



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Local Review Body

A meeting of the **Local Review Body** of North Ayrshire Council will be held remotely on **Wednesday, 23 March 2022** at **14:15** to consider the undernoted business.

Arrangements in Terms of COVID-19

In light of the current COVID-19 pandemic, this meeting will be held remotely in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire-public-i.tv/core/portal/home>. In the event that live-streaming is not possible, a recording of the meeting will instead be available to view at this location.

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

The accuracy of the minutes of meeting of the Local Review Body held on 23 February 2022 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: N/21/01120/PP: 29 Caldwell Road, West Kilbride

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

4 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting - Virtual Meeting

Please note: this meeting may be recorded/live-streamed to the Council's internet site, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being recorded/live-streamed.

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

If you are participating in this meeting by invitation, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in the them live-streaming/recording or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the 'virtual meeting'. This will constitute your revocation of consent.

If you have any queries regarding this, please contact dataprotectionofficer@north-ayrshire.gov.uk.

Local Review Body Sederunt

Christina Larsen (Chair)
Timothy Billings (Vice-Chair)
Ian Clarkson
Robert Foster
Shaun Macaulay
Ellen McMaster
Donald Reid

Chair:

Apologies:

Attending:

**Local Review Body
23 February 2022**

At a Meeting of the Local Review Body of North Ayrshire Council at 2.30 p.m. involving participation by remote electronic means.

Present

Christina Larsen, Timothy Billings, Robert Foster, Ellen McMaster and Donald Reid.

In Attendance

J. Miller, Chief Planning Officer, I Davies, Senior Development Management Officer, L. Dempster and K. Gee, Technicians (Planning) (Economic Development and Regeneration); J. Law, Solicitor (Legal Services) and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

Apologies

Robert Barr, Ian Clarkson, Shaun Macaulay and Ronnie McNicol.

Chair

Councillor Larsen in the Chair.

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Reid declared an indirect interest in Agenda Item 3: Notice of Review: 21/01027/PP: 1 -3 Gargarin Terrace, Kilwinning.

Following refusal of planning permission, the applicant had contacted him for advice on the next steps available to him. Councillor Reid sought guidance from officers and forwarded that advice to the applicant, making no comment or opinion on the application. Councillor Reid advised that the nature of the interest was such that it did not preclude him from participation in determination of the item.

1. Minutes

The Minutes of the meeting of the Local Review Body held on 26 January 2022 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

2. Notice of Review: 21/01027/PP: 1 -3 Gargarin Terrace, Kilwinning

Submitted report by the Head of Service (Democratic) on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers. The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan, Planning 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 summarised the Notice of Review submitted by the applicant and the Report of Handling submitted by the appointed officer. Photographs and plans of the site were displayed.

Councillor Foster, seconded by Councillor Billings, moved that the Local Review Body uphold the officer's decision to refuse the application for the reasons outlined in the Decision Notice.

As an amendment, Councillor Reid, seconded by Councillor McMaster, moved to uphold the appeal and grant the application, subject to relevant conditions, including those relating to bin storage, extraction system and opening hours.

On a division and a roll call vote, there voted for the amendment, Councillor Larsen, McMaster and Reid (3) and for the motion, Councillors Foster and Billings (2), and the amendment was declared carried.

Accordingly, the Local Review Body agreed to grant the application, subject to the following conditions:-

1. That the hot food takeaway hereby approved shall not operate out with the hours of 15:00 to 22:00 inclusive, to the satisfaction of North Ayrshire Council as Planning Authority.
2. That prior to the commencement of the development hereby approved, the applicant shall provide full details of an alternative bin store location for both the existing shop and the hereby approved hot food takeaway, for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the bin store shall be provided in accordance with such details as may be approved and maintained in perpetuity.
3. Prior to the commencement of the development hereby approved, full details of the extraction system (including, where necessary, details of odour control and noise/vibration reduction measures) shall be submitted and approved in writing by North Ayrshire Council as Planning Authority. Details of the extraction system will be accompanied by **written certification** from a member of the Building & Engineering Services Association, or any other suitably qualified person, confirming that the extraction system, as designed:
 - is suitable for use in a catering environment.
 - will provide a suitable rate of extraction above all cooking appliances.
 - will sufficiently reduce or eliminate odours and efficiently extract products of combustion, considering the nature of the business, and will discharge to the external air in a suitable area to prevent odours affecting the residents of adjoining and surrounding dwellings.
 - has incorporated any necessary noise/vibration reduction measures to ensure operation of the system will not result in intrusive levels of noise affecting the residents of adjoining and surrounding dwellings.

Thereafter, the extraction system shall be fully installed and tested prior to the commencement of the operation, shall always be in operation when cooking appliances are in use and shall be maintained to the satisfaction of North Ayrshire Council as Planning Authority.

4. That the rated noise level, as defined in BS4142, from the operation of plant/equipment e.g. extraction system and associated flues, must not exceed the background noise level by 5dB(A) or more at the curtilage of any noise sensitive property, to the satisfaction of North Ayrshire Council as Planning Authority.

The meeting ended at 3.00 p.m.

NORTH AYRSHIRE COUNCIL

23 March 2022

Local Review Body

Title: Notice of Review: N/21/01120/PP: 29 Caldwell Road, West Kilbride

Purpose: To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.

Recommendation: That the Local Review Body considers the Notice of Review.

1. Executive Summary

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

2. Background

2.1 A Notice of Review was submitted in respect of Planning Application N/21/01120/PP: 29 Caldwell Road, West Kilbride for the erection of a ground and lower ground floor extension, with roof deck, new access from the road to give direct access to the double garage and removal of existing.

2.2 The application was refused by officers for the reasons detailed in the Decision Notice.

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

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

3. Proposals

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

4. Implications/Socio-economic Duty

Financial

4.1 None arising from the recommendation of this report.

Human Resources

4.2 None arising from the recommendation of this report.

Legal

4.3 The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Equality/Socio-economic

4.4 None arising from the recommendation of this report.

Environmental and Sustainability

4.5 None arising from the recommendation of this report.

Key Priorities

4.6 None arising from the recommendation of this report.

Community Benefits

4.7 None arising from the recommendation of this report.

5. Consultation

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review. Representations received from interested parties or statutory consultees to the planning application are attached at Appendix 5 and Appendix 6 provides the applicant's response to these representations.

Craig Hatton
Chief Executive

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

Background Papers

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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 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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.

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr & Mrs	Ref No.	A7878.
Forename	Adam & Eileen	Forename	Cathy
Surname	Bowden	Surname	Cooper
Company Name		Company Name	Cooper Architects Ltd
Building No./Name	29	Building No./Name	51
Address Line 1	Caldwell Road	Address Line 1	Main Street
Address Line 2		Address Line 2	
Town/City	West Kilbride	Town/City	West Kilbride
Postcode	KA 23 9LF	Postcode	KA23 9AW
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	North Ayrshire Council		
Planning authority's application reference number	N/21/01120/PP (prev N/100502429-001)		
Site address	<div style="border: 1px solid black; padding: 5px;"> 29 Caldwell Road West Kilbride Ayrshire KA23 9LF </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px;"> GROUND AND LOWER GROUND FLOOR EXTENSION WITH ROOF DECK. NEW ACCESS FROM ROAD TO GIVE DIRECT ACCESS TO DOUBLE GARAGE. REMOVAL OF EXISTING </div>		

Date of application

21/11/21

Date of decision (if any)

12 January 22

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

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

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)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

Failure by appointed officer to determine the application within the period allowed for determination of the application

Conditions imposed on consent by appointed officer

6. 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.

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, 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 necessary.

We believe a site visit along with the reasoning of the decision to be reviewed.

7. Site inspection

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

Can the site be viewed entirely from public land?

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:

An unaccompanied site inspection would be possible although we would be more than happy to meet to explain our reasoning for a review request.

8. 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.

We would like to have the decision reviewed as both reasons for refusal are unreasonable when viewing the site, street scene, neighbouring properties and precedent.

1. Excessive scale and overdevelopment at the detriment of the appearance and character of the surrounding area.- Site plan 285 010B , Google Earth, Site visit all show neighbouring properties are in fact of a size of the proposal and that in fact the surrounding area is of mixed sizes and appearances. Some are original in large size, some have been subject to extension with planning permission. The proposal of a terrace maintains the large amenity space afforded to the property.
2. Due to overshadowing - The proposal is similar to the existing street scene, no objections have been raised by neighbours, neighbouring properties have significant amenity space, the proposal has been designed at a lower level to accommodate the potential for overshadowing.

