

REGULATORY PANEL: 12 OCTOBER 2022

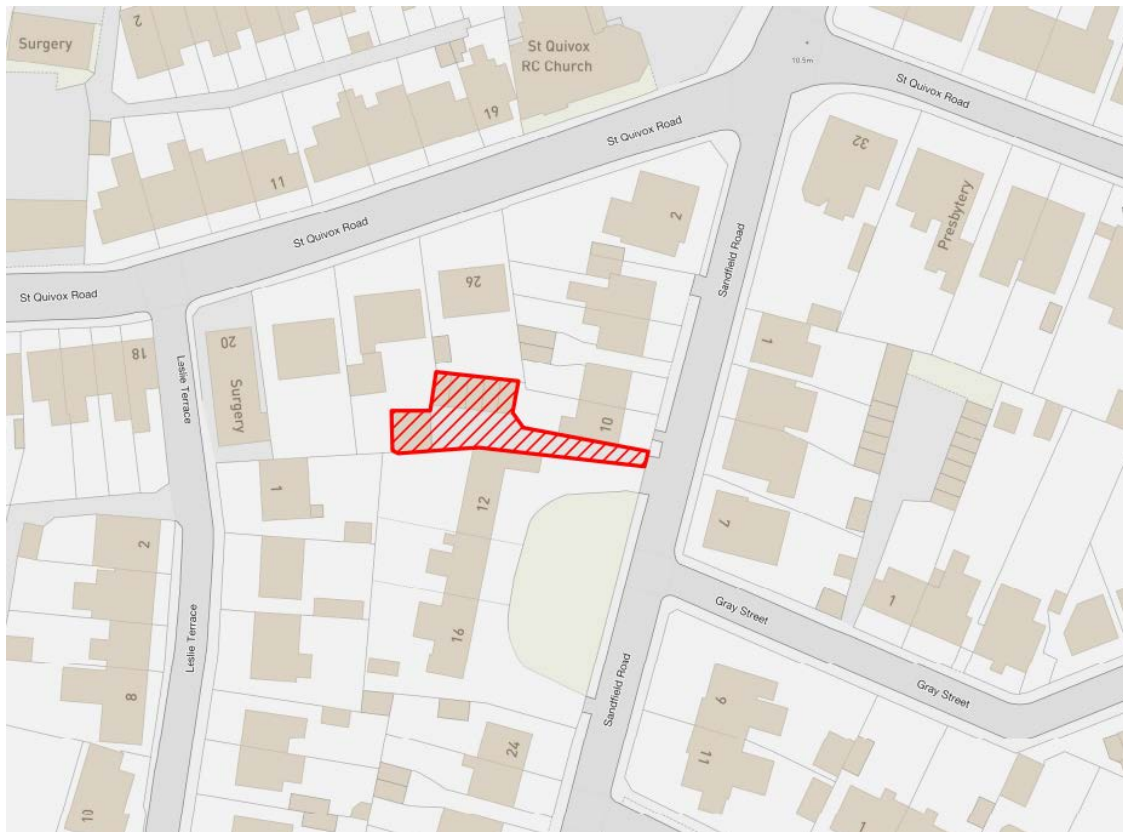
REPORT BY PLACE DIRECTORATE

22/00478/APP

10 SANDFIELD ROAD PRESTWICK SOUTH AYRSHIRE KA9 1NB

Location Plan

APPLICATION SITE



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Summary

The application site is located within a residential area at Sandfield Road, Prestwick, and more specifically comprises the site of 7 lock-up garages.

The proposals involve the demolition of the 7 lock-up garages to accommodate the erection of a dwellinghouse and its associated garden ground. The proposed dwellinghouse is 2 storeys in height, comprises 3 bedrooms and is finished with a grey tiled roof, rendered walls and uPVC windows and doors.

It is considered that the proposals would result in a) an increased demand for on-street parking and congestion which would impede the free flow of traffic within public road limits, to the overall detriment of road safety, and residential amenity at this location; b) would result in an unacceptable sense of enclosure to adjacent neighbouring properties sited at 10 and 12 Sandfield Road, and 24 and 26 St Quivox Road; c) is considered that the proposed development results in 'town cramming' by reason that the development would have a detrimental impact on the established character and layout of the area; d) the small infill plot is considered to represent over-development which would not provide a suitable residential amenity for the future occupiers of the property due to insufficient private garden ground; e) that the that the proposed development will be overlooked by the dwellinghouse located at 24 St Quivox Road and f) the proposed dwelling's upper floor window is considered to overlook the private garden ground of 24 St Quivox Road.

