



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, 03 November 2021** at **14:15** to consider the undernoted business.

LRB

Please note that this meeting will commence at 2.15 p.m. or at the conclusion of the meeting of the Planning Committee, whichever is the later.

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 29 September 2021 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: 21/00419/PP 33 Blairlands Drive, Dalry**

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 Notice of Review: 21/00542/PPP 4 Lilyank Lane, Fairlie**
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).

- 5 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

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

Chair:

Apologies:

Attending:

At a Meeting of the Local Review Body of North Ayrshire Council at 3.00 p.m. involving participation by remote electronic means.

Present

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

In Attendance

I. Davies, Planning Adviser to the LRB, L. Dempster, Technician, K. Gee, Technician (Place); J. Law, Legal Adviser to the LRB (Legal Services); and A. Little and C. Stewart, Committee Services Officers (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the meeting of the Local Review Body held on 19 May 2021 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Notice of Review: 21/00293- 8 Gray Crescent, Irvine

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, and Planning Decision Notice 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. The Planning Adviser referred to the applicant's request for a hearing.

Councillor Reid, seconded by Councillor McNicol, moved that enough information had been provided to determine the review request without a hearing.

As an amendment, Councillor Larsen, seconded by Councillor Barr, moved that the applicant's request for a hearing be granted.

On a division and a roll call vote, there voted for the amendment, Councillors Billings, Barr, Foster, Larsen, Macauley, McMaster (6) and for the motion, Councillors Marshall, Clarkson, McNicol and Reid (4) and the amendment was declared carried.

Accordingly, the Local Review Body agreed that a hearing be held before the review request was determined, on the basis that there had only been one objection to the application and to provide the applicant an opportunity to outline their circumstances of home working as a result of the pandemic. The hearing would also allow the applicant to explain their view on why the application would not be overdevelopment of the site and the reasons why a rear extension to property would not be suitable.

Councillors Clarkson and Foster left the meeting at this point.

4. Notice of Review: 21/00419/PP 33 Blairlands Drive, Dalry

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, and Planning Decision Notice were provided as appendices to the report. Further comparison information, provided by the applicant, had also been circulated to the Committee

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. The Planning Adviser referred to the applicant's request for a site visit.

Councillor Barr, seconded by Councillor Larsen, moved that a site visit should be undertaken before the review request was determined.

As an amendment, Councillor Reid, seconded by Councillor McMaster, moved that a site visit was not required prior to the review request being determined.

On a division and a roll call vote, there voted for the amendment, Councillors Marshall, McMaster and Reid (3) and for the motion, Councillors Billings, Barr, Larsen, Macauley and McNicol (5) and the motion was declared carried.

Accordingly, the Local Review Body agreed that a site visit should be undertaken before the review request was determined.

The Meeting ended at 3.40 p.m.

NORTH AYRSHIRE COUNCIL

3 November 2021

Local Review Body

Title: Notice of Review: 21/00419/PP 33 Blairlands Drive, Dalry

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

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

1. Executive Summary

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

2. Background

2.1 A Notice of Review was submitted in respect of Planning Application 21/00419/PP, 33 Blairlands Drive, Dalry for the erection of an extension to the front of a semi-detached dwelling house at 33 Blairlands Drive, Dalry.

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

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

Appendix 1 - Notice of Review documentation;

Appendix 2 - Report of Handling;

Appendix 3 - Location Plan; and

Appendix 4 - Planning Decision Notice

- 2.4 The Notice of Review was considered at a meeting of the Local Review Body on 29 September 2021. The Local Review Body agreed to continue consideration of the Notice of Review pending a site familiarisation visit. Only those Members of the LRB who attended the site visit would be eligible to participate in the determination of the review request.
- 2.5 A site visit took place on 19 October 2021 and was attended by Councillors Marshall, Barr, Clarkson, Larsen, McNicol and D. Reid.

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 No representations were received from interested parties or statutory consultees to the planning application and therefore no further consultation was required in terms of the Notice of Review.

Craig Hatton
Chief Executive

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

Background Papers

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Appendix 1

06.09.21

Department of Planning,
North Ayrshire Council,
Cunninghame House,
Irvine.

Dear Sir/Madam,

**Proposed Alterations & Extension to Front of Dwelling House at:
33, Blairlands Drive, Dalry. KA24 4DH
Mr. & Mrs. C. Lawson.**

Planning Ref : 21/00419/PP

In support of a Notice of Review application for the above development please find enclosed:

- A) Notice of Review Application Form
- B) Supporting documents for Notice of Review Application

I trust the enclosed meets with your requirements and I await your response in due course.

Yours faithfully,



NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County 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.	
Forename	CRAIG	Forename	
Surname	LAWSON	Surname	
Company Name		Company Name	
Building No./Name	33	Building No./Name	
Address Line 1	BLAIRLANDS DRIVE	Address Line 1	
Address Line 2	DALRY	Address Line 2	
Town/City	NORTH AYRSHIRE	Town/City	
Postcode	KA24 4DH	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	NORTH AYRSHIRE COUNCIL		
Planning authority's application reference number	21/00419/PP		
Site address	<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> 33, BLAIRLANDS DRIVE, DALRY. KA24 4DH </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px; min-height: 50px;"> ALTERATIONS & EXTENSION TO FRONT OF DWELLING HOUSE. </div>		

Date of application

05 | 05 | 2021

Date of decision (if any)

23 | 06 | 2021

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.

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? - NO

Is it possible for the site to be accessed safely, and without barriers to entry? - NO

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

ACCESS TO THE REAR OF 33, BLAIRCANOS DRIVE, IS ONLY VIA A LOCKED GATE TO THE SIDE.

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.

PLEASE SEE ATTACHED DOCUMENT.

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 your 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

- SUPPLEMENTARY DOCUMENT FOR SECTION 8 OF NOTICE OF REVIEW FORM.
- JUSTIFICATION STATEMENT AS SUBMITTED DURING APPLICATION PROCESS, INCLUDING THE LETTER OF SUPPORT FROM THE NEIGHBOUR.
- EXTRACTS FROM APPROVED APPLICATION 20/0040/PP.
- DRAWINGS AS SUBMITTED WITH OUR APPLICATION.

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:  Date:

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

06.09.21

Dear Local Review Body,

**Proposed Alterations & Extension to Front of Dwelling House at:
33, Blairlands Drive, Dalry. KA24 4DH
Mr. & Mrs. C. Lawson.**

Planning Ref : 21/00419/PP

In accordance with Section 8 of the Notice of Review, which requires a statement of why the review is being sought after, we would like to request that the following be taken into consideration in determining this application.

We believe that there are inconsistencies within the planning process which have been highlighted with this application. Prior to the submission of a formal planning application, we went through the process of pre-application discussions with North Ayrshire Council's planning department, in order to gauge if our proposal would likely be granted approval. We completed this process as we were aware that our proposal did not fall within permitted development rights.

Prior to making our pre-application enquiry, we had given extensive thought and consideration to an extension to the rear of our property but felt that this was not the best solution for our requirements. We felt the most beneficial place for our needs, was an extension to the front and this is what lead us to making the pre-application enquiry.

For clarification, our reasons for requiring our proposal to the front were as follows;

- There is a public sewer in close proximity to the rear wall of our house and the cost of building over the sewer pipe wouldn't be necessary if the proposal was to the front.
- The floor level to ground level difference at the rear of the property is significantly greater than it is to the front, therefore an extension to the rear would involve a lot more underbuilding, again, a cost that we feel is unnecessary.
- Our rear garden is not very large and we have recently spent a great deal of finances and effort in upgrading our back door to a low maintenance garden. This included the installation of a decking / patio area as well as the addition of a small outbuilding to the side / rear of the property. We enclosed the whole garden with a wall to increase our own privacy and privacy to our neighbours. The additional footprint of an extension to the rear would furthermore reduce our private amenity space.

During our pre-application discussions, our enquiry was handled with by a different planning officer than the one who ended up handling our formal application. The planning officer in the pre-application discussions had suggested that we consider the proposal to the rear of the property, however, as we had already considered this, we put our reasons of why wanted an extension to the front to the planning officer, we felt that they were accepted by him. In his final email to me, he stated that *'the proposed front extension would be relatively modest in size and would draw upon the existing characteristics of the main house and the surrounding properties'*, going on to say that *'it may be considered that whilst the extension would be widely visible, it would not give rise to any significant visual impacts to the area and would be acceptable.'*

The concern of the proximity of the proposal to the neighbouring property was initially raised during the pre-application discussions however, this was addressed by a reduction in the size of the proposed extension projecting from the front of the building. This resulted in the design as submitted for the formal application.

Once the formal application was submitted, a new planning officer was assigned to assess the application as submitted. The new planning officer raised the same issues as before however, he did not appear to be of the same opinion as that of the officer in the pre-application discussions. We were once again asked to consider an extension to the rear.

It is here that the inconsistencies in the planning process became apparent to us, as it would appear that there is a difference of opinion between the planning officer who handled the pre-application enquiry and the planning officer who handled the formal planning application. Two planning officers' looking at the same extension arrive at a different conclusion.

During the application period and after deliberations with the planning officer, a Justification Statement was prepared for the design proposal as it had been submitted. We feel that the Justification Statement has been misinterpreted, which in part, has perhaps contributed to the outcome of the application.

We received an email from the planning officer on the 14th May 2021, in which, he asked that we '*consider amending our proposal to provide a rear extension*', going on to state that our proposal '*would introduce an unexpected feature in the street that would also harm the amenity of our next door neighbour in terms of sunlight and daylight*'.

In the Report of Handling, the planning officer refers to the '*various front extension precedents in the wider area*,' going on to state that '*of the 7 examples in the supporting statement 6 are significantly offset from the boundary*'. The 7 examples were **not** intended to be an argument against the Placemaking Policy, as we believe they have been taken as. The idea behind the 7 examples highlighted in the supporting statement was, to identify that there are properties in the immediate vicinity of the application site which have front extensions. This was to counter his previous comment made in his email of the 14th May 2021.

To our knowledge, the examples highlighted in the supporting statement all have obtained planning permission, some of which are/were the first in their respective streets to have front extensions.

We believe that the planning officer's main objection with our proposal, is the proximity of our proposed extension to the neighbouring properties front Lounge window. The neighbouring property is a handed version of our property, with a Lounge window to both front and rear elevations. Any shadowing caused by the proposed extension to the front, in our opinion, would be less significant than that of the same extension to the rear of the property due to the sun path, as an extension to the rear, would also give shadow over the rear Lounge window.

Our understanding of planning policies is that the rear of any property is deemed to be the private amenity space associated with the respective property. We have the luxury of having our private amenity space facing in a westerly direction, as do our neighbours, therefore, an extension on the North boundary to the rear (facing West) we feel would have a detrimental impact on the private amenity space to our neighbour. This was also a concern that our neighbour, Gordon, raised in his letter of support.

Having lived in this house for nearly 10 years now, we have very good knowledge of where we get the best of the sunshine when possible. The front of our house is orientated facing in a South Easterly direction, meaning that the best of the evening sunshine is on our back door, the private amenity space.

After the planning officer's suggestion of relocating the proposed extension to the rear during the application process, we had further discussions with our neighbour Gordon, however, both ourselves and our neighbour were not happy with this idea because we all believed that it would be more invasive on Gordon's privacy. This is why it's Gordon's preference to have the proposed extension to the front rather than to the rear and subsequently resulted in him writing his letter of support at this time.

On page 8 of the Justification Statement, there was reference to an application which had been submitted to North Ayrshire Council on 15th, January 2020 for the Erection of a Single Storey Extension to the Front of Terraced Dwelling House at 25, Cramond Place, Broomlands, Irvine. With a reference number of **20/00040/PP**. The aforementioned application was approved under delegated powers with no conditions attached on 7th February 2020.

Our reason for having mentioned this application was that there are, in our opinion, many common similarities between that application which was approved and our proposal which was still under consideration. We felt the similarities between the applications answered the issues raised in relation to the Placemaking Policy.

To clarify, the similarities between each application are as follows;

- Both applications are for an extension to the front of the dwelling
- Both properties have an adjoining neighbour to the North of the application site giving the same sun path
- Both proposed extensions are building up to their North boundary line
- Both properties front on to the public street
- Both properties lay within a street where there are no extensions to the front of any neighbouring properties, therefore making each one the first in the street to have such
- The building line of each property is in line with the attached neighbour to the North

Our proposal is no larger in scale, in fact it is smaller in all aspects. Comparing them both, the approved extension is projecting 4.5m from the front of the existing dwelling, our proposal is to project 2.43m, that's a difference of over 2m shorter than the approved. The approved extension is 4.5m wide, ours is 3.8m wide and the overall height of the approved extension (where adjoining the original dwelling) is 3.81m ours is proposed to be at 3.8m.

In the planning officer's Report of Handling for our application, there was no reference made to any of the obvious similarities between each of the applications, even though these were highlighted in the Justification Statement, does that mean that the planning officer does not consider there to be similarities?

The neighbouring property for the application for Cramond Place did not have a Lounge window within 600mm of the proposed extension, however, due to the sun path we believe that the area to the front, is the more frequently used space for sitting out to enjoy the sunshine, when they are given the opportunity to do so, therefore, in our opinion, the approved extension for Cramond place will have a more detrimental impact on the amenity of the neighbour to the North, than what our extension would have on our neighbour to the North because of the sun path.

The planning officer stated in the Report of Handling that '*Although the letter of support from the current occupier of the adjoining property is noted, the placemaking policy of the LDP requires proposals to respect the amenity of both existing and future users*'. During the mid 1900's the council, not just North Ayrshire but councils all over Scotland were building properties which have a porches to the front of the dwellings, these properties were built in a regularised fashion and not in a handed way.

This resulted in porches being less than 600mm from the neighbouring properties Lounge window. These dwellings were orientated in all directions resulting in porches being built on the North boundary with a Lounge window less than 600mm from the neighbours porch, the distance is most cases is nearer 200mm. The following photographs on the following pages, are examples of the property styles noted above.

Since then, private house builders have also been building new build properties with porches to the front, which are within close proximity to the neighbouring properties lounge window, as some of the examples in the following pages demonstrate.



Picture 01 – Blair Road, Dalry. These dwellings are facing North East.



Picture 02 – St. Brennans Court, Kilbirnie. These dwellings are facing East.



Picture 03 – Chapelhill Mount – Ardrossan. These dwellings are facing West.



Picture 04 – Dalry Road, Saltcoats. These dwellings are facing West.



Picture 05 – Dennyholm Wynd, Kilbirnie. These dwellings are facing East

The following street names are streets in the towns of Dalry and Kilbirnie which have properties built in this fashion, however, as mentioned previously, these house styles are repeated throughout Scotland;

Dalry:

Blair Road (the main road leading to Blairlands Drive), Kingsway, Reddance Terrace, Craig Avenue, Brodlie Drive, Wingfaulds Avenue.

Kilbirnie:

Place View, Ladeside Crescent, Hagthorn Avenue, Manuel Court, Avils Hill, Bathville Road, Garnock Court, Sunderland Court, St Brennans Court, Loadingbank, Briery Court, Loadingbank Court.

We appreciate that the styles of buildings highlighted on the preceding pages were done a long time ago and under different planning policies from which today's applications are subject to, however, our point is that, any existing or future user of these properties is well aware of the close proximity of the porch to the Lounge window to the front of the dwelling. If our proposal was approved then the neighbour at number 35, Blairlands Drive, current and future, would be no different from the thousands of home owners and tenants in these types of properties.

We respectfully request that all of the enclosed information is taken in to account during your deliberations and hope that your findings are in our favour.

Yours faithfully,

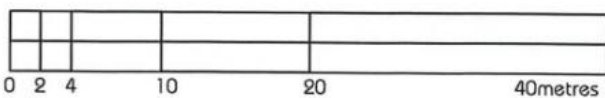
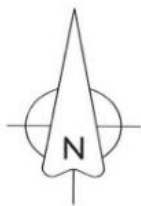
Mr. & Mrs. C. Lawson.



Location of proposed development.

Area of proposed extension shown hatched.

This is a true copy of the drawings referred to in the application.
Signature :



SCALE 1:500

Block Plan

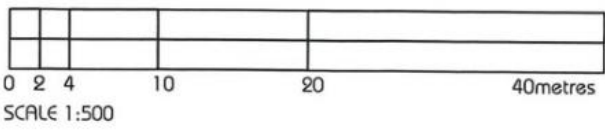
Client. Mr. & Mrs. C. Lawson.		Title. As Proposed	
Address. Proposed Alterations & Extension to House at: 33, Blairlands Drive, Dalry. KA24 4DH		Date. Apr. 21'	Drawing No. PL 01
		Scale. A4 @ 1:500	



Location of proposed development.

This is a true copy of the drawings referred to in the application.
Signature :

Block Plan



Client. Mr. & Mrs. C. Lawson.		Title. As Existing	
Address. Proposed Alterations & Extension to House at: 33, Blairlands Drive, Dalry, KA24 4DH		Date. Mar. 21'	Drawing No. € 01
		Scale. A4 @ 1:500	

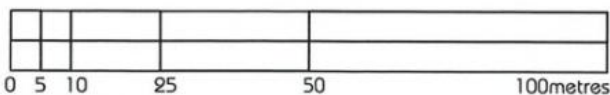
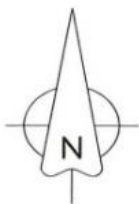
Location of proposed development.



Ordnance Survey (c) Crown Copyright 2012. All rights reserved. Licence number 100020449

This is a true copy of the drawings referred to in the application.
Signature :

Location Plan



SCALE 1:1250

Client. Mr. & Mrs. C. Lawson.		Title. As Existing	
Address. Proposed Alterations & Extension to House at: 33, Blairlands Drive, Dalry. KA24 4DH		Date. Mar. 21'	Drawing No. € 00
		Scale. A4 @ 1:1250	

**Justification Statement
&
Letter of Support**

02.06.21

Dear Marc,

**Proposed Alterations & Extension to Front of Dwelling House at:
33, Blairlands Drive, Dalry. KA24 4DH
Mr. & Mrs. C. Lawson.**

Planning Ref : 21/00419/PP

In support of the recently submitted planning application with the above reference number and in response to your email dated 17/05/21 I would request that this justification statement be considered as part of the application.

As was previously mentioned there have been pre-application discussions carried out regarding the proposal with Mr. Joseph Thompson. There have been several emails sent between us regarding the design with changes being made as per comments received, eventually arriving at the design as submitted. In Mr. Thompson's final email he mentioned that *'it may be considered that whilst the extension would be widely visible, it would not give rise to any significant adverse visual impacts to the area and would be acceptable.'*

I do appreciate and understand that comments made during conversations carried out in pre-application discussions are all subject to a formal application being submitted and any final decisions are reserved for such.

In your email of the above date, to my understanding there are two main elements of the proposal that are of concern to yourself. Firstly, in your own words *'I find the proposal to be unacceptable in visual quality terms'*. I accept that this would be the first property in the street of Blairlands Drive with an extension to the front of the dwelling however, there are examples of the same in the immediate vicinity, please see 'Picture 1 and Picture 2' below.

Picture 1 – View looking East, North East from standing outside No. 37 Blairlands Drive, Dalry. As highlighted in the red circle you can see an extension to the front of No. 63, Stoopshill Crescent, Dalry.



Picture 2 – A view standing at the junction of Blairlands Drive and Stoopshill Crescent to the North of the application site. The application dwelling is in the yellow oval and in the red circle is a property with an extension to the front of similar scale to that of our proposal.



