1.4. The applicant has had advice from officers prior to submitting the application and has endeavoured to reduce the scale and impact of the proposal. However, the application as it is submitted and which is subject to this appeal, is the minimum size that can be achieved to accommodate his vehicles and improve the local parking situation and to provide storage that is much needed because of the size of his dwelling house.

1.5. Measures that have been taken to modify the proposal from the original submission for pre application advice include;

**-the ridge height of the roof has been reduced from 6.3m to a height of 5.3m**

**-the walls have been reduced to an internal height of 2.4 m and the building now sits at 1.4 m from the adjoining fence at no.5.**

**-the roof line to the front of the garage has been changed from a gable fronted roof to a hipped roof**

**-the garage will be cut into the ground by a depth of 300mm on the boundary with no.5.**

1.6. The Supporting Statement which accompanied the Planning Application that is subject to this Appeal is attached for Members of the Local Review Body as Production 1 and contains a full analysis of the Planning Considerations.

1.7. In relation to this Appeal I shall concentrate on the specific reasons for refusal in the remainder of this Supporting Statement.

**2. Reason For Refusal 1;The proposal would be contrary to the Adopted North Ayrshire Council Local Development Plan General Policy criterion (a) by reason of its siting, scale and design leading to a significant loss of private amenity space within the plot and over development of the site.**

2.1. Whilst appreciating the wider role of Officers in protecting the Public Interest the applicant wishes to make it clear that he is perfectly happy with the reduction in the garden ground caused by the proposed garage and does not see this as a significant loss of amenity to himself or overdevelopment of the site. This proposal is viewed by the applicant as using his property for his particular interest.

2.2. The Report of Handling suggests that there would still be an area of 91sq m of the rear garden area remaining undeveloped with 67sq m of useable garden space after the garage is built. The officers report also states that the garage itself will take up around 30% of the rear garden area leaving 70% .This is a garden area that is still useful and provides a level of amenity that is commensurate with the size of the house. Importantly, the wider rural setting and accessibility to it adequately compensates for any perceived loss of amenity within the plot itself.

2.3. In relation to overdevelopment and the effect on the applicants rear garden this again is an issue which is acceptable to the applicant as it provides what he requires. Measures have been taken to reduce the scale and design to ensure that the proposal is not overdevelopment of the site which would be detrimental to the amenity of the wider area.

2.4. The impact of overdevelopment on the wider amenity of the area is addressed in reason for refusal 2. In relation to the potential overdevelopment within the site itself much is made within the Report of Handling of the former role of the property as a farm steading. It states;

*“the site relates to a converted farm steading where the original footprint of substantial outbuildings has generally been respected. It is considered that farmsteads and their buildings make a valuable contribution to the character of the countryside and any conversions including extensions should be sympathetic to the original buildings in scale, design and form.*

2.5 Whilst one would not wish to disagree with the principle of this statement it is contended that this is not relevant to the proposed development. Firstly this is proposal is for a free standing outbuilding, a garage, and not a conversion of a building or an extension. Secondly, the farm steading no longer exists as the buildings have been converted and the steading has been added to by additional houses which now creates the appearance of a terrace within a group of dwelling houses. The analysis does not take the actual setting into account.

2.6. The Report goes on to state that;

*“The garage, by reason of its height, depth and width is not considered to be ancillary in appearance and would result in a substantial outbuilding which does not respect the form of the original farm steading”*

2.7. Notwithstanding the above comments that the form of farm steading no longer exists, the garage sits to the rear of the appeal site to the rear of houses and is obscured from public view as it lies in open countryside. It can only be viewed by the residents within the terrace whom have not objected to the height, depth and width with the exception of the owner of no.5 which will be addressed in reason 2.

2.8. Further more the height of the garage at 5.3m to the ridge, is lower than that of the applicants house which has a ridge height of 5.8m. The roof has been designed with a hip roof as it faces the house and the front wall of the garage is sited 14m from the house. It is accepted that the width of the garage takes up most of the garden of the appeal site but with the open aspect to the rear this is not a significant issue and it is not “over dominant” in this setting.

**3. Reason 2; The proposal would be contrary to the Adopted North Ayrshire Council Local Development Plan General Policy criterion (b) in terms of the adverse impact of the double garage on the amenity of the converted farm steading development at Baidland Meadow by reason of its siting, bulk, height, depth and width, resulting in an unacceptable and overbearing impact on the amenity of the adjacent residential dwellings and their associated private amenity space.**

3.1. There is an element of duplication in respect of the 2 reasons for refusal regarding the impact on the farmsteading which has already been partially addressed by my comments in 2.4-2.7. The principal issue in relation to this reason is the impact on the adjacent dwellings. The Oxford Dictionary definition of “adjacent” is near or adjoining and given that the wider impact on the setting has been addressed above, comments on this reason for refusal are therefore restricted to those properties at no 3 and 5 for the purposes of this appeal.

3.2. It is also noted in the Report of Handling that the amenity with which there is concern is not related to the privacy of neighbours nor any significant overshadowing other than on number 3 for part of the day. The Report of Handling helpfully clarifies that the concerns are “given the proximity to the mutual boundary, the height and depth of the garage would be overbearing and have a significant detrimental impact on the residential amenity and outlook of both no 3 and 5 Baidland Meadow”.

3.3. As is intimated within the Report of Handling I have advised that the owner of No 3 has no objections to the proposed development and the owner has advised the Council of this fact. The Officer has still suggested that in interests of proper planning the residential amenity of this property still requires to be taken into consideration. I shall leave it for Members to come to their own decision on how much weight should be given to this matter in view of the support of the development from the owner of no.3.

3.4. In relation to the alleged impact on the outlook of the 2 adjacent properties it is a well established fact that the right to a view is not a material planning consideration.

3.5. In relation to the concerns over the overbearing impact on no 5, I would ask Members to note the following;

**-although much is made of the height of the garage, this must relate to the height of the roof as the internal wall at 2.4m is less than would be allowed as “permitted development” under the Town and Country Planning (General Permitted Development) (Scotland) Order 2011.**

**-it does not appear to be recognised that the wall on this boundary is set in a further 300mm and is thus 2.1m high; just slightly higher than what would be permitted as a wall, fence or other means of enclosure (i.e 2m) without the need for planning permission**

**-the garden at no 5 sits at a higher level and the objector has a 1.8m high boundary fence between his garden ground and the garage. This is presumably why the officer accepts that there is no issue about privacy but it also assists in minimising the over bearing nature of the garage**

**-the garage sits back 1.4 m from the boundary and the roof slopes away from no 5 at this point some 3.5m. The concern about the height of the garage at 5.3m sits 4.9m away from the boundary fence at number 5.**

**-the wall of the house at no 5 sits a further 7.5m from the conterminous boundary**

3.6. In view of the foregoing facts it is contended that there is not be an unacceptable or over bearing impact on the property at no 5.

3.7. This reason for refusal also refers to the unacceptable impact on the private amenity space. This is in direct conflict with the Report of Handling which states "it is considered that there would be no detrimental impacts on the privacy of neighbours". Under the terms of Circular 4/1998 on the Use of Planning Conditions one of the 6 tests in applying a condition is the need for it to be "precise". It is a long established principle that this precision should be followed in the drafting of reasons for refusal.

3.8. Whilst it is difficult to be clear about this reason, if taken at face value it must relate to the impact on the amenity space of no 3 who, has no objections to the development. In relation to the property at no 5 the owner has secured the privacy of his own property by erecting a 1.8 high boundary fence. This has been supplemented by the applicant on his own ground by erecting a further fence and the planting of leylandii hedging. It is contended that this ground of refusal is not sustainable in these circumstances.

#### **4.Recommendation**

4.1. It is respectfully suggested that the reasons for refusing the application are not sustainable and it is recommended that Members should uphold this Appeal and Approve the application as submitted.

4.2. Whilst not a matter for the Local Review Body, I understand that the applicant has lodged a formal complaint about the handling of this application.

Alan Neish Dip TP.

25/9/2017.

#### **List of Productions.**

**1.Supporting Statement submitted with the planning application.**



**ALAN NEISH**  
(CONSULTING) LTD

**DEVELOPMENT SOLUTIONS**  
FOR PEOPLE & LAND

**Supporting Planning Statement in respect of the removal of a single timber garage and replacement with a double garage on garden ground to the rear of 4 Baidland Meadow, Dalry, KA24 5HP**

**Prepared by Alan Neish Dip TP**

**Alan Neish Consulting Ltd.**

## **1. Proposed Development.**

1.1. The proposal involves the removal of a single timber garage and the erection of a double garage at the rear of a dwelling house at 4 Baidland Meadow, Dalry.

1.2. The application site sits in a group of 6 houses at Baidland Meadow in the countryside near Dalry. The dwelling house is a one and a half storey property of traditional design which forms an L shape with the adjoining property at number 5 Baidland Meadow. The property at number 5, overlooks the garden ground comprising the application site and the garden ground at number 3 but there is a 2 m high screen fence separating the application site from the garden ground attached to number 5.

1.3 A smaller fence (1.2m in height) forms the boundary between the application site and the garden of the property at number 3. The property at number 3 has two rear extensions within the rear garden.

1.4. The rear garden of the application site overlooks the rural area at the back of the site and access exists to the existing timber garage from the road fronting the site. This existing access will be extended following the removal of the existing garage to form the access to the proposed garage.

1.5. The proposed garage is a double garage with storage space formed within the attic space which is created with a hipped pitched roof to reduce the impact on the adjoining properties. The roof will be finished in natural slate to match the finish on the existing house. The walls will be rendered to match existing and the windows, doors, gutters, fascias and downpipes will be dark brown to match existing.

1.6. There are rooflights proposed in each side of the garage roof which will be finished with obscured glass. There is a window to the rear of the garage which will have normal glazing as it overlooks the open countryside.

1.7. The height to eaves level is 2.4m internally, and the overall height is 5.3m. The garage will be cut into the existing ground level by 300 mm on the south eastern boundary towards number 5.

