

# SOUTH AYRSHIRE COUNCIL

## LOCAL REVIEW BODY

### NOTE OF CURRENT POSITION

<b>Site Address:</b>	<b>3 CUNNINGHAM STREET, TARBOLTON, SOUTH AYRSHIRE, KA5 5QF</b>
<b>Application:</b>	<b>ALTERATIONS AND EXTENSION TO DWELLINGHOUSE</b>

<b>Appointed Officer's Decision:</b>	Refused
<b>Date Notice of Review Received:</b>	6 September 2024

<b>Current Position:</b>	Case continued from meeting on 5/11/24 for accompanied site visit, which took place on 2/12/24
<b>Documentation:</b>	<p>The following documents in relation to the review are attached:</p> <p>Pages 1 to 6 - Report of Handling</p> <p>Pages 7 to 11 - Notice of Review – September 2024</p> <p>Pages 12 to 13 - Review Statement</p> <p>Page 14 - Supporting Information - Letter from neighbour</p> <p>Pages 15 to 21 - Original Planning Application and submitted plans– December 2023</p> <p>Pages 22 to 23 - Decision Notice</p> <p>Page 24 - Consultation responses – ARA – April 2024</p> <p>Pages 25 to 27 – Consultation responses – West of Scotland Archaeology Service – May 2024</p> <p>Pages 28 to 35 – Case Officer Photographs.</p>

	<p>Pages 36 to 37 - Further response from Agent following Case Officer's Photographs.</p> <p>Page 38 - Draft Conditions.</p>
<b>New Material:</b>	No
<b>Additional Material Any other Comments:</b>	N/A
<b>Dated:</b>	November 2024

## **Report of Handling of Planning Application**

The Council's Scheme of Delegation can be viewed at <https://www.south-ayrshire.gov.uk/planning-application-process>

Reference No:	24/00298/APP
Site Address:	3 Cunningham Street Tarbolton South Ayrshire KA5 5QF
Proposal:	Alterations and extension to dwellinghouse
Recommendation:	Refusal

### **REASON FOR 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 has been determined in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

#### **Key Information:**

- The application was received on 23 April 2024.
- The application was validated on 23 April 2024.
- Neighbour Notification, under Regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, was carried out by the Planning Authority on 24 April 2024.
- A Site Visit was carried out by the Planning Authority on 3 May 2024.
- A Site Notice was posted in the locality under Section 65 of Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) by the Planning Authority on 7 May 2024.
- A Public Notice, under The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended) was placed in the Local Press on 7 May 2024.

#### **1. Site Description:**

The application site is a detached dwellinghouse at 3 Cunningham Street, Tarbolton. The application site is bound by a commercial property to the north, a residential property to the south and carpark of a scout hall to the west.

The application site is also located within Tarbolton Conservation Area.

#### **2. Planning History:**

23/00952/APP – Alterations and extension to dwellinghouse – Withdrawn April 2024 following concerns raised by the Planning Authority.

#### **3. Description of Proposal:**

Planning permission is sought for the erection of a one and a half storey extension to the rear of the dwellinghouse. Full details are set out within the application submission.

#### **4. Consultations:**

**Ayrshire Roads Alliance** – Offer no objections.

**West of Scotland Archaeology Service** – Offer no objections, subject to conditions.

**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:**

No representations were received.

**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/12/index.aspx):

- National Policy 7: Historic assets and places
- National Policy 14: Design, Quality and Place
- National Policy 16: Quality Homes

With regard to development in conservation areas, Policy 7(d) states that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

National Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. This policy requires that development proposals will be designed to improve the quality of an area whether in urban or rural

locations and regardless of scale. Development proposals will be supported where they are consistent with the six qualities of successful places: Healthy, pleasant, connected, distinctive, sustainable, adaptable. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

With regard to householder development proposals, National 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.

