**NORTH AYRSHIRE COUNCIL**

**14 February 2018**

**Local Review Body**

| | |
|---|---|
| **Title:** | **Notice of Review: N/17/01100/PP**<br><br>**2 Horse Isle View, Ardrossan - Erection of a sunroom and roof alteration to the rear of the dwelling house and garage conversion** |
| **Purpose:** | To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers. |
| **Recommendation:** | That the Local Review Body considers the Notice of Review. |

## 1. Executive Summary

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

## 2. Background

2.1 A Notice of Review was submitted in respect of Planning Application N/17/01100/PP - 2 Horse Isle View, Ardrossan for the erection of a sunroom and roof alternation to the rear of the dwelling house and garage conversion.

2.2 The application was refused by officers for the reasons detailed in the Decision Notice (Appendix 3).

2.3 The following related documents are set out in the appendices to the report:-

Appendix 1 - Notice of Review;
Appendix 2 - Report of Handling;
Appendix 3- Planning Decision Notice
Appendix 4 - Location Plan;
Appendix 5 - Further Representations from interested parties; and
Appendix 6 - Applicant's response to further representations;

## 3. Proposals

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

## 4. Implications

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

## 5. Consultation

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and these are attached at Appendix 5 to the report.

5.2 The applicant has had an opportunity to respond to the further representations and their response is set out in Appendix 6 to the report.

Elma Murray

Elma Murray
Chief Executive

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

**Background Papers**
N/A

# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

**Use BLOCK CAPITALS if completing in manuscript**

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**Applicant(s)**

| | |
|---|---|
| Name | CHARLES URQUHART |
| Address | 2 HORSE ISLE VIEW<br>ARDROSSAN |
| Postcode | KA22 8PD |
| Contact Telephone 1 | [redacted] |
| Contact Telephone 2 | |
| Fax No | N/A |
| E-mail* | [redacted] |

**Agent** *(if any)*

| | |
|---|---|
| Name | JOHN FIFE |
| Address | HUNTER CONSERVATORIES<br>ARRAN HOUSE<br>DRYBRIDGE ROAD<br>DUNDONALD<br>KA2 9AF |
| Postcode | |
| Contact Telephone 1 | [redacted] |
| | [redacted] |
| | [redacted] |

[redacted] you agree to correspondence regarding your review being sent by e-mail? Yes ☑ No ☐

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| | |
|---|---|
| Planning authority | NORTH AYRSHIRE COUNCIL |
| Planning authority's application reference number | 100070607-001 |
| Site address | 2 HORSE ISLE VIEW, ARDROSSAN, KA22 8PD |
| Description of proposed development | ERECTION OF SUNROOM AND ROOF ALTERATION TO REAR OF DWELLINGHOUSE AND GARAGE CONVERSION |
| Date of application | 19th October 2017 |
| Date of decision (if any) | 14th December 2017 |

Note: This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

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**Nature of application**

| | | |
|---|---|---|
| 1. | Application for planning permission (including householder application) | ☑ |
| 2. | Application for planning permission in principle | ☐ |
| 3. | Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | ☐ |
| 4. | Application for approval of matters specified in conditions | ☐ |

**Reasons for seeking review**

| | | |
|---|---|---|
| 1. | Refusal of application by appointed officer | ☑ |
| 2. | Failure by appointed officer to determine the application within the period allowed for determination of the application | ☐ |
| 3. | Conditions imposed on consent by appointed officer | ☐ |

**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.

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

| | | |
|---|---|---|
| 1. | Further written submissions | ☑ |
| 2. | One or more hearing sessions | ☐ |
| 3. | Site inspection | ☑ |
| 4 | Assessment of review documents only, with no further procedure | ☐ |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

THE APPLICATION WAS REFUSED PRIMARILY REGARDING AN INCREASE IN OVERLOOKING THE ADJOINING PROPERTY AND SUBSEQUENT LOSS OF PRIVACY. I BELIEVE THE PROPOSED DEVELOPMENT DOES NOT RESULT IN A LOSS OF PRIVACY AS THE EXISTING WINDOWS ALREADY OVERLOOK THE ADJOINING PROPERTY (SETTING A PRECEDENT) AND THE PROPOSED NEW WINDOW LINE IS IN FACT SET FURTHER BACK THAN THE EXISTING WINDOWS.