1.8. There is a lack of car parking in the area and this application seeks to address this. The applicant has two Land Rover Defenders, one of which is currently parked within an area of land in common ownership. He also has a personal car and by erecting the garage at the rear of the garden all of these vehicles can be accommodated within the application site. The attic area within the proposed garage will be used for storage as this is limited within the existing house.

## **2. Pre application advice.**

2.1. This application has been amended following an application to North Ayrshire Council for pre application advice. There was concern expressed in relation to the size and height of the proposed garage and the impact on visual and residential amenity. As a result the proposal has been redesigned with the following alterations to the plans;

- The height of the garage has been reduced from 6.3 m to a height of 5.3 m

- The roof line to the front has been significantly reduced by forming a hipped roof

- The garage will be cut into the ground by a depth of 300mm on the south eastern boundary

### 3. Planning Considerations.

3.1. Under the terms of sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 the determination on any planning application should be in accordance with the Development Plan unless material planning considerations direct otherwise.

3.2. The Development Plan is the Adopted Local Development Plan. The site lies within the Rural Area and General Policy a) on siting, design and external appearance and b) regarding amenity are most applicable to the proposal.

3.3. In relation to both criteria, the plans have been amended to reflect the concerns expressed within the pre application feedback and in particular to address the impact on the adjoining property at number 5 Baidland Meadow. This property is separated from the application site by a 2 m high fence and there are 2 small dormer windows that overlook the site. However these are situated at the southern end of the property which is 13m from the front of the garage and one of the dormers is a bathroom which has obscured glazing. It should also be noted that the applicant has planted a leylandii hedge which will in time enhance the screening of the site.

3.4. In relation to siting, the garage has been positioned towards the rear to avoid overlooking of the dormer windows at number 5. This siting also means that the garage is positioned as far away from adjacent properties thereby minimising any impact from the scale of the proposal. This position also has the added benefit of providing a longer driveway to address the problem of parking within the area.

3.5. The design of the garage with a hipped roof at the front and sides minimises the effect on adjoining properties through scale and massing and this is also assisted by cutting into the site on the south eastern side to reduce the height of the garage in this location. The hipped roof also matches the existing hipped roofs on the extensions to the property at number 3 Baidland Meadow. The overall height of the garage is designed to sit at a lower level than that of adjoining properties and the existing house to ensure that it is subservient within its setting.

3.6. The external appearance of the garage reflects the form and materials used in the existing property and those adjoining the site with a pitched roof finished in natural slate. The materials to be used in the doors, windows, downpipes, gutters and fascias have been carefully chosen to match the existing property.

3.7. As a result of the care given to the design of the garage it is considered that it will sit well within the group of properties within the vicinity of the site and it has the added advantage of addressing the issue of car parking in the area. It is contended that the visual impact of the proposal is acceptable in this context and it is noted that the visual impact is limited to only 2 of the properties within the group with no adverse visual impact on the general area or the rural environment.

3.8. Turning to specific issues of amenity, there will be a loss of garden ground to the donor property but this has to be balanced against the desire to have more storage and a long driveway to address the issue of car parking in the area. The latter affects all of the properties within the building group. A private garden area of 80 sq m is still achieved within the application site and this excludes the driveway itself which is screened on both sides; specifically, because of the screen fence adjoining number 5 and the extension to number 3. It should be noted that the garden ground is presently over looked by the 2 dormer windows at number 5 (although one of the dormers has obscured glazing), and the proposal will not exacerbate the level of amenity that is currently achieved in this part of the garden. Over time the leylandii hedge will also assist in maintaining privacy.

3.9. In relation to overlooking of adjoining houses from the garage there will be no adverse effect because of the angles of existing windows and the set back distance from the garage. Overlooking from the garage onto adjoining gardens will be minimal because **23**

the use of obscure glazing and the fact that it is to be used for storage and is not a habitable room. It is contended therefore that there will be no unacceptable loss of privacy on adjoining properties.

3.10. In the context of any potential effect on daylight to adjoining houses, this will not be detrimental to adjoining properties because of the siting at the rear of the site and juxtaposition of windows on these properties. In the context of the effect on sunlight into adjacent properties and gardens there will be no effect on number 5 as the garden ground sits on the north side of the existing dwelling house. In relation to the garden at number 3, the effect is minimised because of the hipped roof and in case this property benefits from an extensive garden area and thus the overall impact will not be significant.

#### **4. Conclusions.**

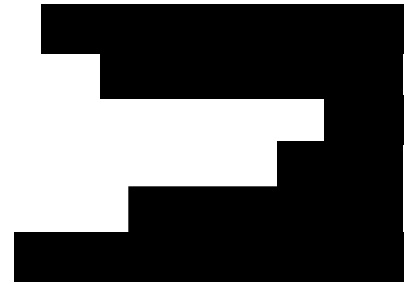
4.1. It is concluded in view of the above analysis that the proposed development should be acceptable within the context of the General Policy a) and b) within the Development Plan. There are no other material planning considerations that would suggest otherwise and significantly the proposal will be of benefit to the surrounding area in the context of providing assistance in addressing an existing parking problem.

**Alan Neish Dip TP**

**Alan Neish Consulting Ltd.**

**08/08/2017.**





Euan Gray,  
Committee Support Officer  
North Ayrshire Council,  
Cunninghame House, Irvine,  
KA12 8EE

Planning Application 17/00829/PP

Dear Mr Gray, thank you for the opportunity to make further comment on the above planning application for a double garage at 4 Baidland Meadow, Dalry. KA24 5HP.

We welcomed the Council's decision to refuse this application and believe it is the correct one on sound planning grounds.

Baidland Meadow is a coherent Courtyard Development where any new build will impact on the whole development. The garage as proposed would create significant over development in what is a spacious and sympathetically designed rural setting.

We would urge the review Body to reach a similar conclusion and reject this appeal.

Yours sincerely,

[Redacted signature]

[Redacted signature]



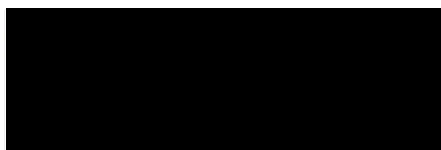
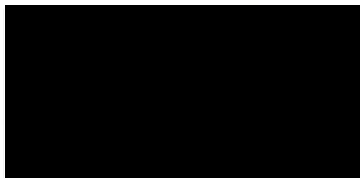
Committee Services Support Officer  
Committee Services  
North Ayrshire Council  
Cunninghame House  
Irvine  
KA12 8EE

**Response to appeal lodged in respect of Planning Application 17/00829/PP for the Erection of a Double Garage to Include Removal of Existing Garage**

Dear Mr Gray,

Please find the following response providing our further rationale for objecting to the above proposed development and the appeal recently lodged:-

Yours faithfully,



# Response to Appeal Statement dated 25<sup>th</sup> September 2017

## Executive Summary

The proposal is for removal of an existing garage and introduction of a new “double garage”. We believe the plans submitted are in direct contravention of the current North Ayrshire Council Local Development Plan and inconsistent with what would be reasonably expected for normal domestic use in a rural countryside context.

- There is no shortage of parking at the development as claimed by the agent as this was integral to the original plans for the site. Each property has its own dedicated parking and a further 4 spaces are available for visitors to the site. The applicant already has capacity for parking up to 4 vehicles within his own private space.
- The proposed structure is of a scale that equates to approximately 70% the size of the applicant domestic dwelling house and removes nearly 70% of the properties amenity garden ground.
- It is not, as claimed, subservient to existing buildings, rather an imposing structure standing at nearly 120% the height of the adjacent house No 3 and reaching the height of the apex of the upstairs dormer windows of the neighbouring 2 storey dwelling house. The topography of the ground sloping down significantly from No 4 towards No 3 serves only to exacerbate the excessive and overbearing scale of the proposed structure.
- The original plan approved at Cunningham Baidland was for the conversion of a group of existing farm steadings into a small cluster of domestic dwelling houses forming a courtyard development based on existing footprints thereby remaining sympathetic to the sensitive rural context of the site. This proposal seeks not to introduce a “double garage”, but that of a building of the scale of a commercial unit, with an associated driveway more akin to a commercial yard.
- The assignation of the proposal as a “double garage” is entirely misleading as the footprint indicates that the structure will have capacity for the region of 4-6 vehicles. Please refer to Appendix 1 that adequately highlights the disproportionate size of the proposal by depicting the structure against the backdrop of the original farm steadings where the scale can be readily ascertained by reference to the single vehicle parked to the front of the Farmhouse property.
- The overall scale and design of the plans to include an extensive driveway/yard, excessive “double garage” footprint, an upper floor space with windows, then coupled with the applicants continuous exclusive use of commercial vehicles at the site gives rise to significant concerns that he is intent on operating more of his business activities from his home.

## Conclusions and recommendations

We reiterate that the height of the proposed development would be out of keeping with the scale of the adjacent buildings. Taking the topography of the group into account, the proposed “garage” would be overbearing and have a significantly adverse impact on the neighbouring properties.

The conversion of the former farm outbuildings to 5 dwellings was based sympathetically on the original footprints of the barns and as a result has produced an attractive collection with generous amenity ground for each property. The proposed development would run contrary to the overall design of the group and represent significant over development, totally out of character with the rest of the group of dwellings. The footprint of the proposed development is far too large when compared to the existing dwelling and the neighbouring properties.

North Ayrshire's own design guidance for development in the countryside states that new developments must integrate with the landscape and that no new property should be created where it visually dominates their setting. The guidance goes on to state that developments should ***"maintain local distinctiveness and character with a pattern and scale that compliments their rural setting and that they should not overwhelm existing neighbours and introduce unsympathetic development types"***. Clearly this proposed development in what is already recognised as a fragile site of importance for nature conservation is contrary to most all of these design principles and we therefore respectfully request that the original decision to refuse permission is upheld.