Stoopshill Crescent is the main link road in a horseshoe shape connecting East and West side of Blair Road around the North side, this is also part of the local bus route. Blairlands Drive, is a secondary road accessed only from Stoopshill Crescent therefore, I would say that properties on Stoopshill Crescent are in a more prominent location than those in Blairlands Drive given that they are part of the primary road system. These dwellings are subject to much more traffic and passing public than that of Blairlands Drive.

The pictures on the following pages are all examples of other extensions to the front of their respective dwellings in the local area to Blairlands Drive.



Picture 3 – Stoopshill Crescent, Dalry.

This is the same extension as noted in Picture 2 looking directly at the dwelling.

Here you can see the extension is larger than 50% of the total width of the original dwelling.



Picture 4 – Stoopshill Crescent, Dalry.

This is the same extension as noted in Picture 1 taken from a closer distance. This extension was finished to match the main part of the dwelling however, this has now since been changed leaving the extension with a timber clad finish, no longer matching the main dwelling.



Picture 5 – Stoopshill Crescent, Dalry.

This is the same extension as noted in Picture 1 & 4 taken from a different angle.



Picture 6 – Stoopshill Crescent, Dalry.

This extension formed with a flat roof and horizontal cladding stands out from the main dwelling in an unsympathetic way.

Granted permission in May 2019.



Picture 7 – Stoopshill Crescent, Dalry.

This is the same extension as noted in Picture 6 taken from a different angle.

Here you can see the extension is larger than 50% of the total width of the original dwelling.



Picture 8 – Stoopshill Crescent, Dalry.

This dwelling has been significantly altered from its original form, with the large storey and a half side extension helping to disguise the size of the extension to the front of the dwelling.

Granted permission in 2014.



Picture 9 – Stoopshill Crescent, Dalry.

This is the same extension as noted in Picture 8 taken from a different angle.

The front extension is finished with the same materials as the main dwelling and side extension.



Picture 10 – Blairlands Avenue, Dalry.

This dwelling is also located on the main link road off Blair Road and part of the local bus route, making it in a more prominent location than our house.

This extension is also built on the North boundary of the property shadowing the neighbouring entrance door.



Picture 11 – Cleeves Avenue, Dalry.

This extension to the front of the dwelling is done so to a property of the same style as ours, finished with materials to match the original dwelling.

Cleeves Avenue is a secondary road accessed only from Blairlands Avenue.

This is the only dwelling in the street with an extension to the front.



Picture 12 – Cleeves Avenue, Dalry.

This is the same extension as noted in Picture 11 taken from a different angle.



Picture 13 – Kerse Avenue, Dalry.

This is a large extension to the front and side of a dwelling granted permission in 2006, again, the extension is finished with materials to match the existing dwelling in a sympathetic manner.

Both of the existing extensions highlighted in Pictures 1, 2, 3, 4 and 5 are located within 70m of the application site. All other examples shown are within the general vicinity of Blairlands Drive as shown in the map extraction below in the green and yellow circles. The application site is outlined in red.



In the second element of your email, which I believe to be of concern to you about our proposal, is that upon your examination of the application as submitted you feel that the proposal *'would adversely affect the adjoining property in terms of sunlight and daylight, given that this property is located to the north of no. 33'* and your advice is to relocate the proposed extension to the side or rear of the property.

At this time, I would like to bring your attention to an application that was submitted to and approved by North Ayrshire Council last year, the application reference number is **20/00040/PP**.

This application was granted approval under delegated powers with no conditions attached and I believe the approved application bears a similar resemblance to our proposal, in the following manner:

- Both applications are for an extension to the front of the dwelling
- Both properties have an adjoining neighbour to the North of the application site giving the same sun path
- Both proposed extensions are building up to their North boundary line
- Both properties front on to the public street
- Both properties lay within a street where there are no extensions to the front of any neighbouring properties, therefore making each one the first in the street to have such
- The building line of each property is in line with the attached neighbour to the North

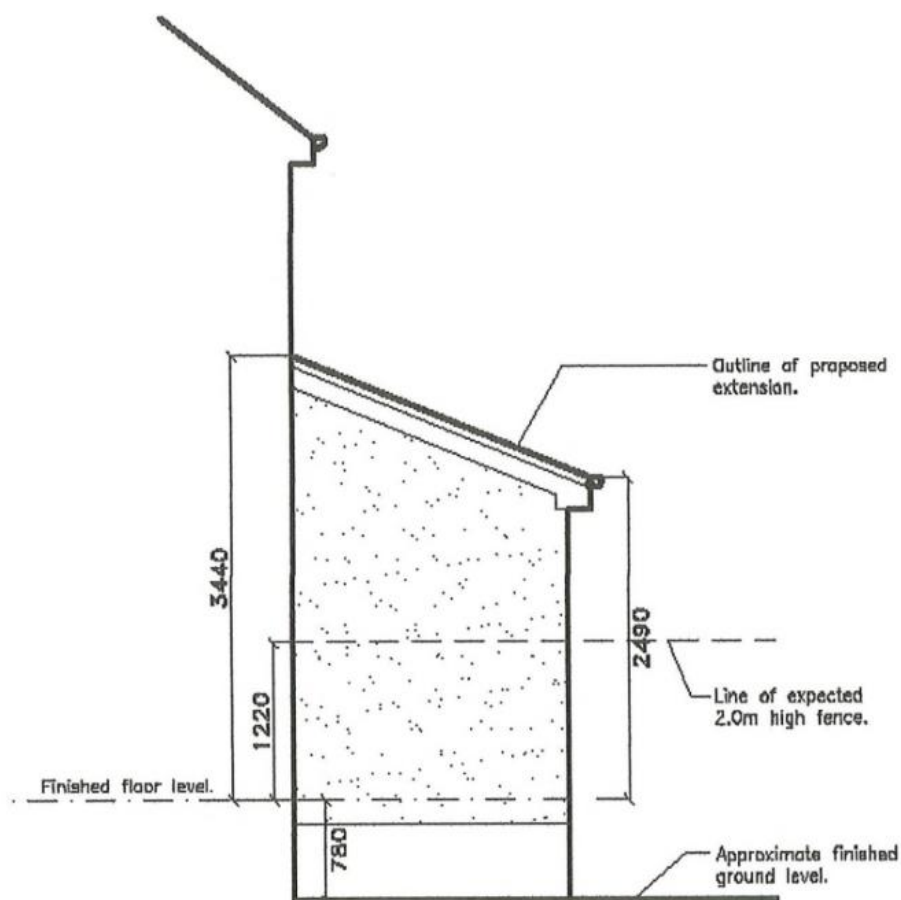
As far as differences between each application they are as follows;

- The street side of the approved application is to the West of the application site whereas our street is to the East
- The approved application is projecting 4.5m out from the front line of the existing dwelling, ours is 2.4m
- The highest point of our proposal is approximately 400mm below that of the approved application.

I believe that this is a very good example for comparison as the effects on the neighbouring properties are very similar. Given that the application noted above was granted approval without conditions under delegated powers, I question why our proposal is being scrutinised in such a way.

In your email, you also noted that 'An extension to the rear, where there is an expectation of 2.0m high boundary fence, would not have the same impact on the adjoining property in terms of sunlight and daylight'.

The existing finished ground level to the rear of the properties is approximately 780mm below the existing finished floor level of the dwelling, with both properties formed at the same level as each other. If there was a 2.0m high fence to the rear, then this would only be 1.220m above the finished floor level, however, if the same extension as submitted was relocated to the rear of the property, then the highest point of the extension would be 3.440m above finished floor level and the lowest point being 2.490m above, both of these heights are much greater than the 1.220m of an expected boundary fence. Please see diagram below showing the impact a proposed extension formed to the rear would have on the neighbouring property.



As the rear of the adjoining property is the best location for the evening sunlight and the 'private' amenity then a proposed extension located here, in my opinion would have a more adverse affect on the property than that of an extension to the front, as proposed.

We have spoken in great detail with our neighbour Gordon about the proposal submitted. Gordon has insisted that he has no issues with the proposed extension to the front and he has written his own letter of support for the proposed extension, which I enclose. I appreciate that Gordon is not the owner of the neighbouring property however as the present occupier, this proposal has the greatest impact on his amenity.

I have always believed that the planning process is very much a subjective / opinionated process however, the guidelines of the planning policies are set out with the aim of achieving a level of consistency throughout applications. As much as the example of the application 20/00040/PP is not located within the same town as our dwelling it is still within the same council district and has been approved against the same policies that apply to our proposal.

I hope that the enclosed information is given a fair assessment and that perhaps your current view on our proposal is altered to a more favourable outlook for the application that we have submitted.

Yours faithfully,



Mr. & Mrs. C. Lawson.

Marc Miller
Assistant Planning Officer
Planning Services
North Ayrshire Council
Cunninghame House
Irvine
KA12 8EE

Mr Gordon Harkins
35 Blairlands Drive
Dalry
KA24 4DH

Planning Ref: 21/00419/PP

**Proposed Alterations & Extension to Front of Dwelling House at:
33 Blairlands Drive, Dalry, KA24 4DH
Mr & Mrs. C Lawson**

Dear Marc,

I am writing to you in support of the planning application listed above as the current occupant of the neighbouring adjoining house to which this application applies.

I have received my notice from the local planning authority regarding the proposed changes to the property next door belonging to my neighbours Mr & Mrs Lawson, and I have no objections to the proposed design, layout, or location shown in the proposal.

The proposed extension is a single story, and relatively small in size – similar to other extensions in the local area situated at the front of properties.

I have spoken to my neighbour Mr Craig Lawson in detail regarding the proposed extension and he has notified me of your concerns regarding the application. I agree with my neighbour Craig that an extension to the back would not be possible as the drop in floor level would make an extension to the back of his property extremely high – possibly blocking natural light to the back of my property which is South facing and in the natural sun path.

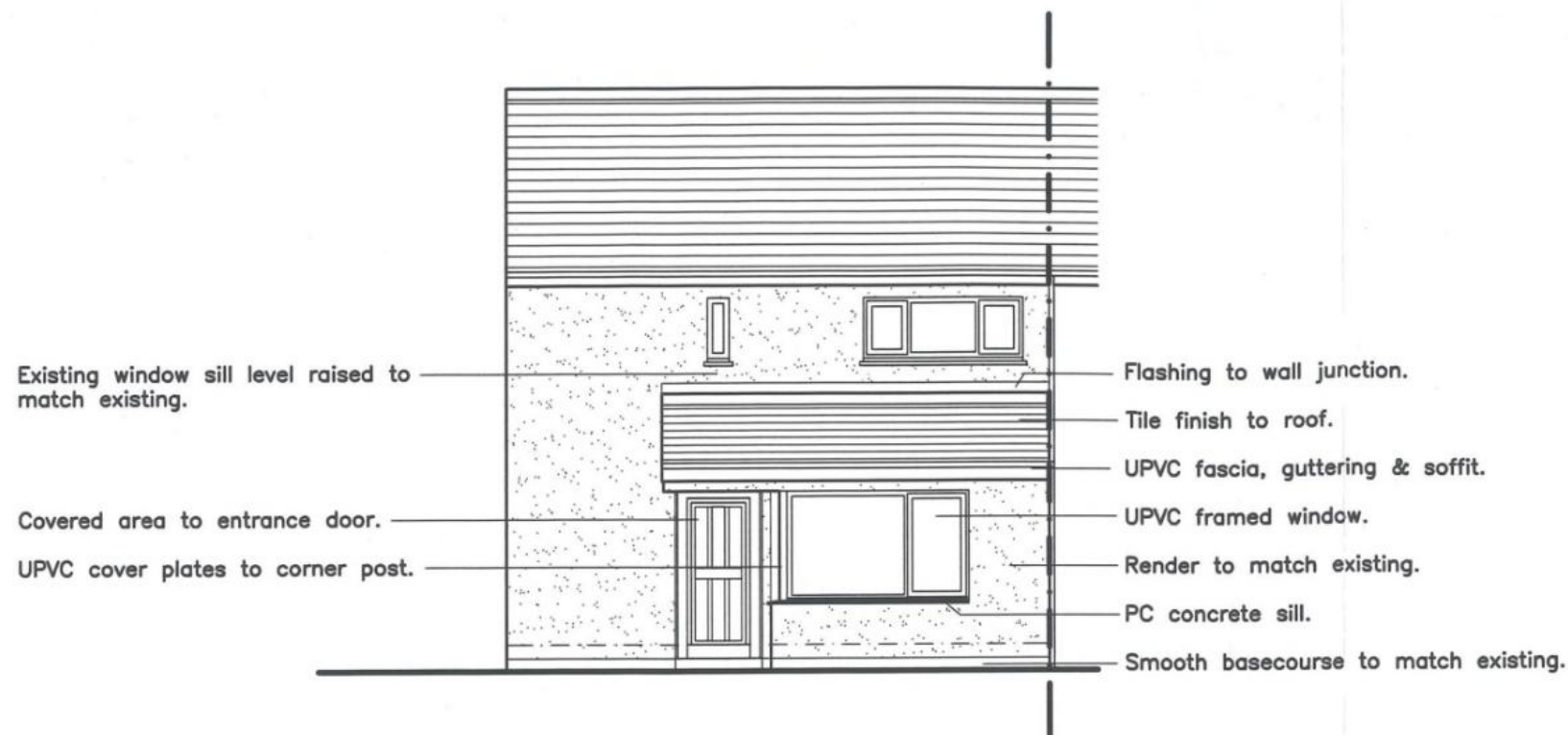
I also agree with Mr Craig Lawson that the current proposed design for the extension to the front is also in keeping with the aesthetic of the area, and similar to other extensions to the front of properties in neighbouring streets.

I wish to support the aforementioned application on the following grounds:

1. No loss of natural light to the front of my property.
2. The loss of natural light to the back of my property (if proposal is changed to the back as you requested)
3. The loss of privacy to the back of my property (if proposal is changed to the back as you requested)
4. The extension is small, in-keeping with the surrounding area, and finished to a high quality.

Kind Regards,

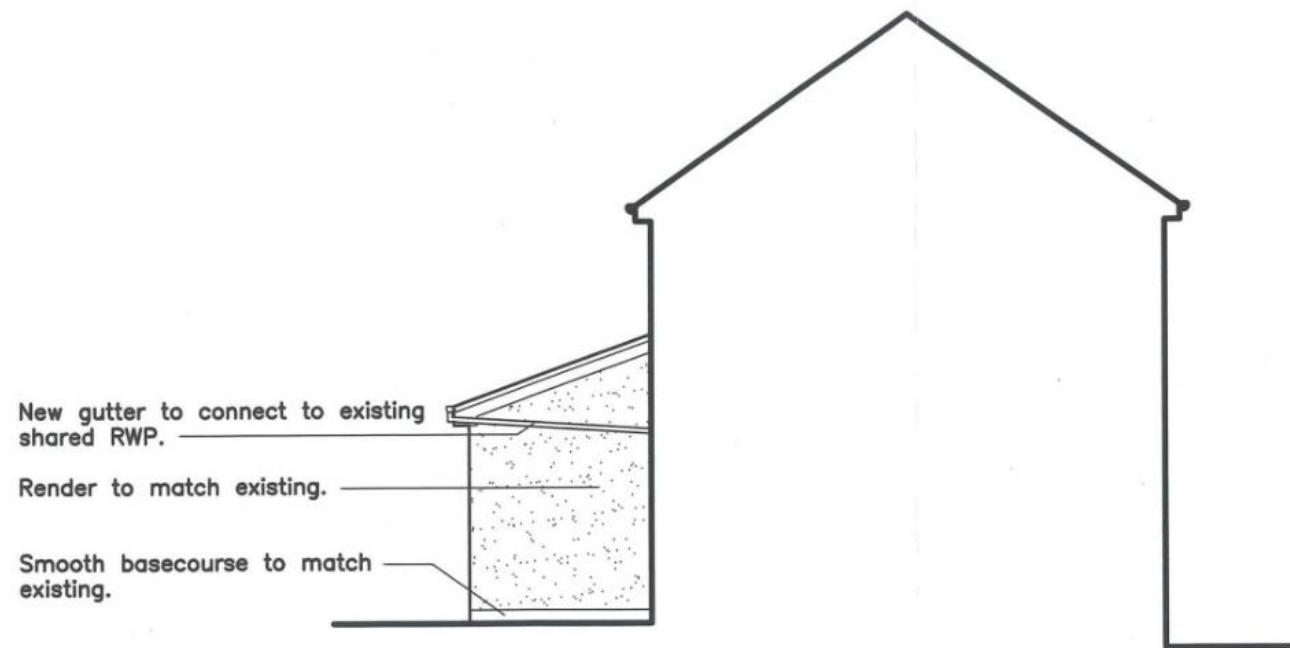

Mr Gordon Harkins



South East

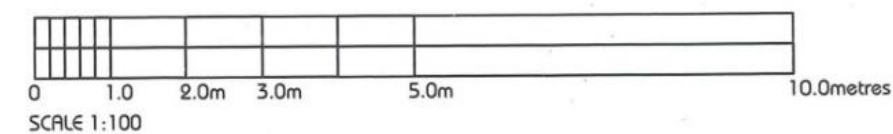


South West



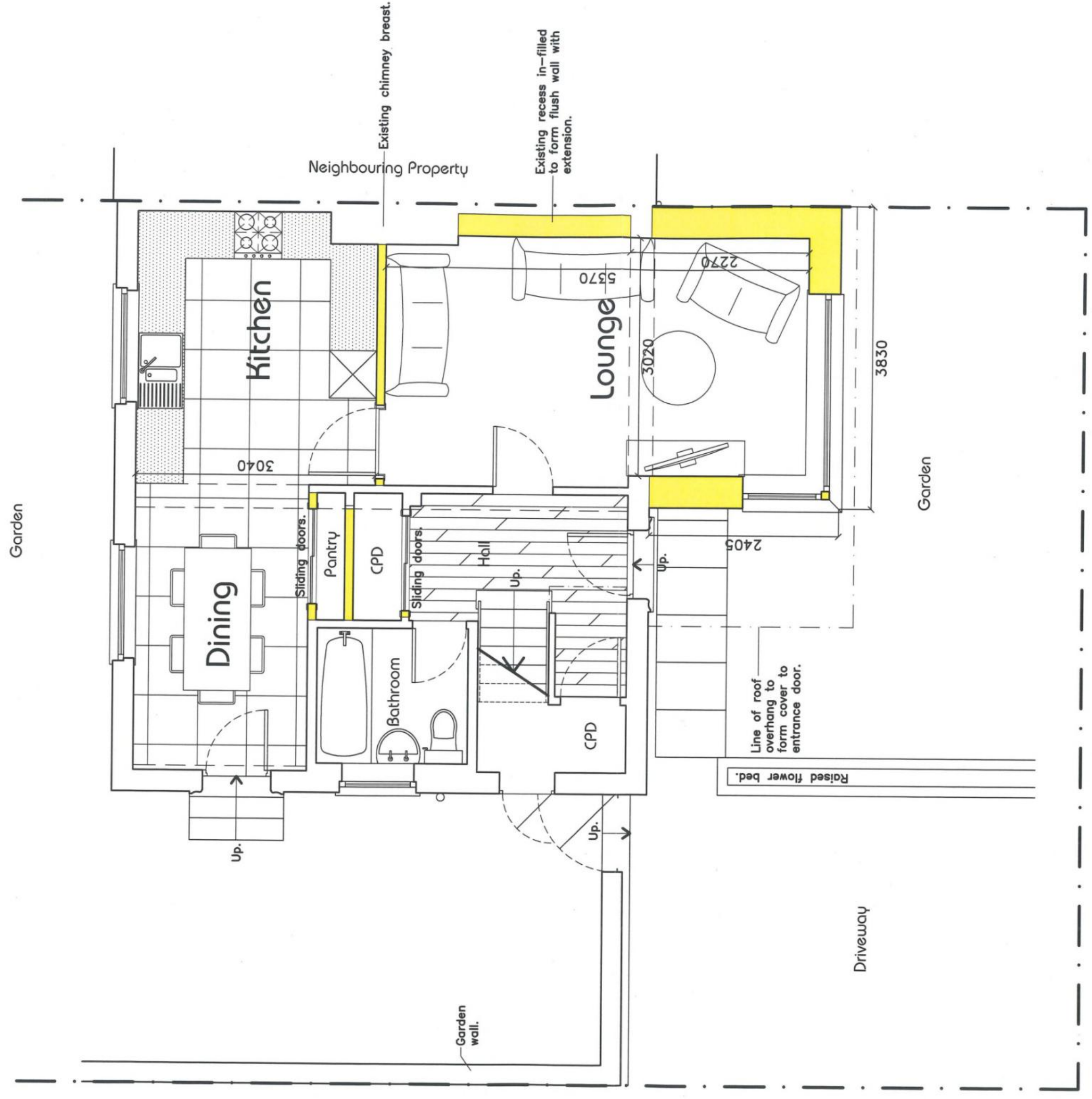
North East

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Signature :

