

County Buildings
Wellington Square
AYR KA7 1DR
Tel No: 01292 612189

13 February 2024

To:- Councillors Bell (Chair), Cavana, Clark, Dixon, Kilbride, Kilpatrick, Lamont, Mackay and Townson.

All other Members for Information Only

Dear Councillor

SOUTH AYRSHIRE LOCAL REVIEW BODY

You are requested to participate in the above Panel to be held in County Hall, County Buildings, Ayr on **Tuesday, 20 February 2024 at 2.00 p.m.** for the purpose of considering the undernoted business.

This meeting will be held on a hybrid basis for Elected Members, will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

Please note that a briefing meeting will take place for all Local Review Body Members at 1.15 p.m. online and in the Prestwick Committee Room.

Yours sincerely

Catriona Caves
Head of Legal and Regulatory Services

B U S I N E S S

1. Declarations of Interest.
2. Minutes of the Previous meeting of 7 November 2023 (copy herewith).
3. New Case for Review – 23/00189/APP – Application for Alterations and Extension to Dwelling House at 63 Greenfield Avenue, Ayr.

[Application Summary](#)

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SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of a hybrid webcast meeting held
on 7 November 2023 at 2.00 p.m.

Present: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Mark Dixon, Martin Kilbride, Mary Kilpatrick and Alan Lamont.

Remote: Councillor Craig Mackay.

Apology: Councillor Duncan Townson.

Attending: M. Vance, Solicitor, Legal and Licensing (Legal Adviser); J. Hall, Planning Strategy Co-ordinator (Planning Adviser); J. McClure, Committee Services Lead Officer; and C. McCallum, Committee Services Assistant.

Opening Remarks.

The Chair confirmed to Members the procedures to conduct this meeting and advised that the meeting was being broadcast live.

1. Declarations of Interest.

The Legal Adviser called the sederunt and, having called the roll, confirmed that there were no declarations of interest by Members of the Body in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. Minutes of Previous Meetings.

The minutes of [9 May 2023](#) and [12 September 2023](#) (issued) were submitted and approved.

3. New Case for Review – 23/00250/APP – Installation of Replacement Windows at 239 High Street, Ayr

There were submitted the relevant [papers](#) (issued) relating to a request to review the decision to approve planning permission for installation of replacement windows at 239 High Street, Ayr, subject to conditions.

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

The Body

Decided: to vary the decision of the Appointed Officer and to grant permission for the installation of replacement windows at 239 High Street, Ayr, subject to the following conditions:-

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 non-material variation has been agreed in writing by the Planning Authority.

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.

List of Approved Plans:

Drawing- Reference No (or Description): Location Plan
Drawing- Reference No (or Description): 30376483/1
Drawing- Reference No (or Description)-GA70 Rev. H
Drawing- Reference No (or Description)- GA2 Rev. G

4. New Case for Review - 23/00191/APP – Application for Planning Permission for Cottage 1, Upper Barr Farm, Girvan

There were submitted the relevant [papers](#) (issued) relating to a request to review the decision to approve planning permission for Cottage 1, Upper Barr Farm, Girvan, subject to conditions.

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

The Body

Decided: to vary the decision of the Appointed Officer and to grant planning permission for Cottage 1, Upper Barr Farm, Girvan subject to the following conditions:-

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) That the approval for the polytunnel is limited to 7 years from the date of this permission, at which date the use of the polytunnel shall be terminated and the site shall be restored to its former condition in accordance with a written specification, including timescales within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority. The restoration specification shall be submitted within 2 months of the date of this planning permission.

Reasons

- (1) To be in compliance with Section 58 of the Town and County Planning (Scotland) Act 1997 as amended by section 20 of the Planning ETC. (Scotland) Act 2006.
- (2) To ensure that the development is carried out accordance with the approved plans unless otherwise agreed.
- (3) The proposed structure has a limited life and is not a permanent building, and therefore only acceptable on a temporary basis.

List of Approved Plans:

Drawing-Reference No (or Description)- Block Plan
Drawing- Reference No (or Description)- Location Plan
Drawing-Reference No (or Description)- Polytunnel

The meeting ended at 2.50 p.m.

SOUTH AYRSHIRE COUNCIL
LOCAL REVIEW BODY
NOTE OF CURRENT POSITION

Site Address:	63 GREENFIELD AVENUE, AYR
Application:	23/00189/APP ALTERATIONS AND EXTENSION TO DWELLINGHOUSE

Appointed Officer's Decision:	Refusal
Date Notice of Review Received:	23 October 2023

Current Position:	Case for Review
Documentation:	The following documents in relation to the review are attached: Pages 1 to 5 – Report of Handling Pages 6 to 14 – Notice of Review and Supporting Information Pages 15 to 24 – Planning Application and Supporting Information Page 25 – Decision Notice Case Officer Photos (None) Pages 26 to 36 – Interested Parties Representations on Planning Application Pages 37 to 44- Interested Parties Representations on Review Pages 45 to 47 – Applicant's Comments in response to Interested Parties' Representations on Review Page 48 – Draft Conditions
New Material:	No
Additional Material Any other Comments:	
Dated:	30 January 2024

Report of Handling of Application

Application Determined under Delegated Powers
The Council's Scheme of Delegation can be viewed at www.south-ayrshire.gov.uk

Reference No:	23/00189/APP
Site Address:	63 Greenfield Avenue Ayr South Ayrshire KA7 4NT
Proposal:	Alterations and extension to dwellinghouse
Recommendation:	Refusal

This report provides an assessment of the proposal under consideration.

1. Site Description:

The site of the proposed development is a one-and-a-half storey mid-terraced dwellinghouse located at the western end of Greenfield Avenue, Ayr. The property has a roof clad in slate, external walls constructed from snecked rubble, and PVCu windows and doors. There is a single-storey flat-roofed extension and box dormer on the rear elevation of the property.

2. Planning History:

Whilst there is no specific planning history record relating to the application site, two-storey extensions exist at both adjoining properties at 61 and 65 Greenfield Avenue, Ayr. These extensions appear to pre-date 1987 insofar as all applications from 1987 onwards have been digitised, and there is no digitised planning history for either neighbouring property for two-storey extensions.

3. Description of Proposal:

Planning permission is sought for the erection of a two-storey flat-roofed rear extension. The proposed extension will extend to the same depth as the adjoining extension to the neighbouring properties at 61 and 65 Greenfield Avenue. Full details of the proposals are set out in the submitted plans.

4. Consultations:

Ayrshire Roads Alliance recommend refusal of the application on the basis of there being insufficient off-street parking provision to serve the extended dwellinghouse, to the detriment of road safety.

Building Standards advise that the proposed extension will require to the subject of a building warrant application, at which point the proposals will be fully assessed for compliance against the provisions of the Domestic Technical Handbook. An extension can be constructed on the boundary so long as it complies with all aspects of the building regulations i.e., fire / sound etc. The neighbouring property appears to have a window opening and service penetration on the boundary, which would not be compliant with building regulations in respect of fire separation. There is no requirement within the building regulations for a hall to be provided with natural daylighting.

Environmental Health note the presence of an extract outlet at the neighbouring property, which will require to be mitigated.

5. 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.**

6. 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.**

7. 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.**

8. Representations:

Two objections have been received in respect of this application, and can be viewed online at www.south-ayrshire.gov.uk/planning

In summary, the objections relate to the extension being constructed in a manner that will not provide sufficient access space for maintenance of the properties at either side and create a space where debris could gather but not be removed, that the construction of the extension may impact negatively on the structural integrity of the neighbouring properties, that no drainage provision appears to have been made within the proposals, that the extension will create issues in respect of damp at the neighbouring properties, that the extension will result in loss of light to a side-facing stair window within a neighbouring extension and create access issues to a kitchen extractor, and concerns in respect of parking provision for the extended dwellinghouse. Other concerns raised include the parking of vehicles during construction, both for deliveries and for contractors.

The maintenance of property and potential issues with damp ingress are civil matters between the parties concerned, and are therefore not material planning considerations. The impact of the extension on the structural integrity of the neighbouring properties is a matter for the Council's Building Standards Service at the Building Warrant application stage, as is drainage from the extension.

With regard to the window on the side elevation of the extension at the neighbouring property at 61 Greenfield Avenue, it is understood that this window serves a stairwell. Given the unauthorised nature of the window, and that this window does not serve a habitable room, it is considered that the blocking up of this window by the proposed extension does not have an unacceptable impact on amenity at the neighbouring property.