It is acknowledged that the proposed extension shall be sited to the rear of and below the roof ridge of the existing dwellinghouse, limiting views of the proposed development from the streetscape of the conservation area and thus generally compliant with National Policy 7(d).

Notwithstanding this, it is considered that the proposed height, scale and massing of the extension shall result in a detrimental impact on the residential amenity of the neighbouring dwellinghouse at 2 Well Street, primarily in terms of its physical impact as well as potential overshadowing.

The proposed extension, by way of its size, design and materials and likely detrimental impact on neighbouring properties in terms of a resultant unacceptable means of enclosure, is not considered to accord with policies 14 or 16 of the NPF4, as outlined further within the report.

#### 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):

- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management
- LDP 2 Policy: Residential Policy within settlements, release sites and windfall sites
- LDP 2 Policy: Historic Environment

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.

As outlined further below, it is considered that the proposed extension shall not result in a significant detrimental impact on the character and appearance of Tarbolton conservation area, owing to its siting to the rear of the dwellinghouse.

Notwithstanding this, there are over-riding concerns in relation to the proposals as follows. It is considered that the proposed height, scale and massing of the extension shall result in a detrimental impact on the residential amenity of the neighbouring dwellinghouse at 2 Well Street, by way of unacceptable sense of enclosure from its physical impact and possible overshadowing.

The development proposals are therefore not considered to accord with the Adopted Local Development Plan 2.

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

Historic Environment Policy for Scotland (HEPS)

Policy HEP2 states that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations, whilst Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate. If

detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

Historic Scotland also offers guidance on extensions through its 'Managing Change' series. The 'Extensions' guidance note offers guidance on the siting and design of extensions to historic buildings. It states that, extensions;

- o must protect the character and appearance of the building;
- o should be subordinate in scale and form;
- o should be located on a secondary elevation;
- o must be designed in a high quality manner using appropriate materials.

Historic Scotland's Managing Change advice, in respect of extensions, considers that: "an addition or extension should play a subordinate role. It should not dominate the original building as a result of its scale, materials or location, and should not overlay principal elevations".

South Ayrshire Council - Historic Environment Planning Guidance;

The above guidance echoes the principles of Scottish Planning Policy and the HEPS in terms of development proposals affecting conservation areas.

The proposed development is generally considered to be acceptable, with regard to the aforementioned historic environment policies and guidance. Notwithstanding, for the other reasons noted in this report, there are over-riding concerns in relation to the proposals.

Planning Guidance: House Alterations and Extensions

South Ayrshire Council's Planning Guidance (PG) 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
- 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.

In considering proposals for rear extensions, especially extensions on or close to mutual boundaries some consideration must be given to the amenity of adjoining properties. The aim is to achieve a reasonable balance between the applicant's aspirations to achieve more living accommodation and the interests of their neighbour's amenity by ensuring that an extension would not seriously affect a neighbour's outlook or daylight. One and a half and two storey extensions should be designed so as not to cross a 45-degree line from the quarter point of the nearest window of the adjoining house.

It is acknowledged that the proposed extension is located to the rear of the property, set below the roof ridge and thus subsidiary to the existing dwellinghouse. Notwithstanding this, there are over-riding concerns in relation to the proposals as follows. It is considered that the proposed height, scale and massing of the extension shall result in a detrimental impact on the residential amenity of the neighbouring dwellinghouse at 2 Well Street, by way of unacceptable sense of enclosure from its physical impact, as well as possible overshadowing as a result.

Planning Guidance (PG): Open Space and Designing New Residential Developments

The guidance is relevant in the assessment of the application, which states that detached, semi-detached and terraced properties should be provided with garden ground in proportion to their size. Rear gardens

will be expected to be a minimum of 1½ times the size of the ground floor area for detached and semi-detached dwellings and no less than 100sqm. This will generally include rear and side dwellinghouse gardens enclosed by fence/ wall/ hedge.