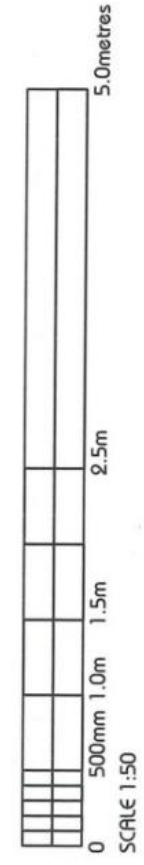


Elevations

Client. Mr. & Mrs. C. Lawson.	Title. As Proposed	
Address. Proposed Alterations & Extension to House at: 33, Blairlands Drive, Dalry. KA24 4DH	Date. Apr. 21'	Drawing No. PL 03
	Scale. A3 @ 1:100	



This is a true copy of the drawings referred to in the application.
Signature :



Ground Floor Plan

Client. Mr. & Mrs. C. Lawson. Address. Proposed Alterations & Extension to House at: 33, Blairlands Drive, Dalry. HA24 4DH	Title. As Proposed
	Date. Apr. 21'
	Drawing No. PL 02
Scale. A3 @ 1:50	

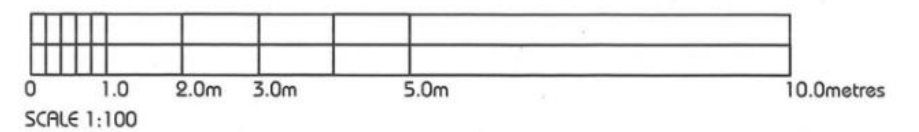


South East



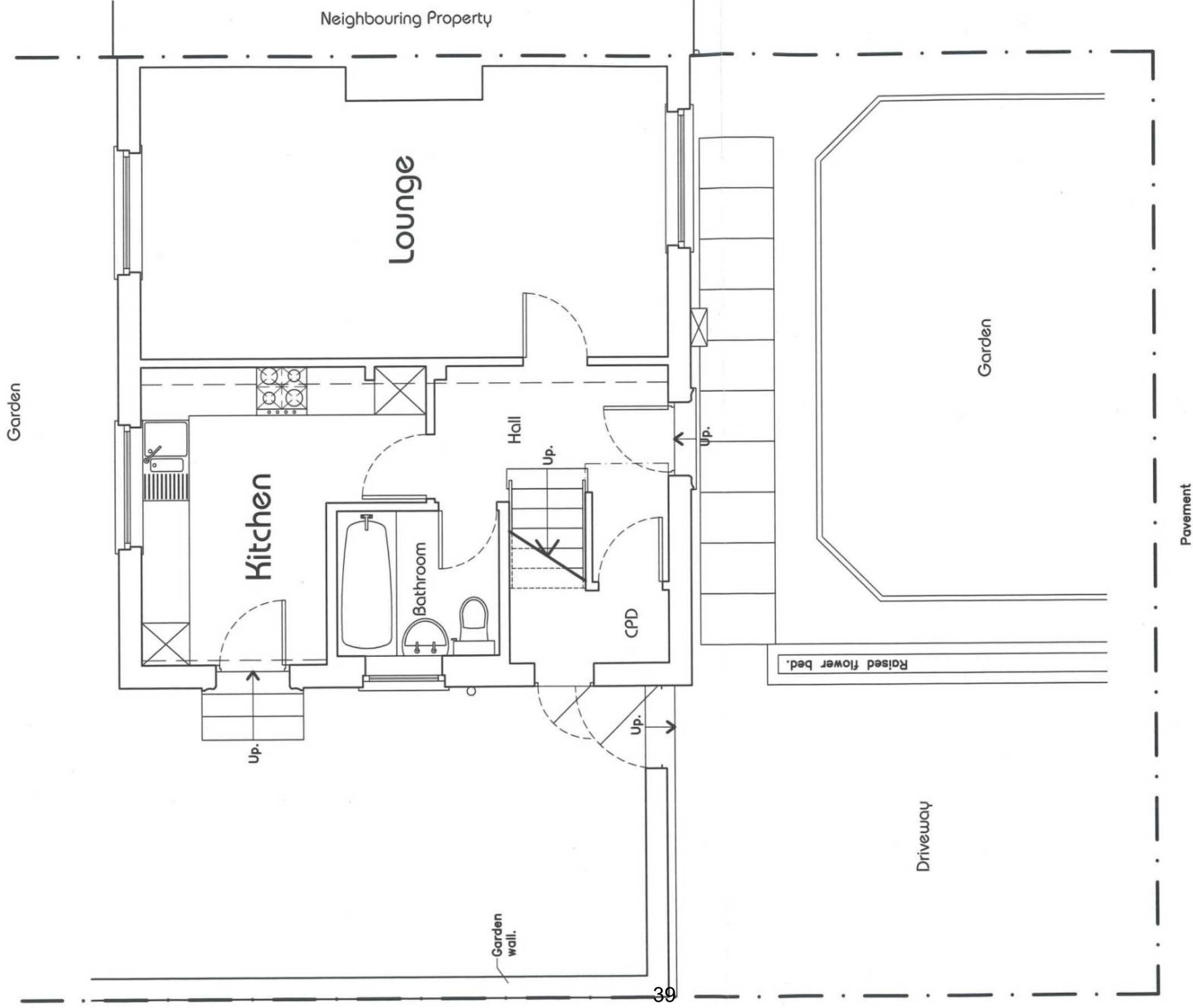
South West

This is a true copy of the drawings referred to in the application.
Signature :

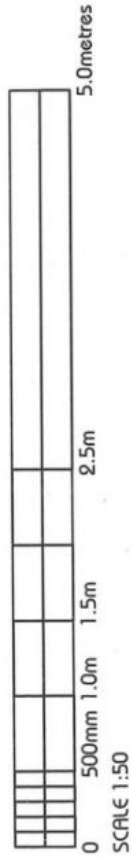


Elevations

Client. Mr. & Mrs. C. Lawson.	Title. As Existing	
Address. Proposed Alterations & Extension to House at: 33, Blairlands Drive, Dalry. KA24 4DH	Date. Mar. 21'	Drawing No. € 03
	Scale. A3 @ 1:100	



This is a true copy of the drawings referred to in the application.
Signature :



Ground Floor Plan

Client. Mr. & Mrs. C. Lawson. Address. Proposed Alterations & Extension to House at: 33, Blairlands Drive, Dalry. KA24 4DH	Title. As Existing	
	Date. Mar. 21'	Drawing No. € 02
	Scale. A3 @ 1:50	

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan		
Block Plan / Site Plan	E 01	
Existing Floor Plans	E 02	
Existing Elevations	E 03	
Proposed Plan	PL 01	
Proposed Floor Plans	PL 02	
Proposed Elevations	PL 03	

**Approved Planning
Application**

Ref : 20/00040/PP

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	20/00040/PP
Proposal:	Erection of single storey extension to front of terraced dwellinghouse
Location:	25 Cramond Place, Broomlands, Irvine, Ayrshire KA11 1HD
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 15.01.2020 Neighbour Notification expired on 05.02.2020
Advert:	Not Advertised
Previous Applications:	None

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

This application seeks planning permission for the erection of a single storey extension to the front of a terraced dwellinghouse. The extension would measure 4.5m x 4.5m on plan, with a footprint of approx. 20.25sqm, and would provide a new bedroom. The proposal would include a mono-pitched roof, measuring approx. 3.81m to the highest point and 2.807m high to the eaves. There would be a bedroom window to the front elevation and a door to the south side elevation. Materials would consist of concrete roof tiles, colour to match with existing roof; white upvc fascia, verge and soffit boards; upvc windows and doors; smooth cement render finish to door and window ingoos; and render and facing brick basecourse to external walls, to match with the existing house.

The application site is located at 25 Cramond Place, Broomlands, Irvine. The existing building is a mid-terraced two storey dwellinghouse. The terraced row within which the property is located has a staggered building line. The existing site boundary treatments consist of an approx. 1m high timber fence to the front of the

property. There is no parking or driveway within the curtilage of the site. There are residential properties to all side of the application site.

The application site is allocated as general urban area in the Adopted Local Development Plan (LDP) and therefore the Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy) applies. All applications for planning permission require to be assessed against Strategic Policy 2 (Placemaking).

Consultations and Representations

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

Analysis

The erection of an extension to a domestic dwellinghouse does not raise any land use policy implications and would be acceptable in principle in terms of the Towns and Villages Objective of LDP Strategic Policy 1 (Spatial Strategy). The application requires to be assessed against Strategic Policy 2 (Placemaking) which identifies certain qualities of a successful place which all applications for planning permission are expected to meet.

Though located to the front of the dwellinghouse, and visible from public viewpoints on Cramond Place, the proposed extension would be relatively modest in size and form. Its design would draw upon existing characteristics of the house and the neighbouring houses, including the mono-pitched roof and external finishes. The extension would project 4.5m from the existing front elevation. However, given the staggered building line of the terraced row, it is not considered that the proposal would have an adverse impact on the visual amenity of the terraced row and surrounding area. The proposed windows and door would open and look out onto the applicant's own garden ground and Cramond Place and would replace existing openings to the front elevation. As such, the proposal would not give rise to any additional or significant privacy issues to neighbours. Similarly, given its orientation and modest height, there would not be any sunlight/daylight impacts. There would be no impact on parking provision for the house, since there is no driveway to the front. Therefore, it is considered that the proposal would not have an adverse impact on the site or surrounding area and respects the amenity of existing and future users, meeting the relevant criteria of a successful place as identified in Strategic Policy 2 (Placemaking).

Based on the above observations, the proposal complies with the relevant policies of the LDP and there are no other material considerations to indicate otherwise. Therefore, planning permission should be granted.

Decision

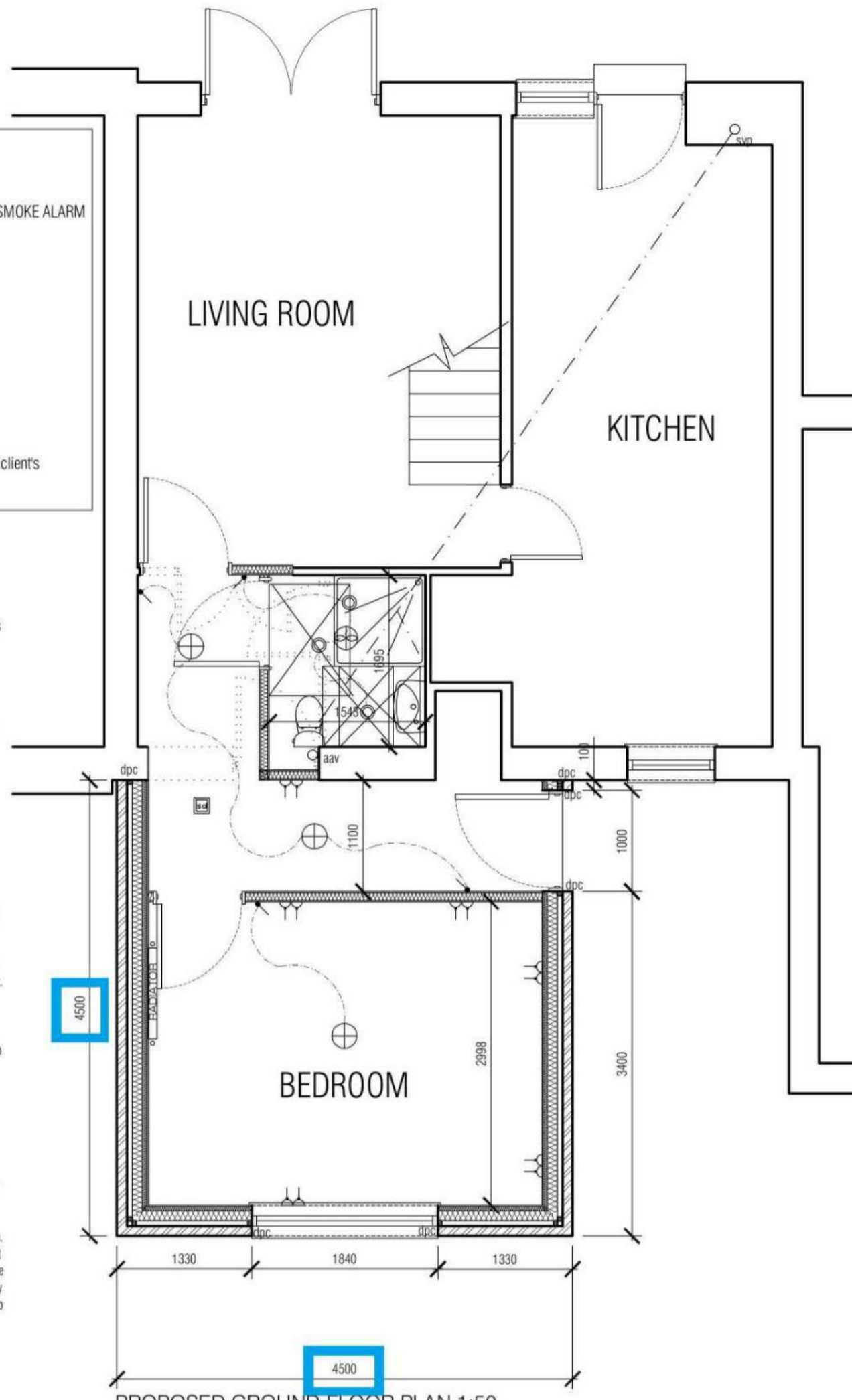
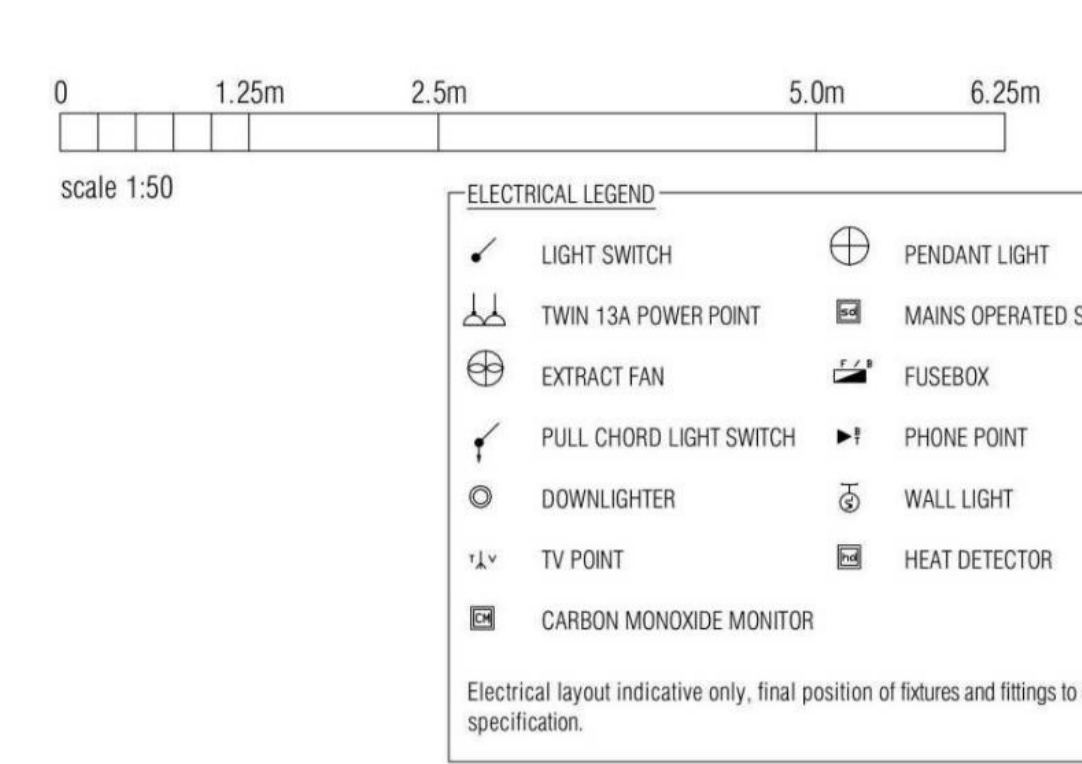
Approved with no Conditions

Case Officer - Mr Joe Thompson

20/00040/PP

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Full Layout - Existing and Proposed	CHAMBERS 1949 - 01	
Location Plan	CHAMBERS 1949 - loc	



MAN SPECIFICATION

FOUNDATIONS
Ground make up and depth of existing foundations to be checked prior to the commencement of any works. All foundations to be on a sub soil with a bearing capacity of 100kN/m² with 600mm minimum cover to underside or to same depth as existing house founds, whichever is greater. Foundations to be 200mm deep concrete strip foundations with one layer A252 mesh with 50mm bottom cover. Concrete to be BS Newcast and to BS 5328. Cement to be Ordinary Portland to BS 12. Aggregates both coarse and fine to be to BS 882. Nominal maximum size of aggregate to be 20mm. No concrete to be placed against frozen or frost covered surfaces. Foundation on boundary as per detail.

UNDERBUILDING
To be 100mm common brick outer leaf with a 60mm cavity filled to ground level with lean mix concrete and an inner leaf of 100mm thick common brick. All underbuilding to be in good quality common brickwork. A DPC to be inserted 150mm minimum above finished ground level. New walls tied to existing with stainless steel starter kits and a vertical dpc raggle. Facing brick to be built from courses below ground level.

DAMP PROOF COURSES AND LEAD
To cavity walls, cavity closures, firestops, steps and cills to be bituminous felt or PVC to BS 743. All leadwork for flashings, valley gutters etc to be in accordance with BS6915 : 2001 FLOOR

Floor level to be continuous from existing building into proposed extension and consist of 22mm moisture resistant T&G chipboard flooring on 50 x 50mm tanalised sw battens on a DPC on 150mm thick float finished concrete with 2 layer of A252 mesh with 50mm top and bottom cover on 120mm gauge Viquevan DPM on 50mm sand binding on 150mm well compacted and consolidated hardcore. 50mm rigid insulation around perimeter of floor slab to prevent cold bridging.