With regard to off-street parking provision, it is noted that there is no off-street parking available within the site at present, and off-street parking provision has not been proposed as part of this application. The Ayrshire Roads Alliance has recommended refusal of the application on the basis that off-street parking provision is not available within the site.

It is understood that the extract flue serving the kitchen at 61 Greenfield Avenue is also unauthorised, and non-compliant with building regulations.

Parking of vehicles for deliveries and for contractors during construction is not a material planning consideration.

9. Development Plan:

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 (The 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.

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 \(www.gov.scot\)](https://www.gov.scot/publications/national-planning-framework-4/pages/introduction.aspx):

- Policy 14: Design quality and place; and
- Policy 16: Quality homes.

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.

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/development-planning/local-development-plan-2):

- Strategic Policy 1: Sustainable Development;
- Strategic Policy 2: Development Management; and
- LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites.

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.

An assessment of the proposals against the provisions of LDP2 is set out below.

10. Other Relevant Policy Considerations (including Government Guidance):

South Ayrshire Council's Guidance on House Alterations and Extensions indicates that alterations and extensions should be of a size and design which respect the existing building and surrounding street scene. In terms of the scale of an extension, this should normally be subsidiary in height and size to the original property. In assessing planning applications for alterations and extensions to residential buildings, the main points considered are:

- The height, width and general size should normally be smaller than the house, and, whilst in proportion, clearly subsidiary so as not to dominate the character of the original.

In terms of the form and detailing, the main points considered are:

- Generally, roofs should be pitched at an angle that reflects the original building. Flat roofed extensions are rarely encouraged as they have potential to adversely impact on the character of the dwelling and the surrounding area; and
- Extensions should normally be similar in all respects to the existing building in terms of style, shape and proportion including windows of similar proportion and design and materials similar in colour or texture.

With regard to two-storey extensions, the guidance indicates that these should be designed so as not to cross a 45-degree line from the quarter point of the nearest window of the adjoining house.

South Ayrshire Council's Guidance on Open Space and Designing New Residential Developments states that terraced properties should be provided with garden ground in proportion to their size. Rear gardens will be expected to be a minimum of 1½ times the size of the ground floor area for terraced dwellings and no less than 70sqm. This will generally include rear and side dwellinghouse gardens enclosed by fence / wall / hedge.

An assessment of the proposals against the provisions of the above guidance is set out below.

11. **Assessment (including other material considerations):**

Planning permission is sought to erect a two-storey flat-roofed extension in lieu of the existing single-storey extension to the rear of the dwellinghouse. It is noted from the submitted plans that the proposed extension, which projects approximately 3.7 metres from the rear wall of the dwellinghouse and set 25mm off both side boundaries, will generally match the design, massing, scale and finishes of the two-storey flat-roofed extensions present at the adjoining properties at 61 and 65 Greenfield Avenue.

With regard to residential amenity, it is noted that no side-facing windows have been proposed to the extension and, given the depth of the proposed extension in such close proximity to the existing extensions at both adjoining properties, the installation of side-facing windows would be unlikely to gain building warrant approval in any event. Whilst a window and French Doors have been proposed to the ground floor and a Juliet balcony at first floor on the rear elevation of the proposed extension, these aspect the rear garden area of the application property and the communal open space beyond. It is important to note that the application site and adjoining properties are served by small garden areas with the communal open space located beyond, and that all gardens within the terrace of properties currently open to views between each other. As such, it is considered that the proposed extension will not introduce any new or exacerbate any existing overlooking concerns over and above those which already exist at the locale.

In respect of overshadowing concerns, the extension does not project beyond the rear wall of the extensions at either of the neighbouring properties. As such, the extension does not overshadow any windows on the rear elevations of the neighbouring properties. It is noted that there is a window at first-floor level on the side of the two-storey extension at 61 Greenfield Avenue, and that the proposed extension would completely overshadow this window (there would only be a 25mm separation between the proposed extension and the existing window).

There is no record of a building warrant having been obtained for the installation of this window. Notwithstanding, it has been established that the window in question does not serve a habitable room but provides natural light to a stairwell. Given the circumstances, it is not considered that the proposed extension has an unacceptable impact on the amenity of 61 Greenfield Avenue by way of overshadowing.

In terms of potential escape from the window, as previously suggested, there is no record of a building warrant having been obtained. Given the position of the window immediately on the boundary, the Council's Building Standards Service has advised that such a window would not meet with current or past building regulations.

With regard to garden provision within the application site, the remaining private garden ground at the property is considered commensurate with the immediate neighbouring properties, and adequate enough to ensure that an appropriate level of amenity is retained.

Given that the extension largely replicates the design, massing, scale and finishes of the extensions to either side, it is not considered that the proposals give rise to visual amenity concerns.

Whilst the extension is considered to be acceptable in terms siting, design, massing, scale and finishes, and is not considered to have such an adverse impact on amenity to warrant refusal of the application on grounds of overlooking or overshadowing, there are concerns in respect of off-street parking provision.

The Ayrshire Roads Alliance was consulted on this application on the basis that the proposals result in the creation of additional living accommodation (specifically a bedroom), and a recommendation of refusal has been provided due to there being no off-street parking provision to serve the property, to the

detriment of road safety in the locale. Whilst it is noted that none of the properties in the terrace have any off-street parking provision within their respective curtilages, and that no parking provision is available within the communal space beyond, the Ayrshire Roads Alliance have maintained their objection in this regard as the proposals would worsen the existing parking situation at the locale.

Clarification was sought from the Ayrshire Roads Alliance following their consultation response given that the adjoining properties both have two-storey rear extensions, and neither have any off-street parking provision within their respective curtilages. The current application seeks to replicate these arrangements. However, the Ayrshire Roads Alliance have responded advising that the adjoining extensions pre-date current guidelines. The current proposal requires to be assessed against current guidelines and, as parking cannot be achieved, the guidelines cannot be satisfactorily met.

Given the above assessment, and having balanced the rights of the applicant against the general interest, it is recommended that the application be refused due to the absence of off-street parking provision to serve the property.

12. **Recommendation:**

It is recommended that the application is refused.

Reasons:

- (1) That insufficient off-street parking provision has been provided within the curtilage of the dwellinghouse to serve the property as extended, to the detriment of road safety in the locale. As such, the proposals are contrary to the provisions of the South Ayrshire Local Development Plan 2, specifically Strategic Policy 2: Development Management.

List of Plans Determined:

Drawing - Reference No (or Description): **Refused** 2023-01-010

Drawing - Reference No (or Description): **Refused** 2023-01-001

Drawing - Reference No (or Description): **Refused** 2023-01-002

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.

<i>Decision Agreed By:</i>	<i>Appointed Officer</i>
<i>Date:</i>	<i>9 August 2023</i>



County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 616 107 Email: planning.development@south-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 100620659-002

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

You must enter a Building Name or Number, or both: *

Other Title:

Building Name:

First Name: *

Building Number:

Last Name: *

Address 1 (Street): *

Company/Organisation

Address 2:

Telephone Number: *

Town/City: *

Extension Number:

Country: *

Mobile Number:

Postcode: *

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

South Ayrshire Council

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

Address 1:

63 GREENFIELD AVENUE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

AYR

Post Code:

KA7 4NT

Please identify/describe the location of the site or sites

Northing

619055

Easting

232700

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)

Proposed Rear Extension

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.

The application was refused on consultation with Ayrshire Roads Alliance as two on-site car parking spaces were (cannot) provided. Numerous properties around South Ayrshire have and are being extended and cannot provide off road parking.

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)

The Officer did not apply the consultation correctly as all Ayrshire Roads Alliance consultations for extensions creating additional accommodation will require two or more off-road car parking spaces and this can be mitigated as the other houses and many more in South Ayrshire and beyond cannot provide these spaces but permission is given.

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)

Report attached later.

Application Details

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

23/00189/APP

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

10/03/2023

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

09/08/2023

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 Andrew Brown

Declaration Date: 20/10/2023

Project	Proposed Extension at 63 Greenfield Avenue, Ayr
Client	Mr. Roy Howat
Planning Reference	23/00189/APP



Image from Greenfield Avenue (No Car Parking!)



Image from Doonfoot Road (No Car Parking!)

Situation

Planning Application for rear extension at 63 Greenfield Avenue, Ayr refused on 9th August 2023 after a lengthy time where neighbours 'objections' were dealt with correctly by the Planning Department Officials. The reason being the inability to provide two off-street car parking spaces as noted in the Ayrshire Roads Alliance consultation.