**Site inspection**

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

| | | Yes | No |
|---|---|---|---|
| 1. | Can the site be viewed entirely from public land? | ☐ | ☑ |
| 2 | Is it possible for the site to be accessed safely, and without barriers to entry? | ☑ | ☐ |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

THERE IS A LOCKED GARDEN GATE WHICH CAN BE UNLOCKED IF REQUESTED BY PRIOR ARRANGEMENT.

**Statement**

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE REFER TO LETTER AND ATTACHMENT DATED 20TH DECEMBER 2017 SENT TO COMMITTEE SERVICES, CHIEF EXECUTIVES DEPARTMENT, CUNNINGHAME HOUSE, IRVINE. ALSO ATTACHED AGAIN FOR COMPLETENESS.

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**List of documents and evidence**

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.

PLEASE REFER TO LETTER AND ATTACHMENT DATED 20TH DECEMBER 2017 SENT TO COMMITTEE SERVICES, CHIEF EXECUTIVES DEPARTMENT, CUNNINGHAME HOUSE, IRVINE. ALSO ATTACHED AGAIN FOR COMPLETENESS.

Note: The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☑ Full completion of all parts of this form
- ☑ Statement of your reasons for requiring a review
- ☑ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

**Declaration**

**I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.**

Signed | Date 12TH JANUARY 2018

2 Horse Isle View,
Ardrossan
Ayrshire
KA22 8PD

Date: 20th December 2017

Committee Services
Chief Executive's Department,
Cunninghame House,
Irvine,
KA12 8EE

Subject: Application No. N/17/01100/PP - Notice of Appeal

Dear Sir/Madam,

In relation to your letter reference N/17/01100/PP, dated 14th December 2017, regarding refusal of planning permission and also the report reference 17/01100/PP, we have reviewed these documents and are submitting our appeal.

To hopefully make our appeal easier to follow we have annotated the report with our comments in red italics. It is attached to this letter. The key points of our appeal are as follows:

1. Existing precedent set by Mactaggart and Mickel (please refer to attachment)
2. Unviable alternatives proposed by planning officer as compromises (please refer to attachment)
3. The site survey protocol (please refer to attachment)

On the basis of the above 3 points, and the points noted in the attached annotated report, we respectively request that our planning application is reconsidered.

Yours faithfully,

Mr Charles Urquhart and Ms Karen McWilliam

[redacted]

Enclosed for completeness:

- Letter reference N/17/01100/PP, date 1th Dec 2017 - Planning Permission Refusal
- Report reference 17/01100/PP, annotated with our comments

Please refer to Mr C Urquhart and Ms K McWilliam responses in red text below

# REPORT OF HANDLING

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

| | |
|---|---|
| **Reference No:** | 17/01100/PP |
| **Proposal:** | Erection of sunroom and roof alteration to rear of dwellinghouse, and garage conversion |
| **Location:** | 2 Horse Isle View, Ardrossan, Ayrshire, KA22 8PD |
| **LDP Allocation:** | Residential/Housing |
| **LDP Policies:** | General Policy / |
| **Consultations:** | None Undertaken |
| **Neighbour Notification:** | Neighbour Notification carried out on 24.10.2017<br>Neighbour Notification expired on 14.11.2017 |
| **Advert:** | Not Advertised |
| **Previous Applications:** | None |
| **Appeal History Of Site:** | |

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**Description**

2 Horse Isle View is a modern bungalow in a peripheral housing development to the northwest of Ardrosssan. The house has a hipped roof design and integral garage on the front elevation. Finishing materials are flat grey concrete tiles for the roof, an off-white render on the walls and a buff coloured stone basecourse. The plot is quite narrow with only around a metre between the house and boundary on both sides. Horse Isle View is situated on a hill which slopes up from the Firth to the costal bluffs which lie behind the development.