SUPERSTRUCTURE
External wall construction to be 19mm render to match on 100mm common brick / block 50mm vented cavity and a timber framed inner leaf to be foil bubble breather building paper on 9.5mm sheathing grade plywood on 100 x 50mm sw studs at 600mm centres with 70mm Kingspan K12 rigid insulation board between studs and lined with 52.5mm Kingspan K18 insulated plasterboard with integral vapour barrier, all joints to be taped and filled. Stainless steel chevron wall ties fixed to slope away from sheathing and nailed with 2No. 50 x 3mm stainless steel ring shank nails. Wall ties fixed at 600mm centres horizontally and 450mm centres vertically, increased locally around door and window openings. Timber frame to have 2No. 100 x 50mm sw top runners with the uppermost top runner to be sited fixed and 2No. 100 x 50mm sw bottom runners. Holding down straps to be 1100 x 30 x 3mm galvanised metal straps to every second stud and at every corner, straps fixed to studs using 5No. 90 x 4mm wide nails. Straps to be built into external leaf of common brick. Firestops to be 50 x 38mm sw timbers spaced at 200mm and positioned around window openings, at every corner, at eaves level and at ceiling and floor levels. Cavity ventilation to be provided at 1200mm centres by precast concrete vents, situated in the brick course below dpc level, all eaves and above and below horizontal cavity barriers. Cavity vents at 900mm centres at ground level. New walls to be tied to existing, stainless steel starter kits to masonry outer leaf with timber kit inner leaf with M12 anchor bolts at 500mm centres. Straps and fixings to match existing. Wall closed to boundary to be sheathed with 12.5mm plasterboard on inside side of insulated plasterboard, laid crossbonded with all joints taped and filled. No services to be fixed to or contained within gable wall unless surface mounted.

INTERNAL PARTITIONS
Internal partitions to be formed with 75 x 50mm sw studs at 600mm centres with a minimum 25mm thick mineral wool insulation (minimum density of 10kg/m³) laid between studs and lined both sides with 12.5mm plasterboard (minimum mass per unit area 10kg/m²), all joints taped and filled. Internal partitions to provide a minimum airborne sound insulation level of 43Rw. Interior quality timber doors to be installed with the requisite ironmongery and to have a minimum clear opening width of 775mm.

WINDOWS & DOORS
Install new uPVC window units / doors with a U-value of 1.4W/m²K. A trickle vent to be fitted to the head, capable of providing 12000mm³ ventilation. Any glass less than 800mm above FFL to be toughened in accordance with BS 6262. New doors and window units to meet the recommendations for physical security as set out in Section 2 of 'Secured by Design' (ACPO, 2009), or to be in accordance with BS PAS 24: 2007 for doors and BS 7950: 1997 for windows. uPVC units to be designed and constructed in accordance with BS 7412: 2007. All external doors to be fitted with laminated glass or a similarly robust glazing material.

MANUAL CONTROLS - WINDOWS
An operable window, rooflight or other ventilator, that provides natural ventilation to meet Standard 3.14, should have controls for opening, positioned at least 350mm from any internal corner, projecting wall or similar obstruction and at a height of: not more than 1.7m above floor level, where access to controls is unobstructed or not more than 1.5m above floor level, where access to controls is limited by a fixed obstruction, not more than 900mm high which projects not more than 600mm in front of the position of the controls, such as a kitchen base unit. Where obstruction is greater, a remote means of opening, in an unobstructed location, should be provided or not more than 1.2m above floor level, in an unobstructed location, within an enhanced apartment (see clause 3.11.2) or within accessible sanitary accommodation (see clause 3.1.2.3) not provided with mechanical ventilation.

ROOF
Where roof meets existing wall, a 150mm code 4 lead flashing to be ragged into wall to a depth of 38mm and dressed down over tiles. Roof to be Redland Regent concrete roof tiles, through coloured with a 100mm min headlap, colour to match existing on 50 x 38mm sw battens and counter-battens on 1No. layer of Kingspan Nilvent breathable roofing membrane, installed in accordance with manufacturers written instructions on 12.5mm timber sarking planks on pre-manufactured roof trusses at 600mm centres. Roof pitch to be 12.5°. Design certificate for roof trusses to be submitted to Building Control and/or structural engineer prior to works being completed on site. Roof bracing to be in accordance with truss manufacturers recommendations and BS 5268 Part 3. All roofing for ridge, verge etc. to be dry fixed in accordance with manufacturers details. 200mm mineral wool insulation to be placed between the ceiling ties of the trusses with a further 200mm mineral wool insulation placed above and at right angles to the insulation between ties. Ceiling finish to be 12.5mm plasterboard with all joints taped and filled. Trusses to be tied down with galvanised metal Bat truss clips. Gable restraint straps to be galvanised metal engaging 3No. trusses and built into outer leaf of brickwork, 3No. per gable and to be fitted to rafters. Trusses supported at existing house wall on a galvanised metal post hangers on a 150 x 50mm sw bearer fixed to existing wall with M12 anchors. All external fascia, verge and soffit boards to be white upvc boards. 100mm half round uPVC rainwater gutter.

SHOWER ROOM
Shower room to be fitted with the appropriate sanitaryware, and to have the necessary piped supply of hot and cold water. A mechanical extract fan to be installed in shower room capable of an extraction rate of 15 litres per second and one air change per hour and ducted to a suitable terminal at external air. An activity space of 800 x 1100mm to WC, 700 x 800mm in wash hand basin/wall hung and 800 x 800mm to shower, clear of door swings to be provided within shower room. 38mm uPVC waste pipe outlets with 75mm deep seal traps to all appliances and 100mm uPVC waste pipe from wc connected to an admittance valve with hand hole access and discharged into existing drain via 100mm uPVC waste pipe. Waste pipe to be laid with a minimum fall of 1 in 40. Shower to be fitted with a TMV capable of restricting the water temperature at point of discharge to 48°C. Walls around shower to be lined with ceramic wall tiles. WC and urinal to be fitted with water efficient fittings and average flush volume not more than 4.5 litres for WC and wash hand basin to have flow rate not more than 6 litres per minute. Drain to run under floor and be suspended with wire hangers to give a 1 in 40 fall and be connected to existing soil vent pipe.

INSTALL NEW uPVC WINDOW UNITS / DOORS WITH A U-VALUE OF 1.4W/M²K
A trickle vent to be fitted to the head, capable of providing 12000mm³ ventilation. Any glass less than 800mm above FFL to be toughened in accordance with BS 6262. New doors and window units to meet the recommendations for physical security as set out in Section 2 of 'Secured by Design' (ACPO, 2009), or to be in accordance with BS PAS 24: 2007 for doors and BS 7950: 1997 for windows. uPVC units to be designed and constructed in accordance with BS 7412: 2007. All external doors to be fitted with laminated glass or a similarly robust glazing material.

OUTLETS AND CONTROLS OF ELECTRICAL FIXTURES AND FITTINGS
Should be positioned at least 350mm from any internal corner, projecting wall or similar obstruction. Light switches should be positioned between 900 and 1100mm above floor level. Standard switched or unswitched sockets should be positioned at least 400mm above floor level and 150mm above the projecting surface such as a workshop obstruction. Where sockets are concealed, separate switching to be provided in an accessible position to allow appliances to be isolated. New light fittings to be low energy type.

A mains operated smoke alarm with battery back-up to be installed in accordance with BS 5446: Part 1 (2000). Smoke alarm to be no more than 7 metres from living room and kitchen doors and no more than 3 metres from bedroom doors. All smoke alarms to be interconnected. Ceiling mounted alarm to be more than 300mm from walls and light fittings. A heat alarm to be installed within the kitchen in accordance with BS 5446: Part 2, 2003 and ceiling mounted, between 25 mm and 150mm below the ceiling.

GENERAL
Sanitary pipework to comply with BS EN 12056-2:2000. External waste water drainage to comply with BS EN 12056-1:2000, BS EN 752:2008 and BS EN 1610: 1998. Surface water drainage to comply with BS EN 12056-3: 2000