It is considered that the proposal would have a detrimental impact on the character of area and residential amenity of the neighbouring properties and does not meet the provisions of the Scottish Planning Policy, the Local Development Plan policy 'Sustainable Development', 'Residential Policy within Settlements, Release Sites and Windfall Sites', and 'Land Use and Transport'.

Accordingly, it is recommended that the application is refused.

REPORT BY PLACE DIRECTORATE

REGULATORY PANEL: 12 OCTOBER 2022

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00478/APP
SITE ADDRESS:	10 SANDFIELD ROAD PRESTWICK SOUTH AYRSHIRE KA9 1NB
DESCRIPTION:	ERECTION OF A DWELLINGHOUSE
RECOMMENDATION:	REFUSAL

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.

1. Proposal:

Planning permission is sought for the erection of a dwellinghouse on land adjacent to 10 Sandfield Road, Prestwick.

The site of the proposed development comprises an area of ground which accommodates 7 x lock-up garages. The site is relatively flat and extends to an area of approximately 323m². To the north, the application site is bound by residential properties located at 10 Sandfield Road and 26 St Quivox Road; to the west by the dwellinghouse located at 24 St Quivox Road; to the south by the dwellinghouse located at 12 Sandfield Road; and to the east by the public footway/ highway located on Sandfield Road.

The proposals involve the demolition of the 7 x lock-up garages to accommodate the erection of a dwellinghouse and its associated garden ground. The lock up garages are within the ownership of the applicant, who also owns the dwellinghouse located at 10 Sandfield Road. The proposed dwellinghouse is 2 storeys in height and shall comprise 3 bedrooms and is finished with a grey tiled roof, rendered walls and uPVC windows and doors. Access to the application site is to be taken directly from Sandfield Road.

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 more than five competent written objections have been received.

2. Consultations:

- **Scottish Water** - offer no objection.
- **Ayrshire Roads Alliance (ARA)** - recommend refusal of the application due to the potential loss of parking as a result of the loss of the existing lock-ups.

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:

6 representations have been received from 5 separate households, all of which object to the proposed development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The issues raised by representees can be summarised as follows.

- Parking, road safety and access concerns;
- Privacy/ amenity concerns;
- Development not in keeping with the character of the locale; and
- Loss of view.

These points are addressed in section 7(iv) of this report.

In accordance with the Council's procedures for the handling of planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report, either by addressing the Panel directly or by making a further written submission. Members can view any further written submissions in advance of the Panel meeting at www.south-ayrshire.gov.uk/planning. A response to these representations is included within the assessment section of this report.

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.

(i) Development Plan

Section 25 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 following provisions of the South Ayrshire Local Development Plan 2 are considered relevant to the consideration of this application:

- Strategic Policy 1: Sustainable Development;
- Strategic Policy 2: Development Management;
- Residential Policy within settlements, release sites and windfall sites;
- Land Use and Transport.

The provisions of the Adopted South Ayrshire Local Plan must 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.

- **Strategic Policy 1: Sustainable Development and Strategic Policy 2: Development Management;**

The above strategic policies seek to ensure that development proposals are appropriate to the local area in terms of character and amenity impact, layout, scale, massing, design and materials in relation to its surroundings, and importantly, by being appropriate to the local area in terms of road safety and effect on the transport network.

The proposed dwellinghouse is considered to represent 'town cramming' and increases the density of housing development at the locality. Furthermore, the Ayrshire Roads Alliance (ARA) has recommended refusal of the application due to the potential loss of parking as a result of the loss of the existing lock-ups. On this basis, there are fundamental concerns that the proposals could potentially result in additional on-street parking and increase parking congestion in the vicinity, which it is considered would be detrimental to road safety as well as the residential amenity of the locality.

For these reasons, the development proposal is considered to be contrary to the provisions of strategic LDP2 policies in relation to sustainable development and development management.

- **LDP2 Policy: Residential Policy within Settlements, Release Sites and Windfall Sites;**

The above policy aims to protect the character and amenity of areas that are mainly residential, particularly from non-residential development which could have negative effects on the local amenity. The policy also sets out the criteria to be applied to new residential development within settlements, and which are noted as follows;

- a) The site has adequate access for vehicles, which is separate from other property and which directly connects to the public road network;
- b) The layout, density, plot ratio, scale, form and materials of any proposed development do not detract from the character of the surrounding buildings and the local area;
- c) It does not affect the privacy and amenity of existing and proposed properties;
- d) The site does not form an area of maintained amenity or recreational open space unless it is already part of the established housing land supply;
- e) The site provides a suitable residential environment; and
- f) It provides private and public open space in accordance with the requirements of the LDP Policy: open space, and our open space guidelines.