Overlooking- The majority of properties in the street have terraces/balconies at the level of the proposal, No 21 has recently built a balcony that is the same height and proximity to the boundary as the proposal and has NAC planning approval. Due to the nature of the sloping area most properties overlook and are overlooked. No neighbouring objections have been made. The splendour of the views and coastline is inherent to the roads in the area and should be encompassed into planning. The extension proposal has been kept to a low level solution with the by product of a reduction in overlooking.

Overdominant Appearance- The proposal is in keeping with neighbouring properties, a mixed street scene and also designed to keep at a lower level with minimal impact from street level.

Have you raised any matters which were not before the appointed officer at the time your application was determined?

Yes No

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. 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

Site plan 285 010B (part of application)
Photographs of properties in the street showing other terraces and balconies in the vicinity of boundaries (10 no)

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.

10. Checklist

Please mark the appropriate boxes to confirm that 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 requesting 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: 

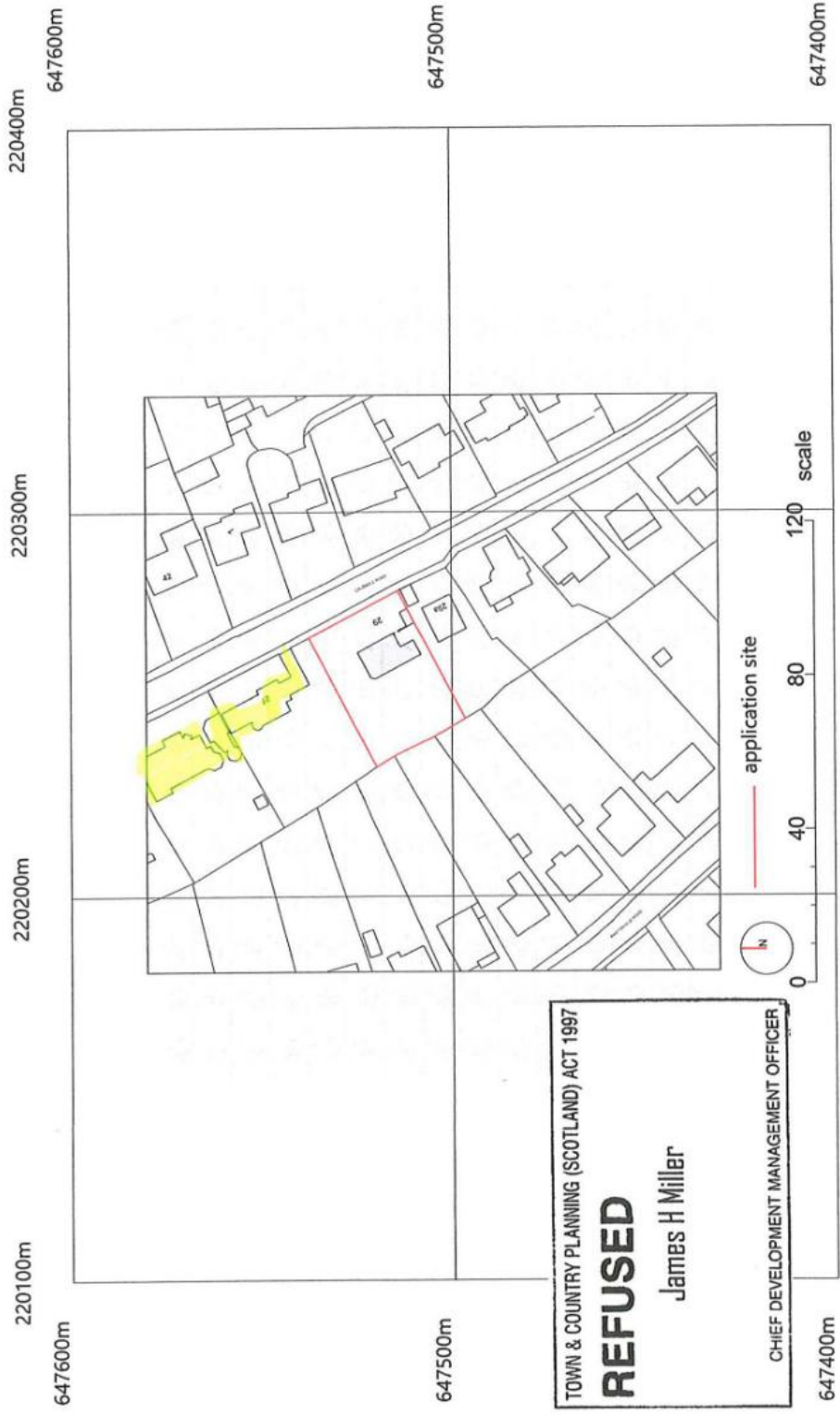
Name:

A. BOWDEN

Date:

26 Jan 22.

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.



TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997
REFUSED
 James H Miller
 CHIEF DEVELOPMENT MANAGEMENT OFFICER