## Detailed evaluation of Agent's appeal submission

1. The statement in point 1.2 is that the *"properties have the appearance of a "terrace"'* is misleading as only one property, No 3, lies out with the courtyard. All the other properties border the courtyard area. Properties No 5 and No 4 are link attached with their front entrances on different aspects and therefore do not form any terrace. Property No 3 is not linked in any way to the other houses. It is also inaccurate to state that the *"garden of the appeal site is long and narrow similar to the other properties"* as the adjacent property at No 3 enjoys a generous wide garden.
2. The statement in 1.3 that there *"is a lack of car parking in the area"* is disingenuous since there is already provision for 4 visitor's spaces within the development to augment the facilities available that are dedicated to each property.

The reference to the applicant having to park his Landrover vehicle on common ground to the exclusion of other residents is entirely misleading. The applicant already has a dedicated parking space to the front of the Farmhouse property in the courtyard area. A number of residents have requested that he use this space instead of damaging the area of landscaped grass where he has elected to place it, remaining virtually unmoved for over 2 years. The applicant has persistently refused these suggestions and has left his space continually vacant. Furthermore the applicant has not sought any approval for changing the use of this landscaped area into a parking facility. As indicated in our earlier objection it would appear that the applicant already has facility to accommodate up to 4 vehicles on his own property without recourse to this application.

3. In statement 1.4 it is suggested that the plan submitted represents the minimum size that can accommodate all of his vehicles and provide necessary additional storage due to the size of the applicant's dwelling house. In this context it would appear that the applicant is intent on storing all 3 of his vehicles in the proposed "double garage". The Collins English Dictionary definition for "double garage" being:-  
*"a garage that can hold two vehicles"*

Appendix 1 shows a satellite image of the original farm steadings with a block representation of the proposed structure added for illustrative purposes. The satellite image happens to include a single car to the front of the Farmhouse property and this amply shows the disproportionate size of the proposed "double garage" and how such a development would appear overbearing and unsympathetic to its context.

Further, with reference to point 3.8 in the original supporting statement for the application

*"3.8. Turning to specific issues of amenity, there will be a loss of garden ground to the donor property but this has to be balanced against the desire to have more storage and a long driveway to address the issue of car parking in the area"*

The implication being that the transfer of a large part of garden ground into driveway use indicates that the applicant intends to not only house vehicles within the proposed "garage" structure but also to utilise any extended driveway for the same. The applicant has not used a private motor vehicle at his premises for over 2 years, choosing to continually use commercial vans. The concern is that the applicant may be intent on conducting some of his business from home and that he may plan to utilise this extended driveway as a commercial yard. Please see Appendix 2 which shows the applicant parking his long wheelbase

commercial vehicle in close proximity to our property as recently as 29<sup>th</sup> September 2017. The applicant alternates his use of this vehicle with his other smaller commercial van on a continual and on-going basis.

4. In relation to point 1.5 it states that the garage will be cut into the ground by a depth of 300mm on the boundary with No.5. The fact that only 30cm is required in order to achieve a level foundation for a 7m wide structure indicates that there is little graduation in the slope between No 5 and the garden of No 4. The main gradient lies between No 3 and No 4 where there is an appreciable slope which will only serve to accentuate the disproportionate height of the structure compared to the existing dwelling house at No 3. The effect of entrenching the proposed structure by some 30cm in order to minimise the aspect presented to no 5 is all but negated by the agent's original overstatement of the height of the boundary fence which stands at 1.8 m rather than the 2m suggested in the original supporting statement.
5. In statement 2.1 reference is made to the applicant's view that there is no loss to his perceived amenity by virtue of the proposal. It surely goes without saying that the applicant would maintain this position as the proposal meets only his own interests, however the agent does not address the fundamental issues raised in relation to the proposals non-compliance with the local development plan. Clearly the proposed structure will be of a scale that is overbearing in relation to the adjacent properties and will most certainly appear out of context when considered against the originally approved proposal for a carefully designed courtyard cluster based on existing farm steading footprints.
6. In statement 2.2 the transfer of nearly 70% of the available garden ground to support the extended driveway and garage cannot be regarded as leaving undeveloped garden amenity commensurate with the size of the dwelling. The agent clearly indicated in the supporting statement that the extended driveway would provide for additional parking.
7. Contrary to statement 2.5 the footprints of the original farm steadings have in the main been preserved. Only house No 3 has been permitted any significant alterations. It is not factual to state that additional houses (plural) have already been added. The only additional standalone building that has been approved is that of a granny annex which represents an appendage to the existing property and approval was granted for the exceptional circumstances pertaining thereto. Approval for this building was granted with strict conditions that the property remains wholly dependent and within the identity of house No 3. This building consumed only around 11% of the available garden ground associated with the dwelling.
8. In relation to statement 2.7 the properties forming the development are situated within an area of common ground amounting to some 13 acres. The majority of this common ground is in the form of amenity space and natural woodland that lies to the east of the site. Other residents are able to make use of this land and as such are entitled to consider the impact of this proposal in the context of the amenity of the entire development. The introduction of a "double garage" with a footprint of 7x9.4m and a height of 5.3m (this will reach the height of the roof apex on the dormer windows at No 5) will not integrate and appear sympathetic to this gentle rural setting. A building of the size proposed would appear to have capacity for around 4-6 vehicles and with the bulk of the remaining garden given over to driveway, a further 3-4 vehicles being potentially accommodated for external parking. The overall

impression would be to alter the ambience from that of a relaxed and rural countryside setting, introducing an intensity and tension brought about by the density of the buildings and proliferation of vehicles.

9. In relation to statement 3.1, as mentioned above, all the residents who purchased a dwelling house in a location comprising 13 acres of communal amenity ground have a rightful vested interest in preserving the character of the development in which they chose to settle. Those interests are protected in many ways through the specification of burdens within the title conditions pertaining to the properties, but also through their rights to make representations regarding plans that will likely alter the overall appearance and character of the site.
10. In relation to statement 3.5 permitted developments state that a garage construction should not exceed 4m in height. This is a general guidance that would apply as a maximum even in a sub-urban context. This proposal seeks to build a garage structure that is 70% the size of the footprint of the associated dwelling house and will stand 5.3m tall at nearly 90% the height of the adjacent two storey houses and some 0.8m higher (not even allowing for the slope that will accentuate this height difference) than neighbouring house No 3. Therefore it is a statement of fact that the proposed building is clearly NOT subservient to the adjacent properties as claimed in the original proposal. Furthermore, this building is not being situated in any sub-urban setting, rather a natural, sensitive countryside residential development. In this context the proposed building must be considered unsympathetic and overbearing.
11. In relation to point 3.7 and the impact on the privacy of No 5 we would still contend that issues remain. The proposal indicates that windows are to be installed on the roof and gable end of the structure. The side windows will be at a height of around 4.5m and will easily overlook the rear garden of house No 5 which has a 1.8m screening fence. The agent indicated that these windows would be (initially) fitted with obscured glazing and were required for natural light and ventilation. There would appear to be a discrepancy with this suggestion since these windows would appear only to illuminate and ventilate the upper floor of the "garage" which is said to be given over exclusively for storage. It would surely have been more effective to have introduced windows into the lower floor in the workspace area of the garage or even to the west facing hipped elevation of the roof which does not overlook the neighbouring properties and would appear to sit above a void space at the front of the structure. We again point out that the presence of the Leylandii trees will have no bearing since in all likelihood the trees in proximity to the proposed garage will be destroyed during construction and in any event any remaining will be curtailed in height according to the applicable high hedge regulations.



## Appendix 1 – Satellite View of Original Courtyard Steading





**Appendix 2 – Applicant ongoing use of commercial vehicles from his property (as of 29<sup>th</sup> Sep 2017)**



Applicant's long wheelbase commercial van parked overnight until circa 10.45 am on 29<sup>th</sup> Sep 2017. (Applicant has exclusively used his commercial vehicles at the development for the last 2 years)

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Sir,

**Reference: Planning Application [N/17/00829/PP ] Garage at 4 Baidland Meadow**

Thank you for contacting me for views on the above planning application. As the immediate neighbour to 4 Baidland Meadow, I have no concerns about the proposed construction of a double garage.

Having reviewed the plans, the design appears to be in keeping with the rest of the development and considerable effort seems to have been made to include features such as the hipped roof, choice of materials and style that are sympathetic to the overall style of the buildings at Baidland Meadow.

Looking at the position and dimensions of the structure, it will not impact on light, views or privacy of our property. In fact, as it is a garage it may in fact improve the privacy of the property shielding an area of the garden from overlooking windows.

Creation of the garage and driveway will go some way to alleviating parking pressures that have been a constant source of tension at the development. Other than driving to and from work, we know that the garage will not be used for commercial activity and have no concerns over access which would be adjacent to our property.

Considering the garage will be located at the rear of the property, the overall impact of the construction on the development will be minimal, as it will only be visible from our garden and, to a much lesser extent due to a high screening fence, the garden of 5 Baidland Meadow.

I hope these points can be taken in to consideration in reaching your decision.

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]


**Planning Application 17/00829/PP, 4 Baidland Meadow**

to: euangray@north-ayrshire.gov.uk

18/10/2017 21:53

From:

To: "euangray@north-ayrshire.gov.uk" &lt;euangray@north-ayrshire.gov.uk&gt;

Dear Sir,

Reference: Planning application 17/00829/PP Erection of double garage at 4 Baidland Meadow, Dalry.

We would like to take the opportunity to register a letter of support for the above planning application. Having reviewed the plans and associated documents we would like to make the following points:

The addition of the garage will create welcome secure parking within the residential development. Due to reconfiguring of the driveway at 5 Baidland Meadow the visitor parking for two vehicles was lost in 2015. This has had a negative impact on parking and vehicle manoeuvring within the development and the creation of a garage would help relieve the vehicle pressure the development now experiences.

The proposed design of hipped roof and overall finish is in keeping with the existing properties and would allow the garage to blend in seamlessly with the surrounding buildings in a sympathetic manner, minimising the visual impact on other residences.