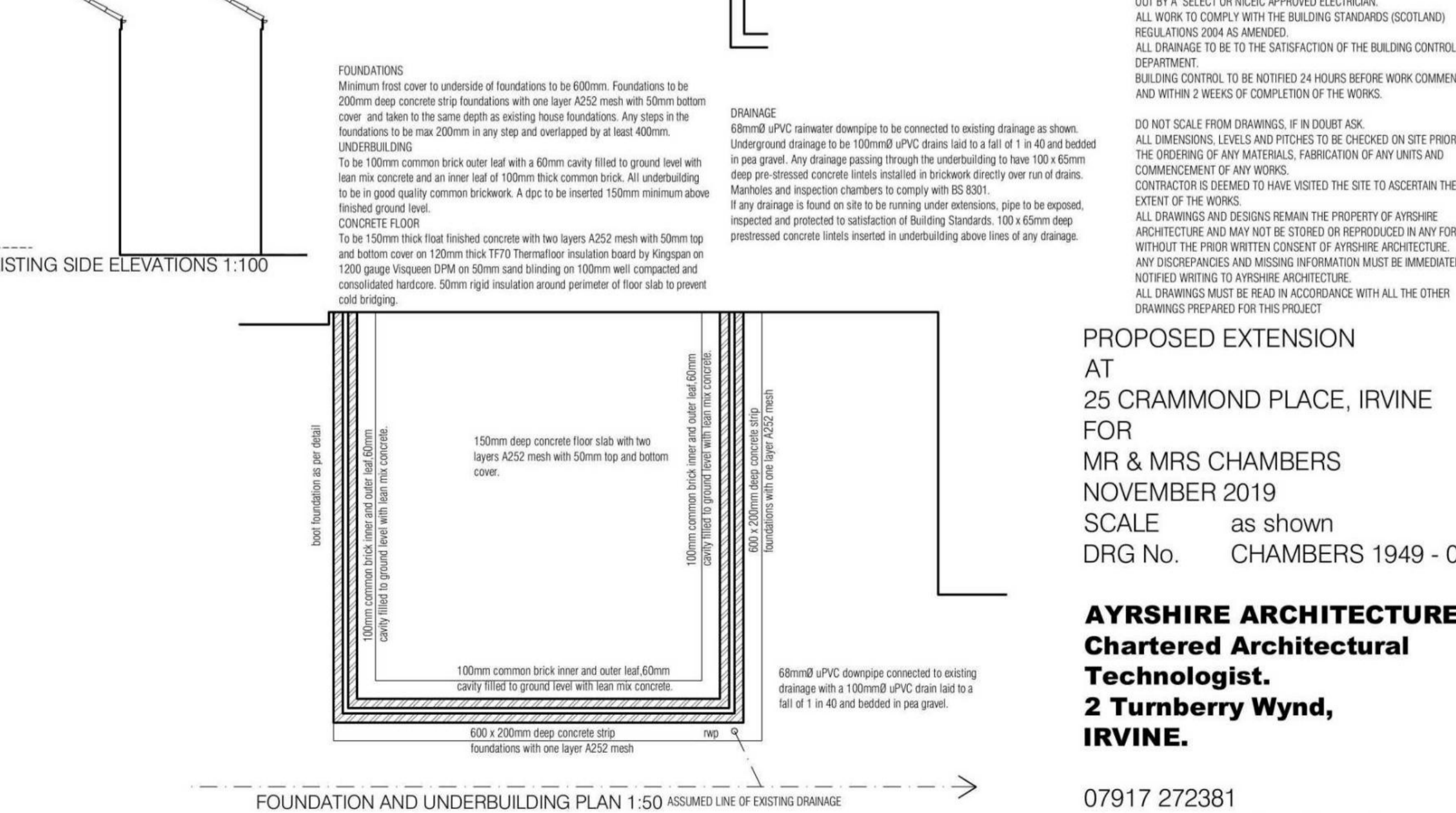
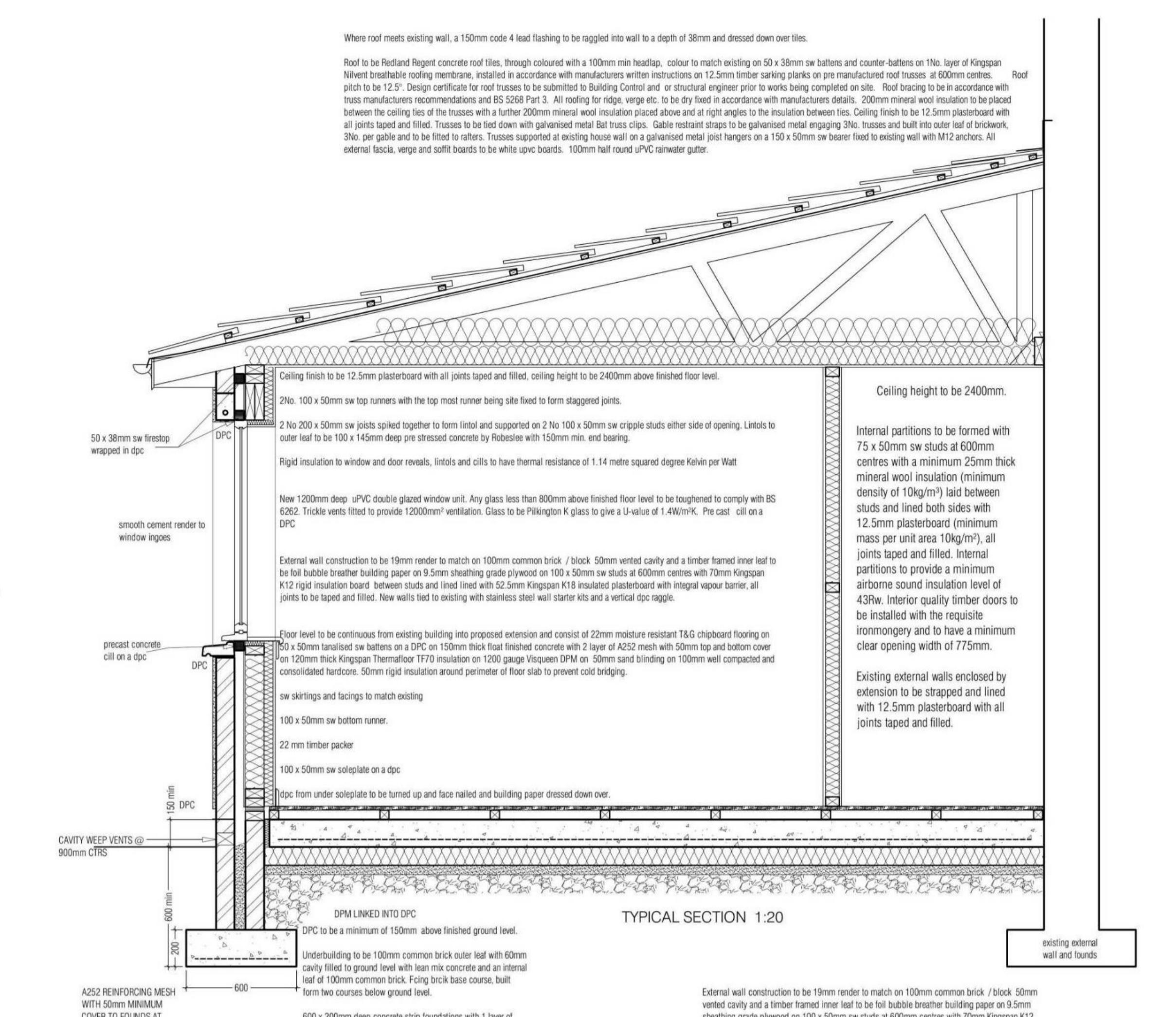
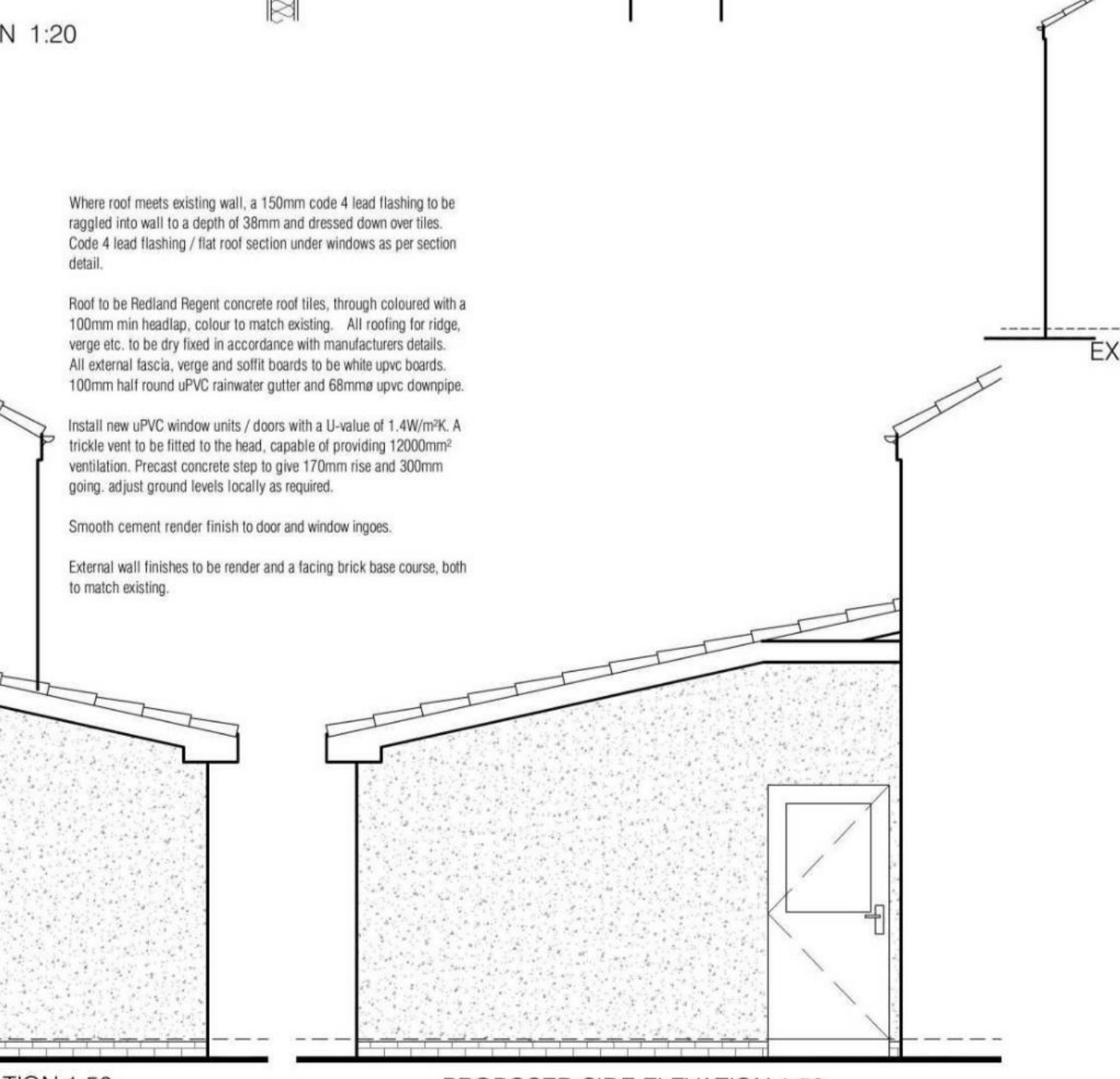
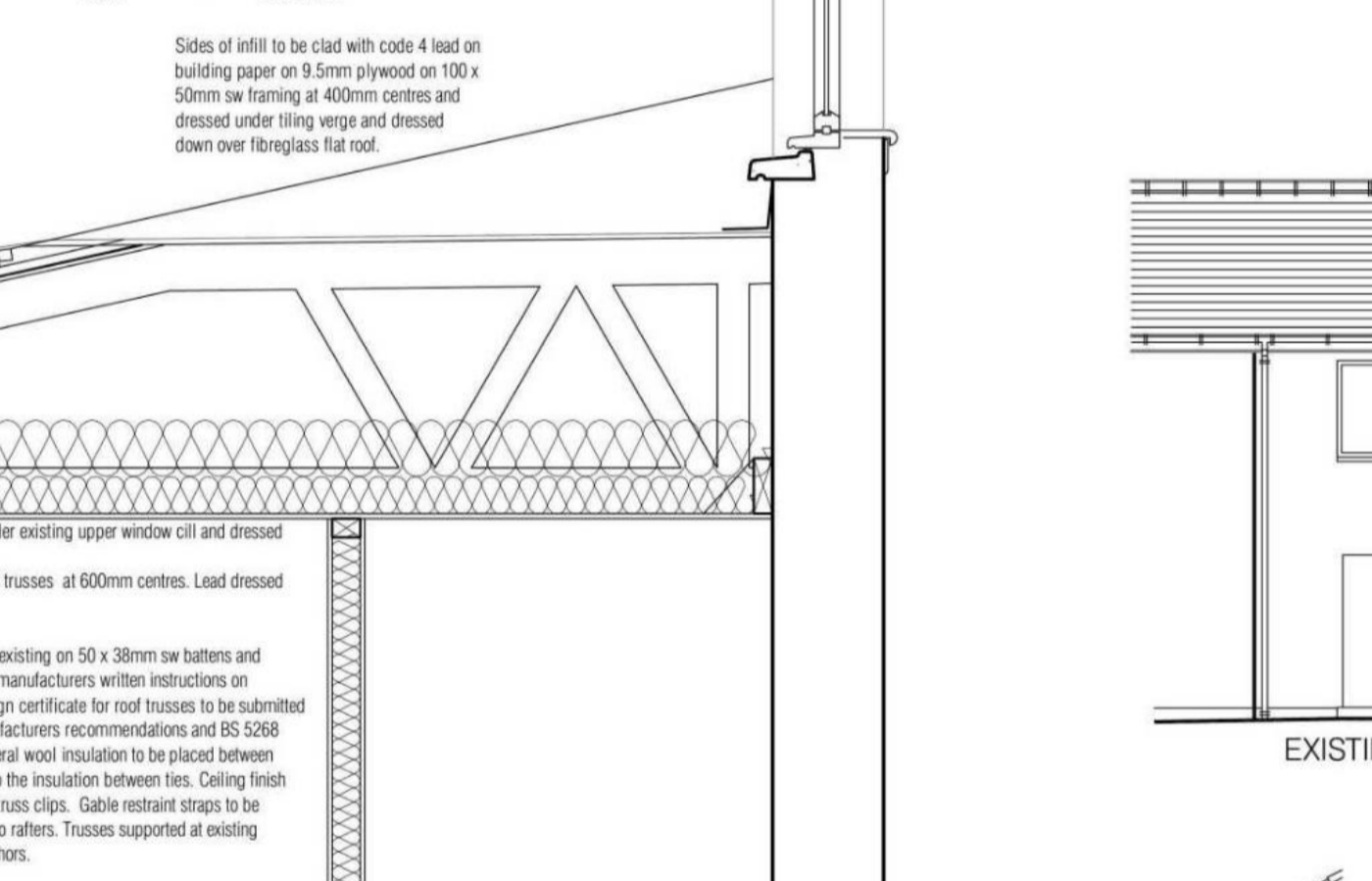
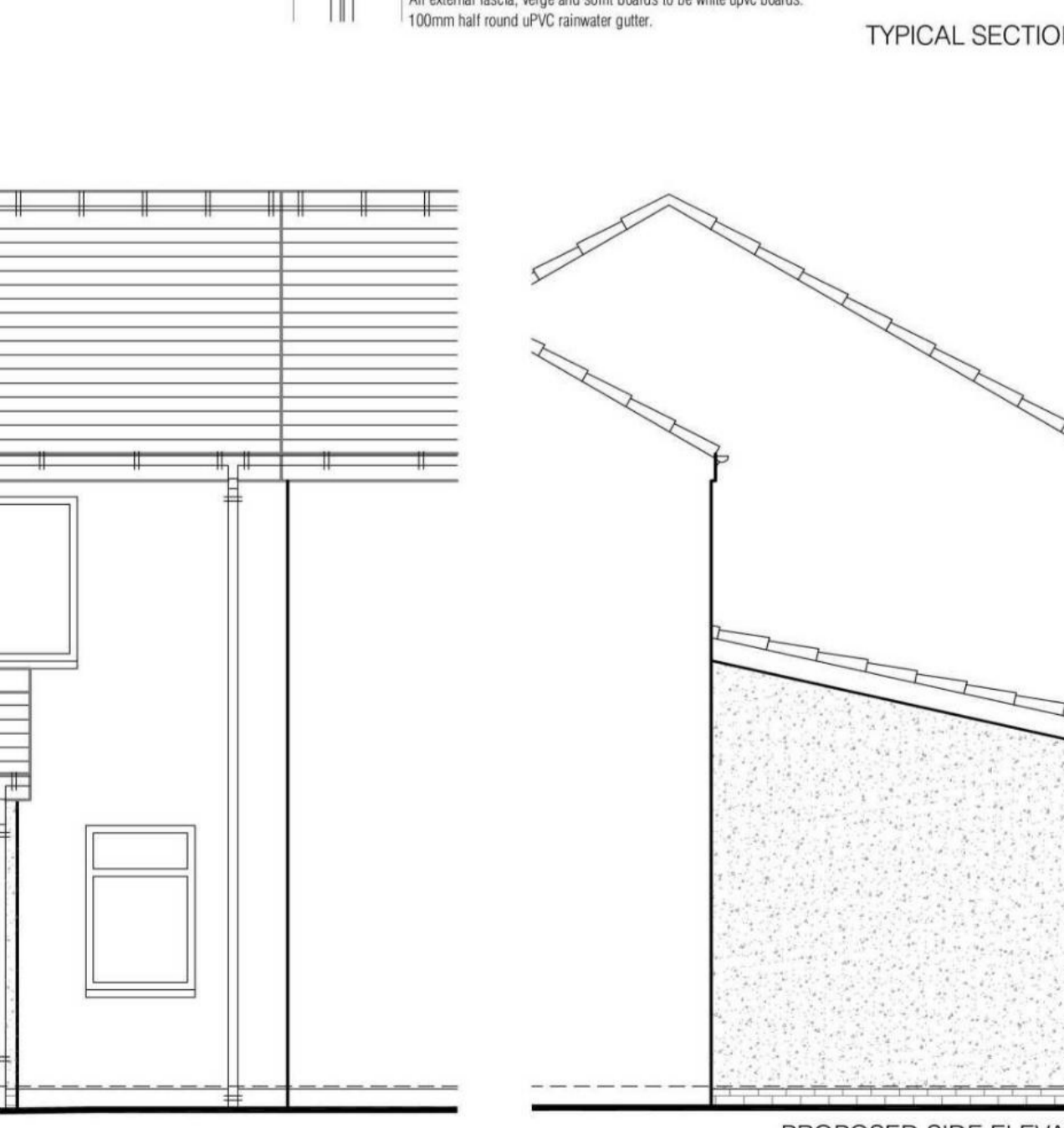
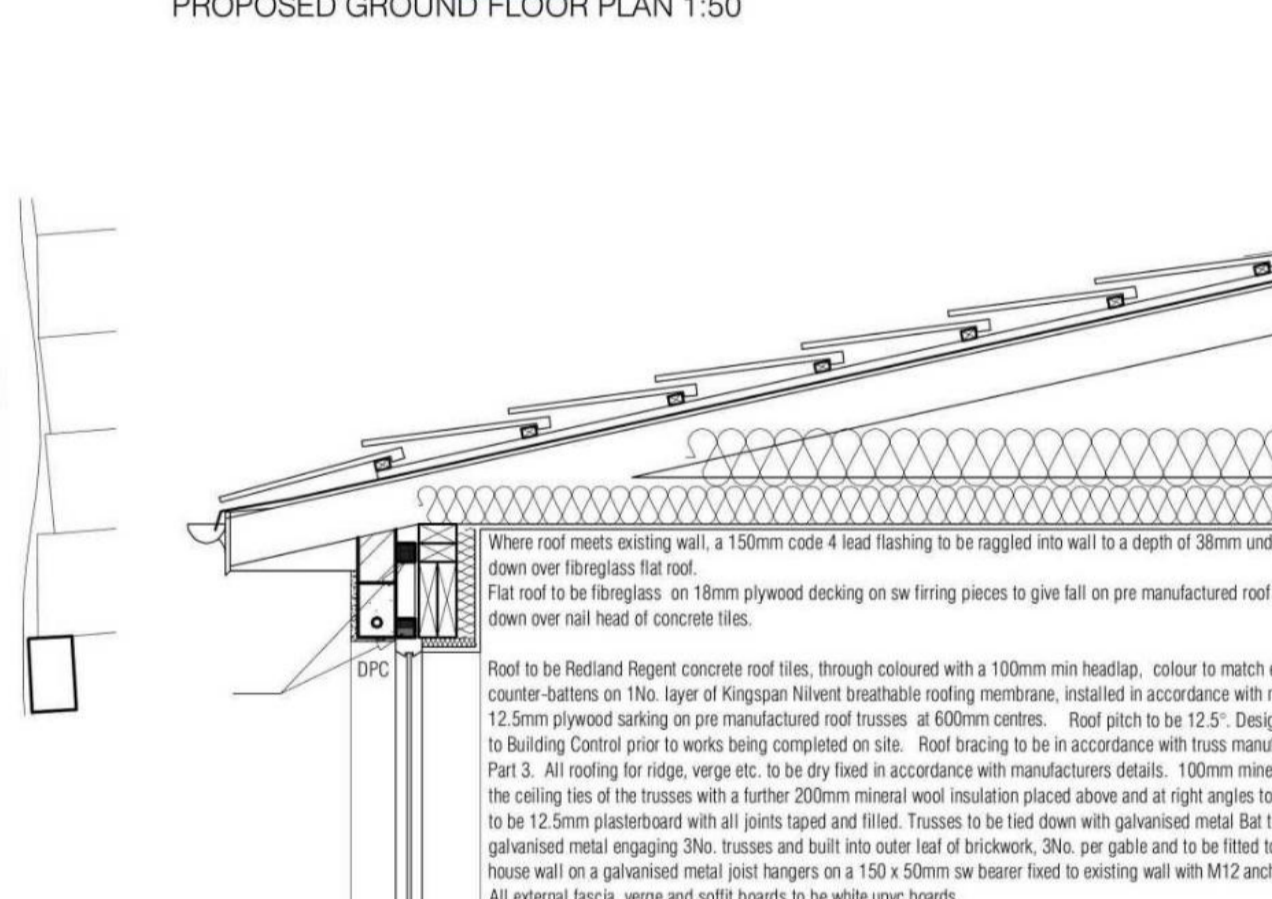
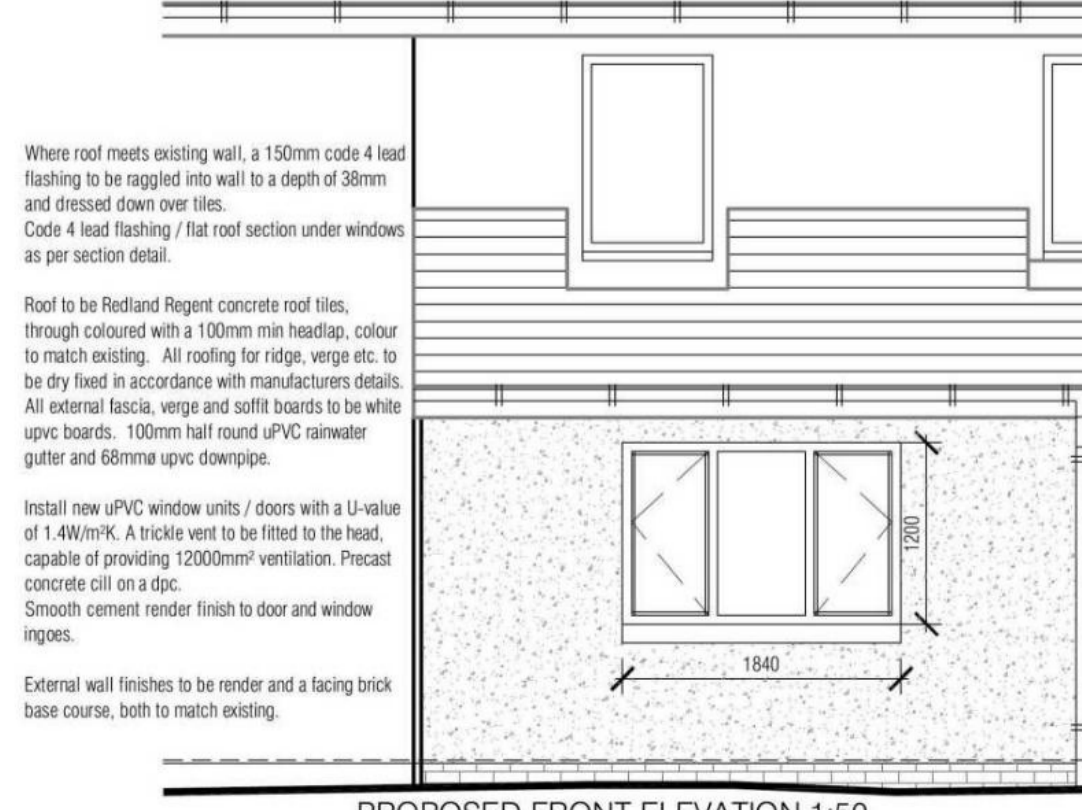
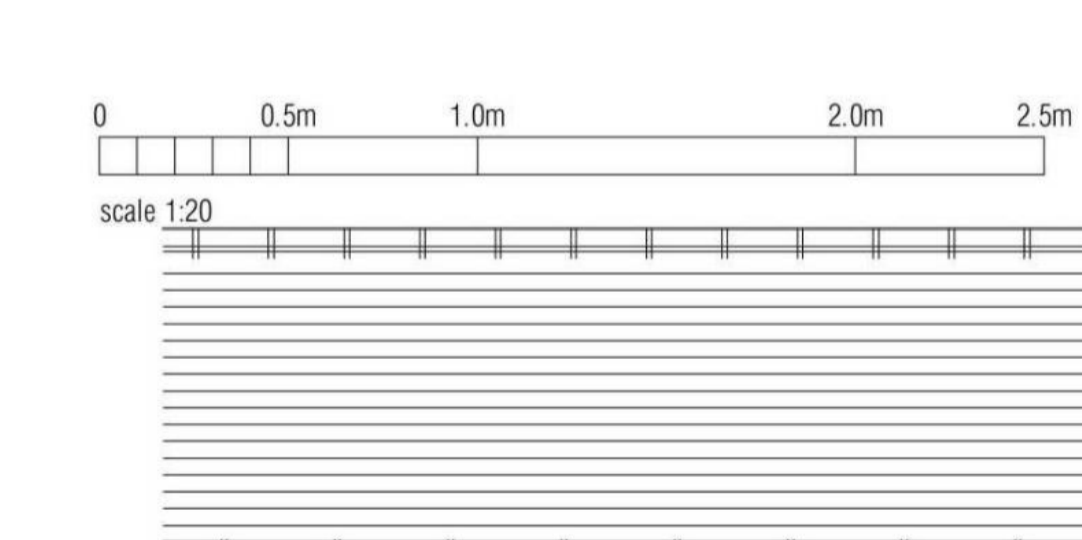
RADIATORS
Radiators to be installed with a room thermostat control valve.

At door jamb's proprietary insulated cavity closure and a vertical DPC inserted.

All finishes to be made good on completion of works.

U-VALUES (pre-1983 dwelling)
Roof - 0.11W/m²K
Glazing - 1.4W/m²K
Floor - 0.15W/m²K
Walls - 0.17W/m²K

Sides of fill to be clad with code 4 lead on building paper on 9.5mm plywood on 100 x 50mm sw framing at 400mm centres and dressed under lining verge and dressed down over fibreglass flat roof.



REPORT OF HANDLING

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	21/00419/PP
Proposal:	Erection of extension to front of semi-detached dwelling house
Location:	33 Blairlands Drive, Dalry, Ayrshire, KA24 4DH
LDP Allocation:	General Urban Area
LDP Policies:	Strategic Policy 2 /
Consultations:	None Undertaken
Neighbour Notification:	Neighbour Notification carried out on 07.05.2021 Neighbour Notification expired on 28.05.2021
Advert:	Not Advertised
Previous Applications:	None
Appeal History Of Site:	None

Relevant Development Plan Policies

Strategic Policy 2

Placemaking

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

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

We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy.

These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

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

Welcoming

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

Safe and Pleasant

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

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

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

Adaptable

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

Resource Efficient

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

Easy to Move Around and Beyond

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

Description

Planning permission is sought for the erection of a single-storey extension to the front of the semi-detached house at 33 Blairlands Drive, Dalry. The extension would enlarge the living room of the property and would facilitate the reconfiguration of the existing ground floor layout.

The house at no. 33 was built in the 1950s by the local authority. Properties of a similar age and style are found elsewhere on Blairlands Drive and on the surrounding streets. The house at no. 33 has not been extended in the past.

On plan form, the proposed extension would project from the front elevation of the existing house by around 2.4m and would be around 3.8m in width. A mono-pitched roof with side facing half gables is proposed. The extension would have an eaves height of around 2.9m and would be around 3.8m high at the junction of the proposed roof and the front elevation of the existing dwellinghouse.

The roof would project from the southwest side wall of the proposed extension to provide a roof covering over the dwellinghouse's main entranceway. The other side elevation would be positioned on the shared side garden boundary with the adjoining property to the northeast.

Given the proximity of the side of the extension to the living room window of the adjoining property, amendments to the scheme were sought by the case officer to mitigate the impact on existing and of future users in terms of sunlight and daylight. In response to the suggested amendments, the applicant decided to retain the original details and submitted a supporting statement to justify the proposal as originally designed.

External finishes would consist of rendered walls above a smooth base course to match the finish of the existing dwellinghouse, a tiled roof covering of an unspecified finish, and a uPVC frames to the proposed front and side facing windows.

In terms of the adopted Local Development Plan (LDP), the site is located within an area that is allocated as a General Urban Area. Strategic Policy 1 (Towns and Villages objective) applies to development in built up areas. The application requires to be considered in terms of the Placemaking Policy of the LDP (Strategic Policy 2).

Consultations and Representations

Neighbour notification was undertaken in accordance with statutory procedures and no consultations were required to be carried out.

No representations were received in response to the neighbour notifications but the applicant enclosed a letter of support from the present occupant of the adjoining property with their supporting statement.

Response: The letter of support is noted.

Analysis

As noted above, the application site is located within a General Urban area as defined by the adopted LDP. In principle, the extension of an existing residential property is acceptable and raises no land use policy issues in relation to the Towns and Villages Objective of Strategic Policy 1 providing that the detail of the application is considered to acceptably meet the terms of Strategic Policy 2 (Placemaking Policy).

The stated purpose of the Placemaking Policy in the LDP is to ensure "all development contributes to making quality places". It goes on to state "the policy also safeguards, and where possible enhances environmental quality through the avoidance of adverse environmental or amenity impacts." Of the six qualities of a successful place, those most relevant to this proposal are limited to 'safe and pleasant' and 'adaptable'.

The proposal would enlarge the main living space of the application property via a front extension, which would have a side elevation on the shared boundary with the adjoining property to the northeast. As the outlook from the proposed window and door openings would be over Blairlands Drive and the public elevations of nearby residential properties, the proposal would be acceptable in terms of privacy.