There are two elements to the proposal; the erection of a sunroom on the rear elevation and the conversion of the integral garage into additional kitchen space. The sunroom would have a 4.5m square floor plan and would be approximately 4.3m in height. It would have a pitched roof and would have large sections of glazing on all three elevations with a patio door to the south. The garage conversion would entail the formation of a new triple window on the west elevation. The building standards require the existing living room windows to be enlarged to allow more light into the room as a result of the sunroom removing its rear windows. Finishing materials would be a stone basecourse, roughcast walls to match the existing and matching roof tiles.

In the adopted Local Development Plan the site lies within a residential allocation and the proposal requires to be assessed against the relevant criteria of the General

Policy of the LDP, in this case (a) siting, design and external appearance and (b) amenity.

**Consultations and Representations**

This application has been subject to one objection from the residents of a neighbouring property. The main points of the objection are summarised below.

1) Loss of privacy and overlooking onto 10 McMillan Drive resulting from the proposed new windows and the enlarged windows on the southwest elevation of 2 Horse Isle View. The back garden would be overlooked as well as the windows for two bedrooms and a kitchen/dining area.

*The above paragraph implies that it's solely the introduction of the new windows and the enlarged windows that introduces a loss of privacy. In fact we already have 4 windows on the southwest elevation which are directly opposite, and look directly into, the Objector's property (their kitchen, dining room and bedroom as well as their garden). Given the Objector's property was built several years before our property it is assumed that the builder (Mactaggart and Mickel) must have gained planning approval for our house without loss of amenity/privacy being an issue. Surely this sets a precedent?*

*It should be noted that extending the lounge windows was not our personal choice it was a condition imposed upon us due to building regulations regarding light. Regardless, enlarging the lounge windows primarily involves extending them downwards towards the floor, and given there is a 2m boundary fence only 2.3m from the extended windows we gain little additional visibility, the main benefit is light. Please note that from both our kitchen window, and the large window in the kitchen door, we already have full uninterrupted visibility of the rear of the Objector's property including all windows and garden. Therefore the Objector is already overlooked, extending the lounge windows does not change the outlook.*

Planning Response: The proposal would result in an increase in overlooking onto 10 McMillan Drive and subsequent loss of privacy (see below).

*It should be noted that the proposed sunroom is set further back from our existing window line and the addition of the new windows would not worsen the Objector's privacy more than it currently is. We believe that given the Objector is already overlooked the only way to exacerbate the situation as it stands would be to build closer to the boundary fence (which we are not) or build a 2 storey extension (which we are not).*

Consultations were not required.

**Analysis**

Extensions and alterations to an existing dwellinghouse in a residential area are considered acceptable in principle. The detail of the application requires to be

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

In regards to criterion (a), the design of the sunroom would be in keeping with that of the existing house; it would make use of the same palette of materials and has similar roof and window designs. The scale of the proposal is small in relation to the rear garden in which it is to be situated and in relation to the existing house. There is no element of the design which would contravene criterion (a).

The main amenity concern of the proposal is the overlooking onto 10 McMillan Drive which would be caused by the increase in fenestration on the south west elevation of the application property. It was noted from the site visit that there is already a large degree of overlooking - the two houses are 15m apart, and the elevated position of 2 Horse Isle view in relation to 10 McMillan Drive means that the windows on the south west elevation of 2 Horse Isle View directly overlook both the garden and the kitchen and bedroom windows of 10 McMillan Drive. The new and enlarged windows proposed for the south west elevation would materially increase the degree of overlooking and subsequently have an adverse affect on the privacy of 10 McMillan Drive.