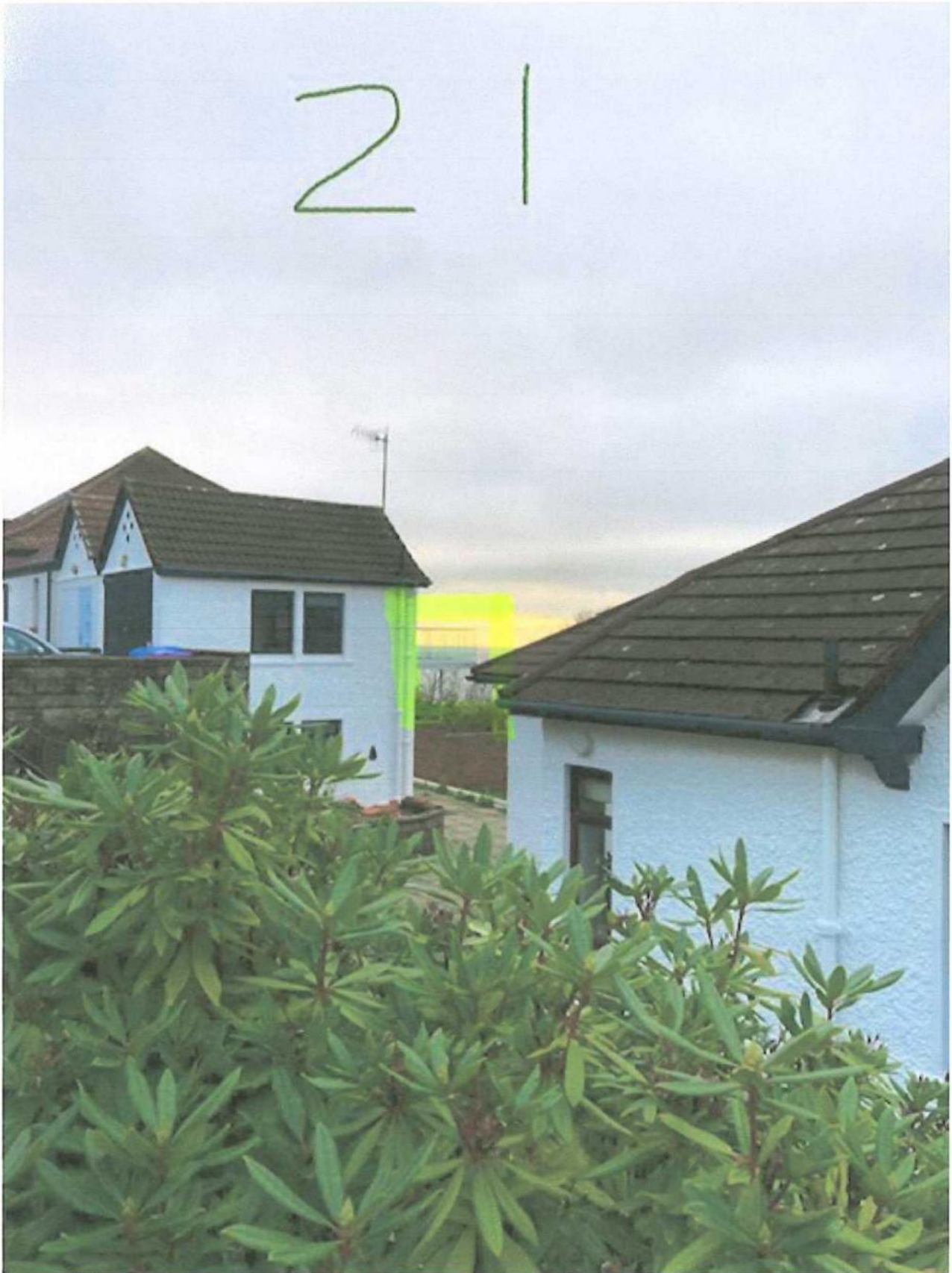
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DO NOT SCALE The Contractor must check and verify all site and building dimensions, levels & sewer inverts at DDM's before commencing work. This drawing must be read with the Contract Specification and any related engineers or specialist contractor drawings. The information contained on this drawing is the sole copyright of Cooper Architects Ltd and may not be reproduced without express written permission.										