The remaining private garden ground at the property is considered to comply with the Open Space PG and it is considered adequate to ensure that an appropriate level of amenity is retained.

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

Planning permission is sought for the erection of an extension to the rear of the dwellinghouse. A previous application for the proposed development (23/00952/APP) was withdrawn following discussions between the Planning Service and the agent. It is acknowledged that the height of the proposed extension was approximately 1.1 metres above the height of the existing dwellinghouse within this earlier application and that the agent has now reduced this to be set below the dwellinghouse. Notwithstanding this, there remains over-riding concerns in relation to the proposals which have not been addressed, as follow.

There are no objections to the principle of erecting a rear extension at the property. The extension as proposed shall feature a dual pitched roof approximately of 5.7 metres in height which is sited between approximately 1 and 2.5 metres from the mutual boundary with the rear of the dwellinghouse at 2 Well Street. It is noted that the 2 Well Street is a relatively small plot compared to the application site and as such, a relatively small garden ground. While it is recognised that 2 Well Street has a small rear extension and shed in situ, the rear of the original dwellinghouse is situated only approximately 5.2 metres from the mutual boundary with the application site.

In this context, it is considered that the proposed rear extension by reason of its massing, scale, height and proximity to the mutual boundary with 2 Well Street, will have an adverse impact on the amenity of this neighbouring property by the creation of an unacceptable sense of enclosure. There are windows within the rear of 2 Well Street, which given the height, scale, massing and proximity of the extension relative to the neighbouring property, it is considered that the proposals have the potential to overshadow this neighbouring property.

The applicant's agent was afforded an opportunity to withdraw the current application and resubmit an amended proposal. Regrettably, the agent wishes the current proposals to be considered as submitted.

The application has been assessed in this context and against the policy provisions of the National Planning Framework 4 and 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.

**12. Recommendation:**

It is recommended that the application is refused.

**Conditions and Reasons:**

- (1R) That the proposal is contrary to the provisions of National Planning Framework 4 and the Adopted South Ayrshire Local Development Plan 2, specifically NPF4 National Policies 14 and 16 and LDP2 Policies Sustainable Development, Development management and Residential Development within Settlements, Release Sites and Windfall Sites, and the provisions of South Ayrshire Council's Guidance on House Alterations and Extensions, by reason that the height, scale and massing of the proposed rear extension, shall result in a detrimental impact on the residential amenity of the neighbouring property at 2 Well Street by way of unacceptable sense of enclosure.

**Advisory Notes:**

None.

**List of Plans Determined:**

Plan Type	Reference	Version No.	Received Date
Drawing	0871 E 01	Rev. C	23.04.2024
Drawing	0871 PP 01	Rev. A	23.04.2024

**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.

<b><i>Decision Agreed By:</i></b>	<i>Appointed Officer</i>
<b><i>Date:</i></b>	<i>6 June 2024</i>





County Buildings Wellington Square Ayr KA7 1DR Tel: [REDACTED] Email: [REDACTED]

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        100655670-005

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:	Stairhill Architecture Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alistair	Building Name:	Stairhill
Last Name: *	Mair	Building Number:	
Telephone Number: *		Address 1 (Street): *	Stair
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Mauchline
Fax Number:		Country: *	United Kingdom
		Postcode: *	KA5 5HN
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> 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: *	B	Building Number:	3
Last Name: *	Clark	Address 1 (Street): *	Montgomerie Street
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Tarbolton
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KA5 5QF
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

South Ayrshire Council

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

Address 1:

3 CUNNINGHAM STREET

Address 2:

TARBOLTON

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

MAUCHLINE

Post Code:

KA5 5QF

Please identify/describe the location of the site or sites

Northing

627153

Easting

243093

## 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)

Alterations and extension to dwellinghouse

## 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.

appeal statement uploaded

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)

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)

Appeal statement, neighbour support letter, 24/00298/APP refusal, drawing 0871 PP 01A, drawing 0871 E 01C

## Application Details

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

24/00298/APP

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

22/04/2024

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

11/06/2024

## 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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Access required to private rear garden via side gate.