The garage is situated to the rear of 4 Baidland Meadow, and is of a size that is little more than a standard double garage. We feel that this is not an unreasonable size and that the garage will have little more impact than the existing timber construction occupying the proposed site. Given the aspect of the residences overlooking the proposed development site the construction of a garage would improve garden privacy for a number of properties without affecting natural light.

The physical location of the proposed building appears not to have been taken into consideration by the refusal of planning permission and a building of this kind enhances the desirability of a property in countryside locations such as Baidland Meadow.

We would also like to respond to allegations that the proposed garage is believed to be for commercial use. Having visited the premises of the applicants business on several occasions we would like to state that a domestic garage is in no way a suitable space for conducting this business and that the applicant would not be in position to operate from this space due to this unsuitability.

We hope that these points will be given due consideration during the decision making process and we would be grateful if you would acknowledge receipt of this email.

Regards

**[Official]** Restricted to Council staff and contractors, with possible controlled public release on request

**[Official-Protect]** Personal or business sensitive data intended to be shared only with named recipients and requiring protection



**ALAN NEISH**  
(CONSULTING) LTD

**DEVELOPMENT SOLUTIONS**  
FOR PEOPLE & LAND

**Additional comments on behalf of the applicant on information submitted by supporters and objectors to the proposed double garage at 4 Baidland Meadow, Dalry for consideration by North Ayrshire Councils Local Review Board.**

**Prepared by Alan Neish Dip TP**

**Alan Neish Consulting Ltd.**

## **1. Background,**

1.1. In accordance with North Ayrshire Council's procedures in relation to the review of the decision by officers to refuse the proposed double garage at 4 Baidland Meadow, Dalry, we welcome the opportunity to respond to the comments that have been received from 2 supporters and 2 objectors to the proposed development that is subject to this appeal.

1.2. Conscious of the amount of submissions already made I will endeavor to focus on the main points raised by objectors in the knowledge that Members already have my original Supporting Statement and Appeal Statement as part of the background papers. I will specifically concentrate on elements of the objectors comments which are potentially misleading in the knowledge that hopefully Members will take the opportunity to visit the site and make their own judgements on the acceptability of the proposal.

1.3. I will therefore focus on the following points;

**- Letters of support.**

**-Alleged use of proposed garage as a Commercial/business unit**

**-Availability of parking in the cluster of houses**

**- Impact of the proposed development on the surrounding area.**

## **2. Letters of support.**

2.1. The letters of support are of course welcome and it is important to note that these originate from 2 of the properties in the cluster of houses. One of the letters of support is from number 3 which immediately adjoins the appeal site. The other letter of support comes from number 2 across the road from the appeal site and the only other property that is adjacent to the site is number 5. It is understood from the correspondence that the owners of the property at number 5, have objected to the proposal.

2.2. The officers Report rightly states that notwithstanding the support for the proposal from the adjoining neighbor at number 3; *"in the interests of proper planning, the residential amenity of this property still requires to be taken into consideration in the assessment of this proposal"*

2.3. However, in assessing the impact of the proposal on number 3 I would simply ask Members to take into consideration the strong support for the proposal from number 3 and indeed from number 2. In doing so I would respectfully point out that the owners of the properties at number 2 and 3 had originally lodged their letters of support anonymously but having seen the officers Report refusing the application, subsequently decided to waive their anonymity. This itself is a reflection of the support for the proposed development.

## **3. Alleged use of the garage for commercial use.**

3.1. The objection from number 5 has repeatedly and misleadingly referred to the size of the garage being designed for use by the applicant for his business because it is larger than a "double garage". In the officers Report, it states that;

*"any complaints of commercial activity would be investigated separately should this occur, however it would not prejudice the assessment of the application"*

3.2. Members will of course be aware that an application has to be determined as submitted and not assume that there is some other hidden motive behind the application. The application is submitted as a double garage for domestic use. It has double doors and is larger than a normal double garage but as explained in my Supporting Statement **37**

it is designed at this scale to provide much needed storage not available within the applicants house and to address parking problems in the area whilst accommodating space for his vintage Land Rover Defenders.

3.3. To give further reassurance to Members, the applicants business is a sign manufacturing company called Zebra Signs which has been trading for 15 years. Zebra Signs operates from a 175 sq m industrial unit in Hillington Park, Glasgow where he employs 7 staff. The office space occupies just over 30% of the floor space, which, alone equates to the total space of the proposed garage. The remaining floor space is dedicated workshop space for heavy machinery, a powder coating facility and several wide format solvent printers. My clients business could not be operated from the proposed garage. It would appear that the objectors allegations are based on the fact that like many other people, he drives a works vehicle to and from work to the house. I would also draw Members attention to the fact that the letters of support accept that the proposal will not and could not be used for the applicants business.

3.4. I have also attached a scaled drawing in reference to the objectors assertions that the garage is large enough to accommodate 4- 6 cars. The first drawing shows the size of a normal car parking space of 2.5. x 5m which demonstrates that 4 car parking spaces could not be accommodated within the garage (appendix 1). The second shows that 4 average sized cars (specifically a Volkswagen Passat) cannot be accommodated within the proposed garage (appendix 2 )

3.5. At best, the objectors comments are misinformed, but the diagrams are attached in case Members are misled into an appreciation of the actual size of the proposed garage. It is noted that one of the objectors has attached an appendix purporting to show the size of the proposed garage on a satellite image. It is respectfully pointed out that this is not to scale whereas our submissions including the plans attached to the application are to scale. It would appear that the superimposed garage identified on the objectors appendix 1 is inaccurate in terms of the scale of the garage and its actual siting within plot and this should not be taken into consideration in coming to a view on the application. The satellite image is out of date and does not include all of the houses that are now built nor the extensions to properties.

#### **4. Availability of parking spaces within the cluster of houses.**

4.1. The objectors appear to take exception to my comments that the proposed garage will address an existing parking problem within the area. To assist Members I have attached a scaled drawing of the existing parking provision within the area (appendix 3) This sets out the allocated spaces to each property.

4.2. The objector claims that there are 4 spaces available to visitors but this is not factually accurate as each space is allocated to a property as indicated on appendix 3. There are in fact no spaces allocated to visitors within the central courtyard and there are regular situations where this is a problem if any occupier has a family event or just a few visitors.

4.3. The objector claims that the applicant already has the capacity for parking 4 vehicles within his property. Again this is not factually accurate and is not even feasible as he has an existing timber garage in between the house and the neighbouring house at number 3 which currently prohibits the access to the rear garden.

4.4. It is also respectfully drawn to the attention of Members that the letters of support from 2 other properties within the cluster agree that there is an existing parking problem within the cluster of houses.

#### **5. Impact of the proposed development on the surrounding area.**

5.1. There are a number of comments made by the objector in relation to the reasons for refusal which puts their perspective on the size of the garage and the impact of the

proposed development which are again potentially misleading. These are dealt with below.

5.2. The facts surrounding the alteration to the proposed development that is subject to this appeal compared with previous pre application are undisputed and need to be clarified as follows;

**-the ridge height of the roof of the garage has been reduced from 6.3m to a height of 5.3m**

**-the walls have been reduced to an internal height of 2.4m and the building now sits at 1.4m from the adjoining fence at number 5.**

**-the roof line to the front of the garage has been changed to a hipped roof instead of a gable fronted roof. This arrangement is the same as the roof on the adjacent property at number 3 (see appendix 4 for roof plan)**

**-the garage will be cut into the ground by a depth of 300mm on the boundary with number 5**

5.3. To assist members in understanding the relationship of the proposed garage to the property at number 5 a scaled drawing is attached (appendix 5). The following points are important in assessing the impact of the proposal on number 5;

**-the property is separated by two timber fences which range from 1.8m high to 2m and as can be seen from the attached photograph(appendix 6) this screens the garden area from the garage.**

**-a leylandii hedge has also been planted which will afford additional screening**

**-the proposed garage will sit 8.5 m from the house at number 5 which has no windows directly overlooking the site. All the windows in number 5 lie at acute angles from the garage and the house will not be overlooked by the windows on the garage because of the acute angles, the distance between the windows and the fact that the roof lights on the garage will be finished in obscure glazing**

**-the area of garden ground remaining at number 4 after the erection of the proposed garage is shown on this plan and is stated within the Report of Handling to be 70% of that which currently exists with a figure of 91 sq m remaining.**

5.4. Turning specifically to the points identified by the objector in relation to the evaluation of my Appeal Submission there appears to be an attempt to move away from facts as described on detailed drawings or indeed as stated within the Report of Handling. These include;

**-para 5; the variation in the height of the fence is clearly shown on the attached photograph in appendix 6. This shows that whether the fence is at 1.8m or 2m it will not be possible to overlook the garden of number 5 from the Appeal site. This relationship between the properties already exists on site. In relation to the impact of the proposed garage, the windows will be finished in obscure glazing which due to the set back distance and acute angles will not result in an impact on the privacy of number 5 as currently enjoyed within the house or the garden.**

**-paragraph 6; this is factually inaccurate as 70% of the garden area is not the figure used by officers or myself as the area of garden ground being built on. The 70% figure is the amount of garden ground that is left after the proposed garage is erected**

**-paragraph 8;it is noted that the objector is attempting to argue that the height of the garage will not integrate with the rural setting. In doing so it is noted that there is reference to the height being at the roof apex of the dormers on number 5.**

**However these dormers sit below the height of the objectors roof line on the main house which serves to screen the garage. There are no objections from the other adjacent properties to the impact on the setting which it is agreed is indeed rural.**

**-paragraph 9;legal burdens are not a material planning consideration**

**-paragraph 10; is very misleading and I would contend that the proposed garage is subservient as it sits below that of the donor property and the objectors property at number 5 and is sufficiently distant from both.**

**-paragraph 11; the windows can be conditioned to be maintained as having obscure glazing.**

## **6. Conclusion.**

6.1. It is respectfully suggested that the comments of the objector are misleading and are not sustainable based on detailed analysis.