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28 CALDWELL ROAD WEST KILBRIDE										
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LOCATION PLAN										
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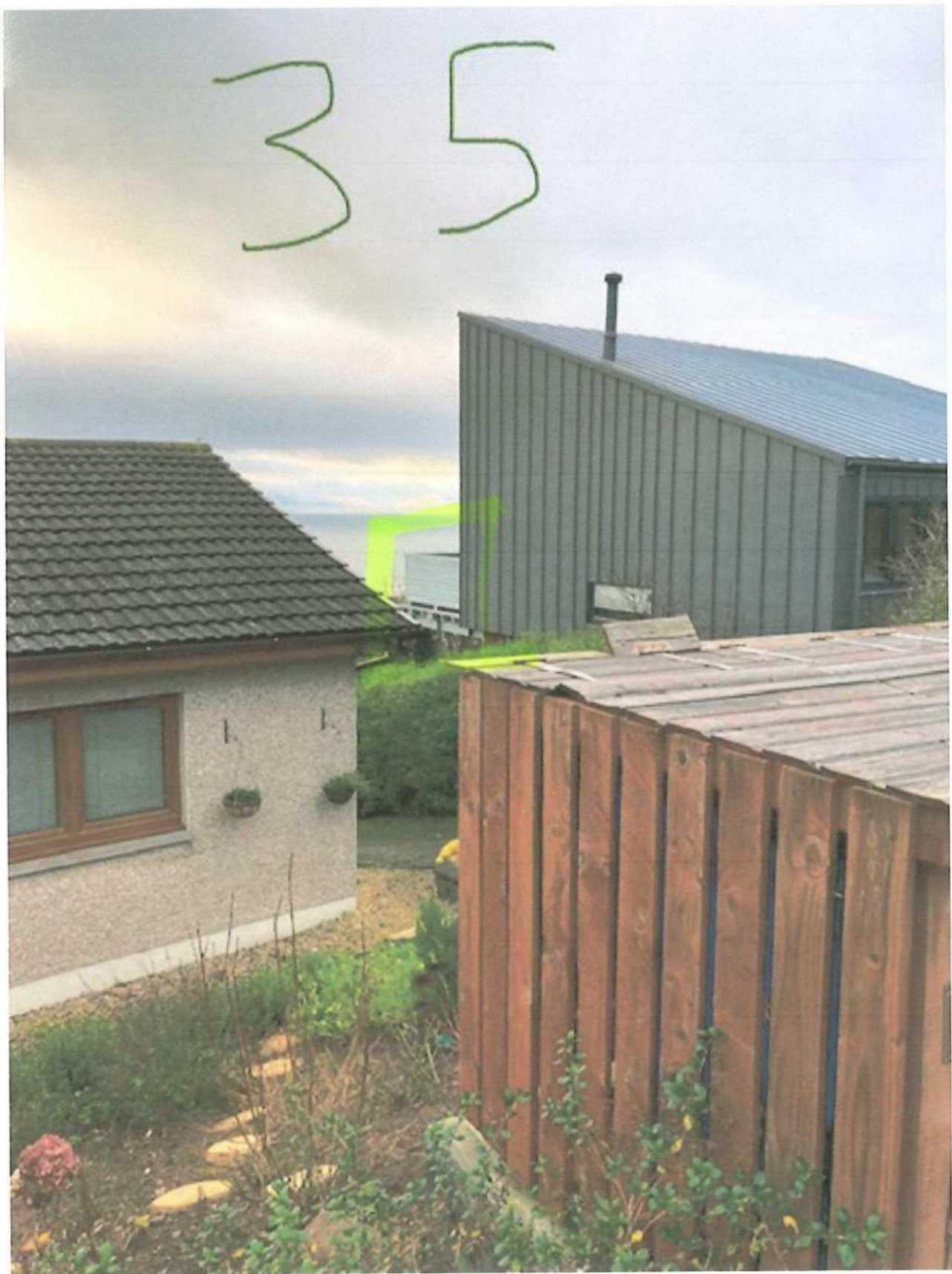
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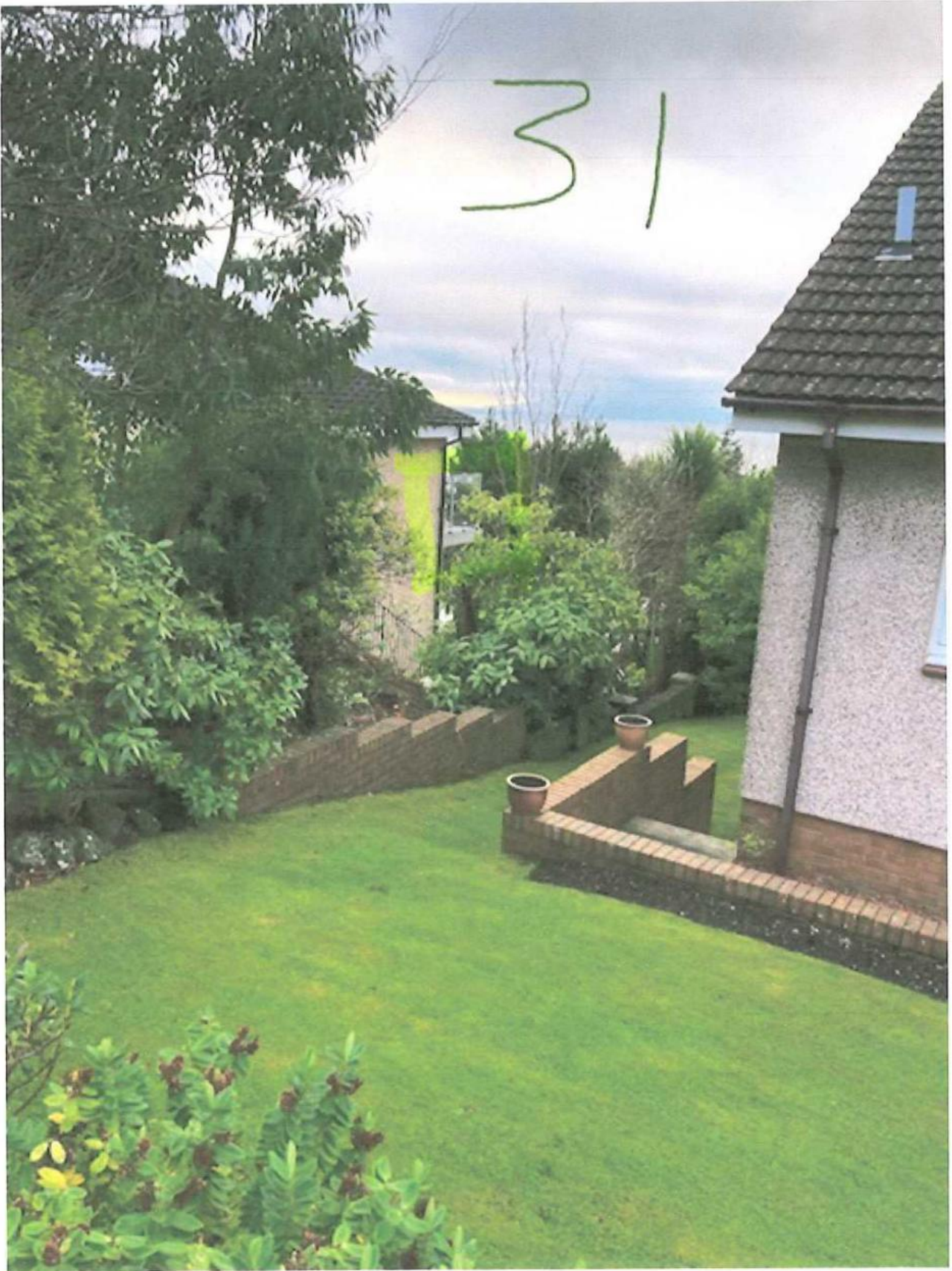
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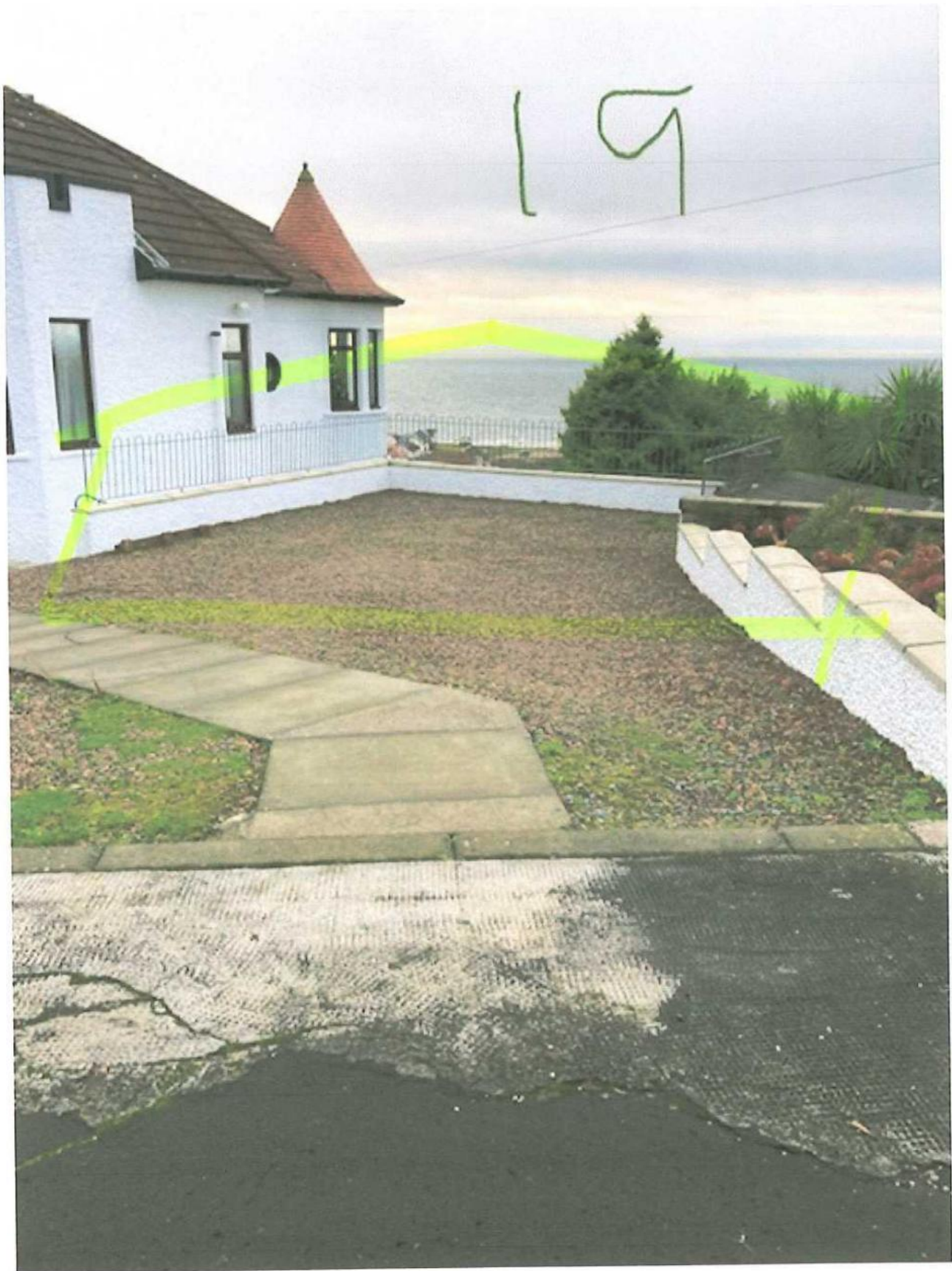