Background

When purchasing the property at 63 Greenfield Avenue Mr Roy Howat planned to extend the dwelling to match the properties on both sides at 61 and 65 Greenfield Avenue knowing that there is currently no off-street parking for any of the properties in the terrace.

It was also considered that in 'matching' the other rear extensions would improve the rear elevation view of the terrace and enable Mr Roy Howat to extend the property at 63 Greenfield and provide the required additional Bedroom.

The 'other' houses at 61 and 65 have been extended and as far as we can investigate did not have Planning Permission, have 'never' had any on-site (off-street) parking and now have the potential for more residents.

Assessment

It our assessment that we, as citizens of South-Ayrshire, have been unfairly compromised by applying, correctly, for Planning Permission and having the statutory authority consider this.

If this proposal for an additional Bedroom was in a village like Straiton or Crosshill outwith Conservation Areas, or in areas where traditionally terraced houses were built close to roads with no front space for car-parking or access to rear areas for car-parking it would likely attract a similar consultation from Ayrshire Roads Alliance but would be approved. Examples can be provided but a few photographs show this has happened previously.

There is also an opportunity for some buildings using 'Permitted Development' rights where dormer windows fall within guidance, or roof windows are used to create additional accommodation then the Planning Consultations are not required.

This is unfair and disingenuous as we comply with, and understand, the principles but feel that we should be considered similarly knowing that this car parking issue exists, as elsewhere.



Example 1 – (No Car Parking!)



Example 2– (No Car Parking!)



Example 3– (No Car Parking!)

Recommendation

We would suggest that as part of this review of the Planning Application Refusal that the rights of all citizens of South Ayrshire be considered equally and not use a 'standard' Consultation from Ayrshire Roads Alliance as the 'reason' for refusing and application which conforms with statutory regulations, matches adjacent 'approved' developments and improves the accommodation appearance.

It is obvious from general observation within areas of Sout Ayrshire, and other Planning Authorities, that road safety is extremely important, but also pragmatism must be taken into account given the oldest properties, and probably the best architecturally, have limits as when they were designed and built thoughts of car parking were not their foremost design thought!

We await your review!



County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 616 107 Email: planning.development@south-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 100620659-001

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.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Demolition of existing single storey rear extension and construction of new two storey rear extension to match adjacent properties

Has the work already been started and/ or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Andrew

Building Name:

Dulverton

Last Name: *

Brown

Building Number:

75

Telephone Number: *

Address 1
(Street): *

75 Saint Quivox Road

Extension Number:

Address 2:

Mobile Number:

Town/City: *

PRESTWICK

Fax Number:

Country: *

United Kingdom

Postcode: *

KA9 1JF

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

Mr

You must enter a Building Name or Number, or both: *

Other Title:

Building Name:

First Name: *

Roy

Building Number:

63

Last Name: *

Howat

Address 1
(Street): *

Greenfield Avenue

Company/Organisation

Address 2:

Telephone Number: *

Town/City: *

AYR

Extension Number:

Country: *

United Kingdom

Mobile Number:

Postcode: *

KA7 4NT

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

South Ayrshire Council

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

Address 1:

63 GREENFIELD AVENUE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

AYR

Post Code:

KA7 4NT

Please identify/describe the location of the site or sites

Northing

619055

Easting

232700

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

≤ Yes No

Trees

Are there any trees on or adjacent to the application site? *

≤ Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

≤ Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

≤ Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Andrew Brown

On behalf of: Mr Roy Howat

Date: 09/03/2023

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

Existing and Proposed elevations.

Existing and proposed floor plans.

Cross sections.

Site layout plan/Block plans (including access).

Roof plan.

Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Andrew Brown

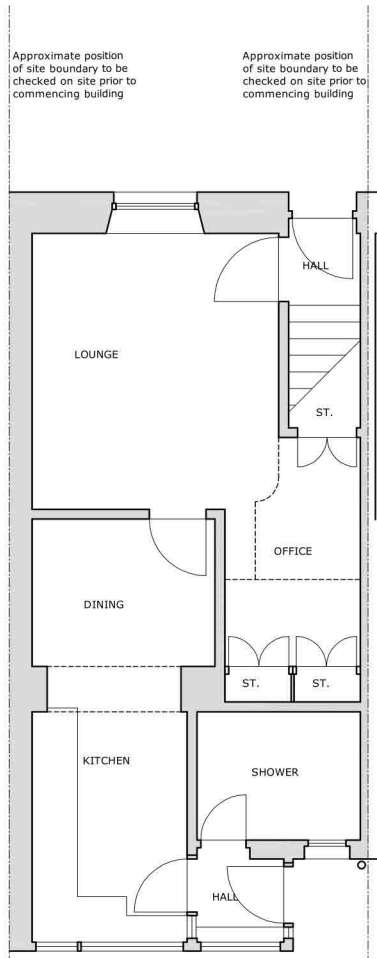
Declaration Date: 09/03/2023

Payment Details



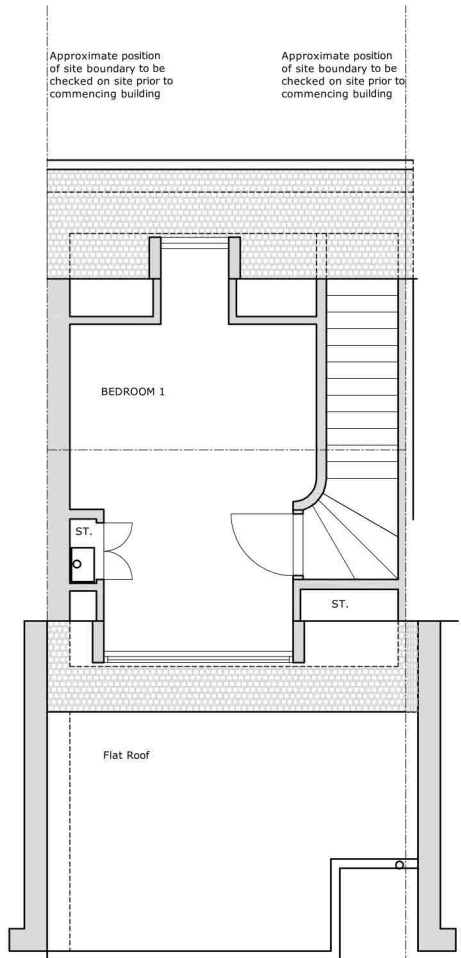
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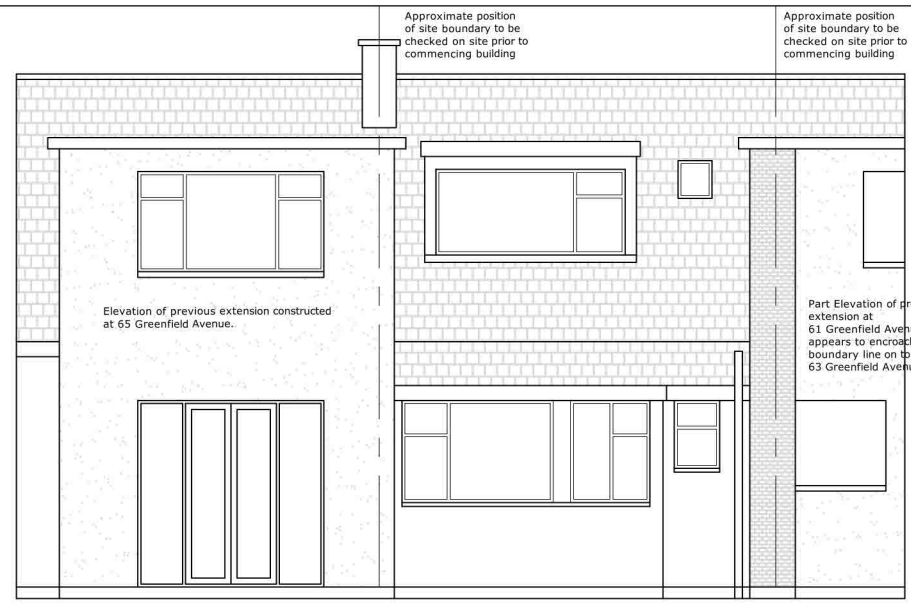
GROUND FLOOR PLAN - EXISTING

Approximate position of site boundary to be checked on site prior to commencing building