In response to the above:

- a) While the proposed site has access for vehicles which is separate from other property and which directly connects to the public road network, it is noted that the ARA recommends refusal of the application due to the potential loss of parking as a result of the loss of the existing lock-ups. On this basis, there are fundamental concerns that the proposals could potentially result in additional on-street parking and increase parking congestion in the vicinity, which it is considered would be detrimental to road safety as well as the residential amenity of the locality.

- b) The proposed 2 storey dwellinghouse is to be sited within a small infill plot which is sandwiched between the neighbouring properties at 10 and 12 Sandfield Road, and 24 and 26 St Quivox Road. It is considered that the resultant development will detrimentally impact those properties, as outlined under c), below.

The size, scale and massing of a 2 storey dwellinghouse within the small plot results in town cramming and over-development of the plot which will increase the density of residential development in the locality and be detrimental to the layout and appearance of the area. The proposals are therefore considered to be detrimental to the visual and residential amenity of the locality.

- c) The proposed 2 storey dwellinghouse is considered to adversely impact the adjacent neighbouring properties amenity at 10 and 12 Sandfield Road, and 24 and 26 St Quivox Road. The proposed development is to be sited in close proximity to the mutual side boundaries of the aforementioned properties which will result in an unacceptable sense of enclosure to their private garden grounds. Furthermore, the driveway to serve the proposed dwellinghouse sits immediately adjacent to the rear garden ground of the dwellinghouse located at 10 Sandfield Road and vehicles accessing/ egressing from the application site has the potential to disturb the residential amenity of this property. In terms of privacy impact, it is noted that the dwellinghouse at 24 St Quivox Road has a dormer window which has an aspect over the application site resulting in unsuitable residential amenity for the future occupants of the dwellinghouse. There are also concerns that the proposed dwelling's upper floor window is considered to overlook the private garden ground of 24 St Quivox Road.
- d) The site does not form an area of maintained amenity or recreational open space.
- e) The proposed dwellinghouse will not provide a suitable residential amenity for the future occupiers of the dwellinghouse as the garden ground provided is deficient for the size of the dwellinghouse proposed, and is not in accordance with the Council's minimum standards (as outlined elsewhere in the report), and the rear garden ground of the proposed property shall also be overlooked by the neighbouring property at 24 St. Quivox Road.
- f) As outlined elsewhere in the report, the property is not provided with a sufficient amount of garden ground and does not meet the minimum space standards, as outlined elsewhere in the report.

For these reasons, it is considered that the proposals are contrary to the LDP2 Policy: Residential Development within settlements, release sites and windfall sites.

LDP2 Policy: Land Use and Transport;

This policy requires for development to provide parking which reflects the role of the development and which keeps any negative effects of road traffic on the environment to a minimum. As outlined elsewhere in the report, the development is not considered to be in accordance with this policy.

Given the above policy context, the development proposal is not considered to be in accordance with the aforementioned policy provisions of the local development plan.

(ii) Other Policy Considerations (including Government Guidance)

Scottish Planning Policy;

A single consolidated version of Scottish Planning Policy has been prepared and adopted by the Scottish Government in June 2014. This forms the most up-to-date statement in terms of the Scottish Ministers position in relation to land use matters, and is therefore relevant in the consideration of the current application. The SPP which must be read as a whole, is based on two principal policies, namely; Sustainability and Placemaking. In terms of 'Sustainability', this involves directing development to the right place, and not to allow development at any cost (para. 28). This means that policies and decisions should be guided by a series of key principles, of which one relates to the need to avoid over- development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality (para. 29).

With regards to 'Placemaking', the SPP states that planning should take every opportunity to create high quality places by taking a holistic and design-led approach which demonstrates the six qualities of a successful place, namely; distinctiveness, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond.

The Scottish Planning Policy (SPP) recognises that infill sites can make a useful contribution to the supply of housing land. It directs that proposals for infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community. The individual and cumulative effects of infill development should be sustainable in relation to social, economic, transport and other relevant physical infrastructure and should not lead to over development.

There are fundamental concerns in relation to the proposal in terms of impact on amenity of adjacent neighbouring properties, visual amenity of the immediate locality, and impact on the local road network, therefore the development proposal is considered to be contrary to the principal policies of the SPP, as outlined further, below.