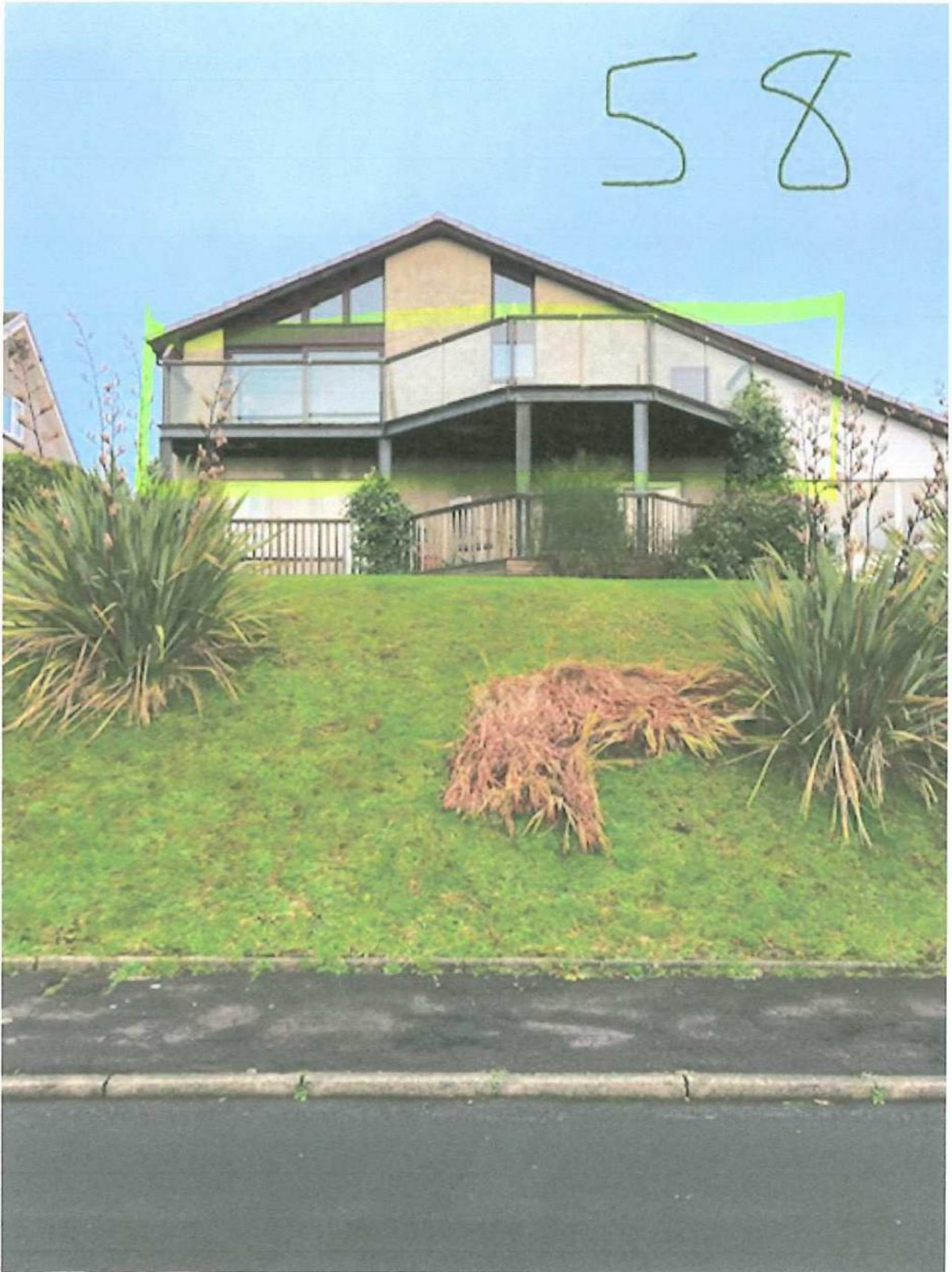






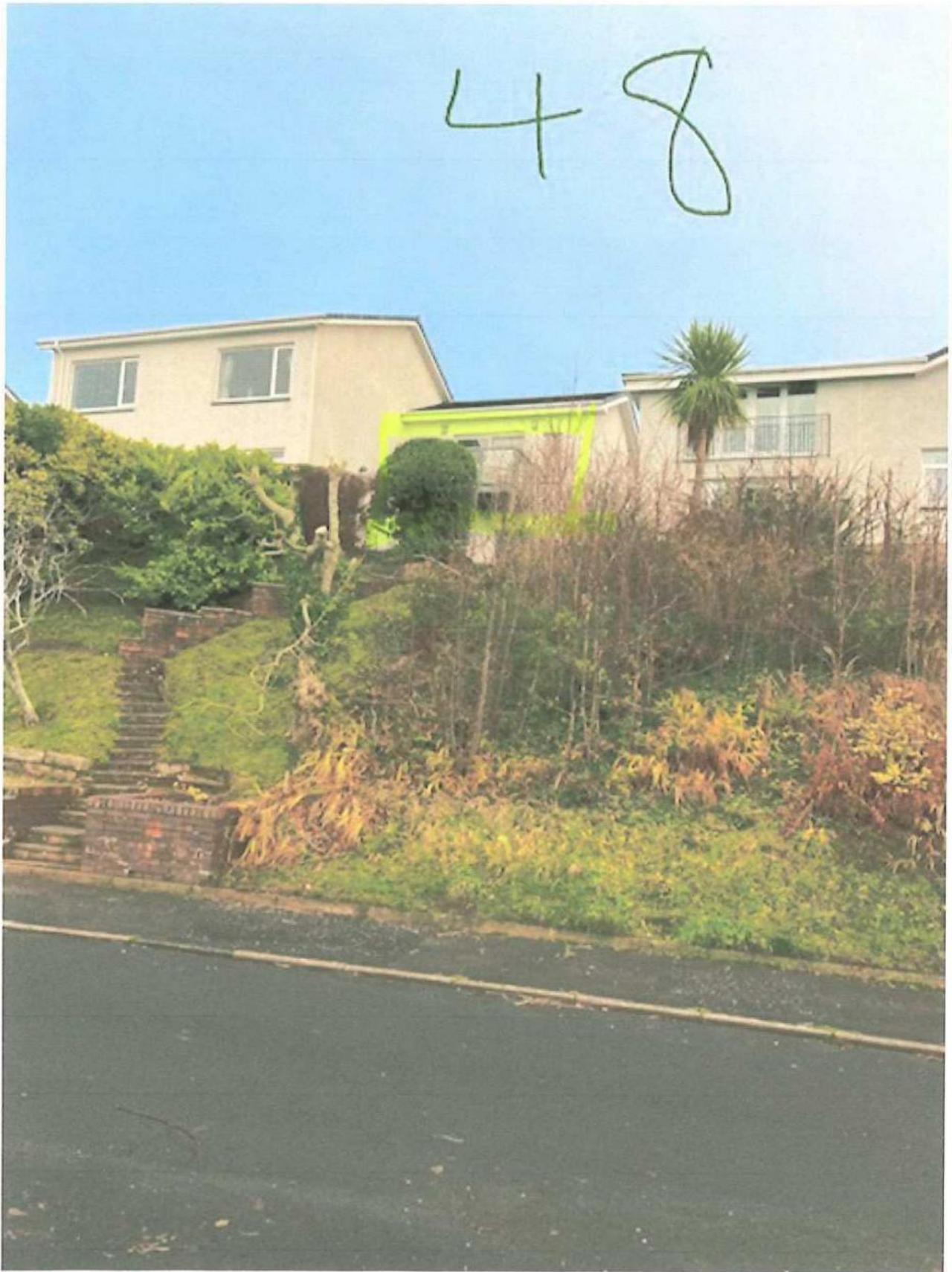








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REPORT OF HANDLING

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No: 21/01120/PP
Proposal: Erection of ground and lower ground extension with roof deck including detached double garage with formation of new access
Location: 29 Caldwell Road, West Kilbride, Ayrshire, KA23 9LF

LDP Allocation: General Urban Area
LDP Policies: SP1 - Towns and Villages Objective / Strategic Policy 2 /

Consultations: None Undertaken
Neighbour Notification: Neighbour Notification carried out on 02.12.2021
 Neighbour Notification expired on 23.12.2021

Advert: Not Advertised

Previous Applications: 15/00781/PP for Erection of upper floor extension to create additional 2 floors, including external balcony, balcony in roof, log burning flue and complete removal of old roof to create additional accommodation Approved with no Conditions on 20.01.2016

Appeal History Of Site:**Relevant Development Plan Policies**

SP1 - Towns and Villages Objective
 Towns and Villages Objective

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

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

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

Strategic Policy 2

Placemaking

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

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

Six qualities of a successful place

Distinctive

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

Welcoming

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

that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

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

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

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

Adaptable

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

Resource Efficient

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

Easy to Move Around and Beyond

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

Description

29 Caldwell Road is a two and a half storey (plus basement) detached dwellinghouse located in West Kilbride. The house features a hipped roof finished in concrete tiles and has white smooth rendered walls. It is situated on a sloping curtilage with a significant fall in levels from the east to west. The surrounding area is residential and comprises mostly of detached dwellinghouses of varying designs.

There are two elements to the proposal; It is proposed to erect a side extension onto the north side of the house and to erect a detached double garage in the southeast corner of the curtilage.

The proposed extension would be two storeys in height with a flat roof terrace. It would measure approx. 70sqm in area. It would be set on a slope and would measure approx. 3.7m in height at the front and 5.2m at the rear. The extension would feature two bedrooms with en-suites on the lower floor and a kitchen living

21/01120/PP

space with patio doors leading to a balcony on the upper level. The roof terrace would be accessed via a new door in the north elevation of the existing building. The walls would be finished in white render and the roof in concrete paving. There would be a 1m high glass balustrade around the roof terrace and balcony.

The proposed garage would measure approx. 35sqm in area. It would have a hipped roof measuring approx. 3.3m in height at the front and 5.4 at the rear. The double garage door would be on the east elevation facing Caldwell Road. The walls would be finished in white render and the roof in red concrete tiles.

In the adopted North Ayrshire Local Development Plan (LDP) the site lies within a General Urban Area allocation and therefore the Towns and Villages Objective of Strategic Policy 1: Spatial Strategy applies to this proposal. In addition, all development proposals require to be assessed in terms of Strategic Policy 2: Placemaking.

The dwellinghouse has already been subject to extensive extensions including the removal of the original roof and the erection of an upper floor extension to add an additional storey and a half to the house (15/00781/PP).

In April 2020 the applicant requested pre-application advice to subdivide the plot to allow for the erection of a new dwellinghouse on the site where the side extension is now proposed (20/00273/PREAPP). The applicant was advised that this would not likely be supported due to the narrow width of the site making it unsuitable as a residential plot.

On receipt of the current application the case officer advised the agent that it was considered that the proposed extension was excessive in scale. It was also advised that the proposed roof terrace and balcony could lead to overlooking of the neighbouring property to the north. Furthermore, it was considered that the proposed garage was also of excessive scale, in particular the height of the roof was considered to be too high. Following discussion with the agent, the garage roof design was revised from a pavilion style roof to a hipped roof, thereby reducing the overall height by approx. 1m. However, the applicant was not amenable to the case officer's suggestion that the roof terrace be removed, a privacy screen added to the north side of the proposed balcony and the extension reduced in scale and has asked that the application be determined as submitted.

Consultations and Representations

Neighbour notification was undertaken and there was no requirement to advertise the application. One letter of objection has been received; the points raised in which are summarised below:

1. The proposed extension could be used as a separate dwellinghouse from the application property and should be considered as an application for a new dwellinghouse. The proposed extension is very large in scale and the existing property has already been extended.

Response: The applicant was advised in pre-application discussions that a new dwellinghouse would not likely be supported. The agent has confirmed that the proposed extension would be used as an annex for family members. This could be controlled via condition, should Planning Permission be granted. The issue of the scale of the proposed extension is considered in the analysis section of this report.

21/01120/PP

2. The proposal would put additional pressure on services such as water, sewerage and bins.

Response: It is not considered that the proposal would result in a negative impact on the services mentioned above.

3. The proposed balcony and roof terrace would lead to overlooking of the neighbouring property to the north leading to a loss of privacy for that property. The balcony and roof terrace may also result in a noise nuisance affecting that property.