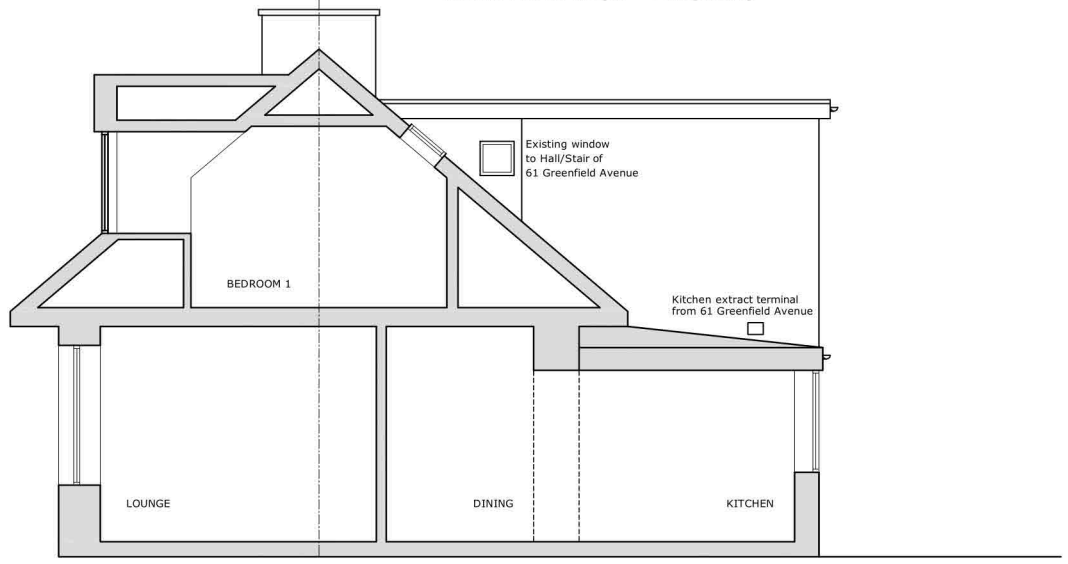


FIRST FLOOR PLAN - EXISTING

Approximate position of site boundary to be checked on site prior to commencing building



REAR ELEVATION - EXISTING



CROSS SECTION - EXISTING

**South Ayrshire Council
Planning Service**

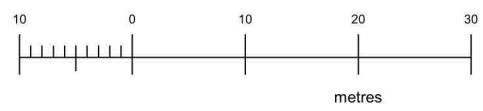
Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.

REV.	DATE	DESCRIPTION
CLIENT MR & MRS R. HOWAT		
PROJECT ALTERATIONS AND EXTENSION AT 63 GREENFIELD AVENUE DOONFOOT, AYR		
TITLE GROUND FLOOR PLAN, CROSS SECTION AND REAR ELEVATION - AS EXISTING		
ORG. SCALE 1:100 @A4	ORG. NO. 2023-01-001	REVISION NO.

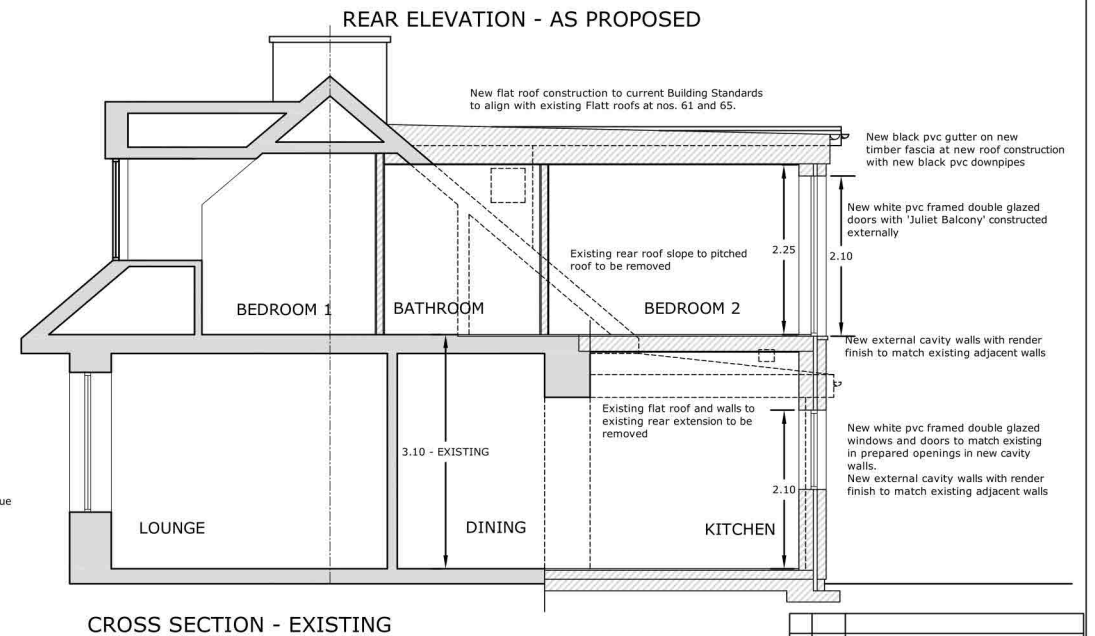
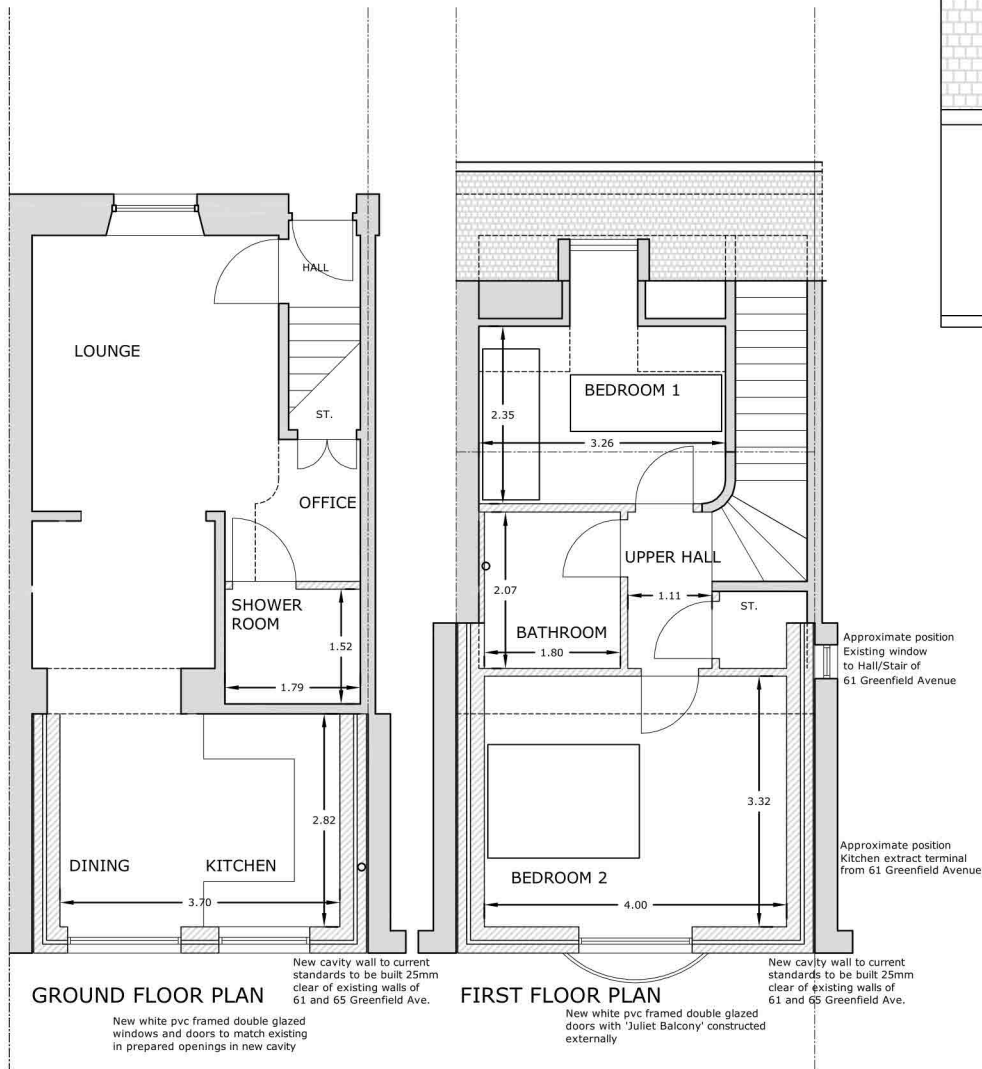


**South Ayrshire Council
Planning Service**

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.



REV.	DATE	DESCRIPTION
CLIENT MR & MRS R. HOWAT		
PROJECT ALTERATIONS AND EXTENSION AT 63 GREENFIELD AVENUE DOONFOOT, AYR		
TITLE SITE LOCATION PLAN		
ORG. SCALE AS SHOWN	DRG. NO. 2023-01-010	REVISION NO.