Given the aspect of the extension and because its side wall would be around 0.6m from the edge of the adjoining property's living room window, it is considered that the proposal would introduce a notable overshadowing effect on the nearby neighbouring window. Consequently, the proposal is considered to unacceptably respect the amenity of existing and future users of the adjoining property in terms of sunlight and daylight. Although the letter of support from the current occupier of the adjoining property is noted, the placemaking policy of the LDP requires proposals to respect the amenity of both existing and future users.

While the applicant's supporting statement makes reference to various front extension 'precedents' in the wider area, this planning application is required to be determined on its own merits in relation to the policy requirements of the adopted Local Development Plan. Past examples, such as those shown in the applicant's supporting statement, can be helpful to those devising a proposal as they show how others have sought to address the policy requirements of the time. These examples, however, do not act as a template for future development.

Notwithstanding the above, of the 7 examples of front extensions shown in the applicant's supporting statement, 6 are significantly offset from the boundary of an adjoining property. The one example that has a side elevation on a shared property boundary is a modestly sized front porch extension.

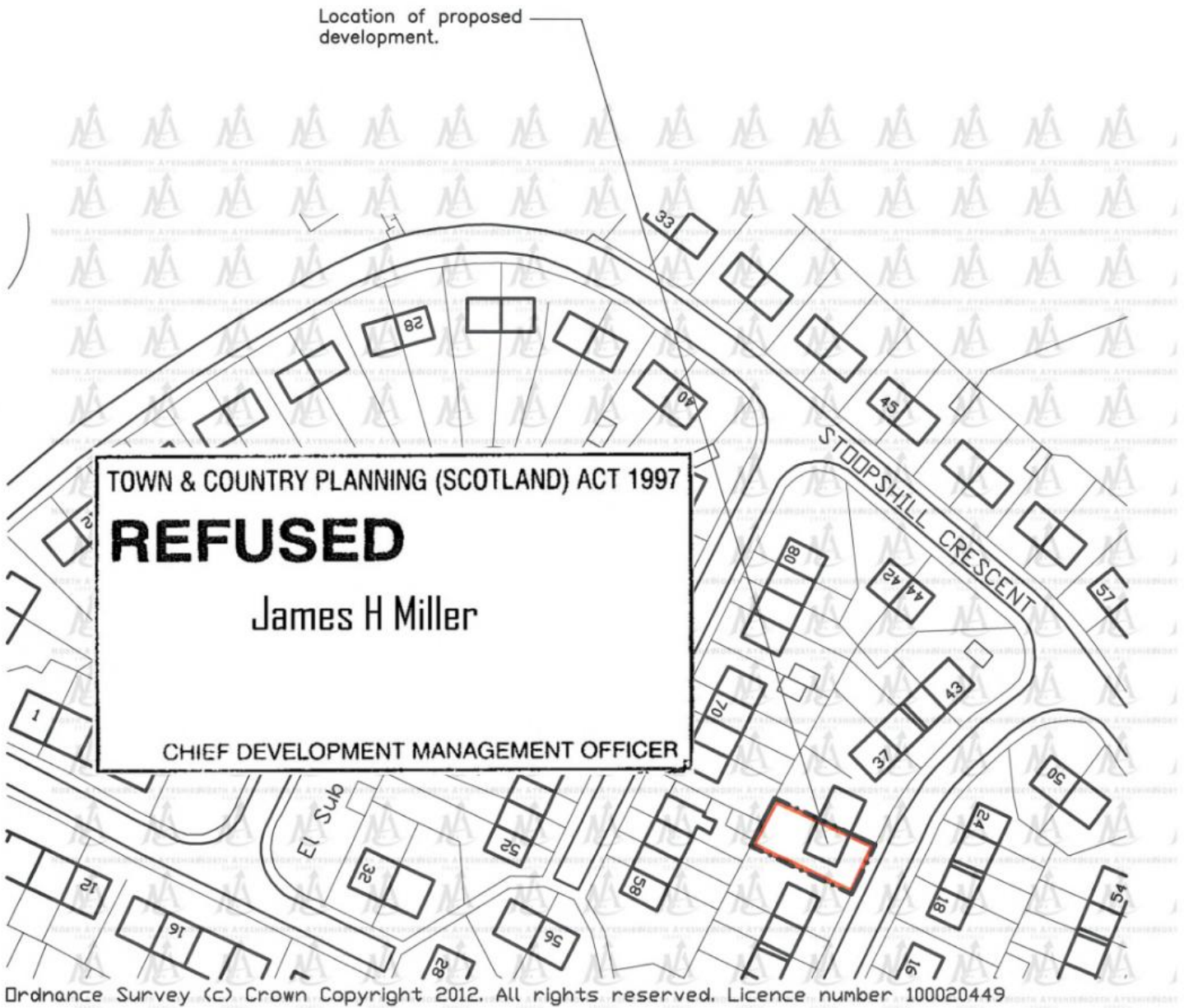
In terms of visual quality, while the external finishes are likely to be acceptable, the front extension would result in an unbalanced appearance to the semi-detached block and would not therefore accord with the requirements of Strategic Policy 2 for a proposal to promote visual quality. Given all of the above, it is considered that the siting and design of the proposed extension would have an unacceptable impact on the 'safe and pleasant' character of the surrounding area.

While the proposal indicates that the application property is 'adaptable' to the changing needs of its occupants, the proposed extension is considered to harm the original design character of this 1950s semi-detached house within a street of similar properties. The proposal is considered to be contrary to the requirements of the Strategic Policy 1 (the Spatial Strategy) and Strategic Policy 2 (the Placemaking Policy) of the LDP. There are no other material considerations. As such, planning permission should be refused.

Decision

Refused

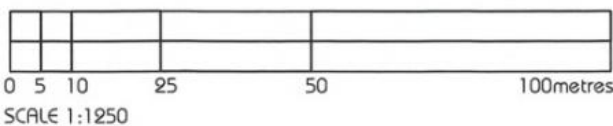
Case Officer - Mr Marc Miller



This is a true copy of the drawings referred to in the application.
Signature : [REDACTED]



Location Plan



Client. Mr. & Mrs. C. Lawson.		Title. As Existing	
Address. Proposed Alterations & Extension to House at: 33, Blairlands Drive, Dalry, KA24 4DH		Date. Mar. 21'	Drawing No. € 00
		Scale. A4 @ 1:1250	



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

No N/21/00419/PP

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 C Lawson
33 Blairlands Drive
Dalry
Ayrshire
KA24 4DH

With reference to your application received on 5 May 2021 for planning permission under the above mentioned Acts and Orders for :-

Erection of extension to front of semi-detached dwelling house

at 33 Blairlands Drive
Dalry
Ayrshire
KA24 4DH

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

1. The proposed extension to the front of the dwellinghouse would be contrary to the Strategic Policy 2 (the Placemaking Policy) of the adopted North Ayrshire Local Development Plan. Due to its siting, scale and design, the proposed extension would have an adverse visual impact on front of the house and on the nearby streetscene. In addition, the extension would have an adverse impact on the adjoining house due to its position on the mutual boundary and proximity to the neighbouring ground floor front window.

Dated this : 23 June 2021



.....
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.

NORTH AYRSHIRE COUNCIL

3 November 2021

Local Review Body

Title: Notice of Review: 21/00542/PPP 4 Lilybank Lane, Fairlie

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 Permission in Principle Application 21/00542/PPP, 4 Lilybank Lane, Fairlie for the erection of a dwellinghouse at that address.

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

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

- Appendix 1 - Notice of Review documentation;
- Appendix 2 - Report of Handling;
- Appendix 3 - Location Plan; and
- 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 Representations received from interested parties or statutory consultees to the planning application are attached at Appendix 5.

Craig Hatton
Chief Executive

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

Background Papers

0



Cunninghame House Friars Croft Irvine KA12 8EE Email: eplanning@north-ayrshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100456485-001

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

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="james"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="allan"/>	Address 1 (Street): *	<input type="text" value="brodick avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="kilwinning"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="ayrshire. scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KA136RL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

North Ayrshire Council

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

Address 1:

4 LILYBANK LANE

Address 2:

FAIRLIE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

LARGS

Post Code:

KA29 0DT

Please identify/describe the location of the site or sites

Northing

654770

Easting

220961

Description of Proposal

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

PLANNING PERMISSION IN PRINCIPAL FOR THE PROPOSAL TO ERECT A DWELLING HOUSE ON THE GROUNDS AT 4. LILYBANK LANE FAIRLIE. WE REQUEST A MEETING WITH THE REVIEW BODY TO PUT FORWARD A DETAILED WRITTEN SUBMISSION ALONG WITH PHOTOS OF DEVELOPMENT SITE, LILYBANK LANE ACCESS AND CLEAR VISIBILITY BOTH ENTERING AND LEAVING LILYBANK LANE ONTO THE MAIN STREAM OF TRAFFIC (A78)

Type of Application

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

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

SEE SEPERATE SECTION DOCUMENTS IN SUPPORTING DOCUMENTS

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

Yes No

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

HISTORY OF THE SITE, DETAILING WHAT IT WAS USED FOR FROM 1920 TILL PRESENT DAY, AS DETAILED ON MY ATTACHED LETTER. ALSO DETAIL OF ALL RESIDENTS OF LILYBANK LANE, AND THERE USE. MY ATTACHED LETTER DETAILS RESIDENTS WHO DO NOT ACCESS LILYBANK LANE, AND USE BURNFOOT ROAD OR GLEN ROAD FOR VEHICLE ACCESS. HOUSE No 4, WHICH USE TO BE TWO PROPERTIES, No4 AND No 6 LILYBANK LANE. HOUSE No 4 IS NOW ONE PROPERTY. THEREFORE ANOTHER PROPERTY DOES NOT ON THIS OCCASION EQUAL AN INCREASE IN

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

LETTER DATED 30th AUGUST 2021. PHOTOGRAPHS MAIN ROAD JUNCTION. pdf file PHOTOGRAPHS OF SITE PLUS LILYBANK LANE. pdf file PHOTOGRAPHS OF NEIGHBOURING ACCESS.pdf file

Application Details

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

21/00542/PPP

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

08/06/2021

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

06/08/2021

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr james allan

Declaration Date: 30/08/2021

Proposal Details

Proposal Name	100456485
Proposal Description	WE REQUEST A MEETING WITH THE REVIEW BODY TO PUT FORWARD A DETAILED WRITTEN SUBMISSION ALONG WITH PHOTOS OF DEVELOPMENT SITE, LILYBANK LANE ACCESS AND CLEAR VISIBILITY BOTH ENTERING AND LEAVING LILYBANK LANE ONTO THE MAIN STREAM OF TRAFFIC (A78)
Address	4 LILYBANK LANE, FAIRLIE, LARGS, KA29 ODT
Local Authority	North Ayrshire Council
Application Online Reference	100456485-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
LETTER DATED 30 th AUGUST 2021	Attached	A4
MAIN ROAD JUNCTION	Attached	A4
SITE PLUS LANE	Attached	A4
NEIGHBOURING ACCESS	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

30th August 2021

Planning Dept
North Ayrshire Council
Cunningham House
IRVINE
KA12 8EE

Mr James Allan

[REDACTED]
KILWINNING

KA13 6RL

Email: [REDACTED]

Dear Sirs

Application Ref: 21/00542/PP
4 Lilybank Lane, Fairlie
Erection of Proposed Dwellinghouse

Historic Information

The existing sloped garden area plus the flat platform of land located to the rear of Numbers 4 and 6 Lilybank Lane was originally the site of a large hut which was originally a Tea Room in the 1920's and 30's. Over time this evolved into a garage for a local coal lorry in the 1930's and 40's and then became a general garage and parking area for Numbers 4 and 6 Lilybank Lane. Numbers 4 and 6 Lilybank Lane have used the lane and this area for parking for motor vehicles from 1960 until the present day.

Context

Number 4 Lilybank Lane was originally two properties, Numbers 4 and 6 Lilybank Lane being a ground floor and first floor flats. Some years ago the properties were amalgamated into a single dwellinghouse.

The adjoining properties – use of Lilybank Lane

Number 2 Lilybank Lane does not use the lane at all as this property has direct vehicular access from Burnfoot Road.

Number 4 Lilybank Lane has access and parking on the lane with a garage and off-street parking. It also has private access for the turning of vehicles.

Number 1 Lilybank Lane (Rose Cottage) has direct vehicular access from Glen Road.

Number 3 Lilybank Lane (Whinn Cottage) has access and limited parking from the lane with a garage and private access for turning.

Number 5 Lilybank Lane (The Butte) makes use of Lilybank Lane but does not have any off-lane parking.

Increased Vehicular Use

We contend that there is potentially no increased vehicular use of the lane. Historically Number 4 Lilybank Lane was two properties as previously mentioned and presumably could be restored to this state and then sold separately which would allow for the same amount of increased vehicular traffic as the current planning application. The proposed property would have off-lane parking and a private access for turning.

Visibility

Visibility both up and down Lilybank Lane itself is good with straight sight lines from the rear (ie Glen Road) to the front of the lane where it joins the A78.

The sight lines along the main A78 both entering and leaving are excellent as can be seen from the attached photographs. We attach photographs which show that you can see the full extent of the A78 at this point in the village all the way to the junctions with Glen Road and Montgomerie Crescent and beyond. The existing pavement has already been lowered to accommodate vehicular traffic and as previously mentioned the sight lines here are better than almost every similar access in the village of Fairlie.

If some works were required to the entrance to the lane or to the pavement in order to improve the sight lines we would be willing to assist with the cost of this.

Proposed Planning Permission

The proposed property to be built on this site would be a small 2-bedroom detached dwellinghouse, with the opportunity for this to be developed on a self-build basis and to allow for the construction of an eco/low energy property.

Transport Scotland

After discussion with John Mc Donald and Alan Stubs of Transport Scotland I submitted the following information for them to review.

- (a) E-mail letter to John Mc Donald dated 24th August giving details of development and visibility splay lines also site lines at junction of Lilybank Lane and main road (A 78).
- (b) Photos of Site plus Lane, pdf file.
- (c) Photos at Main Road Junction, pdf file.
- (d) Photos at neighbouring access, pdf file.

Visibility Lines

- (e) Drg, No 2021-LB-07 (Sheet 1). Scan 20210801 pdf file.
- (f) Drg, No 2021-LB-07 (Sheet 2). Scan 20210801 (2) pdf file.
- (g) Drg, No 2021 LB-08. Scan 20210801 (3) pdf file

Summary

In short therefore we believe at that this application does not represent over development on the site as the existing property at Number 4 Lilybank Lane was previously 2 properties.

The sight runs north and south along the A78 are excellent as disclosed in the attached photographs where you can clearly see in excess of 120 metres in either direction all the way to the bend in the road both north and south. It is our contention that the sight lines from Lilybank Lane are considerably better than many of the accesses along this same stretch of the A78.

Yours faithfully

JAMES ALLAN

30-08-2021


Copies To :-

File

Planning Dept, North Ayrshire Council.

Transport Scotland, (John Mc Donald, / Alan Stubbs).

Review Body, (Councillors)

Mr A. Allan. E-mail. 





















REPORT OF HANDLING

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No: 21/00542/PPP
Proposal: Erection of detached dwelling house
Location: 4 Lilybank Lane, Fairlie, Largs, Ayrshire KA29 0DT

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

Consultations: Yes

Neighbour Notification: Neighbour Notification carried out on 11.06.2021
 Neighbour Notification expired on 02.07.2021

Advert: Not Advertised

Previous Applications: None

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

This is an application for Planning Permission in principle for the erection of a dwellinghouse on the site. The application site is currently part of the curtilage of No. 4 Lilybank Lane and lies to the east of the donor property. It is roughly rectangular in shape and covers 346sqm in area. The site consists of a flat platform at the Lilybank Lane end and a sloped garden area up to Glen Road which forms the eastern boundary of the site. To the north of the site is a stepped path which provides access between Glen Road and Lilybank Lane. The surrounding area is residential in character and comprises of houses of a range of different ages and styles.

In the adopted 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.

At a pre-application meeting in May 2021, it was noted that the site contained a number of challenges for any future dwellinghouse design. A main issue was identified with the access. Lilybank Lane is a private road that accesses onto the A78 trunk Road, which already supports five dwellings and is not constructed to adoptable standards. The application was initially submitted with the access proposed off Glen Road. Following consultation with North Ayrshire Council (NAC) Active Travel and Transportation, it was identified that the required visibility splays

21/00542/PPP

could not be met at Glen Road. The applicant therefore decided to change the proposed access for the dwellinghouse to Lilybank Lane. Transport Scotland was then consulted on the application.

Consultations and Representations

The standard neighbour notification was undertaken and there was no requirement to advertise the application. Three letters of objection and two neutral representations have been received; the points raised in which are summarised below:

1. The proposed access at Glen Road is near a sharp corner and a junction and taking an access here would lead to road safety issues.

Response: Noted, NAC Active Travel and Transportation required that visibility splays of 2m by 35m be provided at the access to Glen Road. The applicant confirmed that this was not possible and so altered the access to be from Lilybank Lane.

2. The alternative access at Lilybank Lane is already at capacity and could not support another dwellinghouse and the potential traffic that would entail.

Response: Noted, see NAC Active Travel and Transportation and Transport Scotland comments in the following section of this report.

3. The site is located in an area that is at high risk of flooding.

Response: The site is not located within an area designated as being at a high risk of flooding, however, surface water drainage details would require to be submitted as part of any application for matters specified in condition, should permission in principle be granted.

4. The proposed house would potentially overlook neighbouring properties due to it being located on a steep slope.

Response: This is an application for Planning Permission in Principle, and therefore it is not possible to carry out a full assessment of amenity impacts. Amenity impacts would be considered as part of any application for matters specified in condition, should permission in principle be granted.

5. A new building would be out of character with the neighbouring historic properties.

Response: This is an application for Planning Permission in Principle, and therefore there are no details of the design of the dwellinghouse. The design of the dwellinghouse with respect to its surroundings would be considered as part of any application for matters specified in condition, should permission in principle be granted.

Consultations:

North Ayrshire Council (NAC) Active Travel and Transportation: Required that visibility splays of 2m by 35m be provided at the access to Glen Road. The applicant confirmed that this was not possible and so altered the proposed access to be from
21/00542/PPP

Lilybank Lane. NAC Active Travel and Transportation was re-consulted with regards to the Lilybank Lane access and recommended refusal. Due to Lilybank Lane currently serving more than two dwellinghouses, it would need to be upgraded to adoptable standards to accommodate an additional dwelling. This requirement is not possible in land under the applicant's control, and therefore the application should be refused.

Response: Noted.

Transport Scotland: The proposed development would likely result in an increase in the number of vehicles using the junction between Lilybank Lane and the trunk road. Visibility is currently restricted at the junction and the alignment of the junction cannot be upgraded, and the additional traffic would create interference and safety issues with the traffic and pedestrians on the trunk road and its footway. The application should therefore be refused.

Response: Noted.

Fairlie Community Council: Express concerns over the safety of the proposed access at Glen Road. Also, the steps to the north of the application site are a public right of way and should not be affected by the proposal.

Response: Noted, the proposed access has been changed to Lilybank Lane. The steps to the north of the site are not included within the application boundary and so would not be affected by the proposal.

Analysis

As the application site is located within an area identified as General Urban Area in the LDP, the erection of a dwellinghouse would be acceptable in principle. There is a range of different plot sizes in the surrounding area ranging from large to relatively constrained sites. The proposed site would be at the smaller end of the scale but is considered large enough to support a single dwellinghouse and associated curtilage. The majority of the plot lies on a steep slope and thus any proposed house would need to be designed to reflect the topography of the site. As this application is for Planning Permission in Principle, no details have been provided with regards to the siting or design of the house, and such details would need to be secured as part of a future full application or application for matters specified in condition, should permission in principle be granted.

