

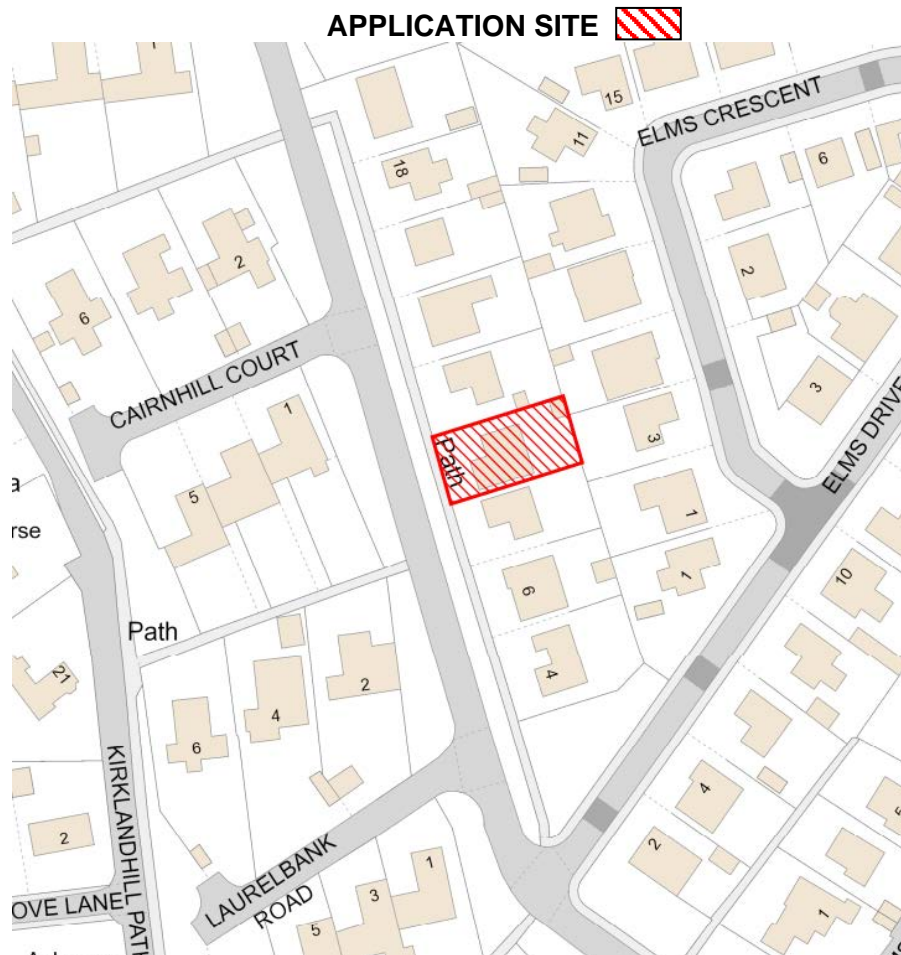
REGULATORY PANEL: 16 NOVEMBER 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00684/APP

10 CARGILL AVENUE MAYBOLE SOUTH AYRSHIRE KA19 8AD

Location Plan



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Summary

The development proposal is the erection of a domestic garage/garden store within the curtilage of a detached dwellinghouse sited at 10 Cargill Avenue, Maybole. The proposed garage is to be sited within the dwelling's rear garden ground and shall reach a height of 4.2 metres (from the adjacent lowest ground level) and has a footprint of approximately 35 sqm (4.5m width and 7.8m in length). The proposed garage/garden store shall match the finishing materials of the dwellinghouse (precast concrete roof tiles, facing brick walls, uPVC gutters and rainwater goods, an aluminium sliding patio door set, and a 'up and over' garage door and a pass door.

The application has been assessed against the various material planning considerations which include the provisions of the development plan, consultations, and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the development plan. Overall, there are no policy objections, and following the assessment, it is considered that the proposal will not have an adverse impact on the residential character or amenity of the locality. Accordingly, the application is recommended for approval.