**South Ayrshire Council
Planning Service**

Refused under The Town and Country Planning (Scotland) Act 1997 (as amended), subject to reasons that may be specified in the notification of this decision by South Ayrshire Council.

REV.	DATE	DESCRIPTION
CLIENT MR & MRS R. HOWAT		
PROJECT ALTERATIONS AND EXTENSION AT 63 GREENFIELD AVENUE DOONFOOT, AYR		
TITLE GROUND FLOOR PLAN, CROSS SECTION AND REAR ELEVATION - AS PROPOSED		
ORG. SCALE 1:100 @A4	ORG. NO. 2023-01-002	REVISION NO.

LOCAL DEVELOPMENT

REFUSAL OF APPLICATION FOR PLANNING PERMISSION
(Delegated)

Ref No: 23/00189/APP

SOUTH AYRSHIRE COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS

To: Mr Roy Howat
per Andrew Brown
Dulverton
75 St Quivox Road
Prestwick
KA9 1JF

With reference to your **Application for Planning Permission** dated **10th March 2023**, under the aforementioned Regulations, for the following development, viz:-

Alterations and extension to dwellinghouse

at: **63 Greenfield Avenue Ayr South Ayrshire KA7 4NT**

South Ayrshire Council in exercise of their powers under the aforementioned Regulations hereby **refuse** the Application for Planning Permission for the said development in accordance with the following reasons as relative hereto and the particulars given in the application. The refused drawings and other documents, where relevant, can be accessed from the [Council's website](#) by using the application reference number noted above these and represent the refused scheme.

The reasons for the Council's decision are:

- (1) That insufficient off-street parking provision has been provided within the curtilage of the dwellinghouse to serve the property as extended, to the detriment of road safety in the locale. As such, the proposals are contrary to the provisions of the South Ayrshire Local Development Plan 2, specifically Strategic Policy 2: Development Management.

List of Plans Determined:

Drawing - Reference No (or Description): **Refused** 2023-01-010

Drawing - Reference No (or Description): **Refused** 2023-01-001

Drawing - Reference No (or Description): **Refused** 2023-01-002

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

Dated: 9th August 2023

.....
Craig Iles
Service Lead – Planning and Building Standards

PLANNING SERVICE, COUNTY BUILDINGS, WELLINGTON SQUARE, AYR, KA7 1DR



Contact: ARA.TransportationPlanningConsultations@ayrshireroadsalliance.org

ARA Case Officer: AP

Planning Case Officer: D Delury

Planning Application No: 23/00189/APP

Location: 63 Greenfield Avenue, Ayr

Date Received: 26/05/2023

Date Returned: 07/06/2023

Recommendation: Refuse

The following response has been prepared following a review of the information made available through South Ayrshire Council's Planning portal website at the time of writing.

Expository Statement (if applicable):

The proposed increase from 1 bedroom to 2 bedrooms results in an increase in the minimum parking requirements set out in South Ayrshire Council's adopted standards from 1 off road parking space to 2 spaces. As the proposed development doesn't provide an increase to the existing off street parking provision in line with the councils standards, the ARA recommend refusal until an adequate off street parking layout is provided.

MEMORANDUM

Tel: [REDACTED]
Our Ref: /BS/23/01528/PLNAPP
Your Ref: 23/00189/APP
Date: 15 May 2023

From: Service Lead: Trading Standards & Environmental Health
5 – 7 River Terrace
Ayr
KA8 0BJ

To: Planning Service
County Buildings
Wellington Square
Ayr
KA7 1DR

SUBJECT: Planning Application Reference No. 23/00189/APP
The Town and Country Planning (Scotland) Acts
Proposal: alterations and extension to dwellinghouse
Site address: 63 Greenfield Avenue Ayr south Ayrshire KA7 4NT
Grid reference: (e) 232700 (n) 619055
Planning application 23/00189/APP

I refer to the above planning application consultation submitted to this section on 10 May 2023 and can advise as follows.

There are no objections to this application so far as this Service is concerned.

It is noted that the proposal will affect the extract outlet from the neighbouring property which will require some mitigation.

This response with recommendation(s) was prepared by Brian Seditas, to whom any further enquiries can be made on [REDACTED]

Building Standards Email Dated 15 May 2023

Hi Del,

Further to our earlier discussion I can confirm the following;

- The works will require to the subject of a building warrant application, at this stage the proposals will be fully assessed for compliance with the Domestic Technical Handbook. An extension can be constructed on the boundary so long as it complies with all aspects of the building regulations i.e. fire/sound etc.
- The neighbouring property appears to have a window opening, and service penetration on the boundary - this would not be compliant with building regulations in respect of fire separation.
- There is no requirement in the building regulations for a hall to be provided with natural daylighting.

I trust this addresses your queries, and this would appear to be more of a civil matter to be addressed between the neighbours.

Kind Regards;

Katy

Katy Rodgers | Building Standards Co-ordinator | Building Standards | Housing, Operations and Development Directorate | katy.rodgers@south-ayrshire.gov.uk | Tel: [REDACTED] | South Ayrshire Council | County Buildings | Wellington Square | Ayr | KA7 1DR | www.south-ayrshire.gov.uk

Katy Rodgers | Co-òrdanaiche Inbhean Togail | Inbhean Togail | Leasachadh Taigheadais agus Obraichean Togalaichean Siorrachd | Katy.Rodgers@south-ayrshire.gov.uk Tel: [REDACTED] [REDACTED] www.south-ayrshire.gov.uk

Comments for Planning Application 23/00189/APP

Application Summary

Application Number: 23/00189/APP

Address: 63 Greenfield Avenue Ayr South Ayrshire KA7 4NT

Proposal: Alterations and extension to dwellinghouse

Case Officer: Mr Del Delury

Customer Details

Name: Mrs JANIS TEALE

Address: 65 GREENFIELD AVENUE DOONFOOT AYR

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:AMENITY/ROOF

Plan indicates roof is aligned to existing flat roofs but not attached with a 25mm gap running on each side. This will allow an ingress of water and debris which would affect existing walls through dampness. There is no drainage or waterproofing identified and the gap means there is no facility for maintenance should such issues arise. Attaching the roofs to prevent this would require permission which has neither been sought nor given.

Considerations of amenity issues relate to the effect on living conditions and quality of life of residents and creating a structure where dampness could be a new and ongoing issue negatively affects the amenity of my house.

IMPACT ON BUILT ENVIRONMENT/AMENITY

The proximity of the development in relation to my house is a major concern. Both houses are attached on the rear lower floor via a party wall. The existing framework of No 63 is to be demolished and a new cavity wall built against my existing wall which will involve the deep digging of substantial new foundations. I have it on good authority that it will be impossible to construct these new foundations and wall without affecting the integrity of my property or disturbing the foundations (including drainage) of my house given the proximity of one building to the other.

Belleisle Cottages are not run-of-the-mill buildings; they have been in place since the turn of the century and the current houses including mine have been built on and around these original structures. There is therefore an inherent fragility in their structure which would be adversely affected by the vibration and disruption caused by the digging of new foundations and the erection

of the new wall. This is likely to lead to structural problems in my own house where none have arisen previously. This is not an unreasonable concern given that the properties are joined.

Although planning considerations may not prioritise physical impact on neighbouring properties, amenity does include 'consideration of elements which contribute to the overall enjoyment of residing in a property' and 'elements relevant to the living conditions of a dwelling'. I believe the proposed development will affect quality of life and living conditions through the adverse effects on structure from the build as already detailed including drainage concerns such that my house could become unattractive to live in. Best practice in Planning should support sustainable development; it should not negatively impact on current structures.

SITE CONSTRAINTS

There are significant issues relating to access to the site and the space available for construction. There is restricted parking on the street outside the cottages for one vehicle which is time limited to 30 minutes with yellow lines on either side of the road due to the proximity of the roundabout. The lane adjacent to the rear of the houses is privately owned and stakes are in place to prevent parking on either side; in any case this is a single track road with no turning facility. The ground to the rear of the houses is all common ground (pathway and grass) which is well used by other residents and could not be commandeered as a parking facility for vehicles and equipment related to this proposed build. The site area would therefore be limited to the applicant's own rear porch which is around 6x10 feet.

SUMMARY

Despite the age of the original building and the upper extension developed on my property over 50 years ago, there have never been any concerns relating to dampness or drainage. I believe the proposed development would lead to negative amenity due to roof construction, drainage, dampness and maintenance concerns as detailed.