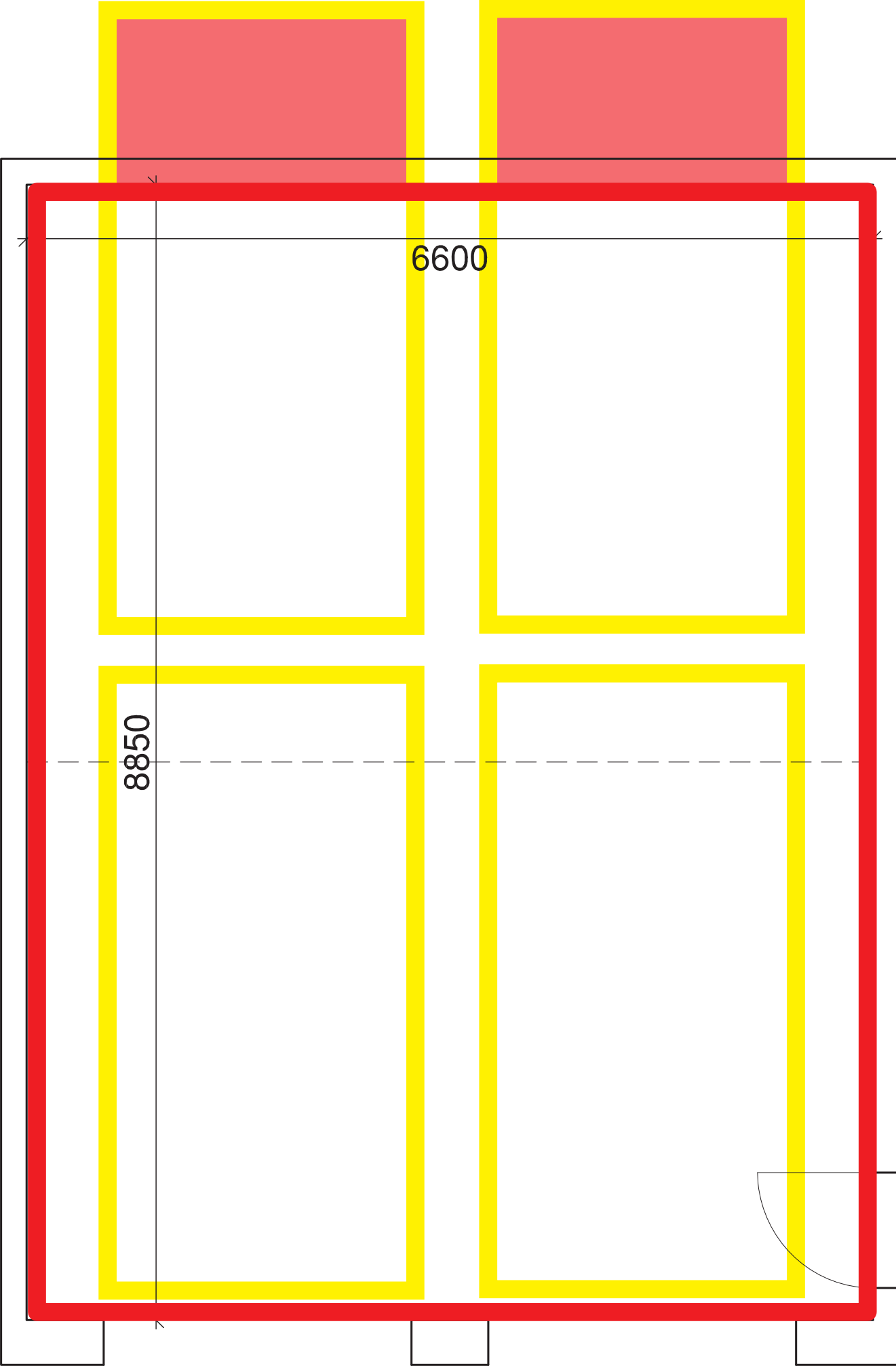
Alan Neish Dip TP

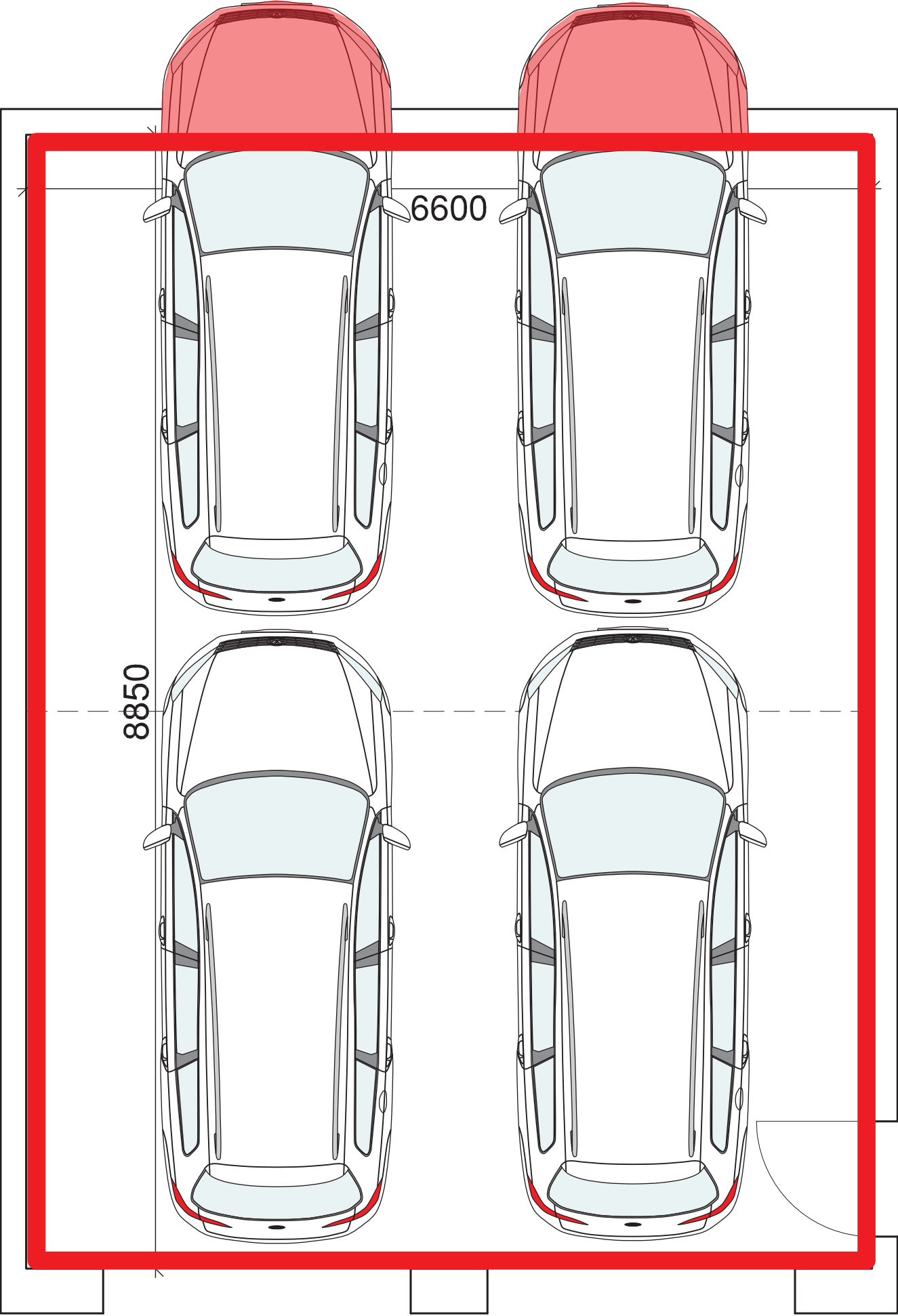
Alan Neish Consulting Ltd.

## **List of Appendices**

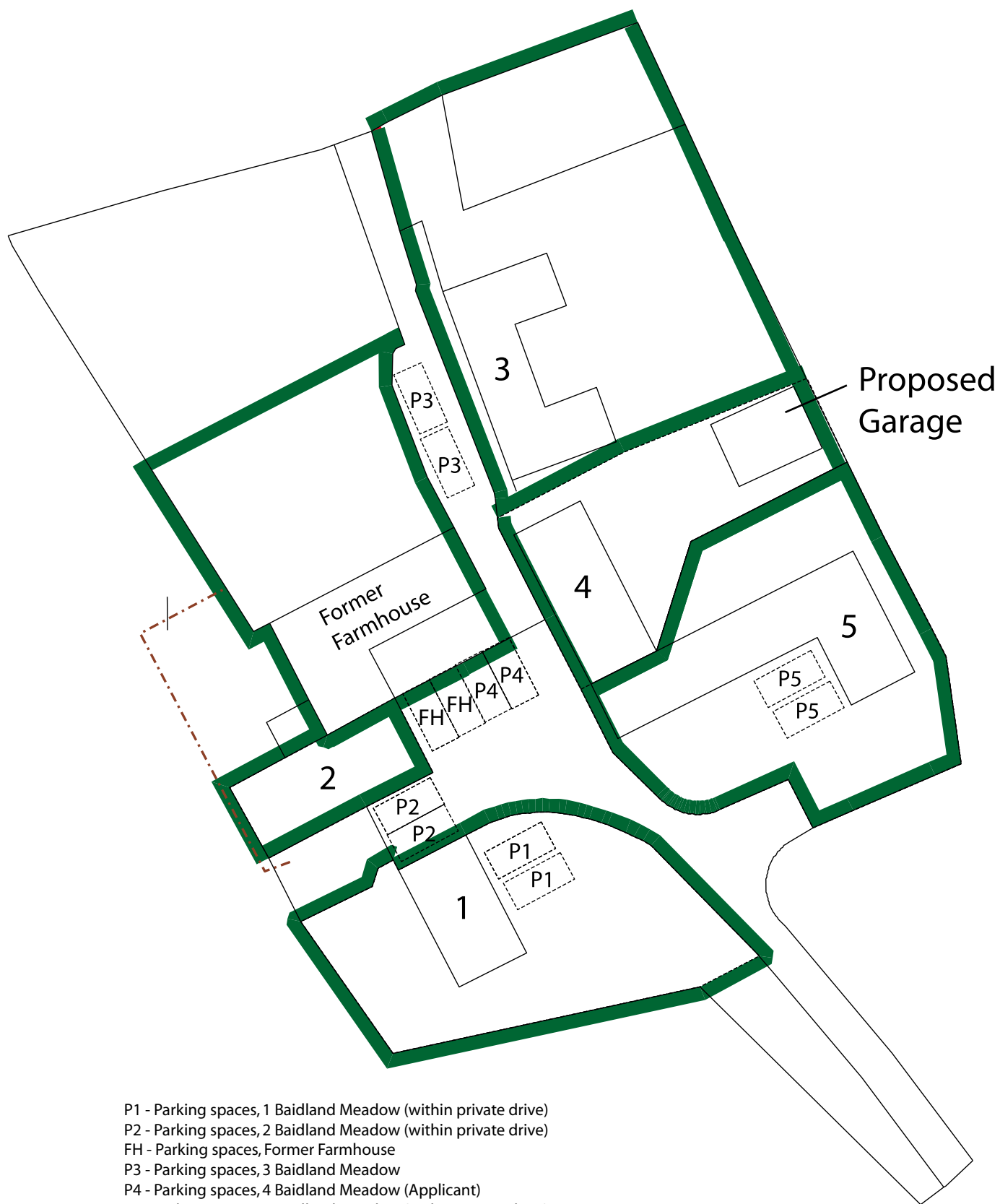
- 1.Car spaces within the proposed garage(scaled drg)
2. Actual family cars within the proposed garage (scaled drg)
3. Parking provision within cluster (scaled drg)
4. Roof plan
5. Block plan showing relationship between number 4 and 5 (scaled drg)
- 6.Photo of boundary fences as existing.