The application site can be accessed from two directions; Glen Road to the east, which is an adopted road, and Lilybank Lane to the west which is a private lane. Both potential accesses have been explored and neither is considered suitable. The proposed access to Glen Road would be located close to a bend in Glen Road and a junction with Burnfoot Road. Glen Road is a single-track road with no footways in this location and the access would be located on a steep slope. An access from the site onto Glen Road could not achieve the required visibility plays in both directions and therefore such an access would pose a danger to road safety. Therefore the application should be refused, in principle, due to the traffic safety concerns.

The access onto Lilybank Lane already exists but takes the form of a private road joining with the A78 trunk road. The applicant has provided drawings showing 120m visibility splays in both directions from the junction with the A78, however Transport
21/00542/PPP

Scotland state that visibility is restricted from the junction. Transport Scotland considers that an additional dwellinghouse and the associated increase in traffic using this junction would not be acceptable in the interest of traffic and pedestrian safety on the trunk road. Lilybank Lane is not capable of being upgraded to adoptable standards. As the site cannot be suitably accessed it fails to meet the qualities of successful places outlined by Strategic Policy 2: Placemaking, and therefore does not comply with this policy. In addition, due to the proposal failing to align with the requirements of placemaking, it is contrary to criterion (d) of the Town and Villages Objective of Strategic Policy 1.

The proposal is contrary to the relevant policies of the LDP, Towns and Villages Objective of Strategic Policy 1: Spatial Strategy, and Strategic Policy 2: Placemaking as the proposed dwellinghouse could not be suitably accessed. Furthermore, the proposal is subject to two objections by consultees Transport Scotland and North Ayrshire Council Active Travel and Transportation, due to road safety concerns with the proposed access arrangements. It is therefore recommended that the application be refused.

Decision

Refused

Case Officer - Mr John Mack

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan	2021-LB-01	
Block Plan / Site Plan	2021-LB-03	
Block Plan / Site Plan	2021-LB-04	
Block Plan / Site Plan		
Block Plan / Site Plan	2021-LB-07 SHEET 1	
Block Plan / Site Plan	2021-LB-07 SHEET 2	

EXTRACT FROM
O.S. SURVEY PLAN

SCALE 1:1250

DRG No 2021-LB-01

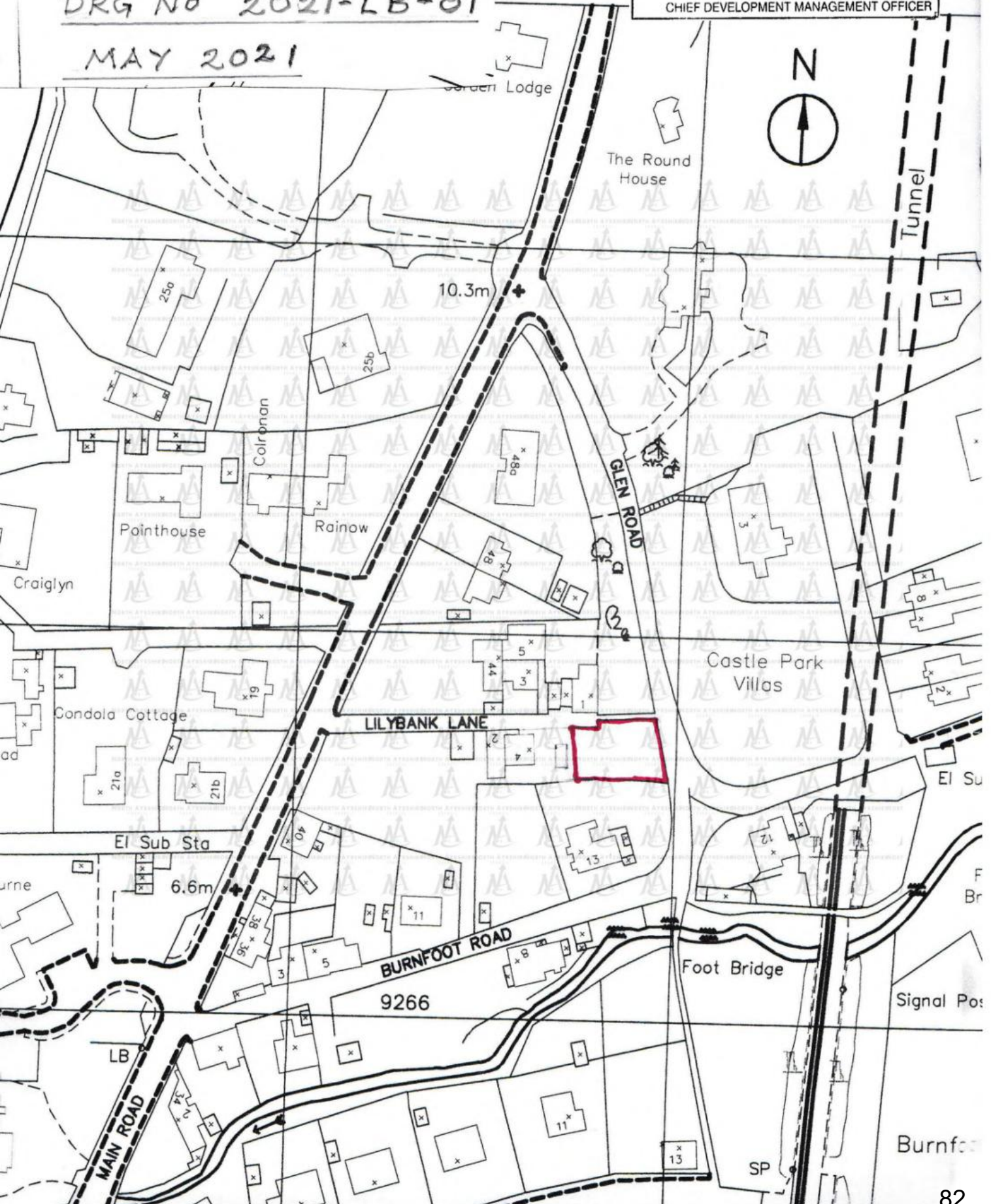
MAY 2021

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

REFUSED

James H Miller

CHIEF DEVELOPMENT MANAGEMENT OFFICER





North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

No N/21/00542/PPP

(Original Application No. N/100421263-001)

REFUSAL OF PLANNING PERMISSION IN PRINCIPLE 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 James Allan
 9 Brodick Avenue
 Kilwinning
 North Ayrshire
 KA13 6RL

With reference to your application received on 8 June 2021 for planning permission in principle under the above mentioned Acts and Orders for :-

Erection of detached dwelling house

at 4 Lilybank Lane
 Fairlie
 Largs
 Ayrshire
 KA29 0DT

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

1. The proposal is contrary to Towns and Villages Objective of Strategic Policy 1: Spatial Strategy, and Strategic Policy 2: Placemaking, of the adopted North Ayrshire Council Local Development Plan as the proposed dwellinghouse cannot be suitably accessed. The access to the proposed dwellinghouse would utilise the existing junction from Lilybank Lane onto the A78 trunk road which has inadequate visibility. An increase in the volume of traffic using this substandard junction would negatively affect the safety of vehicles and pedestrians using the trunk road and its footway.

Dated this : 6 August 2021



.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

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

FORM 2

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

From: [rita holmes](#)
To: [Angela Little \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: Re: Planning Application: 21/00542/PPP - 4 Lilybank Lane, Fairlie
Date: 02 September 2021 15:16:03

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Hi Angela, our concern was for a proposed access to the site from Glen Road. We have nothing further that we would wish to add to our original letter. Regards Rita

On Thu, 2 Sept 2021 at 15:12, rita holmes [REDACTED] > wrote:

On Thu, 2 Sept 2021 at 12:04, Angela Little (Committee Services Officer / Committee & Member Serv) <alittle@north-ayrshire.gov.uk> wrote:

Good afternoon

Please see attached letter advising of a Notice of Review in relation to the above planning application.

I am working from home and can be contacted by email

Angela Little

Committee Services Officer

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North Ayrshire Council Website

From: [JANICE E. BUSBY](#)
To: [Angela Little \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: Re: planning application 21/00542/ppp-4 Lilybank Lane, Fairlie
Date: 10 September 2021 13:38:25

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

Dear Angela,

Thank you for your letter dated 2nd September 2021 which arrived a few days ago in relation to our neighbour's planning application adjacent to 4 Lilybank Lane in Fairlie. We noted in further documentation that was added on 31.08.21 mentioning no 1 Lilybank Lane and stating that we have vehicular access from Glen Road. Whilst this is correct, I use Lilybank Lane at all times as this is our address and main entrance. As a community NHS worker with an electric vehicle and the charging point at the front of the house access is required at all times. I hope this will clarify our need for vehicular access. Thanks you,

Kind regards,

Janice Busby
Sent from my iPad

From: [j.courtney](#)
To: [Angela Little \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: Planning application 21/00542/PPP 4 Lilybank lane Fairlie
Date: 11 September 2021 22:07:52

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

Dear Angela

Regarding this latest application to use Lilybank Lane as access and egress to the proposed new house development at the head of the lane here are my comments.

In my opinion this new proposal by the applicant offers no new credible achievable solutions to resolve the initial refusal observations, which states... "This is not achievable in land under the applicants control.."

In fact the photos supplied by the applicant clearly shows that the lane entrance is not wide enough for two vehicles to pass.

To achieve a good line of sight which is less than the recommended 2.4 mtr from the carriageway kerb line, a vehicle exiting the lane has to intrude onto the foot way blocking pedestrians & cyclists way.

The applicant states that there is a clear line of sight from bottom of the lane to the top. I have attached two photos (regs pixilated) showing the congestive parking on a normal everyday in the lane which contradicts the applicants assertions.

The adjoining properties actual use of the lane is quite different from the applicants views.

All the addressee s of Lilybank Lane have access and egress for personal vehicles, delivery vans, visitors, maintenance vehicles.

Rose cottage resident parks opposite their house and now has a permanent charging point installed for 24 hr use.

Whin cottage has a garage and off lane parking neither with a turning circle.

The Butte resident parks opposite whin cottage.

No. 2 appreciates that to park in the lane would be impracticable but all deliveries etc are from the lane.

Summary:

I agree with all the refusal reasons identified by J Mack planning officer dated 20/07/21 as noted on the Observations on Planning Application report.

Please confirm you have received this email.

Kind regards

S courtney



Fairlie KA29 ODT



From: [Iain.Clemen](#) [REDACTED]
To: [Angela Little \(Committee Services Officer / Committee & Member Serv \)](#)
Cc: [Alan.Hobbs](#) [REDACTED] [Denise.Angus@](#) [REDACTED]
Subject: A78 - NSW/94/2021 - North Ayrshire - 21/00542/PPP - Residential - 4 Lilybank Lane, Fairlie, Largs
Date: 21 September 2021 10:31:32

[REDACTED]

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

FAO Angela Little

Morning Angela,

Apologies for the late reply but we are currently experiencing connectivity issues.

Transport Scotland issued its original response dated 27th July 2021. This recommended refusal based on the following rationale:

The proposed development is likely to result in a material change in the number of vehicles entering and leaving the traffic stream at a point where the access visibility is currently restricted and the alignment/design cannot be upgraded to accommodate opposing traffic movements thus creating interference with the safety and free flow of the traffic on the Trunk Road including its footway.

Following the issue of this response, Transport Scotland received additional information from the applicant in relation to the proposals. The information included visibility splay drawings, photographs and estimates of traffic generation in relation to the existing properties served by Lilybank Lane.

Following a review of the additional information provided, Transport Scotland would indicate that our previous recommendation remains valid. Any access onto the trunk road, whether new or existing, requires to conform with the current design standards contained within the Design Manual for Road and Bridges (DMRB). In this instance, the proposed access on the A78 trunk road would need to meet the requirements set out in DMRB CD 123 - *Geometric design of at-grade priority and signal-controlled junctions*. A link to this document is provided below.

[CD 123 - Geometric design of at-grade priority and signal-controlled junctions - DMRB \(standardsforhighways.co.uk\)](#)

Clause 4.1 of CD 123 states that “*direct accesses shall only be used where access is to a single field or dwelling with less than 50 vehicle movements per week.*” As Lilybank Lane already serves a number of properties, then any additional property served by this access would be required to provide a priority junction arrangement designed to the requirements within CD 123. Where the design standards within the DMRB could not be achieved, then the applicant would be required to undertake an application for a Departure from Standard. This would need to be determined before any updated response from Transport Scotland Development Management.

Kind regards,

Iain

Development Management
Network Operations
Roads Directorate
transport.gov.scot

Transport Scotland, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF



Transport Scotland, the national transport agency
Còmhdaill Alba, buidheann nàiseanta na còmhdaill

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From: Phillips S (Shaun) [REDACTED]
Sent: 02 September 2021 13:02
To: Clement I (Iain) [REDACTED]
Cc: McDonald J (John) [REDACTED]; Hobbs A (Alan)
<[REDACTED]>
Subject: FW: Planning Application: 21/00542/PPP - 4 Lilybank Lane, Fairlie

From: Angela Little (Committee Services Officer / Committee & Member Serv)
Sent: 02 September 2021 12:01
To: development_management@transport.gov.
Subject: Planning Application: 21/00542/PPP - 4 Lilybank Lane, Fairlie

Good afternoon

Please see attached letter advising of a Notice of Review in relation to the above planning application.

I am working from home and can be contacted by email

Angela Little
Committee Services Officer

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13th October 2021

Committee Services Department,
North Ayrshire Council,
Cunningham House,
IRVINE
KA12 8EE

Mr James Allan



F.A.O. Angela Little.

Dear Angela,

Application Ref: 21/00542/PPP
4 Lilybank Lane, Fairlie
Erection of Proposed Dwellinghouse
Notice of Review.

Our comments on representations from R H (Fairlie Community Council), Mrs B (neighbour) and Mr & C (neighbour) also I C (Transport Scotland).

Rita Holmes – Fairlie Community Council.

Hopefully we will not have any issues with Glen Road or access steps leading from Glen Road to Lilybank Lane.

Mrs B – neighbour.

Mrs B at had a garage at the side of her house, she later did away with the garage and built an extension to her house. As stated previously she constructed a driveway off Glen Road giving her vehicle access to her property. Mrs B should have installed her vehicle charging point on her driveway off Glen Road. Mrs B parks her car on Lilybank Lane which interfears with vehicle access to the flat area of ground (Old garage area) belonging to 4. Lilybank Lane.
Llilybank Lane should be used for access and egress only and residends should have off lane parking areas or garage.

Mr and C (neighbour)

Lilybank Lane is a single lane access from the main road. Also exiting from Lilybank Lane is the same as exiting from any property which has a driveway and footway, you have to cross the footway to enter onto the traffic lane.

There would be clear line of site up and down the lane if residents parked there cars on "off lane" parking areas.

As shown on your photo, the only "off lane" parking is resident at "No 4 Lilybank Lane" who has formed block paved area for parking.

All residents using Lilybank Lane have to respect each others use, and by having "off Lane" parking there would be lot better flow for maintenance vehicles and delivey vans.

All residents should realise to park on Lilybank Lane would be impracticable and not just resident at No 2 Lilybank Lane.

The "off Lane" parking by resident at "Whin Cottage" is much appreciated, the parking area still projects onto Lilybank Lane some 300mm.

Mr [REDACTED] (Transport Scotland)

We are at present in consultation with Transport Scotland to apply for Departure from Standards for the direct access from Lilybank Lane and onto Main Road (A78).

We submitted the following on 3rd October 2021 :-

Application for Departure from Standards Form, (JA-LB-1-10-2021).

Drawing No 2021-LB-09, Road Junction.

Drawing No 2021-LB-02, O.S. National Grid Reference

With regard to your e-mail of 12th October 2021 from Alan Hobbs (Transport Scotland). The bus stop used to be located at foot of Burnfoot Road. It was relocated by Transport Scotland to area in front of No 44 Main Road Fairlie, causing challenges for driveway access from existing houses and Lilybank Lane.

The width of Lilybank Lane has not changed and has accessed residents for over 50/80 years.

Existing visibility both entering and leaving Lilybank Lane is excellent as shown previously with drawings and photos.

As shown on List of Neighbours Notified on 11th June 2021 (Attached) No 6 Lilybank Lane was shown on this List.

The existing right of vehicle access with off lane parking / garage to Lilybank Lane is No 3 Whinn Cottage, Lilybank Lane, No 4 Lilybank Lane and No 6 Lilybank Lane (new development).

As shown above and on List of Neighbours, there are 3 Residents / vehicles who may access Lilybank Lane.

As proposed this would also be 3 Residents / vehicles who may access Lilybank Lane.

There being no change to the numbers using Lilybank Lane, then we see need for any change to the existing direct access from Main Road to Lilybank Lane.

General Information

Only residents with parking facilities or a garage should be using Lilybank lane for any vehicles.

There should only be 2 vehicles using Lilybank Lane. Resident at No 3 and resident at No 4.

All residents may use Lilybank Lane for pedestrian access.

There is a public right of way for pedestrians from the main road up Lilybank Lane then up the steps to Glen Road.

In general all the parking issues are from properties at No 1, and No 5 Lilybank lane as they have parking issues.

In conclusion the proposed erection of a dwellinghouse would increase the use of Lilybank Lane from 2 vehicles to 3 vehicles. (As stated below No 4 Lilybank Lane was previously 2 properties). Therefore in general there is no increase in vehicles using Lilybank Lane.

Summary

In short therefore we believe at that this application does not represent over development on the site as the existing property at Number 4 Lilybank Lane was previously 2 properties.

Attachments

Please find attached the following :-

Application for Departure from Standards Form, (JA-LB-1-10-2021).

Drawing No 2021-LB-09, Road Junction.

Drawing No 2021-LB-02, O.S. National Grid Reference.

Drawing No 2021-LB-07 (sheet 1) Visibility Lines.

Drawing No 2021-LB-07 (sheet 2) Visibility Lines.

Drawing No 2021-LB-08 Visibility Lines.

Photos of Site plus Lilybank Lane.

Photos of Main Road Junction.

Photos of neighbouring access.

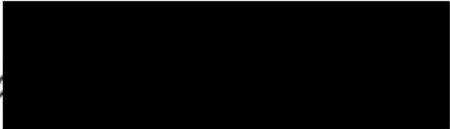
List of Neighbours Notified on 11th June 2021

If this review for Planning Permission in Principle is refused then we like to appeal to Scottish Ministers.

Yours faithfully

JAMES ALLAN

13-10-2021



Copies To :-

File

Planning Dept, North Ayrshire Council.

Angela Little, Committee Services Officer, North Ayrshire Council.

Transport Scotland,



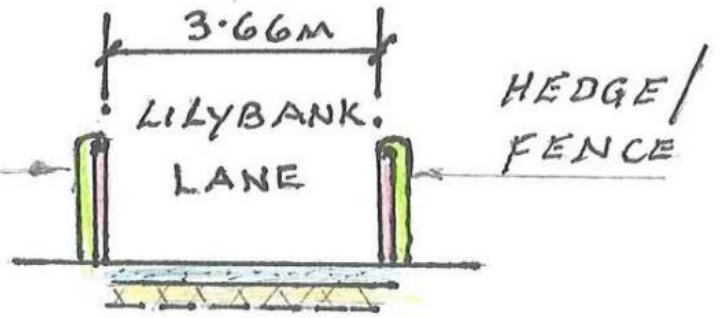
Review Body, (Councillors)

Mr A. Allan. E-mail.