*We wish to question this observation. We already have a view out of the 2 small living room windows that overlook the Objector's property. As stated above, enlarging the windows was an enforced building modification to gain light, all we will gain from enlarging these windows is a view of an enclosed wooden boundary fence circa 2.3m away. It certainly won't increase the degree of overlooking due to the fact we currently have a full uninterrupted view from our existing kitchen windows which look directly into the Objector's property.*

*With respect to overlooking the garden, all gardens in the estate are significantly overlooked due to the estate being built on an incline, in fact the neighbour's further up the hill can see more of the Objector's garden than we can due to the elevation. The main source of privacy provided by Mactaggart and Mickel was 2m high fences. It is worth noting that we are significantly overlooked by our neighbour at No 4 Horse Isle View, we only have a 2ft high wall with metal railings which affords no privacy at all and their kitchen overlooks the area directly outside our patio doors which should be the most private area. They are less than 9m away. However MacTaggart and Mickel gained planning approval for the close proximity of these two houses which is far more intrusive than the impact of our proposed extension on the Objector.*

*Regarding the site visit we have concerns as follows. During the planning officer's first visit our gate was locked and we were not in attendance (we didn't know he was coming) and he was unable to view the planning proposal from the Site. He did, however, manage to view and discuss the proposed extension from the Objector's site, following which we were led to believe that our planning submission was unlikely to be approved. We queried this with the planning officer via our representative (Mr John Fife, Hunter Conservatories) which subsequently led to a visit to our property by the planning officer. We feel this order of events may have led to unconscious bias despite the integrity of the planning officer.*

*The planning officer said at the second visit that his initial misgivings from the first visit were premature now that he saw the proposed outlook from our side of the fence.*

*We believe the perceived privacy issue is exacerbated by the incline at Site as it appears our property has an overbearing appearance to the Objector when in fact, in reality, no amount of additional windows will worsen the lack of privacy which currently exists.*

Notwithstanding the above, the new kitchen window and the enlarged living room windows are permitted development under Class 2D of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) and therefore the planning authority cannot exert control over these works. The sunroom does however require planning permission due to its height exceeding 4m.

Several suggestions have been made by the case officer to the applicant for design changes which would reduce the potential for overlooking from the proposed sunroom, eg. utilising obscure glazing on the south west elevation of the sunroom or setting the sunroom further back from the boundary. The main rationale for the sunroom is to provide the applicant with a view of the Firth of Clyde and Arran. Consequently, the applicant is not agreeable to the use of obscure glazing and would oppose any planning condition to require its use. Setting the position of the proposed sunroom back from the boundary would also curtail the view of the sea. Despite exhausting a number of options no design solution was found which would reduce the overlooking caused by the sunroom and also provide the applicant with their desired outlook and therefore the sunroom must be assessed as submitted.

*I would like to question the above as it isn't representative and comes across as us being unprepared to compromise which just isn't fair. Having a view of the sea is an important consideration for us but it isn't the main rationale for rejecting the 'compromises' .*

*Since the objection was raised we have searched the internet for hours trying to find compromise solutions. Since buying our house 17 years ago we have always wanted a sunroom and have saved for years to afford it. Now we are devastated that it has been rejected when others around us have had their extensions approved. Therefore, of course we are prepared to compromise but only if solutions are viable.*