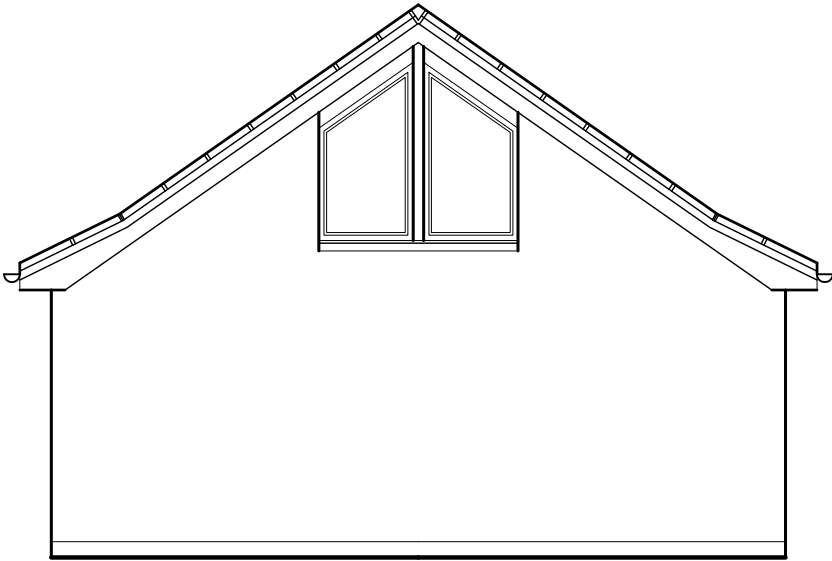


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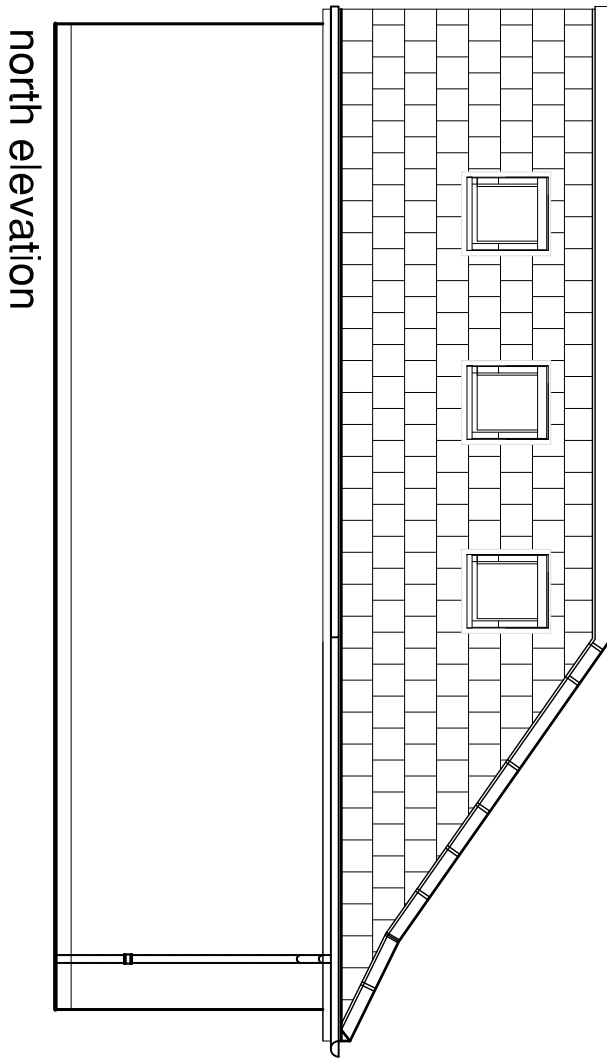


- P1 - Parking spaces, 1 Baidland Meadow (within private drive)
- P2 - Parking spaces, 2 Baidland Meadow (within private drive)
- FH - Parking spaces, Former Farmhouse
- P3 - Parking spaces, 3 Baidland Meadow
- P4 - Parking spaces, 4 Baidland Meadow (Applicant)
- P5 - Parking spaces, 5 Baidland Meadow (within private drive)
- No provision for visitor parking within courtyard

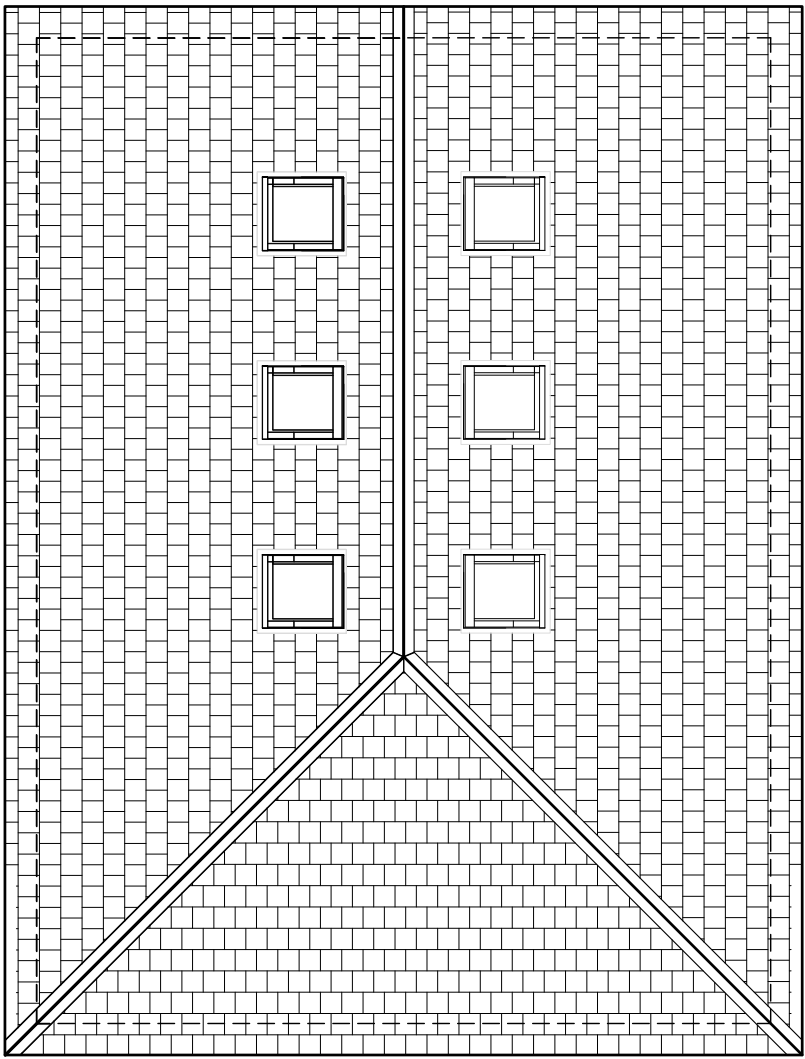
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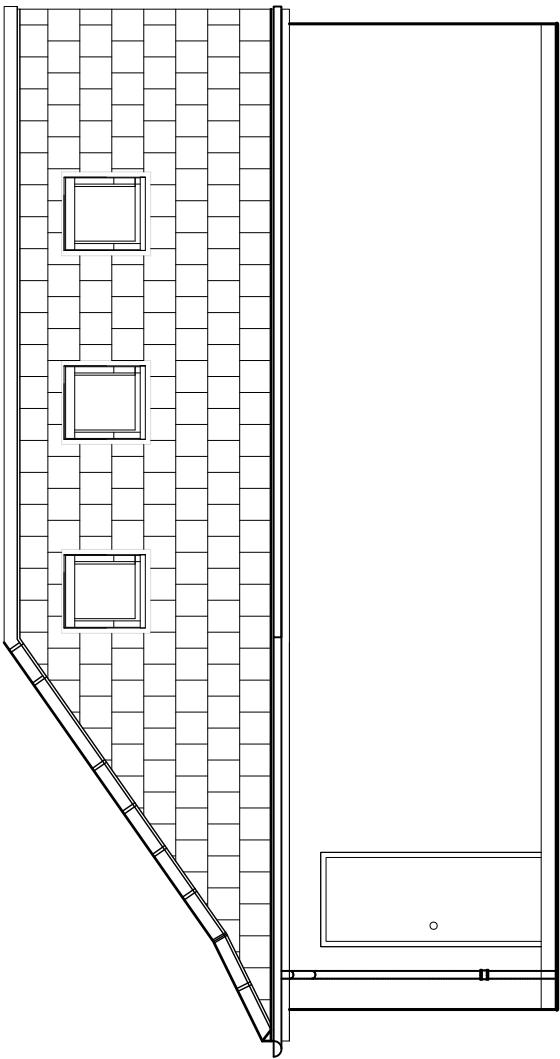
east elevation