J.A./SEPT, 21

HEDGE/
FENCE



TYPICAL CROSS SECTION

SCALE 1:100

PROPERTY OF
MRS S. FERGUSON

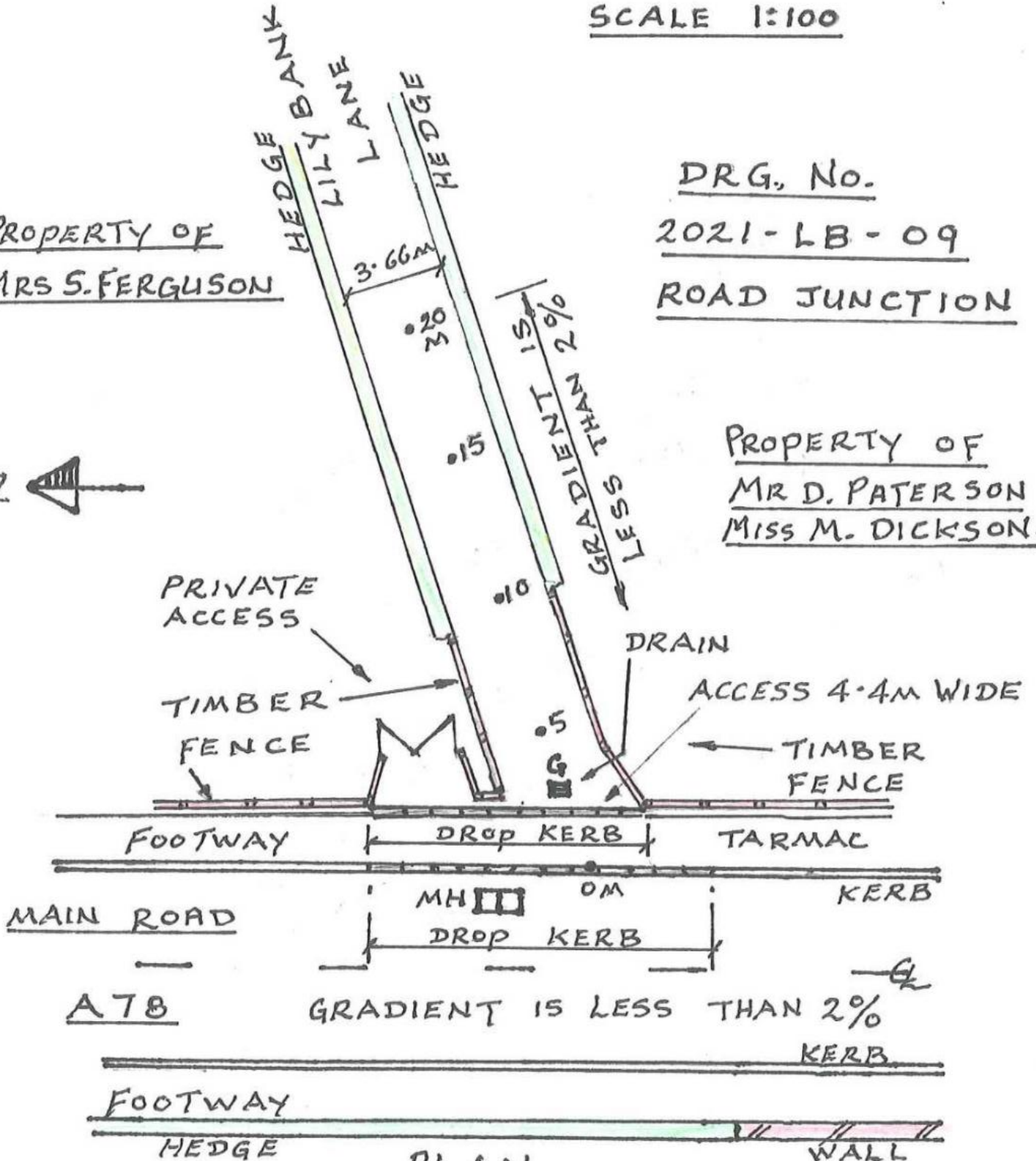
DRG. No.

2021-LB-09

ROAD JUNCTION



PROPERTY OF
MR D. PATERSON
MISS M. DICKSON.



A78

GRADIENT IS LESS THAN 2%

PLAN

SCALE 1:200

TRANSPORT SCOTLAND
APPLICATION FOR DEPARTURE FROM STANDARDS

APPLICANT : JAMES ALLAN
PROJECT TITLE : PLANNING IN PRINCIPLE APPLICATION
21/00542 / P.P.P. 4, LILYBANK LANE,
FAIRLIE.
DEPARTURE NO. : LILYBANK 001

PROJECT DETAILS	
General Description of Project	ERECTION OF PROPOSED DWELLINGHOUSE
Route Strategy	ATB TRUNK ROAD, JUNCTION WITH LILYBANK LANE, FAIRLIE
Road Category & Type	CATEGORY 1. NORMAL 7.3M CARRIAGEWAY 52
Proposed Carriageway Cross Section	SEE DRAWING 2021-LB-09
Design Speed Proposed	0 TO 5 MPH ON LILYBANK LANE
Future Traffic Flows & Composition	2/5 VEHICLES/DAY - (CARS) 25 VEHICLES / WEEK (AVERAGE)

T.D 9

CD 109

DESCRIPTION OF DEPARTURE	
Location and Chainage	ATB JUNCTION AT LILYBANK LANE FAIRLIE - CHAINAGE 20M
Departure Type CD123	STOP - SEE VISIBILITY SITE LINES DRAWINGS + PHOTOS
DMRB Reference CD123	CLAUSE 4 DIRECT ACCESS
Required Standard CD123	CLAUSE 5 PRIORITY JUNCTION
Standard Provided CD123	CLAUSE 4 DIRECT ACCESS. SEE DRG. 2021-LB-09
Associated Departures or Relaxations	NO ADDITIONAL DEPARTURES OR RELAXATIONS

Drawing No's. 2021-LB-08, 2021-LB-07 (SHEET 1 & 2) 2021-LB-09 + PHOTOS

JUSTIFICATION	
Detailed Justification	COST & REDESIGN OF JUNCTION INVOLVING NEIGHBOURS LAND & PRIVATE ACCESS
Safety Implications	THIS DIRECT ACCESS TO ATB HAS BEEN IN OPERATION FOR 20/30 YEARS, WITH NO ACCIDENTS OR
Structural Integrity	DEPARTURE WILL HAVE NO CHANGE TO STRUCTURAL INTEGRITY OF ROAD OR PAVEMENT

ESSENTIAL COMPENSATORY MEASURES	
Compensatory Measures	NO ADDITIONAL COMPENSATORY MEASURES ARE NECESSARY.

→ DRAWING No 2021-LB-02

Rainow



MAIN ROAD

45M

35M

NORTH LILYBANK LANE

DRG No 2021-LB-07 (SHEET 1)

SCALE 1:200

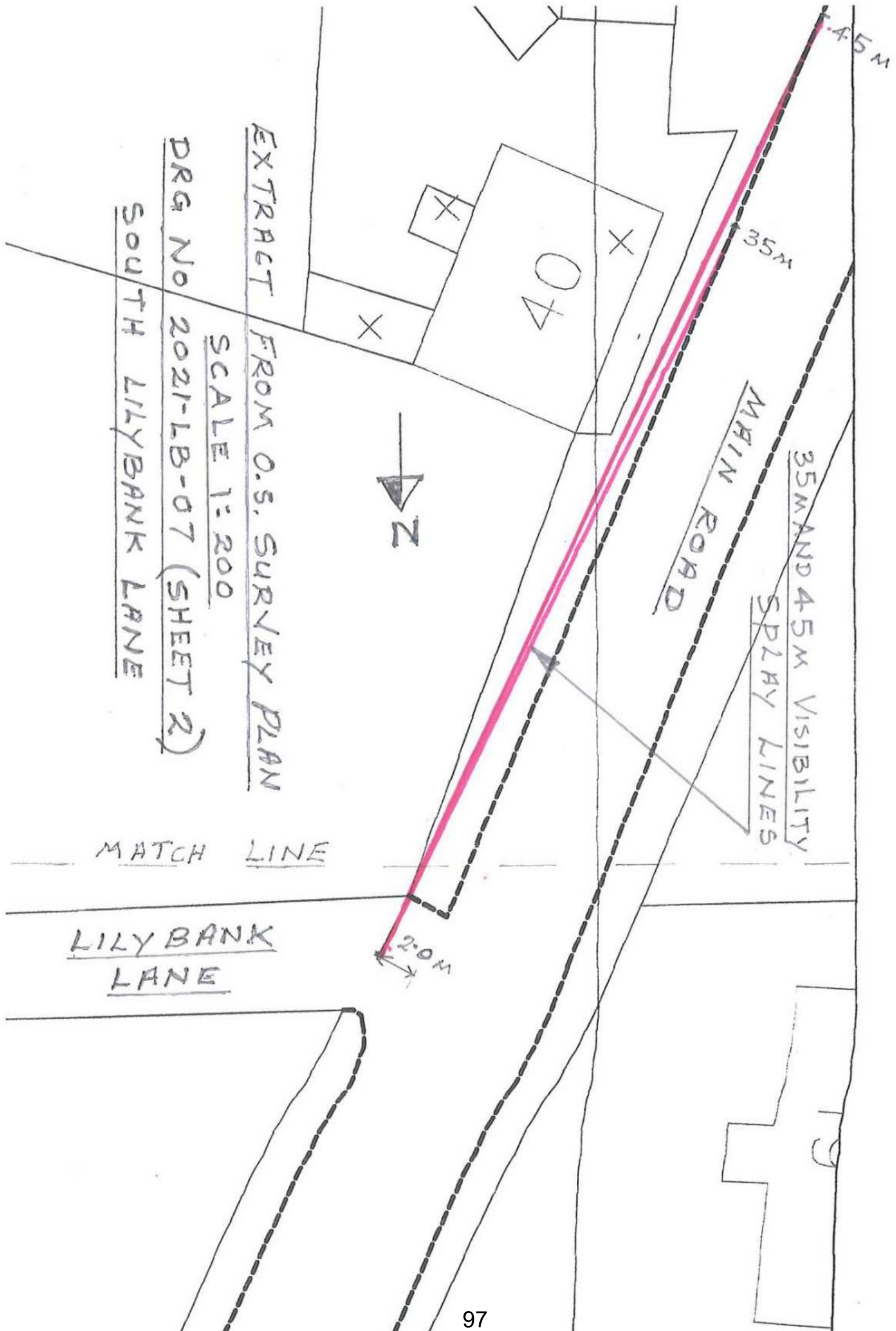
EXTRACT FROM O.S. SURVEY PLAN

35M AND 45M

VISIBILITY
SPRAY LINES

LILYBANK
LANE

2.0M



EXTRACT FROM O.S. SURVEY PLAN
 SCALE 1:200
 DRG NO 2021-LB-07 (SHEET 2)
 SOUTH LILYBANK LANE

MATCH LINE

LILYBANK LANE



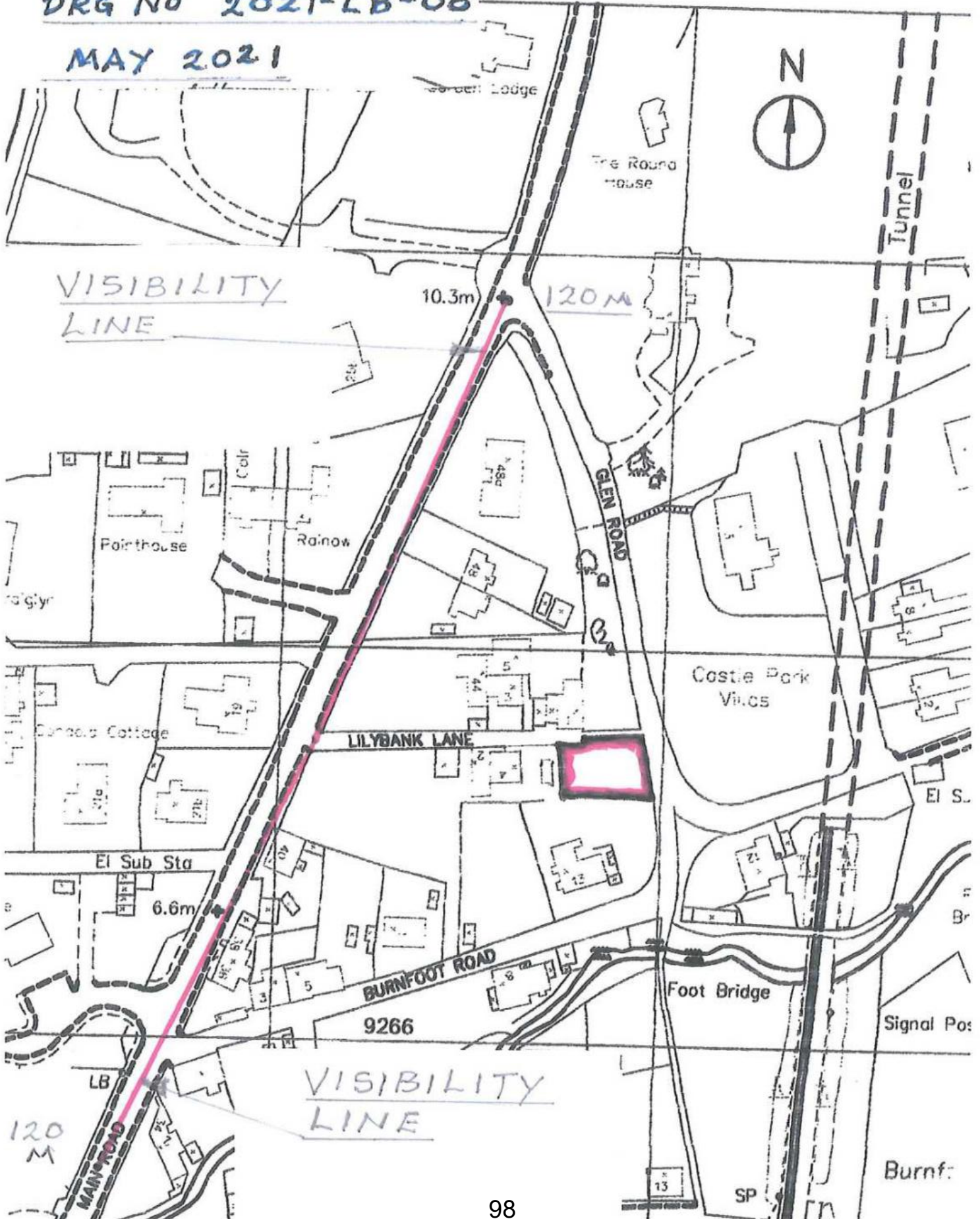
EXTRACT FROM
O.S. SURVEY PLAN

SCALE 1:1250

DRG No 2021-LB-08

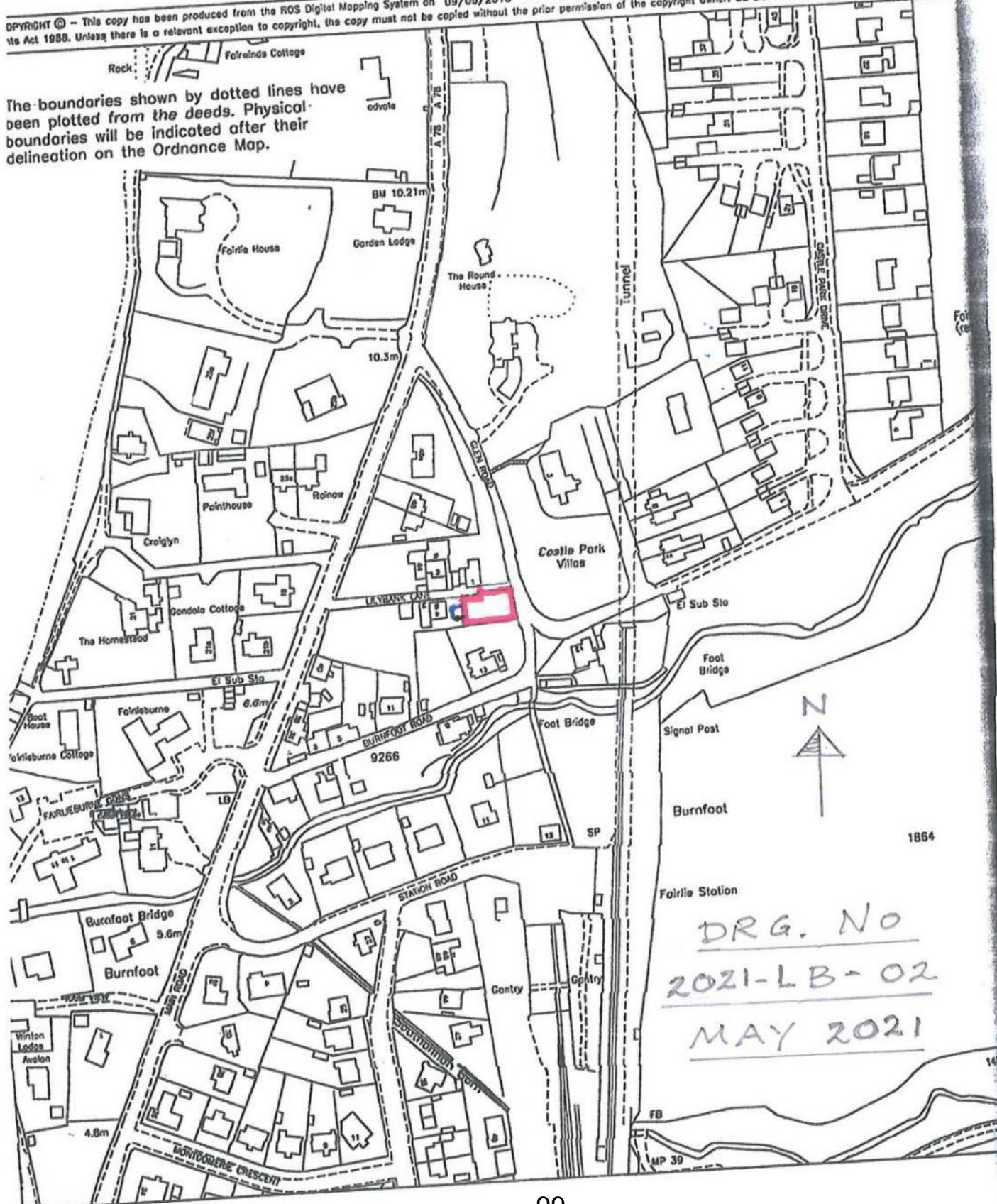
MAY 2021

2210 00m



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The boundaries shown by dotted lines have been plotted from the deeds. Physical boundaries will be indicated after their delineation on the Ordnance Map.



Ref Number 21/00542/PPP

List Of Neighbours Notified on 11th June 2021

- 10 Burnfoot Road, Fairlie, Largs, Ayrshire
- 12 Glen Road, Fairlie, Largs, Ayrshire
- 3 Glen Road, Fairlie, Largs, Ayrshire
- The Bute, Lilybank Lane, Fairlie, Largs
- 44 Main Road, Fairlie, Largs, Ayrshire
- 2 Lilybank Lane, Fairlie, Largs, Ayrshire
- Whinn Cottage, Lilybank Lane, Fairlie, Largs
- Rose Cottage, Lilybank Lane, Fairlie, Largs
- 1 Lilybank Lane, Fairlie, Largs, Ayrshire
- 13 Burnfoot Road, Fairlie, Largs, Ayrshire
- 6 Lilybank Lane, Fairlie, Largs, Ayrshire

■ Indicates neighbours notified within 20 metres of site boundary