This application requires to be reported to the Council's Regulatory Panel, in accordance with the Council's approved procedures for handling planning applications and Scheme of Delegation, as the applicant is a South Ayrshire Council Elected Member and the application will require to be determined by the Regulatory Panel, per 3.3: Para (6) of the current Scheme of Delegation.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 16 NOVEMBER 2023

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00684/APP
SITE ADDRESS:	10 Cargill Avenue Maybole South Ayrshire KA19 8AD
DESCRIPTION:	Erection of garage
RECOMMENDATION:	Approval with conditions

APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

Key Information:

- The application was received on 8 September 2023.
- The application was validated on 8 September 2023.
- A Site Visit was carried out by the Planning Authority on 17 October 2023.
- Neighbour Notification, under Regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, was carried out by the Planning Authority on 20 September 2023.
- No Site Notice was required.
- No Public Notice in the Local Press was required.

1. Proposal:

The development under consideration is the erection of a domestic garage/ garden store within the curtilage of a detached dwellinghouse sited at 10 Cargill Avenue, Maybole. The proposed garage is to be sited within the dwelling's rear garden ground and shall reach a height of 4.2 metres (from the adjacent lowest ground level) and has a footprint of approximately 35sqm (4.5m width and 7.8m in length) and shall match the finishing materials of the original dwellinghouse (precast concrete roof tiles, facing brick walls, uPVC gutters and rainwater goods, an aluminium sliding patio door set, and a 'up and over' garage door and a pass door). It is noted that an existing garden shed currently sited within the rear garden ground shall be demolished to accommodate the proposals.

2. Consultations:

Ayrshire Roads Alliance offers no objections to the proposed garage/ garden store.

3. Submitted Assessments/Reports:

In assessing and reporting on a Planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para. 4 (c) (i) to (iv) of the Development Management Regulations. None.

4. S75 Obligations:

In assessing and reporting on a Planning application the Council is required to provide a summary of the terms of any Planning obligation entered into under Section 75 of The Town and Country Planning (Scotland) Act in relation to the grant of Planning permission for the proposed development. None.

5. Scottish Ministers Directions:

In determining a Planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of Planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. None.

6. Representations:

No representations were received.

7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan, other policy considerations (including government guidance), objector concerns and the impact of the proposal on the amenity of the locality.

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 (NPF4). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 (LDP2) (adopted August 2022).

Sections 25(1) and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

(i) National Planning Framework 4 (NPF4)

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at [National Planning Framework 4 - gov.scot \(www.gov.scot\)](http://www.gov.scot):

With regard to householder development proposals, Policy 16(g) outlines that such proposals will be supported where they:

- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context.

As assessment of the proposals against the provisions of NPF4 is set out below.

(ii) South Ayrshire Local Development Plan 2

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk):

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

LDP 2 Policy: Strategic Policy 1: Sustainable Development

LDP 2 Policy: Strategic Policy 2: Development Management

LDP 2 Policy: Residential Policy within Settlements, Release Sites and Windfall Sites

An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

(iii) Other Policy Considerations (including Government Guidance)

Planning Guidance: House Alterations and Extensions; states that extensions should be of a size and design which respect the existing building and surrounding street scene. In respect of garages and outbuildings, the guidance states that garages and outbuildings should be designed to appear ancillary to the main dwellinghouse. They should be sited and designed so as to perform their intended function.

It is considered that the development accords with the provisions of the SG on House Alterations and Extensions on the basis that it does not over dominate the original dwelling or the surrounding locale. The proposed garage is sited within the rear curtilage of a dwellinghouse and is of a size and scale which is characteristic of garages/ outbuildings found within the locale. It is considered that the garage, due to its siting, size and scale, will appear ancillary to the main dwellinghouse and has been designed so as to perform its intended function as ancillary accommodation associated with the dwellinghouse at 10 Cargill Avenue, Maybole. Overall, the proposed garage is considered to meet with the provisions of the aforementioned guidance, and this is considered further, below.