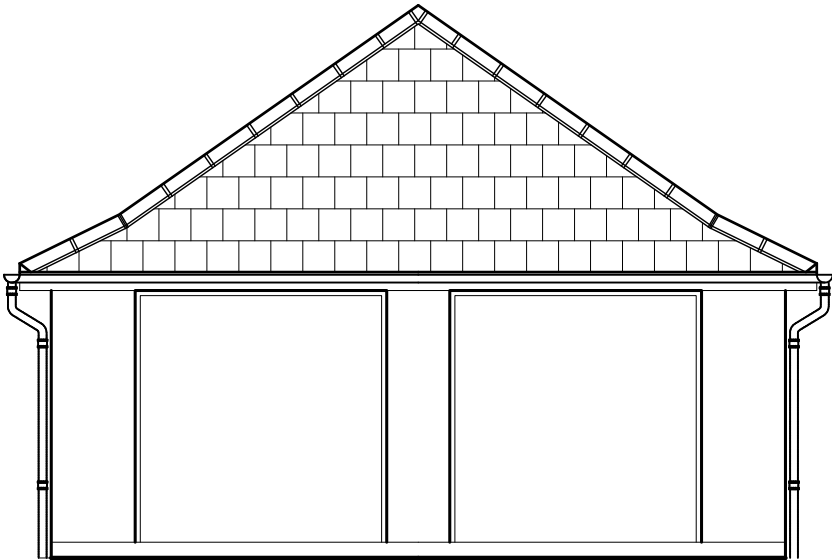
north elevation



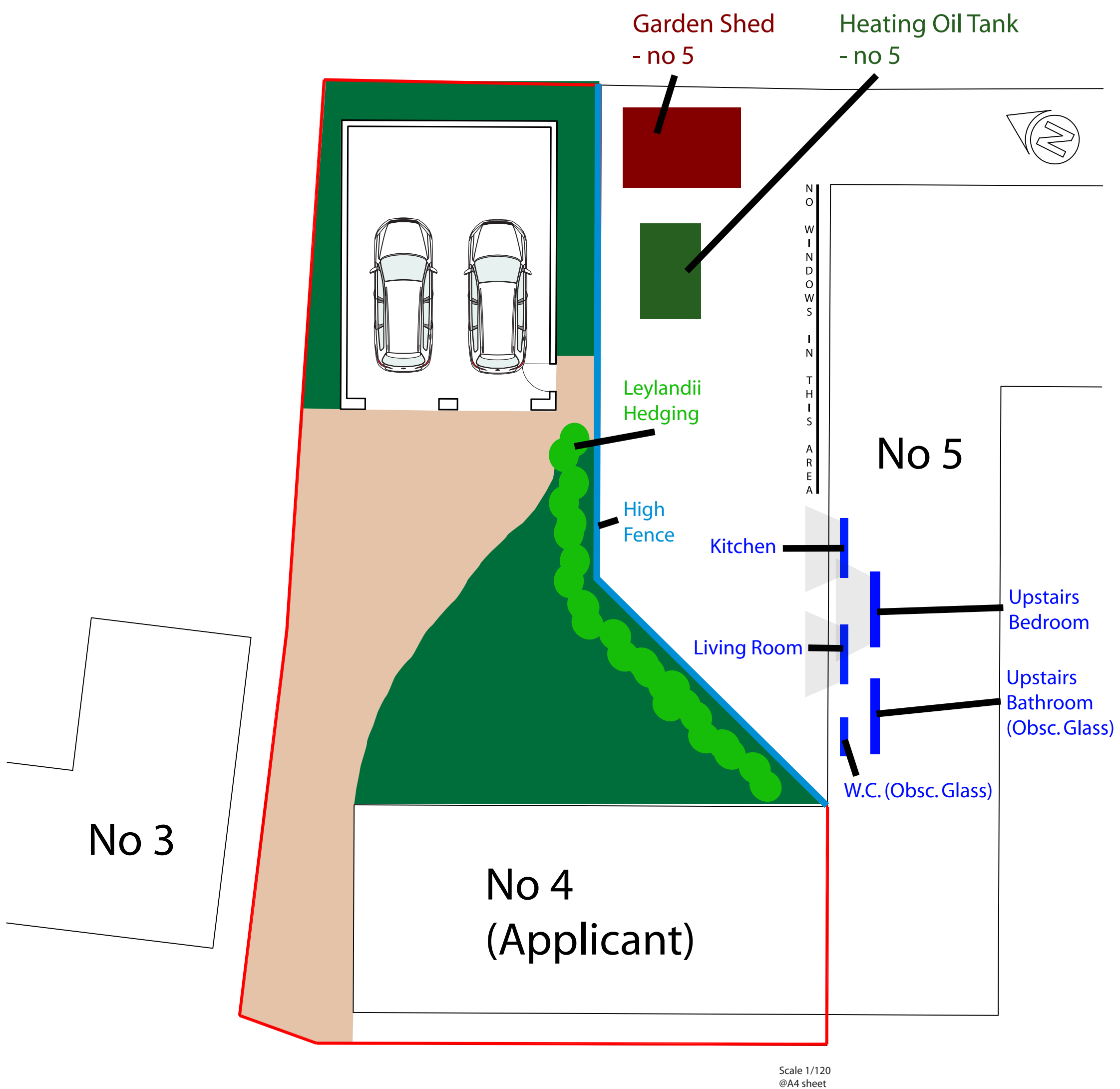
roof plan



south elevation



Position of windows - neighbouring property, no 5.









## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

<b>Reference No:</b>	17/00829/PP
<b>Proposal:</b>	Erection of double garage to include removal of existing garage
<b>Location:</b>	4 Baidland Meadow, Dalry, Ayrshire, KA24 5HP
<b>LDP Allocation:</b>	Countryside/Rural Community
<b>LDP Policies:</b>	General Policy /
<b>Consultations:</b>	None Undertaken
<b>Neighbour Notification:</b>	Neighbour Notification carried out on 10.08.2017 Neighbour Notification expired on 31.08.2017
<b>Advert:</b>	Not Advertised
<b>Previous Applications:</b>	None
<b>Appeal History Of Site:</b>	

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### Description

This application seeks planning permission for the erection of a detached double garage to the rear of 4 Baidland Meadow, which is located in the rural area to the north west of Dalry. The proposed garage would measure approx. 9.4m x 7m (65.8sqm) on plan and would be 5.3m high. The garage would be finished with a light coloured render and would have a slated roof. The garage would have a hipped roof at the front with a gabled rear elevation. Internally, there would also be an upper floor area with 2m headroom. The roof would also incorporate 6 rooflights and there would be 2 windows on the rear elevation facing out of the site onto woodland.

The application property relates to a dwelling within a farm steading development known as Baidland Meadow. There are six houses within the group including the original farm house. Five houses were achieved through conversion and/or replacement. The rear garden area of the application property is approx. 9.2m wide and has a depth of 23m. An existing timber garage within the rear curtilage would be removed.

The height of the application property and the adjoining property at 5 Baidland Meadow is approx. 5.8m. The height of the neighbouring property at 3 Baidland Meadow is approx. 4.6m, approximately 700mm lower than the height of the proposed garage. The ground also slopes down to the north towards no. 3. The

proposed garage, together with the driveway would cover an area of approx. 161sq.m with 91sq.m of the rear garden area remaining undeveloped, of which 67sq.m would be considered to be useable garden space. The garage building would take up around 30% of the rear garden area.

The application site is within the countryside as identified within the Adopted Local Development Plan (LDP) and requires to be assessed against the General Policy where the relevant criteria would be a) Siting, Design and External Appearance, and b) Amenity.

The applicant's agent has provided a statement which states that, following pre-application advice over concerns about the size and height, the garage has been reduced from 6.3m to 5.3m and a slated hipped roof would be formed. The statement highlights that there is a lack of parking within the development and the proposal would provide additional parking. The statement also states that there would be a distance of approx. 13m from the garage to the rear elevation of no. 5 and although there are 2 dormer windows which would face onto it, one of them has obscure glazing. The statement concludes that the garage would be subservient in its setting and the submitted plans would ensure that there would be no significant impact on neighbouring properties.

### **Consultations and Representations**

No consultations were required to be undertaken.

2 representations have been received and can be summarised as follows:-

1) The garage would be of a scale that would have a significant detrimental impact on the rural setting of Baidland Meadow, particularly the neighbouring properties at 3 and 5.

Response: Agree. The garage would be 5.3m high, would have a depth of 9.4m and would extend 7m across the 9.2m wide garden. The application dwelling and the adjoining dwelling are approximately 5.8m high and the neighbouring property at no. 2 is approx. 4.6m high, approx. 700mm lower than the proposed garage. The vertical impact of the garage would also be exacerbated as the ground slopes down from the application property to no. 2. It is considered that the garage, by reason of its height, depth and siting within close proximity to the mutual boundaries would result in an unacceptable overbearing impact on the outlook and residential amenity of the neighbouring properties (see analysis).

2) A garage of this size and scale would not be subservient in its setting. The garage would be larger than a typical double garage with accommodation above. The application property relates to a previously converted farm building and the garage would dominate not only the application property, but also the neighbouring properties.

Response: Agree. As discussed above, the application property relates to a property within a farm steading development known as Baidland Meadow. There are five houses within the group, including the original farm house, making a total of six. (ref: 03/01050/PP - approved in February 2004). Although the proposal does not relate to conversion, Policy ENV 3 of the LDP seeks to ensure that any new additional extensions do not dominate the original building. Similarly, NAC Rural Design Guidance also states that new development should not overwhelm its



neighbours or introduce an unsympathetic and inappropriate development type. By applying similar principles to this proposal, it is considered that, the garage would be excessive in size and scale for its context and would dominate the application property and the neighbouring properties at 3 and 5 (see Analysis).