Professional advice has confirmed that the construction of new foundations and the wall to be attached to my house are extremely likely to undermine the structure and foundation of my property. Although the Party Walls etc Act 2006 does not apply to Scotland, a new party wall should not undermine the structural integrity of shared walls or a neighbouring property. It is reasonable to assume that South Ayrshire Council is committed to sustainable developments which do not undermine or reduce the amenity or living conditions of another property which this proposed development is likely to do.

Given site constraints as detailed it is difficult to see how this development could practically be progressed.

CONCLUSION

The proposals are therefore not in accord with the requirements of South Ayrshire Local Development Plan 2 Strategic Policy Development Management nor with the relevant policies of National Planning Framework 4.

j Teale 30 March 2023

Planning Development

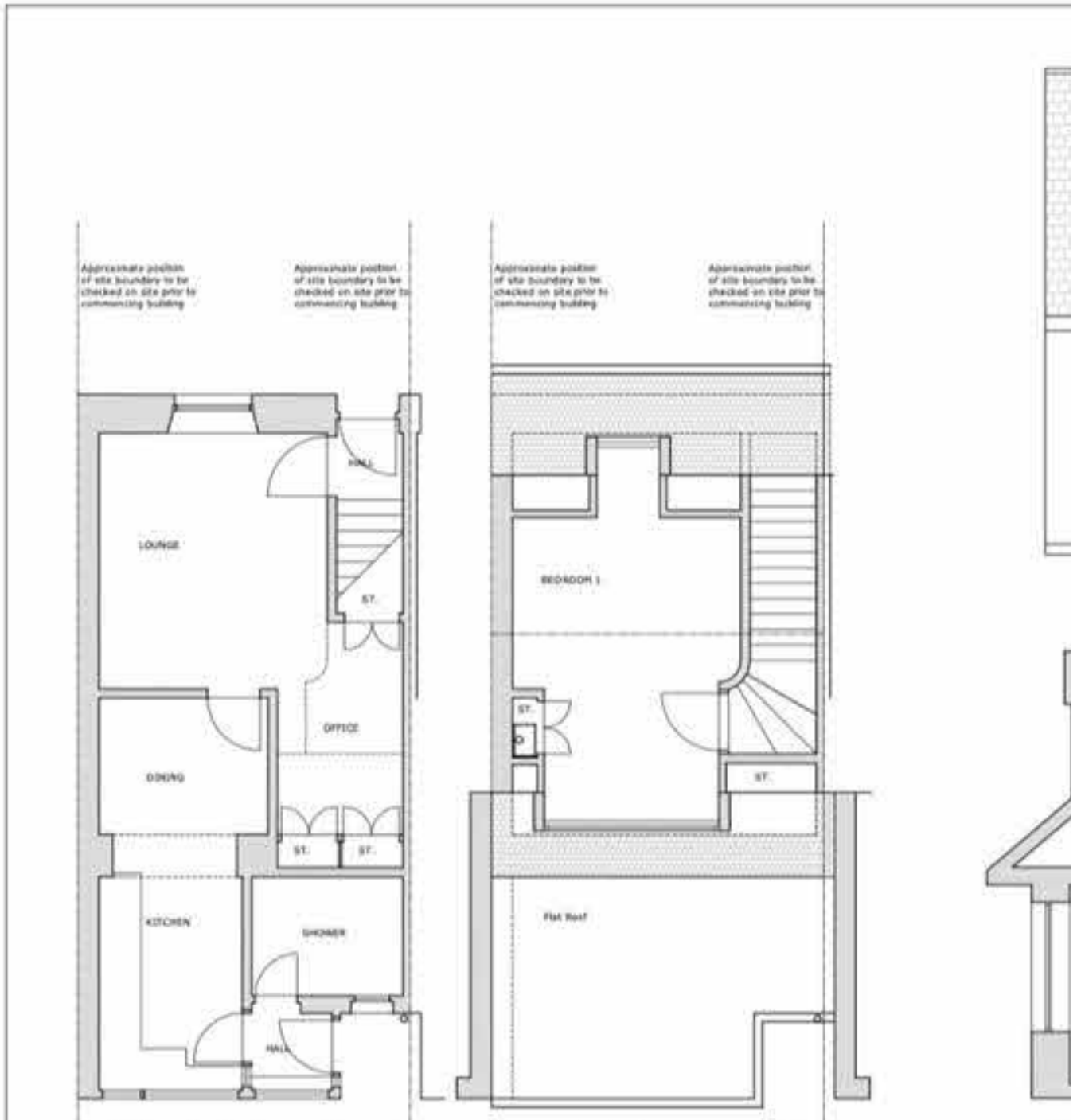
From: vivian stephens [REDACTED]
Sent: 04 April 2023 14:10
To: Planning Development
Subject: Re: Planning Application Ref 23/00189/APP - 63 Greenfield Avenue Ayr South
Ayrshire KA7 4NT
Attachments: OBJECTION - 2300189APP Alterations and extension to dwellinghouse .pdf

Hello,

Please let me know if you have received both documents this time.

Kind regards,

Vivian Stephens



- >
- > On 30 Mar 2023, at 14:01, planning.development@south-ayrshire.gov.uk wrote:
- >
- > Dear Sir / Madam,
- >
- > Please find attached correspondence confirming receipt of your comments in respect of the above-referenced application
- > .
- >
- > Kind regards,
- >
- > For and on behalf of Service Lead Planning and Building Standards

>
> South Ayrshire Council
>
> Housing, Operations and Development Directorate
> Planning Service
> County Buildings, Wellington Square, Ayr, KA7 1DR
> E: Planning.Development@south-ayrshire.gov.uk
> T: 01292 616 107
> W: www.south-ayrshire.gov.uk

>
> _____

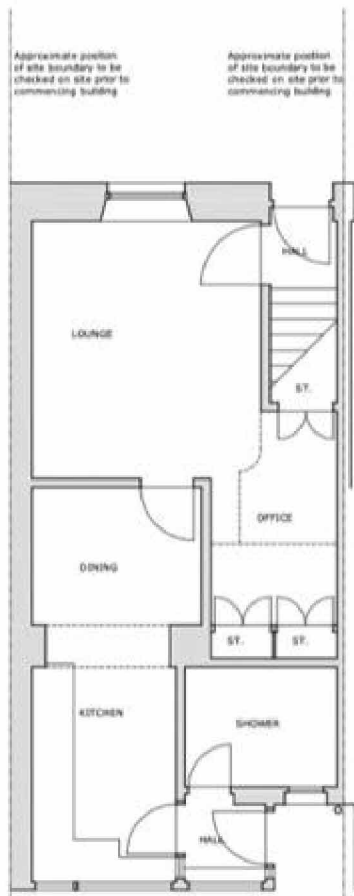
> *****

> This email and any files transmitted with it are confidential and
> intended solely for the use of the individual or entity to whom they
> are addressed. If you have received this email in error please notify
> South Ayrshire Council, 0300 123 0900.

>
> This footnote also confirms that this email message has been swept by websense for the presence of computer
viruses.

> *****

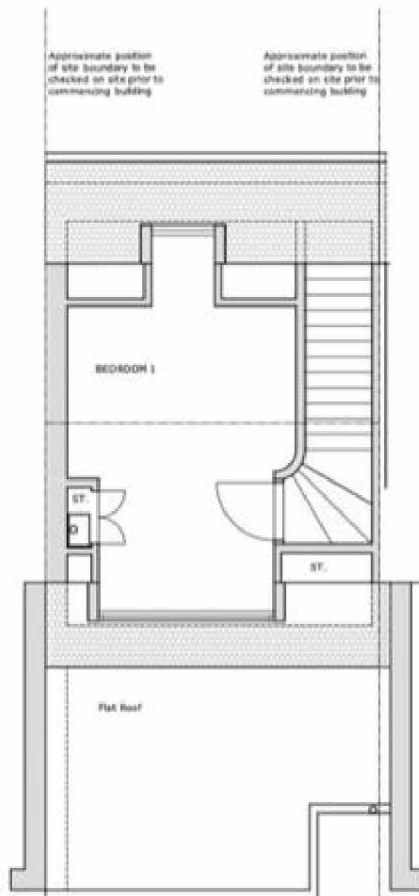
> Visit our web site at www.south-ayrshire.gov.uk
> <ufm3_Representtee_Acknowledgement.pdf>



GROUND FLOOR PLAN - EXISTING

Approximate portion of site boundary to be checked on site prior to commencing building