*The suggestions to use opaque glass, a solid wall or move the extension by 1m were seriously considered by us. In order to obtain more insight on the privacy issue we reviewed other legislation and guidance. We have concerns about the solutions proposed on the basis of the following:*

a) *Solid wall: PPS 7 regulations (NI) " Neighbouring occupiers should not be adversely affected by a sense of being 'hemmed in' by an extension. This can often result from the construction of a large blank wall."*
b) *Opaque glass: PPS 7 regulations (NI): "In addition Balconies, roof terraces, decking, dormer windows, windows in side elevations and conservatories all have the potential to cause overlooking problems, due to their position and orientation, particularly from upper windows. The use of obscure glass, velux windows and high-level windows in appropriate circumstances can often minimise this potential, for example, the use of obscure glass for bathroom and landing windows. However, this is <u>not</u> considered an acceptable solution for windows serving main rooms such as bedrooms, living rooms, dining rooms or kitchens."*
c) *Sunroom relocation: Criterion (b) of the General Policy in the adopted North Ayrshire Council Local Development Plan: - " In relation to neighbouring*

*properties regard should be taken of privacy, sunlight and daylight". Surely this also applies to our own property? By moving the extension by 1m it would significantly impact daylight to our bedroom.*

*The cost of the extension is a life changing amount for us, replacing one of the walls with a solid wall or opaque glass would look ridiculous and devalue the extension. I don't believe I have ever seen a sunroom on a detached house with the side wall being solid or with opaque glass?*

*A more sensible compromise might be for the boundary fence to be increased in height slightly along the section where our current windows face directly into the Objector's property? We would have discussed this with the Objector as part of a 3 way discussion involving ourselves, the Objector and the planning officer but the discussion was rejected by the planning officer as a bad idea.*

**Whilst the existing boundary fence would partly obscure direct overlook , given that the proposed sunroom would be raised by 0.594 metres above the ground level, the principal view from the sunroom would be over the fence towards the nieighbouring propoerty and further distant views. It has been established that the windows on the south west elevation of the proposed sunroom would directly overlook the back garden and rear windows of 10 McMillan Drive from an elevated position. In summary, by reason of the side facing windows, the proposed sunroom would result in a significant loss of amenity for a neighbouring property and therefore conflicts with criterion (b).**

*I would like to question this observation on the basis that it is misleading. The proposed sunroom is at the same ground floor level as the rest of the house and as previously advised there are 4 existing windows in our house which overlook the Objector's property, in fact the existing windows look directly into the windows of the Objector's property and back garden. The new windows would be less intrusive.*

*All of the rear gardens in this estate significantly overlook each other, this is exacerbated by the fact that the estate is on an incline. In fact number 4 to number 10 Horse Isle View probably have a better view into the Objector's garden than we do due to the elevation (in particular No 4 who have a conservatory).*

*The Objector's statement about Mactaggart and Mickel building privacy into their design isn't strictly true. The only privacy that has been provided is a 2m high boundary fence situated between each property. To support this point my front bedroom window is less than 3m from my neighbour's bedroom window (no 4 Horse Isle View) and due to the angle of the 'bay' windows we can see into each other's room. Walking further up the street to house numbers 12 to 17 - their houses significantly overlook their neighbours on McMillan Drive.*

*The fact that only 1 neighbour objected, out of the 12 that were contacted about the planning application, supports the fact that homeowners in this estate have the realistic expectation that they are, and always will be, overlooked. The extent of amenity/privacy was set by Mactaggart and Mickel when they built this phase of the estate and our proposed extensions do not worsen this.*

*Hence we challenge the statement that "the proposed sunroom would result in a significant loss of amenity for a neighbouring property". The 'loss of amenity' was already introduced when Mactaggart and Mickel built our house. The sunroom sits*

*further back and further away from the Objector's property than our existing house and hence does not worsen the neighbour's situation.*

The proposal does not accord with criterion (b) of the General Policy of the LDP and it is not considered that there are any other material considerations which would indicate otherwise than that the application should be refused.