## 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 Alistair Mair

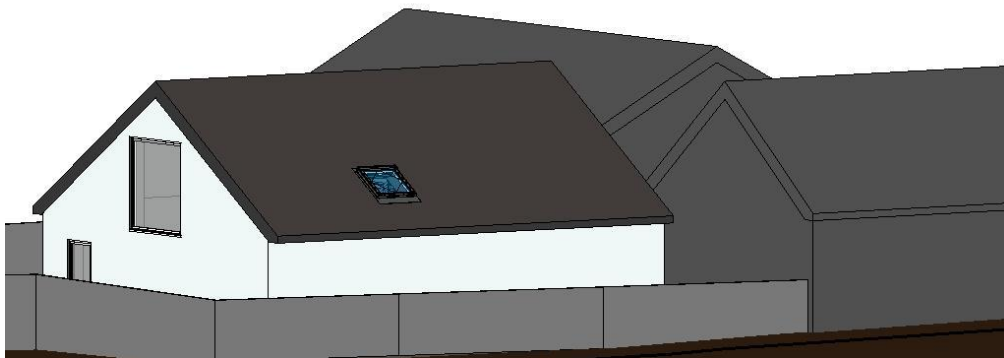
Declaration Date: 05/09/2024



## **LRB Appeal Statement**

**App 24/00298/APP**

**Alterations and Extension to Dwellinghouse**



**3 Cunningham Street  
Tarbolton  
S Ayrshire. KA5 5QF**

**Client  
Mr B Clark.**

Planning permission is sought for the erection of an extension to the rear of the dwellinghouse. A previous application for the proposed development (23/00952/APP) was withdrawn following discussions between the Planning Service and the agent.

It is acknowledged that the height of the proposed extension was approximately 1.1 metres above the height of the existing dwellinghouse within this earlier application and that the agent has **now reduced this to be set below the dwellinghouse.**

Notwithstanding this, there remains over-riding concerns in relation to the proposals which have not been addressed, as follow.

There are **no objections to the principle of erecting a rear extension at the property.**

The extension as proposed shall feature a dual pitched roof approximately of 5.7 metres in height which is sited between approximately 1 and 2.5 metres from the mutual boundary with the rear of the dwellinghouse at 2 Well Street.

It is noted that the **2 Well Street is a relatively small plot** compared to the application site and as such, a relatively small garden ground.

While it is recognised that 2 Well Street has a small rear extension and shed in situ, the rear of the original dwellinghouse is situated only approximately 5.2 metres from the mutual boundary with the application site.

The application has been designed to fit within the confines of the client's property taking into consideration the neighbouring properties. The proposals maximise the potential and useable space whilst maintaining the open space requirements.

The mutual boundary has an **existing 6ft creating an enclosed private garden** to the rear of 2 Well Street. The proposed extension wall head is only 570mm above the fence height before the roof slopes away from the boundary minimising any potential impact on the neighbouring amenity.

The neighbour has written a letter of support (attached) for the extension and has the view that the proposed extension will improve his amenity as it removes any useable garden space away from his boundary to the opposite side of the proposed extension.

The proposals have no objections from consultees or the public. The immediate neighbour supports the application. Our client has taken on board previous comments from the planning officer and reduced the size of the extension in line with their guidance.

It is of our professional opinion that the planning officer's decision should be overturned and permission granted.

To whom it may concern,

Regarding the planning application for 3 Cunningham Street Tarbolton, I am somewhat surprised that the application was refused on the basis of privacy and detrimental impact to my property.

My rear garden is small, west facing with a 6ft fence to the perimeter. The proposed extension would not cause me any concerns of loss of light or privacy.

The proposals are on an area which is currently used as the kids play area. The extension planned would remove this area and improve the amenity of my outdoor space.