The Council's Planning Guidance entitled 'Open Space and Designing New Residential Developments';

The guideline sets out what is considered to be appropriate garden sizes for new residential development. This ensures that residential properties are serviced by sufficiently sized gardens for their inhabitants and also provides for adequate distances from boundaries to protect the neighbours' privacy from overlooking. Additionally, appropriately sized gardens provide an appropriate setting for a dwellinghouse within its surroundings. The guideline states that detached, semi-detached and terraced properties should be provided with rear gardens in proportion to their size. Rear gardens will be expected to be 1.5 times the size of the ground floor area for detached and semi-detached dwellings and no less than 100m². This will generally include rear and side dwellinghouse gardens enclosed by fence/wall/hedge.

A minimum garden depth of 9 metres shall be required. This distance may be relaxed in the case of corner plots and on plots, with two or more frontages onto roads, subject to the minimum areas being satisfactorily provided. A minimum of 18 metres between habitable windows (including kitchens) shall be provided. This may have to be increased in certain circumstances, for example where a new development is backing onto an existing residential area or where the new development is greater than 2 storeys in height.

The guideline specifically states that open space requirements within infill developments will be the same as those for new residential areas. However, the Council recognises that there may be circumstances where higher or lower open space standards may be necessary when taking into account the established character and amenity of the existing surrounding area. In all cases one of the key considerations will be the ratio of built form to open space. This should be reflective of the existing surrounding area unless overriding design considerations indicate otherwise. There will, therefore, be instances where the plan form and plot ratio of dwellinghouses within the vicinity will be significantly greater or smaller and it may therefore be more appropriate to require more than the minimum standard in order to achieve a reasonable balance in the town plan form and fit with adjacent properties.

In this instance, the proposed development does not provide for private rear garden ground of 100 m² or at a ratio of one and a half times the dwelling's ground floor area.

It is noted that the proposed dwellinghouse is sited, at its closest point, approximately 2 m from the rear boundary; A minimum of 9m is required. The proposed footprint of the dwellinghouse is 64 m²; however, the resultant garden ground equates to 63 m², which is deficient of the requirements set out in the guideline. On this basis, it is considered that the proposals are contrary to the above Council guidance, and shall not provide a suitable residential amenity for the occupants of the dwellinghouse. Whilst it is accepted that some housing in the locality will not meet the minimum standard; the net effect of the proposal is to overdevelop the site with an adverse impact on the area and it is therefore not otherwise considered in this instance that to accept a reduction in open space standards serves the wider public interest. Additionally, the proposed dwellinghouse results in a cramped visual appearance within the small infill plot which is sandwiched between the adjacent neighbouring properties, and is considered to have a negative visual impact on the established character and layout of the area. This is outlined further, below.

(iii) Objector Concerns

- *Parking, Road safety and access concerns;*

These matters are addressed elsewhere in this report.

- *Privacy/ amenity concerns;*

These matters are addressed elsewhere in the report.

- Development not in keeping with the character of the locale.

The proposed dwellinghouse results in a cramped visual appearance within the small infill plot which is sandwiched between the adjacent neighbouring properties, and is considered to have a negative visual impact on the established character and layout of the area

- Loss of view.

The loss of view is not considered to be a material consideration to the assessment of the planning application.

(iv) Impact on the Locality

Sandfield Road is a residential area, as defined by the development plan, however the proposal is considered to result in overdevelopment in the locality. The erection of a dwellinghouse at the application site would result in the loss of off-road parking, and would adversely impact on the residential amenity currently afforded to the neighbouring properties sited at 10 and 12 Sandfield Road, and 24 and 26 St Quivox Road. Specifically, the properties would be impacted in terms of an unacceptable sense of enclosure due to the close proximity, scale and massing of the proposed dwellinghouse being 2 storeys in height and sited in close proximity to mutual boundaries. Furthermore, the driveway to serve the proposed dwellinghouse sits immediately adjacent to the rear garden ground of the dwellinghouse located at 10 Sandfield Road and vehicles accessing/ egressing from the application site has the potential to disturb the residential amenity of this property. In terms of privacy impact, it is noted that the dwellinghouse at 24 St Quivox Road has a dormer window which has an aspect over the application site resulting in unsuitable residential amenity for the future occupants of the dwellinghouse. There are also concerns that the proposed dwelling's upper floor window is considered to overlook the private garden ground of 24 St Quivox Road.