Response: Agreed, it is considered that the proposed balcony and roof terrace would lead to overlooking of the neighbouring property to the north, leading to a loss of privacy at that property. With regards to noise, it is not considered likely that the proposed balcony and terrace would lead to a significant increase in noise.

4. The proposed extension would lead to overshadowing of the garden of the neighbouring property to the north.

Response: It is agreed that the proposed extension would lead to overshadowing of parts of the neighbour to the north's back garden. This is considered further below.

No consultations were carried out as part of this application.

Analysis

The erection of an extension and a detached garage in the curtilage of an existing dwellinghouse in a General Urban Area allocation is considered acceptable in principle in terms of the Town and Villages Objective of Strategic Policy 1, subject to the development according with the objectives of placemaking as outlined by Strategic Policy 2: Placemaking. Strategic Policy 2 states that all applications for Planning Permission should meet the qualities of successful places.

Taking first the issue of scale, both the proposed garage and the proposed extension would be large in scale. There are numerous garages on the seaward side of Caldwell Road, however, these are typically single garages with flat or gabled roof designs. The proposed garage would be a double garage and the initial design had a very high pavilion style roof. Design changes have been secured to alter the roof design to a hipped roof which has significantly reduced the height of the garage. Whilst the garage would still be larger than the garages of neighbouring properties, it is not considered that the scale of the garage would be detrimental to the appearance of the area.

The proposed extension would have a large floor area and would be two storeys in height, though viewed in the context of a large existing property and curtilage. There are examples in the surrounding area of large extensions which have been made to already large dwellinghouses. It is also noted that impact of the height of the proposed extension would be reduced due to the extension being located on a slope which is significantly lower than the adjacent road. However, notwithstanding the above, the proposed extension would occupy an unacceptably large proportion of the side garden within which it would be located. The extension would extend to within 1.4m of the boundary and extend approx. 10m along the boundary. It is considered that the proposed extension would constitute overdevelopment of the

side garden of the property and that the resultant extended dwellinghouse would be of an excessive scale to the detriment of the appearance of the area.

Turning to the issue of design, the proposed garage would have a hipped roof finished in red concrete tiles and would have white rendered walls, which is considered to be in-keeping with the existing dwellinghouse. The proposed extension would have a more contemporary appearance than the existing dwellinghouse with a flat roof design and large areas of glazing. The design of the side extension is acceptable, however, due to the excessive scale of the extension it would detract from the appearance of the area.

In terms of amenity, it is noted that the proposed extension could be accessed separately from the main house and has all the amenities to be used as a separate dwellinghouse. The applicant has confirmed that the extension would be used as an annex for family members and not as a separate dwellinghouse, and should Planning Permission be granted, this could be ensured via condition.

The proposed extension would be located approx. 1.4m from the boundary with the neighbour to the north. Given the fall in site levels, the height of the extension would vary across the length of the extension with a maximum height of approx. 5.2m. The extension would be approx. 10m in length along this boundary. It is considered that the proposed extension would lead to overshadowing of the neighbouring property to the north's back garden. The scale of the proposed extension located so close to the boundary would also result in a dominating effect on the neighbour's back garden.

In addition, it is considered that both the proposed roof terrace and the proposed balcony on the extension would lead to direct overlooking of the neighbour to the north's back garden. This overlooking would be significantly detrimental to the privacy of the neighbouring property to the north. In summary, the proposed extension would lead to overlooking, overshadowing and would be over-dominant of the neighbour to the north's back garden which would have a significant negative affect on the amenity of that property.

It is not considered that the proposed development accords with the qualities of successful places as outlined by Strategic Policy 2: Placemaking, of the LDP. The proposed extension is excessive in scale and would result in overdevelopment of the side garden of the application property, with a negative impact on the appearance of the surrounding area. It is also considered that the proposed extension would have an adverse impact on the amenity of the neighbouring property to the north by way of overlooking, overshadowing and over-dominant to the rear garden of that property. The proposed development is therefore contrary to the Towns and Villages Objective of Strategic Policy 1: Spatial Strategy, and Strategic Policy 2: Placemaking, of the LDP. The application should therefore be refused and there are no material considerations which would warrant a recommendation to the contrary.

Decision

Refused

Case Officer - Mr John Mack
21/01120/PP

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Existing Floor Plans	001 Rev A	
Existing Floor Plans	002 Rev A	
Existing Elevations	003 Rev A	
Existing Elevations	004 Rev A	
Location Plan	010 Rev B	
Block Plan / Site Plan	050 Rev B	
Proposed Floor Plans	201 Rev A	
Proposed Floor Plans	202 Rev A	
Block Plan / Site Plan	250 Rev B	
Proposed Elevations	203 REV D	
Proposed Elevations	204 REV D	
Proposed Elevations	205 REV D	



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

No N/21/01120/PP

(Original Application No. N/100502429-001)

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 & Mrs Adam & Eileen Bowden
c/o Cooper Architects Ltd Fao Catherine Cooper
51 Main Street
West Kilbride
Ayrshire
KA23 9AW

With reference to your application received on 1 December 2021 for planning permission under the above mentioned Acts and Orders for :-

Erection of ground and lower ground extension with roof deck including detached double garage with formation of new access

at 29 Caldwell Road
West Kilbride
Ayrshire
KA23 9LF

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 side extension would be contrary to the Towns and Villages Objective of Strategic Policy 1: Spatial Strategy, and Strategic Policy 2: Placemaking, of the adopted North Ayrshire Local Development Plan, due to the excessive scale, which would constitute overdevelopment of the side garden to the detriment of the appearance and character of the surrounding area.
2. The proposed side extension would be contrary to the Towns and Villages Objective of Strategic Policy 1: Spatial Strategy, and Strategic Policy 2: Placemaking, of the adopted North Ayrshire Local Development Plan, due to overshadowing, overlooking and overdominant appearance, all to the significant detriment of the amenity of the neighbouring dwellinghouse to the north.

Dated this : 12 January 2022



.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

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

FORM 2

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



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Rev	Date	Notes
A	111121	PLANNING APPLICATION
B	181121	BOUNDARY UPDATED

NOTES

DO NOT SCALE
 The Contractor must check and verify all site and building dimensions, levels & sewer inverts at DCM's before commencing work.
 This drawing must be read with the Contract Specification and any related engineers or specialist contractors drawings
 The information contained on this drawing is the sole copyright of cooper architects ltd and may not be reproduced without express written permission.

planning

Project
29 CALDWELL ROAD WEST KILBRIDE

Client
EILEEN AND ADAM BOWDEN

Drawing
LOCATION PLAN

Job No. 285	Trp No. 010	Rev. B
-----------------------	-----------------------	------------------

Scale 1:1250	Sheet A3	Scale	Sheet	Scale	Sheet
Drawn CC	Date 220921	Checked CC			

cooper architects

51 main street
west kilbride
ka23 9aw
t: 01294 829718
m: 07515 939053
e: cathy@cooper-architects.co.uk

CAD Ref
284

27 Caldwell Road,
West Kilbride,
KA23 9LF
7th February 2022

Ms. Angela Little,
Committee Services Officer,
North Ayrshire Council.

Dear Ms. Little,

Thank you for the letter you sent regarding the Notice of Review in respect of 29 Caldwell Road, West Kilbride. We would like to make further comments please.

Further comments on proposed new building at 29 Caldwell Road

If this building were to go ahead it would completely ruin the enjoyment of our property which we have lived in since 1987. We previously lived in Ardrossan, from 1975, and chose Caldwell Road for its neatly presented housing stock. The building proposed is out of character, intrusive, and not what it pretends to be.

The proposed complete filling of this space would change the open character of this part of the street spoiling it for passers-by or those who live nearby. There is no precedent locally for a huge roof terrace such as the one proposed.

The proposed property is clearly a two bedroom detached design said to be for a family member. It is very large for a "Granny flat" and we can see no need for a huge roof terrace or balcony for a single family member. If at any time in the future this family member no longer needed this property it would not be left empty: it would, as a minimum, likely be let, or sold, as a detached property with shared access. We do not believe that any restrictions would be legally enforceable in the future.

The present property is already massive following the recent modifications and an extra unplanned room has already been constructed under the balcony. The present property is of sufficient size, as it is, to easily support another family member; it does not need another detached property.