I have never had much of a garden and with the size of my outside space I never will, I never bought the house for the garden size but for the private nature of the property.

The proposed extension will help improve my privacy and I give my full backing to build the proposed extension.

Regards,

Callum Clark







County Buildings Wellington Square Ayr KA7 1DR Tel: [REDACTED] Email: [REDACTED]

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 100655670-003

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)

Proposed rear extension

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:	Stairhill Architecture Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alistair	Building Name:	Stairhill
Last Name: *	Mair	Building Number:	
Telephone Number: *		Address 1 (Street): *	Stair
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Mauchline
Fax Number:		Country: *	United Kingdom
		Postcode: *	KA5 5HN
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: *	B	Building Number:	3
Last Name: *	Clark	Address 1 (Street): *	Cunningham Street
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Tarbolton
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KA5 5QF
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

South Ayrshire Council

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

Address 1:

3 CUNNINGHAM STREET

Address 2:

TARBOLTON

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

MAUCHLINE

Post Code:

KA5 5QF

Please identify/describe the location of the site or sites

Northing

627153

Easting

243093

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

≤ Yes T No

## Trees

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

≤ Yes T 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 T 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 T 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: Alistair Mair

On behalf of: Mr B Clark

Date: 22/04/2024

☐ 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? \* T 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? \* T 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? \* T 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. T Yes ≤ No
- e) Have you provided a certificate of ownership? \* T Yes ≤ No
- f) Have you provided the fee payable under the Fees Regulations? \* T Yes ≤ No
- g) Have you provided any other plans as necessary? \* T 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.

T Existing and Proposed elevations.

T Existing and proposed floor plans.

≤ Cross sections.

T 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 T 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 T No

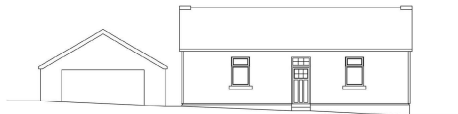
You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

## Declare – For Householder Application

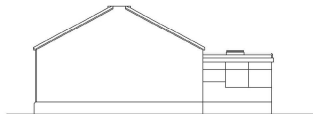
I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Alistair Mair

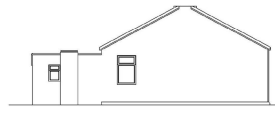
Declaration Date: 20/12/2023



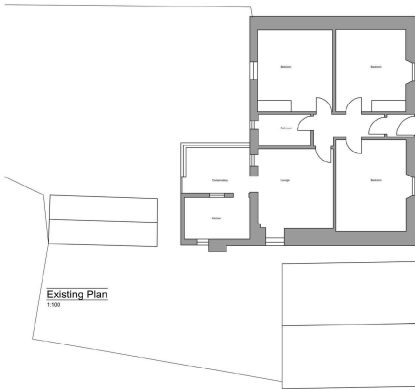
Existing East Elevation  
1:100



Existing North Elevation  
1:100



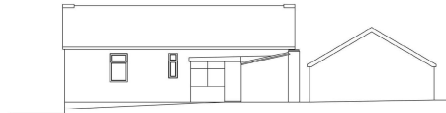
Existing South Elevation  
1:100



Existing Plan  
1:100



Existing Location Plan  
1:1000



Existing West Elevation  
1:100

**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.



Existing Block Plan  
1:1000



Proposed Block Plan  
1:1000



NOTES		

additional parking provided	10-04-24
C garden area and additional parking added	28-02-24
B street names added	10-01-24
A	

REVISION SCHEDULE	
Copyright: the copyright of this drawing is vested in Stairhill Architecture Ltd. It shall not be used or copied without permission by anyone for any purpose. Do not scale this drawing, work to dimensions only. All dimensions are in millimetres unless otherwise stated.	
DESIGNER: DWG	PROFESSIONAL: DWG
TENDER: DWG	ISSUED: DWG
FINAL: DWG	FINAL: DWG