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**Decision**

Refused

Case Officer - Mr John Mack

**Appendix 1 - Drawings relating to decision**

| Drawing Title | Drawing Reference (if applicable) | Drawing Version (if applicable) |
|---|---|---|
| Proposed Floor Plans | C2250/01 REV B | |
| Proposed Floor Plans | C2250/02 REV B | |
| Proposed Elevations | C2250/03 REV A | |
| Proposed Elevations | C2250/04 REV A | |
| Proposed Elevations | C2250/05 REV A | |
| Roof Plan | C2250/08 REV A<br>C2250/08 REV A | |
| Existing Floor Plans | C2250/12 REV A | |
| Existing Elevations | C2250/13 REV A | |
| Location Plan | C2250/14 REV A | |

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/17/01100/PP
(Original Application No. N/100070607-001)
Type of Application: Local Application

REFUSAL OF PLANNING PERMISSION

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

To : Mr Charlie Urquhart
c/o Hunter Conservatories & Sunrooms Fao John Fife
Arran House
Drybridge Road
Dundonald
KA2 9AF

With reference to your application received on 24 October 2017 for planning permission under the above mentioned Acts and Orders for :-

Erection of sunroom and roof alteration to rear of dwellinghouse, and garage conversion

at 2 Horse Isle View
Ardrossan
Ayrshire
KA22 8PD

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

1. That the proposed development would be contrary to criterion (b) of the General Policy in the adopted North Ayrshire Council Local Development Plan in that the side facing windows on the extension would introduce an unacceptable degree of overlooking to a neighbouring dwellinghouse to the detriment of its amenity and privacy.

Dated this : 14 December 2017

[redacted]

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.

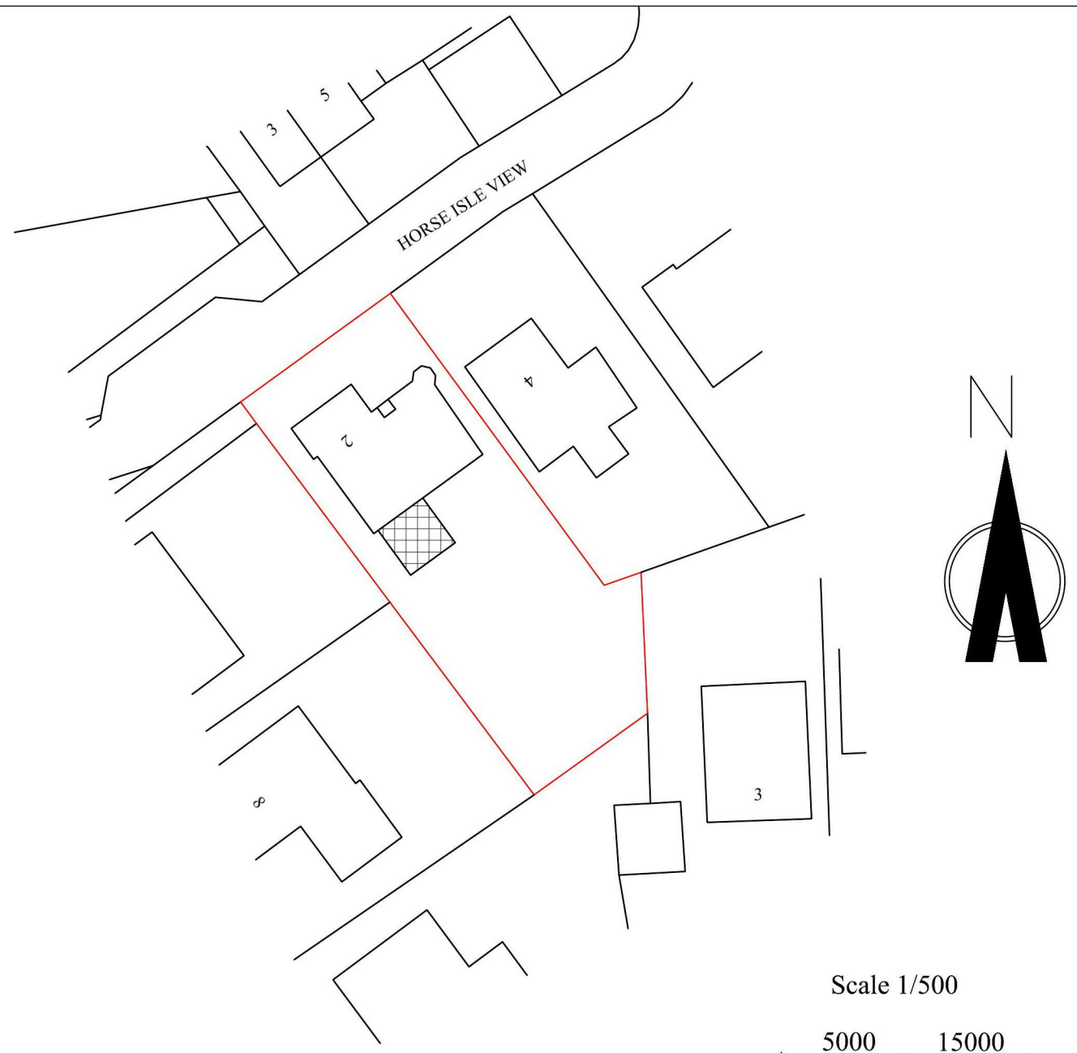
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which 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.