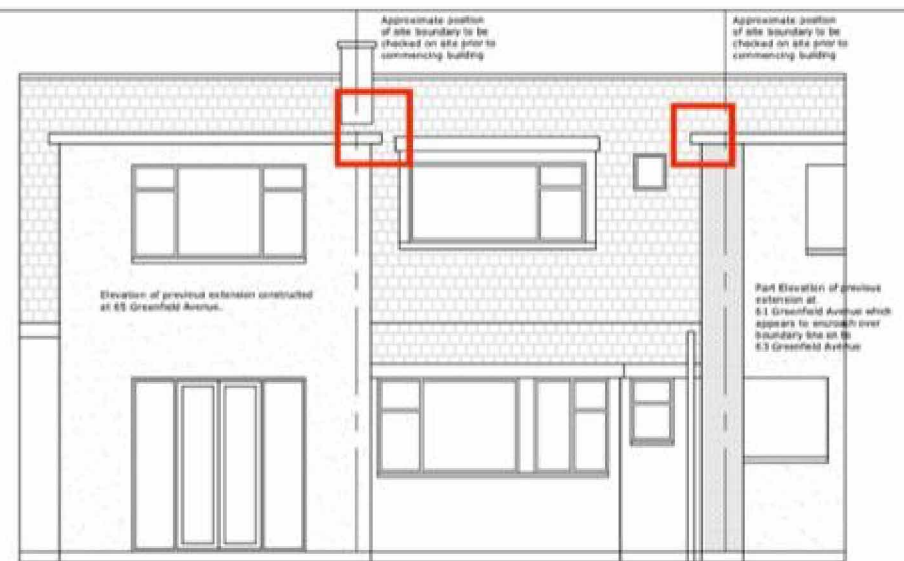
Approximate portion of site boundary to be checked on site prior to commencing building



FIRST FLOOR PLAN - EXISTING

Approximate portion of site boundary to be checked on site prior to commencing building

Approximate portion of site boundary to be checked on site prior to commencing building



REAR ELEVATION - EXISTING

Elevation of previous extension constructed at 63 Greenfield Avenue.

Part Elevation of previous extension at 61 Greenfield Avenue which appears to encroach over boundary line at 63 Greenfield Avenue



CROSS SECTION - EXISTING

Existing window to Hall/Star of 61 Greenfield Avenue

Kitchen extract terminal on 61 Greenfield Avenue

NO.	DATE	REVISION
CLIENT MR & MRS R. HOWAT		
PROJECT ALTERATIONS AND EXTENSION AT 63 GREENFIELD AVENUE DOONFOOT, AYR		
FILE GROUND FLOOR PLAN, CROSS SECTION AND REAR ELEVATION - AS EXISTING		
DRG. SCALE 1:100 (B44)	DRG. NO. 2023-01-001	REVISION NO.

23/00189/APP | Alterations and extension to dwellinghouse | 63 Greenfield Avenue Ayr South Ayrshire KA7 4NT – OBJECTION
Mrs Vivian Stephens
61 Greenfield Avenue
Ayr
South Ayrshire
KA7 4NT

Dear Sir/Madam,

I refer to your letter dated 10th March 2023, regarding Proposal of Alterations and Extension to dwellinghouse at 63 Greenfield Avenue.

From the plans there is uncertainty regarding the existing window on the upper landing of number 61. I can only assume Mr Howat, plans to block my window up, with the proposed extension. This would cause much concern in my property-

Lack of ventilation

Natural light loss

Increased noise/sound

It is already a dark space, and provides light down the dark stairwell, which is rather steep.

The Kitchen Extractor Fan also appears to have been overlooked. My cooker is situated on the wall, that the proposed wall is adjacent to, the extractor would have to be relocated to extract to another location, this would cause severe disruption and cost to my property. Externally and internally.

Connection between roofing at 61 and 63, no reference has been shown as to how this connection would be constructed. Severe disruption to the old buildings and chimney heads could give added problems that have not been considered.

The proposed plans for the build, show a gap of 25mm on either side, of the extension. I feel this gap could cause severe concern-

I would be unable to reach my extractor fan to maintain.

I would be unable to maintain the render, should it need maintenance.

A channel for debris to gather, potentially causing rising damp.

Adding another bedroom to the property, number 63, would create a small family home. In doing this, it then would allow the property to house more people. More people, more traffic, more cars, and no added parking for them. Parking is already a major issue at 61, 63, 65, 67.

I hope these points will be considered and looked at carefully.

Your sincerely,
Vivian Stephens

Environmental Health Email of 1 November 2023

I have no comments to make on this case.

Regards

Brian

Brian Seditas | Coordinator Environmental Health | Chief Executives Office | brian.seditas@south-ayrshire.gov.uk | [REDACTED] | South Ayrshire Council | 5-7 River Terrace, Ayr, KA8 0BJ | www.south-ayrshire.gov.uk

Brian Seditas | Oifigear Slàinte Àrainneachd | Taic Stiùiridh CE | Àrd-oifigear Roinn Barraid na h-Aibhne Brian.Seditas@south-ayrshire.gov.uk [REDACTED] | www.south-ayrshire.gov.uk

South Ayrshire Local Review Body

Application Reference: NO 23/00189/APP

Information from Interested Party: Mrs Janis Teale 65 Greenfield Avenue, Ayr KA7 4NT

Date: 11 December 2023

Off-Street Parking

Roads Alliance have long taken an interest in this area of Greenfield Avenue as there have been problems with unsafe parking at this busy junction for years. I myself raised concerns around 15 years ago with the Council and with local councillor Bill Grant, later MP, and he thought the matter would be addressed via the proposed installation of the roundabout and subsequent traffic restrictions but these have largely been ignored. The Council have provided one designated vehicle space time-limited to 30 minutes for drop-offs, deliveries etc (see image 1) and there has never been any intention of allowing on-street parking there hence the double yellow lines on both sides of the road.

The picture submitted by the applicant of 'No Car Parking' in this area of Greenfield Avenue is a red herring. The picture shows the road as it should be – minus any vehicles parked there – but the applicant will be well aware that his clients parked two large cars outside on the double yellow lines day and daily as there is no off-street parking. The previous residents of number 63 did likewise and the current occupier of the property now also parks there (see images 2, 3 and 4). It is reasonable to assume that if there were more residents at number 63 there could be as many as 4 vehicles parked outside on the street without taking account of random parking from customers of the nearby cafe and shop, delivery vans and so on including BT Openreach vehicles who regularly park there to service their hubs which are on the pavement. (See images 6 and 7). This illegal parking undoubtedly constitutes a safety risk as motorists travelling down Greenfield Avenue are unexpectedly reduced to one lane as they round the corner and likewise drivers turning into Greenfield Avenue face the same problem. There are regular back-ups of traffic on both sides not conducive to road safety at such a busy roundabout. Furthermore, anyone illegally parked on the double yellow lines who is consequently involved in an accident will invalidate their insurance and receive 3 points on their licence so consideration of planning applications should recognise and take account of this.

Other Properties on the Terrace

The statement that 'there is no off-street parking for any of the properties in the terrace' is incorrect. Both number 67 and 65 have designated garages so do not require off-street parking. The applicant also makes a spurious claim that the upper storeys at numbers 65 and 61 were developed without planning permission and 'never had any off-street parking' – again incorrect – thereby implying unfair treatment of his clients. My parents lived at number 67 from 1973 and I can confirm that numbers 65 and 61 had already been extended when they moved there (with garages in place for numbers 67 and 65) so he is comparing planning regulations, such as they were, from over 50 years ago with current regulations which takes no account of the increase in traffic and required parking restrictions since then.

In relation to off-street parking related to number 61, until around the late 1990s off-street parking was available in the lane adjacent to the cottages – that is where the resident of number 61 parked. This changed when new owners of the lane took over and cars parked there were served with clamping notices and parking has been prohibited there ever since. The lane has stakes erected on each side to prevent any parking of unauthorised vehicles – ie those belonging to local residents. (see image 5)

Perceived Unfair Treatment

The applicant also raises another issue of perceived unfairness relating to the refusal of planning permission which is not matched by evidence on the Council website. Other extension applications have been refused for the same reason and should the Local Review Body overturn this decision it would provide a prima facie case for other applicants in future to cite this as evidence that extensions can go ahead without off-street parking requirements.