Matters relating to road safety/ parking are material to the assessment of the current planning application. Given the policy provisions of the development plan, along with the consultation response from the ARA, it is considered that the development proposal would have an adverse impact on the local road network due to the loss of 7 x existing lock-up garages. It is considered that the proposals, if approved, would result in increased demand for on-street parking and congestion which would impede the free flow of traffic within public road limits, to the overall detriment of road safety, and residential amenity at this location. In this regard, it is considered that the proposal would not meet the provisions of LDP policy 'Sustainable Development' in terms of its potential impact on road safety and effect on the local transport network, 'Residential Policy within Settlements, Release Sites and Windfall Sites', due to the adverse impact on the residential amenity of the locale, and LDP policy 'Land Use and Transport' in terms of not providing parking which reflects the role of the development and which keeps any negative effects of road traffic on the environment to a minimum.

Furthermore, it is considered that the proposed 2 storey dwellinghouse sited within a small infill plot at the locale would result in a visually cramped appearance. The resultant development would not be provided with sufficient private garden ground for the future occupants of the dwellinghouse, and which would be overlooked by the adjacent neighbouring property at 24 St Quivox Road. Therefore, as well as the unacceptable impact on the character of the area, the development proposals would not provide a suitable residential environment for the future occupiers of the dwellinghouse and would adversely impact the residential amenity currently afforded to the neighbouring properties.

The application has been assessed in this context and against the policy provisions of the Adopted South Ayrshire Local Development Plan 2, and is considered to be contrary to the provisions of the development plan. Given the above assessment and having balanced the applicants' rights against the general interest, it is recommended that the application be refused for the reasons below.

8. Conclusion:

The application has been assessed against the various material considerations which include the provisions of the development plan, Government guidance, consultations undertaken, representations received and the impact of the proposed development on the locality. There are significant concerns that the application proposals would result in the loss of off street parking provision, as well as adversely impacting the residential amenity currently afforded to the neighbouring properties sited at 10 and 12 Sandfield Road, and 24 and 26 St Quivox Road. As such, the assessment concludes that the principle of the proposed development is significantly contrary to the provisions of the development plan, Scottish Planning Policy and the Council's Supplementary Planning Guidance entitled 'Open Space and Designing New Residential Developments'.

Given the above assessment, it is recommended that the application is refused.

9. Recommendation:

It is recommended that the application is refused.

Reasons:

- (1) That the development proposal is contrary to Scottish Planning Policy, the Adopted South Ayrshire Local Development Plan 2 policies in relation to 'Sustainable Development', 'Development Management' and 'Residential Policy within Settlements, Release Sites and Windfall Sites' as the proposals would result in an unacceptable sense of enclosure to adjacent neighbouring properties sited at 10 and 12 Sandfield Road, and 24 and 26 St Quivox Road;
- (2) That the development proposal is contrary to Scottish Planning Policy, the Adopted South Ayrshire Local Development Plan 2 policies in relation to 'Sustainable Development', 'Development Management' and 'Residential Policy within Settlements, Release Sites and Windfall Sites', and 'Land Use and Transport' as the proposals would result in 'town cramming' by reason that the development would have a detrimental impact on the established character and layout of the area;
- (3) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan 2 policies in relation to 'Sustainable Development', 'Development Management' and 'Residential Policy within Settlements, Release Sites and Windfall Sites', as the proposed development will be adversely affected in terms of their residential amenity due to the private rear garden ground being overlooked by the adjoining neighbouring property at 24 St Quivox Road.
- (4) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan 2 policies in relation to 'Sustainable Development', 'Development Management' and 'Residential Policy within Settlements, Release Sites and Windfall Sites' as the vehicular access/ egress to the serve the dwellinghouse will adversely impact the residential amenity of the residential property located at 10 Sandfield Road.
- (5) That the development proposal is contrary to the Adopted South Ayrshire Local Development Plan 2 policies in relation to 'Sustainable Development', 'Development Management', 'Residential Policy within Settlements, Release Sites and Windfall Sites', and 'Land Use and Transport' due to the loss of existing off street parking provision, which would result in increased demand for on-street parking and congestion in the locality, which would impede the free flow of traffic within public road limits, to the overall detriment of road safety, and the residential amenity of the immediate locality.

List of Determined Plans:

Drawing - Reference No (or Description): 1

Drawing - Reference No (or Description): 2

Background Papers:

1. Adopted South Ayrshire Local Development Plan 2 (LDP2);
2. Scottish Planning Policy (SPP);
3. The Council's Supplementary Planning Guidance entitled 'Open Space and Designing New Residential Developments'
4. Consultation responses;
5. Representations Received.

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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