Scale 1/250

10000 30000
0 20000




# Location Plan 1/250




Scale 1/500

5000 15000
0 10000 20000

# Block Plan 1/500

| REVISIONS & ADDITIONS | | DATE |
|---|---|---|
| .A. | ORIGINAL DRAWING AS PASSED TO CLIENT | |
| | | |

HUNTER
Conservatories & Sunrooms
PART OF THE HUNTER GROUP SCOTLAND LTD.
Arran House, Drybridge Road, Dundonald,
Kilmarnock KA2 9AF
Telephone: 01563 852346
Email: info@hunterconservatoriesandsunrooms.co.uk

PROJECT

Proposed sunroom and garage conversion for:
Mr & Mrs Urquhart
2 Horse Isle View
Ardrossan
KA22 8PD

Location Plan

| | | | |
|---|---|---|---|
| SCALE | 1/1250 | C2250/14 | |
| DATE | | | |
| DRAWN BY | JF | | |
| CHECKED BY | | REVISION | A |

Dear Angela

This email is a response to your correspondence dated 15th Jan 2018 regarding planning application

N/17/01100/PP – 2 Horse Isle View, Ardrossan.

My wife and I have reviewed the appeal documentation relating to the above planning application and would like to make the following points.

1. In the Consultation and Representations Section of the appeal document, it states "Given that the Objector's property was built several years before our property it is ASSUMED that the builder (MCTAGGART AND MICKEL) must have gained planning approval for our house without loss of amenity/privacy being an issue"

   **We prefer to deal in facts and not assumptions and suppositions.**

   It also states that due to Building Regulations they would have to extend the size of their existing windows if they build the proposed extension.

**They would effectively be creating a light deficiency themselves by building the proposed extension.**

The submission also states "Regardless, enlarging the lounge windows primarily downwards towards the floor and given there's a 2 metre boundary fence only 2.3m from the extended windows we gain little additional visibility"

**The above statement is totally misleading as the two existing small windows are set at a high level and subsequently offer very little opportunity for overlooking our property as it stands. Extending the windows downwards would actually create a view from two additional angles into our property.**

**The paragraph regarding what view the neighbours at 4 Horse Isle view have of our property is totally irrelevant, they are far enough away from us as to have no real view into our house.**

**The section regarding the proximity and partition arrangements between themselves and their neighbours in 4 Horse Isle View has absolutely nothing to do with this planning proposal.**

The statement "We believe the perceived privacy issue is exacerbated by the incline at site as it appears our property has an overbearing appearance to the objector when in fact in

reality, no amount of additional windows will worsen the lack of privacy which currently exists”