CLIENT: Mr B Clark  
ADDRESS: 3 Cunningham Street  
Tarbolton  
KA5 5QF

PROJECT: Proposed Rear Extension  
SITE: 3 Cunningham St, Tarbolton

TITLE: Existing Plans  
DRAWING NO: 0871 E 01

DRAWN BY: AL  
CHECKED BY: JLS  
DATE: 10-01-24  
SCALE: 1:1000





East Elevation  
1 : 100



North Elevation  
1 : 100



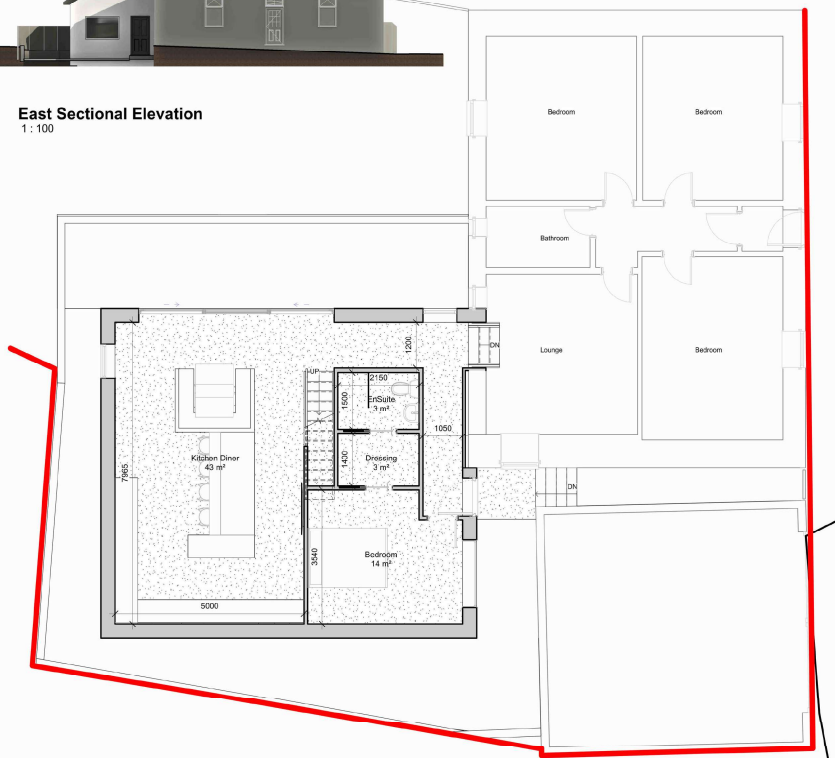
South Elevation  
1 : 100



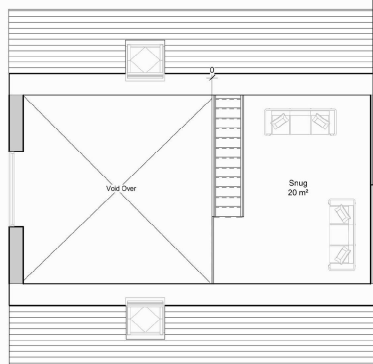
East Sectional Elevation  
1 : 100



West Elevation  
1 : 100



Ground Floor Plan  
1 : 50



First Floor Plan  
1 : 50

**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.

**Notes:**

- Proposed materials
- White natural render
- Natural stone for roof
- Zinc roofing
- Black upvc fascia and soffits
- Black upvc water goods
- White upvc double glazed windows

Revision Schedule

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SKETCH DWG	PRESENTATION
✓	WARRANT DWG
✓	FINAL ISSUE

Client: Mr B Clark  
Address: 3 Cunningham Street  
Tarbolton  
KAS SQF

Project: Proposed Rear Extension  
Site: 3 Cunningham St, Tarbolton

Title: Proposals  
DWG NO: 0871 PP 01

Sheet No	Scale	Rev
A. Mair	As indicated	A



LOCAL DEVELOPMENT

REFUSAL OF APPLICATION FOR PLANNING PERMISSION  
(Delegated)