Janis Teale

11 December 2023

GREENFIELD AVENUE PARKING ISSUE IMAGES



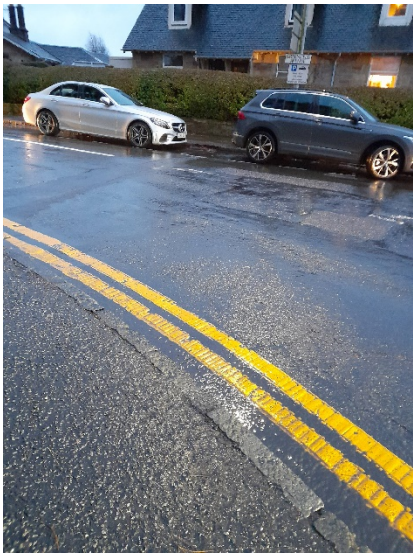
1 Restricted Parking Sign



2 Resident parking



3 Issues for through traffic approaching roundabout



4 Resident parking



5 Private lane prohibited parking



6 Open reach servicing broadband/telephone hubs on pavement outside cottages

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Planning Consultant



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12 December 2023

To be sent by e-mail to: localreviewbody@south-ayrshire.gov.uk

For the attention of Ms Karen Briggs
Service Lead
Legal and Licensing
South Ayrshire Local Review Body

Dear Sirs

South Ayrshire Local Review Body
Application Ref No: 23/00189/APP
Applicant: Mr Andrew Brown
Site Address: 63 Greenfield Avenue, Ayr, KA7 4NT
Description: Alterations and Extension to Dwellinghouse
Notice of Review

Thank you for your letter (sent by e-mail to Ms J Teale, 65 Greenfield Avenue, Doonfoot, Ayr, KA7 4NT) of 28 November 2023 confirming that you had received a Notice of Review in relation to the above-mentioned proposals.

I have been instructed by Mrs Teale to submit, for the consideration by the LRB, a statement confirming her considerable concerns about the proposals and that she is therefore formally objecting to them via this and her own submission which is attached.

In my response, I will be referring to:

1. Report of Handling of the Application
2. The Council's Decision Notice and
3. The Applicant's Additional Information (no specific title)

1. **Report of Handling**

In determining the application, a number of policies were included in the assessment.

In relation to NPF4, they are:

○ **Policy 14: Design, quality and place**

The emphasis in Policy 14 is the creation of successful places. The proposals are unable to satisfactorily meet the Council's requirements for car parking. That a location is able to meet these requirements must surely be an essential component in the delivery of successful places.

Criterion a) of Policy 14 states that '*Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale*'.

The consequences of additional resident on-street parking, added to the ad hoc parking by customers of the nearby café and shop, delivery vans, etc, will ensure that the proposals will not meet the requirements of criterion a).

○ **Policy 16: Quality homes**

The Report of Handling identifies criterion g) (i) and (ii) as being relevant and that the proposals are compatible with requirements.

I would argue that, in relation to (i), the effect of the creation of an additional bedroom and the parking requirements arising from this would, if implemented, '*have a detrimental impact/environmental quality ...of the surrounding area.*'

In relation to (ii), the detrimental effect on neighbouring properties would arise out of the '*physical impact*' of the competition arising from on-street parking.

South Ayrshire Local Development Plan 2

The three policies considered relevant are:

- (i) Strategic Policy 1: Sustainable Development
- (ii) Strategic Policy 2: Development Management and
- (iii) LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites

(i) **Strategic Policy 1: Sustainable Development**

The Report of Handling indicates a level of satisfaction with the details of the proposals and therefore its implied compatibility with the requirements of this policy.

I would maintain, nevertheless, that, if implemented, the consequences for parking would be such that the requirements for a successful place would be undermined.

(ii) **Strategic Policy 2: Development Management**

A number of criteria are relevant here:

'We (The Council) will ensure that development proposals

- ***do not have unacceptable impact on the amenity of nearby land uses ...'***

The parking consequences would clearly have an unacceptable impact.

- ***'are appropriate to the area in terms of road safety, parking provisions and effects on the transport network'***

Clearly, the proposals would not satisfy the requirements of this criterion.

(iii) **LDP Policy: Residential Policy within Settlements, Release Sites and Windfall Sites**

The preamble refers to development that may *'threaten the character of existing residential areas'*. The residential area in this case would be that formed by the group of properties at the junction of Greenfield Avenue and Dunure Road. The potential parking implications arising out of this would have clear implications for amenity and thereby the character of the area.

2. **The Council's Decision Notice**

The sole reason for refusal was given as:

'(1) That insufficient off-street parking provision has been provided within the curtilage of the dwellinghouse to serve the property as extended, to the detriment of road safety in the locale. As such, the proposals are contrary to the provisions of the South Ayrshire Local Development Plan 2, specifically Strategic Policy 2: Development Management.'

I maintain, for the reasons stated elsewhere in this submission, that the proposals do, in fact, offend the requirements of those policies of NPF4 and LDP2 as mentioned in the Report of Handling.

3. **The Applicant's Additional Information**

As I understand it, the document submitted is intended to show:

- (i) **Through the images from Greenfield Avenue/Doonfoot Road, that there is no problem?**

I am not a qualified Transport Consultant but I would suggest that two undated images hardly qualify as an objective analysis of the situation.

(ii) Decisions applied elsewhere

This is a matter for the local authority to clarify. In this case, in my opinion, the proposals have been properly and unambiguously considered within the terms of current policy.

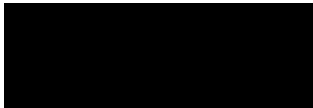
This policy applies throughout the ARA and the Council has maintained a consistent approach which, if allowed to unravel, would have widespread consequences.

Traffic flow in Greenfield Avenue has been a matter of concern for some time (highlighted in the representation made by Mrs Teale).

Conclusions

I would ask members of the LRB to support the recommendations made by the appointed officer to refuse this application. I would add that close scrutiny of the policies taken into account in the determination of this applicant would confirm additional reasons for refusal.

Yours faithfully



Michael S Evans
Planning Consultant

cc: Janis Teale

Good Afternoon,

I attach our second report commenting on the Local Review Body's email.

The principal reason for refusal of the Planning remains only the Ayrshire Roads Alliance's consultation and requirement for two car parking spaces within the curtilage of the site which cannot be provided and has not been provided for the extensions at both 61 and 65 Greenfield Avenue.

Yours,

Andrew Brown

Project	Proposed Extension at 63 Greenfield Avenue, Ayr
Client	Mr. Roy Howat
Planning Reference	23/00189/APP

Response to Local Review Body letter (by email) 18th December 2023

1 The response from the Planning Consultant

Part of this response refers to the proposal having a 'detrimental Impact/environmental quality Of the surrounding area' is opinionated and was never raised as a concern as part of the Planning Application process.

The fundamental reason for refusal of the Planning Application derives from the Ayrshire Roads Alliance consultation which requires two off street parking spaces within the curtilage of the dwelling houses. (not garages!) which are not, and cannot be provided for properties 61, 63, 65 and 67 Greenfield Avenue!

I would also point out that no images provided are 'dated' and only a detailed transport and traffic study would provide robust information on the use of the '30 minutes with no return in 30 minutes' parking/drop-off areas. This area is dimensioned to allow on car/van to drop off but as can be seen in the undated images this is often abused. This should be referred to Police Scotland if it is an offence or to Local Parking Attendants employed by the local council.

2 Information from Interested Party

Again, this refers to the refusal being based on the inability to provide sufficient off-street parking within the curtilage.

We are interested to understand where the 'designated garages' for properties 65 and 67 are located as there is no areas within the 'curtilage of the dwellinghouse' that we can see as compliant with the Ayrshire Roads Alliance's requirements?

If the Ayrshire Roads Alliance and South Ayrshire Council Planning Department consider that renting or purchasing car parking spaces in the locality, we have spoken to an adjacent property owner with a larger site who will consider renting car parking spaces for the use of 63 Greenfield Avenue.

We can find no record of Planning Approvals for the rear extensions at 61 and 65 Greenfield Avenue and would respectfully request that if these exist, we are provided with access to them for our review.

The issue as shown in the attached undated photographs was to highlight the issue of extending properties within 'Permitted Development' limits when Planning Permission is not required therefore creating additional accommodation would not be referred to Ayrshire Roads Alliance and therefore no objections regarding the need for additional parking would be an issue.



Example 1 – Roof Windows extensions



Example 2– Roof windows extensions

23/00189/APP – 63 Greenfield Avenue, Ayr

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) That notwithstanding the plans hereby approved, all proposed materials to be used on external surfaces shall match the existing dwellinghouse to the satisfaction of the Planning Authority.

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) To ensure that materials are appropriate for the site and in the interests of visual amenity.

Reason for decision

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.