Using a local builder, we spent a considerable amount of money terracing the ground on the south side (no 29 side) of our property and returning it to a fruit/vegetable garden with greenhouse and drying green in line with the general housing for the road. This improvement will be ruined if this building is allowed to be constructed as it will be almost completely shielded from the light for much of the day. Also, the character of this garden, which is very important to us, would be spoiled by a high bare solid wall so close to the boundary.

We are already aware of considerable disturbance from the raised balcony on the existing property. From experience we disagree with the item 3 response which suggests that the noise level would not be increased. The summer noise level from the present balcony includes clear audible speech. Similar noise and speech from the proposed closer high level balcony, or the roof terrace, would be even more intrusive.

A similar sized much closer high level balcony on the proposed property would remove all privacy from our garden and some from within our home.

The proposed roof terrace would destroy all privacy from the south, east and west sides of our house at external ground level, also from inside our house at ground level (dining room) and first floor level (bedroom, landing and staircase).

Yours sincerely,

Mr Thomas H Weetman

Dr Myrna G Weetman

Response by Mr & Mrs Bowden to 27 Caldwell road comments of 7 Feb 2022 in blue

Ms. Angela Little, Committee Services Officer, North Ayrshire Council.

Dear Ms. Little,

27 Caldwell Road, West Kilbride, KA23 9LF
7th February 2022

Thank you for the letter you sent regarding the Notice of Review in respect of 29 Caldwell Road, West Kilbride. We would like to make further comments please.

Further comments on proposed new building at 29 Caldwell Road

If this building were to go ahead it would completely ruin the enjoyment of our property which we have lived in since 1987. We previously lived in Ardrossan, from 1975, and chose Caldwell Road for its neatly presented housing stock. The building proposed is out of character, intrusive, and not what it pretends to be.

The proposal would **not be out of character** as the street scene is mixed and of a nature that enhances the enjoyment of the views from each property. Since our neighbours moved to No 27 in 1987 many properties along the road have enjoyed the privilege of improving and extending their homes to accord with their changing requirements and circumstances. These changes with the support and approval of NAC planning authority e.g. recently 21 Caldwell road (which completely infilled the open space between the property and neighbouring garages along with the addition of a floating high level terrace; 25 Caldwell road which was increased significantly in size and infill of side gardens.

The proposed design has been kept one meter from the garden boundary and at a lower height similar to the front boundary garden wall to **reduce the impact on street scene**. “And not what it pretends to be” appears to compliment the design ? The proposed side addition to our home is the same profile and height as the existing infill extension to the Weetman’s OWN home at No 27 (our proposal is kept back one meter from the boundary, theirs is up to the boundary (see attached photos). Surely, our proposal would be more in keeping with the neighbours, or is it only 27 that is allowed to have it ?

The proposed complete filling of this space would change the open character of this part of the street spoiling it for passers-by or those who live nearby. There is no precedent locally for a huge roof terrace such as the one proposed.

As above the proposal is in keeping with the street and previous permissions by NAC. The proposal has been designed at a lower level with glass balustrade to reduce its impact. We do not believe passers-by standing at our gate losing some of their view is a valid point of planning and if it is found to be, perhaps the owners of 27 would be so kind as to remove their garage, side addition and array of bushes and trees to accommodate the passers-by being able to enjoy a view.

If the only reason for something being allowed is the fact that it has happened before, Innovation and Architectural flair would stop in its tracks. Please see attached Google earth photo of 23 Caldwell Rd clearly showing their large high level roof terrace. Most properties in Caldwell Road have terraces and balconies, it is inherent with the slope of the land and beautiful landscape, size is dependant on peoples plot size, vision and resources, we are fortunate to have all three.

The proposed property is clearly a two bedroom detached design said to be for a family member. It is very large for a “Granny flat” and we can see no need for a huge roof terrace or balcony for a single family member. If at any time in the future this family member no longer needed this property it would not be left empty: it would, as

a minimum, likely be let, or sold, as a detached property with shared access. We do not believe that any restrictions would be legally enforceable in the future.

We do not believe it reasonable for a neighbour to dictate who can live in our house especially when they (an older couple) enjoy a huge house to themselves utilising only a small part of it. The proposal is **not detached**, the proposal put to planning is for an annex and **could not be sold** in the future as a detached house as it would be annexed to the main house legally. The only way this could happen is if in the future an application to make it a separate dwelling house was made, and at that point the owners of number 27 could make their representation then. Our family circumstance, although none of 27s business are; We are a family of 7 with 3 Adult children (34, 31,30 - 2 of which currently reside in England, one of which is a single mother with our 7 year old granddaughter) 2 children aged 15 (with caring requirements) and a 7 year old . We also have elderly parents living in England who wish to visit and may soon need caring for. The Roof terrace is accessed via the main house not the annex ?

We believe having future proofed, flexible and inclusive housing is a positive planning objective and something that would be supported.

The present property is already massive following the recent modifications and an extra unplanned room has already been constructed under the balcony. The present property is of sufficient size, as it is, to easily support another family member; it does not need another detached property.

The “unplanned room constructed under the balcony” they refer to is a timber shed built under the balcony which planners are free to come and inspect should they wish. (see attached photo).The proposal is **not for a detached property**, it would not make the property larger in appearance than 27 or some of the others along the street. (please see attached photos) It is hard to accept as a valid objection from 27 that the proposal would give us too much room when being cited by an elderly couple living in a huge house on their own (perhaps they should down size and let a family enjoy their home) or is it glass houses and jealousy.

Using a local builder, we spent a considerable amount of money terracing the ground on the south side (no 29 side) of our property and returning it to a fruit/vegetable garden with greenhouse and drying green in line with the general housing for the road. This improvement will be ruined if this building is allowed to be constructed as it will be almost completely shielded from the light for much of the day. Also, the character of this garden, which is very important to us, would be spoiled by a high bare solid wall so close to the boundary.

We did not have any say in 27 terracing to the boundary of our property or introducing a vegetable garden nor would we wish to dictate how they enjoy their property. The proposal would **not** ruin their improvements or completely shield them from light for much of the day. Our proposal would not be any more than the effects of their garage and hedges on our side garden or their side extension had on number 25 before 25 built their garage. There would be no high bare solid wall, it has been designed to have little effect and is no higher than theirs. We are likely to use the same local builder.

We are already aware of considerable disturbance from the raised balcony on the existing property. From experience we disagree with the item 3 response which suggests that the noise level would not be increased. The summer noise level from the present balcony includes clear audible speech. Similar noise and speech from the proposed closer high level balcony, or the roof terrace, would be even more intrusive.

We refute any assertion of *considerable disturbance from our balcony*. 27 have never in our residence of the property ever complained to us or to our knowledge anyone else regarding disturbance from our balcony. Please clarify their definition of disturbance is this our children playing or audible speech none of which is “considerable disturbance”, we are just as likely to speak in our garden as they are and have never requested they do not speak in their garden. No significant increase in clear audible speech will happen due to the proposal as I believe we are currently allowed to speak in the garden where the proposal would stand, or is this only at their approval. Do we need to apply for NAC permission to speak in a clear and audible way in the grounds of our premises?

A similar sized much closer high level balcony on the proposed property would remove all privacy from our garden and some from within our home.

We disagree the proposal would **remove all privacy** from the garden of 27, they have significant gardens, the proposal would see no more than our current bedroom window, the proposal has been set back one meter.

The proposal is some 12 meters from the living house of 27 and will not remove privacy from their home. (see attached photo).

The proposed roof terrace would destroy all privacy from the south, east and west sides of our house at external ground level, also from inside our house at ground level (dining room) and first floor level (bedroom, landing and staircase).

This is simply untrue the proposal is some 12 meters from any windows of the living home of 27. The roof terrace is no higher than our bedroom windows, is set back one meter, does not look into bedroom windows of 27.

We have made considerable efforts to balance and design our proposal to meet our housing needs, maximise the enjoyment of our home, enhance the desirability of the area and limit the impact on the local environment. Unfortunately we cannot do this without making **any** change to what number 27 see from their property or the footpath or to what they have wished to control since 1987.

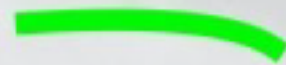
We believe none of the points raised in the owners of 27 Caldwell Rd represent breaches in planning policy.