Ref No: 24/00298/APP

SOUTH AYRSHIRE COUNCIL

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

To: Mr B Clark  
per Stairhill Architecture Ltd  
Alistair Mair  
Stairhill  
Stair  
KA5 5HN

With reference to your **Application for Planning Permission** dated **23rd April 2024**, under the aforementioned Regulations, for the following development, viz:-

**Alterations and extension to dwellinghouse**

at: **3 Cunningham Street Tarbolton South Ayrshire KA5 5QF**

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 reason(s) for the Council's decision are as follows:**

<b>NOTE:</b> Reasons will be numbered and prefixed with an 'R'
--

- (1R) That the proposal is contrary to the provisions of National Planning Framework 4 and the Adopted South Ayrshire Local Development Plan 2, specifically NPF4 National Policies 14 and 16 and LDP2 Policies Sustainable Development, Development management and Residential Development within Settlements, Release Sites and Windfall Sites, and the provisions of South Ayrshire Council's Guidance on House Alterations and Extensions, by reason that the height, scale and massing of the proposed rear extension, shall result in a detrimental impact on the residential amenity of the neighbouring property at 2 Well Street by way of unacceptable sense of enclosure.



**List of Refused Plans:**

<b>Plan Type</b>	<b>Reference</b>	<b>Version No.</b>	<b>Received Date</b>
Drawing	0871 E 01	Rev. C	23.04.2024
Drawing	0871 PP 01	Rev. A	23.04.2024

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

**Dated: 11th June 2024**

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

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

Contact: [REDACTED]  
ARA Case Officer: AP  
Planning Case Officer: E McKie  
Planning Application No: 24/00298/APP  
Location: 3 Cunningham Street, Tarbolton

Date Received: 25/04/2024  
Date Returned: 29/04/2024  
Recommendation: No Objection

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):**

Required for Major applications, or where the recommendation is for refusal or deferral.

**From:** Robins, Paul (NRS) [REDACTED]  
**Sent:** 03 May 2024 09:46  
**To:** Planning Development [REDACTED]  
**Subject:** 24/00298/APP - Alterations and extension to dwellinghouse | 3 Cunningham Street  
Tarbolton South Ayrshire KA5 5QF (OFFICIAL)

## OFFICIAL

Dear Sir/Madam,

I refer to the above planning application downloaded from the Council's web site to assess any archaeological issues raised by the proposals.

The present parish church at Tarbolton is a late building (c.1821) which replaced an earlier building at the site and there is a record of a church on this site since at least 1335 AD. The village was made a Burgh of Barony in 1671 and was obviously in existence at that time and it is likely that settlement has been here since the creation of Tarbolton Motte and the origin of the church some centuries earlier. There are no available details of the exact position of earlier churches, nor of the shape of the burial grounds which accompanied them but the earliest surviving graves are in the south and east of the burial ground, closest to the application area. The proposals involve small scale ground disturbance which none-the-less may reveal or disturb buried remains of these or later periods and hence raises a potential archaeological issue.

Government policy as set out in National Planning Framework 4 is that planning authorities should ensure that prospective developers arrange for the archaeological issues raised by their proposals to be adequately addressed. Where the degree of archaeological significance or survival is uncertain I would advise the Council to consider attaching an archaeological watching brief condition to any consent they may be minded to grant. The suggested wording of such a condition is given below. This is based on current best practice and experience, and reflects the principles outlined in Planning Advice Note 2/2011:-

*"The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences."*

The applicant or developer will need to secure the services of a professional archaeological contractor to undertake the watching brief. An informal list of such contractors is available on our website [www.wosas.net](http://www.wosas.net) for the developer's use in securing the required works, should the Council grant consent with the condition recommended above.