3) A garage of this size could be used for commercial purposes. The applicant currently parks commercial vehicles outside his property and the garage would be the equivalent size of a workshop. There would also be windows which could impact on privacy.

Response: The applicant's agent states that the garage would be incidental to the enjoyment of the dwellinghouse and no commercial activity would be carried out from the building. Any complaints of commercial activity would be investigated separately should this occur, however, it would not prejudice the assessment of this application. Notwithstanding this, for the reasons discussed above, it is considered that the garage would be of an excessive size and scale, such that it would have a detrimental impact on residential amenity. The windows would be rooflights and there would also be a windows on the rear elevation at upper level. Whilst it is not considered that the proposal would result in a privacy issue for neighbours, it is considered that the design, size and scale of the garage would be not be of a typical, ancillary, domestic outbuilding (see Analysis).

4) No account has been taken of the woodland to the rear of the site.

Response: The proposed development would be contained wholly within the rear curtilage of the application site and it is not considered that it would impact on the surrounding woodland.

5) There is an unbunded domestic heating oil tank within the site which has been moved. This would breach building regulations.

Response: This is not a planning matter and is a matter for Building Standards to consider.

## Consultations

No consultations were required to be undertaken.

## Analysis

The proposal requires to be assessed against criteria (a) Siting, Design and External Appearance and (b) Amenity of the General Policy of the LDP.

Criterion a) of the General Policy states that siting of development should have regard to the relationship of the development on the surrounding area and consideration should be given to size, scale, form massing, height and density. The garage would have a depth of 9.4m close to the mutual boundary. Due its height, it is considered that the garage would over dominate the rear garden area of both the application property and neighbouring properties 3 and 5 to the detriment of residential amenity. Whilst the design of the garage in terms of external finishes and detailing would be acceptable, this is not outweighed by the adverse impacts of its excessive scale and height in relation to its context.

As discussed above, the proposed garage would be of a similar height to the application property and adjoining property. It would also be higher than the neighbouring property at no. 3. Given the sloping ground, this height difference would be exacerbated, giving more emphasis to its vertical scale when viewed from the garden of the neighbouring property to the north. As discussed above, the site relates to a converted farm steading where the original footprint of substantial outbuildings has generally been respected. It is considered that farmsteads and their buildings make a valuable contribution to the character of the countryside and any conversion including extensions, should be sympathetic to the original buildings in scale, design and form. The garage, by reason of its height, depth and width is not considered to be ancillary in appearance and would result in a substantial outbuilding which does not respect the form of the original farm steading. The applicant's agent states that there is a lack of parking within the steading. There are 12 parking spaces and 6 dwellinghouses. It is considered that, if required, additional parking spaces could be formed within the rear curtilage of the house without the need for a substantial garage structure.

In general, development within domestic rear gardens should be suitable for their context and their spatial relationship with neighbouring properties. This proposal would result in overdevelopment of the rear curtilage as a result of the scale of the proposed garage. In view of the above, it is considered that the proposal would not accord with criterion a) of the General Policy.

With regard to criterion b), it is considered that there would be no detrimental impacts on the privacy of neighbours nor any significant overshadowing as a result of the development, other than part of the garden ground of no. 3 for part of the day. Whilst the applicant's agent states that the neighbouring property at no. 3 has no objections, in the interests of proper planning, the residential amenity of this property still requires to be taken into consideration in the assessment of this proposal. For the above reasons, it is considered that given the proximity to the mutual boundary, the height and depth of the garage would be over bearing and have a significant detrimental impact on the residential amenity and outlook of both the neighbouring properties at 3 and 5 Baidland Meadow. The proposal would therefore not accord with criterion b) of the General Policy.

In view of the above, it is considered that, the garage, by reason of its siting and excessive scale (height, width and depth) would have a detrimental impact on the character, appearance and amenity of the converted steading. As such, the proposal would not accord with criteria a) and b) of the General Policy. Planning permission should therefore be refused.

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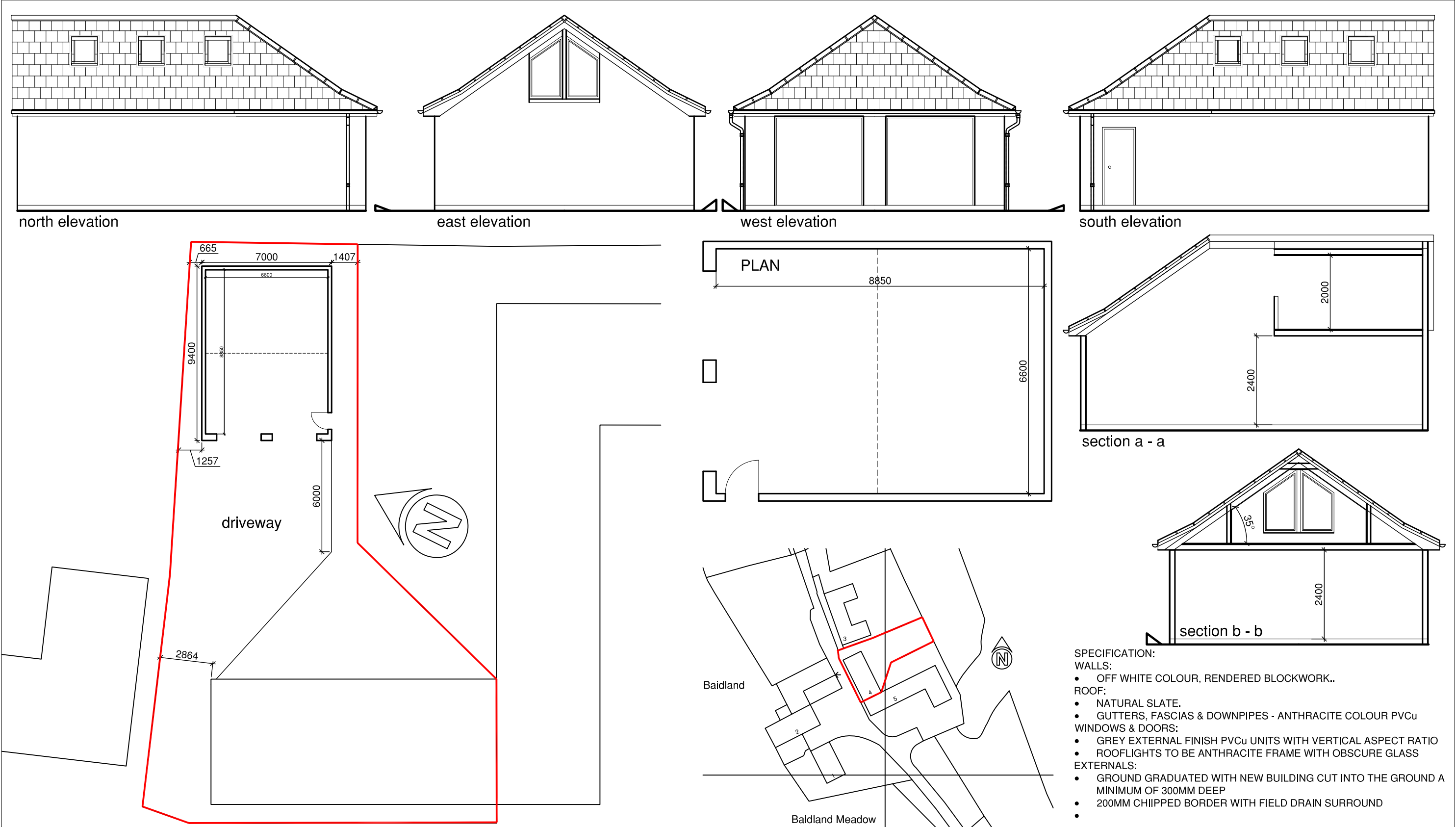
## **Decision**

Refused

Case Officer - Mrs Fiona Knighton

## Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location and Block Plan	-001	
Proposed Plan	-002	A



- SPECIFICATION:**
- WALLS:**
    - OFF WHITE COLOUR, RENDERED BLOCKWORK..
  - ROOF:**
    - NATURAL SLATE.
    - GUTTERS, FASCIAS & DOWNPIPES - ANTHRACITE COLOUR PVCu
  - WINDOWS & DOORS:**
    - GREY EXTERNAL FINISH PVCu UNITS WITH VERTICAL ASPECT RATIO
    - ROOFLIGHTS TO BE ANTHRACITE FRAME WITH OBSCURE GLASS
  - EXTERNALS:**
    - GROUND GRADUATED WITH NEW BUILDING CUT INTO THE GROUND A MINIMUM OF 300MM DEEP
    - 200MM CHIIPPED BORDER WITH FIELD DRAIN SURROUND

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

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/17/00829/PP

(Original Application No. N/100062057-001)

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 : Mr Nick Monir  
c/o Alan Neish Consulting Ltd  
20 Montgomerie Drive  
Stewarton  
KA3 3AP

With reference to your application received on 10 August 2017 for planning permission under the above mentioned Acts and Orders for :-

Erection of double garage to include removal of existing garage

at 4 Baidland Meadow  
Dalry  
Ayrshire  
KA24 5HP

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 would be contrary to the adopted North Ayrshire Council Local Development Plan General Policy criterion (a) by reason of its siting, scale and design, leading to a significant loss of private amenity space within the plot and the over development of the site.
2. The proposal would be contrary to the adopted North Ayrshire Council Local Development Plan General Policy criterion (b) in terms of the adverse impact of the double garage on the amenity of the converted farmsteading development at Baidland Meadow by reason of its siting, bulk, height, depth and width, resulting in an unacceptable and overbearing impact on the amenity of the adjacent residential dwellings and their associated private amenity space.

Dated this : 11 September 2017

.....  
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.