**That statement is at best totally misleading, it isn’t a perception that the privacy issue is exacerbated by the difference in elevation between the properties, it’s a fact. If both properties were at the same height then the boundary fence would be more than adequate to provide privacy for both properties.**

**To summarise,**

**We are disappointed that Mr [redacted] and Miss [redacted] decided not to discuss their proposal with us, we are neighbours after all and it may well have saved a lot of time and effort for everyone concerned. We are also disappointed that the compromises suggested by Mr [redacted] were deemed to be unsuitable, he was after all only doing what he is paid to do.**

**The fact remains that every additional window looking into our property would erode our privacy even more than it currently does. We are not especially enamoured by the overlooking issue as it stands but there is very little we can do to change it so we just have to accept it, but we strongly object to any proposal to increase the overlooking issue by adding in additional windows.**

**Yours sincerely**

[redacted]

**PS: if you would like to discuss any of the points contained in the above text then please feel free to call us on** [redacted]

[redacted]

Date: 30th January 2018

Dear Ms Little,

Subject: Response to Representations detailed in correspondence dated 22 January 2018 application N/17/01100/PP

Thank you for providing us with a copy of the Objector's e mail response to our letter dated 20th December 2017. After due consideration we feel that the e mail does not reinforce the argument that the windows fitted to the proposed sunroom would further erode their privacy.

We re-iterate our appeal on the following grounds:

- A precedent was set by the builder McTaggart and Mickel when they built Montfode estate with houses in close proximity and overlooking each other, separated by 2m high boundary fences for privacy.
- The boundary fences were considered to offer sufficient privacy at that time, and also for any subsequent extensions, regardless of the elevated positions of the houses.
- Our kitchen window, and door, both have uninterrupted views over the rear of the Objector's property. This is a direct line of sight view at the shortest possible distance. This is possibly exacerbated by the fact that our kitchen door sees high 'traffic' as we enter/exit from it several times a day. Privacy between our properties is via a 2m high boundary fence, as it is elsewhere on the estate. In the Objector's appeal letter they acknowledge they are overlooked, but this was the case when they made the decision to purchase their house.
- The proposed sunroom window line is further away and farther back than our existing house window line. The existing 2m boundary fence would be in place as a privacy measure. Hence we fail to see how the sunroom windows make the overlooking/privacy situation worse than already exists.
- Regarding the compromises (the solid wall, opaque glass and relocation of the sunroom), whilst we fully respect the experience and knowledge of the Planning Officer, after much serious consideration we found the options not viable for the purpose of the extension, which was for a sunroom. We were prepared to have further discussions on compromises with the Objector but were advised against it by the Planning Officer.
- To replace the sunroom windows with a solid wall, on the side that gets most light, would render the sunroom pointless. Opaque glass is not deemed good practice in main rooms. Relocating the sunroom would result in restricted light in our bedroom. Compromises need to be viable and acceptable to both parties, based on best practice, not just acceptable to the Objector.
- Regarding the protocol for communication with our neighbours: rather than contact neighbours directly, and at random, we went with what we believed was the correct process via the planning department to ensure all neighbours were contacted on an equal basis, and in the same timeframe, thus ensuring nobody was missed.

***In conclusion, our proposed sunroom is a single storey extension, it is further away and farther back than our existing windows and in addition we believe it meets the technical requirements regarding length, height and distance from the boundary. It is at the same elevation as our current house and hence the existing boundary fence should be deemed sufficient as a privacy measure in line with precedent already set. We ask that our application is reconsidered on this basis.***

We feel that by imposing the suggested material compromises an additional level of privacy is being applied at our expense, which is greater than that currently experienced by us and the other residents. We genuinely cannot understand this and therefore would greatly appreciate the opportunity to discuss this directly with the appeal board. This might be enhanced by a site visit and we would be more than happy to show the committee members around the proposed site and discuss viable options.

Thank you for taking the time to review this, please do not hesitate to contact us if further information is required.

Yours sincerely,

[redacted]