The watching brief would be required on the initial stages of site clearance and ground disturbance associated with the proposals including the removal of turf, topsoil or modern hard surfaces. It may be possible for this initial stage of works to show that there are no archaeological remains present on the site, but if not then the subsequent deeper excavations should also be watched. If buried remains are identified there may be a requirement for further stages of archaeological works in order to properly excavate and record them before or during

further development as necessary. This could include further excavation and any post excavation analyses or publication of the results if warranted.

Please contact me by email if you require any further information or advice.

Regards

Paul



Paul Robins  
Senior Archaeologist  
West of Scotland Archaeology Service  
231 George Street, Glasgow, G1 1RX  
email: [REDACTED]

## OFFICIAL

Please print responsibly and, if you do, recycle appropriately.

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2.OFFICIAL - this is information relating to the business of the council and is considered not to be particularly sensitive

3.NOT OFFICIAL – this is not information about the business of the council.

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**From:** McKie, Emma [REDACTED]  
**Sent:** Tuesday, October 1, 2024 9:56 AM  
**To:** Local Review Body [REDACTED]  
**Subject:** RE: LRB/24/00298/APP - 3 Cunningham Street, Tarbolton

Good morning,

Please see attached draft conditions and site photographs.

If you require anything further, please let me know.

Kind regards,

Emma

**Emma McKie** MRTPI | Planner (Development Management) | Housing, Operations and Development Directorate | [REDACTED] County Buildings | Wellington Square | Ayr | KA7 1DP | [www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk)

**Emma McKie** | Planner (Riaghladh Leasachaidh) | Leasachadh Taigheadais agus Obraichean Togalaichean Siorrachd | [REDACTED] | [www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk)

**Please Note:**

**Planning and Building Standards Staff are now working remotely .**

**The Planning Service currently has a short term reduction in available staff and there may be a resultant delay in the processing of your application/enquiry.** We apologise for any inconvenience that this may cause and can assure you that our team are working hard to process cases as quickly as possible.



Image - 20240503\_112733





Image - 20240503\_112734





Image - 20240129\_095906



Image – 20240129\_095908





Image – 20240129\_095919



Image – 20240129\_095921





Image – 20240129\_100120

**From:** Alistair Mair [REDACTED]  
**Sent:** Monday, October 7, 2024 2:09 PM  
**To:** Local Review Body [REDACTED]  
**Subject:** RE: LRB/24/00298/APP - 3 Cunningham Street, Tarbolton

Good afternoon,

We have no comments to be made on photos.

Kind Rgds

**ALISTAIR MAIR**  
Certified Passive House Designer

 **Stairhill**  
ARCHITECTURE LTD est 1991

DIRECTOR

WWW.STAIRHILL.CO.UK



**From:** Local Review Body [REDACTED]  
**Sent:** Wednesday, October 2, 2024 12:39 PM  
**To:** [REDACTED]  
**Cc:** Local Review Body [REDACTED]  
**Subject:** LRB/24/00298/APP - 3 Cunningham Street, Tarbolton

Good afternoon,

Please see attached letter for your attention.

If you have any comments on the above photographs, please email by the close of business (4.45pm) on the 16<sup>th</sup> of October 2024.

Kind regards,

South Ayrshire Council Local Review Body

County Buildings, Wellington Square, Ayr, KA7 1DR

[REDACTED]

W: [www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk)

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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](http://www.south-ayrshire.gov.uk)

**Conditions:**

- (1) That the development hereby permitted must be begun within **three years** of the date of this permission.
- (2) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (3) The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

**Reasons:**

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) In order to allow reasonable access to a nominated archaeologist for the purposes of archaeological investigation and/or recording.

**List of Plans Determined:**

Plan Type	Reference	Version No.	Received Date
Drawing	0871 E 01	Rev. C	23.04.2024
Drawing	0871 PP 01	Rev. A	23.04.2024