Yours sincerely,

Mr & Mrs Bowden



**19 Caldwell rd
large raised
terrace**

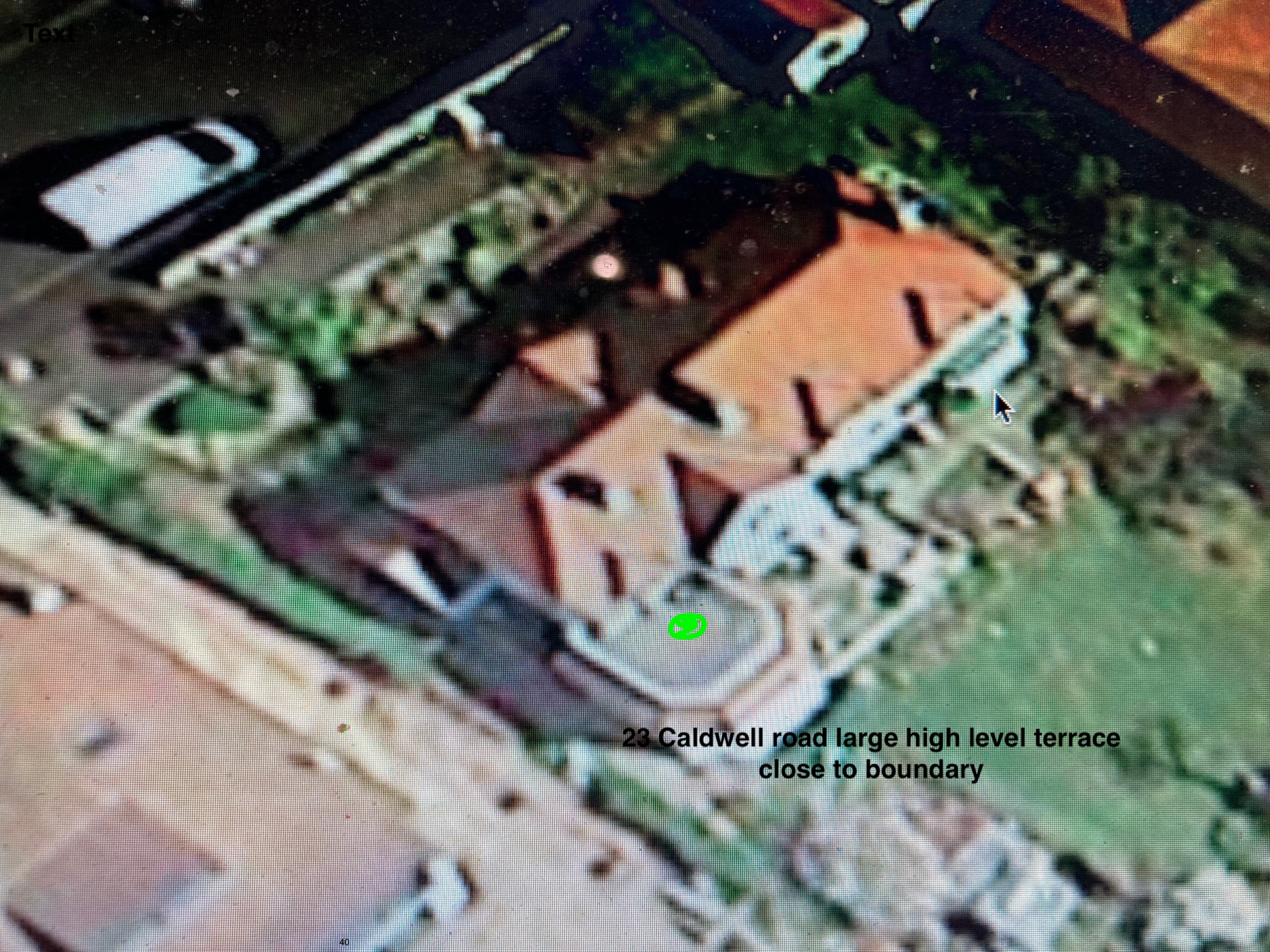


21 Caldwell road recent side infill



Text
text
text
text

Text



**23 Caldwell road large high level terrace
close to boundary**

23 Caldwell road



25 Caldwell road



are currently running an experimental version of Earth.



27 Caldwell rd side infill extension

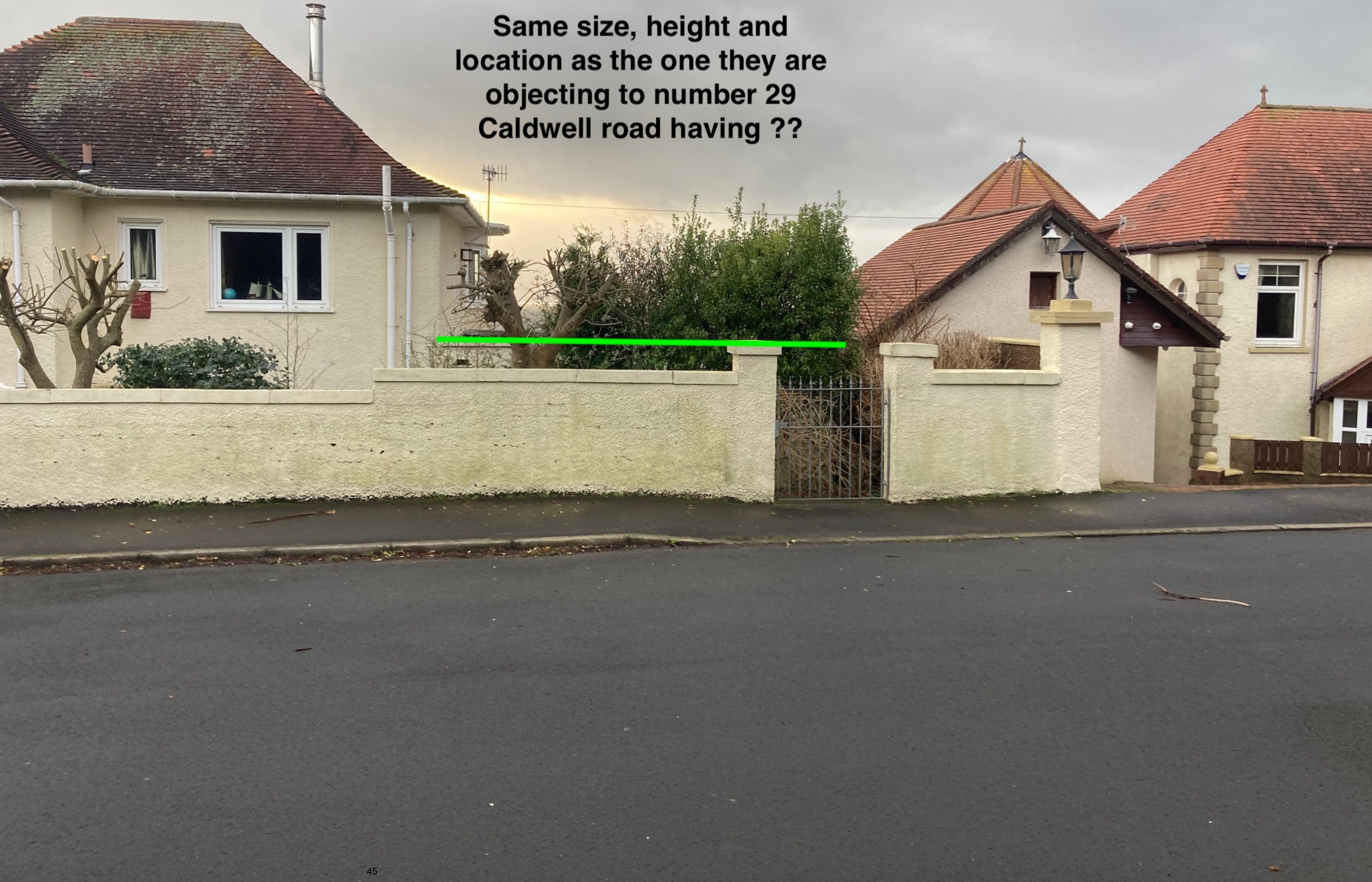
Learn more Send

27 Caldwell rd to 29 Caldwell road boundary



Width and location of side extension of 27 Caldwell road

Same size, height and location as the one they are objecting to number 29 Caldwell road having ??



27 Caldwell rd flat roof side extension



27 Caldwell road flat roof side extension up to boundary of 25 Caldwell



27 Caldwell road vegetable



27 Caldwell road side viewed from 29 side garden