Planning Guidance: Open Space and Designing New Residential Developments; The SPG is relevant in the assessment of the application, which states that detached, semi-detached and terraced properties should be provided with garden ground in proportion to their size. Rear gardens will be expected to be a minimum of 1.5 times the size of the ground floor area for detached and semi-detached dwellings and no less than 100sqm. This will generally include rear and side dwellinghouse gardens enclosed by fence/ wall/ hedge. A minimum garden depth of 9 metres shall be required.

The remaining private garden ground at the property is considered commensurate with the immediate neighbouring properties within the locale. On this basis, it is considered that an acceptable level of private garden ground is retained for the dwelling.

(iv) Impact on the Locality

It is considered that the proposed garage / garden store will not have an adverse impact on visual or residential amenity of the locale. It is acknowledged that the locale is characterised by single storey and 1.5 storey dwellinghouses (some with garages) which have been built by the same developer in a similar design and style and finished with the same palette of materials. The proposed garage/ garden store is considered to be subsidiary to the dwellinghouse in terms of its design, massing and scale, and has been appropriately positioned within the rear curtilage of the dwellinghouse. Additionally, it is noted that the external finishes of the building are intended to match the dwellinghouse and surrounding locale (precast concrete roof tiles, facing brick walls). Finally, it is considered that the garage / garden store has been designed so as to perform its intended function as an ancillary building to that of the original dwellinghouse. It is therefore considered that the proposals shall not have an adverse impact on the streetscape, character or visual amenity of the locale.

In respect of residential amenity, the proposed garage/ garden store is to be sited immediately adjacent to the mutual side and rear boundaries with the neighbouring properties at 12 Cargill Avenue and 5 Elms Crescent, respectively. However, due to the siting of the proposed garage/ garden store, it is considered sufficiently distant from other residential dwellings so as not to give rise to overshadowing concerns or create a sense of enclosure for neighbouring properties. It is also noted that neighbouring properties within the residential estate have various outbuildings and garages sited within their rear garden grounds. Therefore, it is not considered that the proposed garage in terms of its siting, scale, design or finishing materials is atypical for the locale.

Furthermore, there are no windows proposed within garage/ garden store and the proposed patio door set within the garage's southern elevation is to be sited over 9 metres from the side mutual boundary with the neighbouring property at 8 Cargill Avenue, which is considered to be a sufficient distance so as not to impact on the neighbouring property's privacy. It is also acknowledged that the rear garden ground is enclosed by an existing 1.8m high timber fence which partially screens the neighbouring properties.

Additionally, it is considered prudent to attach a condition to any permission to ensure that the proposed garage is utilised for domestic purposes incidental to the enjoyment of the dwellinghouse only so as not to give rise to any residential amenity concerns.

The application has been assessed against the various material planning considerations which include the provisions of the development plan, consultations, and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the development plan. The consultation responses do not raise any issues of over-riding concern that cannot be addressed by condition. Overall, there are no policy objections, and following the above assessment, it is considered that the proposal will not have a significant adverse impact on the character or amenity of the locality which would be so injurious to merit a refusal of planning permission in this instance.

8. Conclusion:

Given the above assessment, it is recommended that the application is approved, subject to conditions, as set out below.

9. Recommendation:

It is recommended that the application is approved with conditions;

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (2) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (3) The garage shall be used solely for domestic purposes incidental to the use of the dwellinghouse and no commercial activities shall be undertaken to the satisfaction of the Planning Authority.

9.1 Reasons:

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) In the interests of residential amenity.

9.2 Advisory Notes:

N/A.

9.3 List of Determined Plans:

Drawing - Reference No (or Description): 23-73-P01
Drawing - Reference No (or Description): -23-713-P02
Drawing - Reference No (or Description): 23-713-P03
Drawing - Reference No (or Description): 23-713-P04

9.4 Reason for Decision (where approved):

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

Background Papers:

- (1) Application form and submitted drawings;
- (2) National Planning Framework (NPF4)
- (3) South Ayrshire Local Development Plan (LDP2);
- (4) Planning Guidance House Alterations and Extensions;
- (5) Consultation Reply – the Ayrshire Roads Alliance

Equalities Impact Assessment:

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

Person to Contact:

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