
PROPOSAL:	Change of use from Class 1a (shops and financial, professional and other services) to Class 9 (houses), painting of front elevation, rear elevation, front door, installation of new windows to front elevation and replacement rear door (partly retrospective)
LOCATION:	68 East Main Street Darvel East Ayrshire KA17 0HT
REFERENCE:	26/0021/PP
RECOMMENDATION:	Approve with conditions
FINANCIAL AND LEGAL IMPLICATIONS:	None
OBJECTIONS: 0	SUPPORT: 0

SITE AND PROPOSED DEVELOPMENT DESCRIPTION

The application site is a traditional single storey building with painted wet dash walls to the front elevation and a natural slate pitch roof which forms part of a terraced row of residential properties. Situated within a predominately residential area, the application site is approximately 210 metres east of Darvel town centre and is within the Darvel Central Conservation Area albeit at the edge of the conservation area. The block plan indicates that the property has a small area of external private ground to the rear and there is no off-street parking for vehicles.

The proposal concerns a change of use from Class 1A (veterinary surgery) to Class 9 (Dwelling). Planning permission (ref. 03/0518/FL) was granted in 2003 for a change of use from vacant shop to veterinary surgery. The applicant wishes to use the property as a dwelling. External changes comprise the installation of white UPVC frame windows, a replacement rear upvc frame door (retrospective), painting of the wet dash masonry walls from white to a cream colour finish (light and fluffy R137A) and the painting of the door to black colour finish (Santex multi-surface satin paint for exteriors).

Since some of the external works (replacement windows to front elevation and a replacement rear door) have been undertaken, this planning application is partly retrospective in nature.

The applicant has provided examples of replacement windows on neighbouring and nearby properties in support of their application.

PLANNING HISTORY

96/0318/FL Proposed erection of new dwellinghouse (Approved with conditions, November 1996)

00/0781/FL Proposed change of use from vacant unit to unlicensed restaurant/coffee shop (approved with conditions, January 2001)

03/0518/FL Proposed change of use from vacant shop to veterinary surgery (approved with conditions, August 2003)

CONSULTATION RESPONSES

Ayrshire Roads Alliance (ARA) – No objections.

REPRESENTATIONS

Following the expiry of the representation period on 04.03.2026, no representations have been received. Uniform and IDOX checked 01.04.2026.

DEVELOPMENT PLAN POLICIES

The development plan for the area comprises the adopted East Ayrshire Local Development Plan 2 (LDP2) and National Planning Framework 4 (NPF4).

East Ayrshire Local Development Plan 2 (LDP2):

Policy SS1: Climate Change

SS2: Overarching Policy

Policy RES1 New Housing Development

Policy RES3 Residential Amenity

Policy RES5: Conversions to Residential Use

Policy DES1: Development Design

Policy OS1: Green and Blue Infrastructure

Policy HES2: Conservation Areas

Policy INF2: Installation of Fibre Broadband for New Developments

Policy INF4: Developer Contributions

LDP2 Supplementary Guidance

Listed Buildings and Conservation Areas

National Planning Framework 4 (NPF4)

Policy 1 (Tackling the Climate and Nature Crises)

Policy 2 (Climate Change Mitigation and Adaptation)

Policy 7 (Historic assets and places)

Policy 14 (Design, Quality and Place)

Policy 16 (Quality Homes)

Policy 23 (Health and Safety)

ASSESSMENT OF APPLICATION

Sections 25 and 37(2) of the Town and Country Planning Scotland Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

As set out within Section 24(3) of the 1997 Act (as amended), where there is incompatibility between particular provisions of NPF4 and the Local Development Plan, the later in date will prevail. As the NPF4 predates LDP2, it is LDP2 which will prevail, where there is incompatibility between these.

The key considerations in the assessment of this application are:

- Principle of development
- Impact upon Darvel Central Conservation Area
- Impact of the development on other residential properties in amenity terms

- Other matters

Principle of Development

The building is located within the settlement boundary of Darvel, just east of Darvel town centre as defined in the East Ayrshire Local Development Plan 2 (EALDP2) and in an area which is predominately residential in nature. The application building was previously used as a veterinary surgery having been granted planning permission for a change of use from a vacant shop since 2003.

Under Policy RES 5 (Conversions to Residential Use), the change of use of this commercial building for residential purposes to a dwelling, in principle would be generally compatible with the surrounding residential uses given that the existing building is substantially intact and would lend itself easily to conversion to a dwelling and it would sit alongside other residential dwellings within this terraced row. As the building is within the Darvel Central Conservation Area, it is essential that the proposals reflect the style and design of the original building located on the site and the external alterations, namely the painting of the exterior walls, replacement windows and doors which are considered in further detail in the relevant sections below. A structural survey has not been requested given the intact nature of the building from viewing at a site visit. For the reasons set out above, on balance the proposals would be in accordance with Policy RES5.

Impact upon Darvel Central Conservation Area

The Planning process would also consider the physical works to ensure they are appropriate to the Darvel Central Conservation under policy HE2 (Conservation Areas).

External painting

The building has traditional wet dash render walls which were painted white and the proposals are to repaint the walls with a cream colour finish (Santex R137A) to closely match the exterior paint finish to each of the neighbouring properties within this terraced row. This colour scheme would be compatible with the adjoining properties and respect the character of the application building and the conversation area in general. The painting of the external timber door to the front elevation with black satin paint would in this case be acceptable within the conservation area.

Replacement windows

The three windows on the commercial property appear to have been timber painted (blue) frames which comprised a sheet of glass with no traditional opening or glazing pattern. Due to the building being located within the Darvel Central Conservation Area, planning permission would be required to change these windows. Whilst no scaled drawings for the windows have been provided, basic dimensions have been provided for each of the three windows. No manufacturers brochure/specification or details of the opening mechanism for the windows has been provided and no window condition survey has been supplied with this application albeit it is noted that the window size and proportions were more of a commercial format, (unlikely to be original to the age of the building), compared to the residential use now proposed and it is therefore accepted that replacement windows are merited.

The frontage of the building within this terraced row appears to have been modified in comparison to the adjoining properties, as the front elevation protrudes above the eaves line of the dwellings to either side, for the purpose of the fitting of a fascia for the now vacant commercial building. The windows, prior to replacement comprised blue painted timber frames however they did not contain a glazing pattern, but were more suited to the needs of a commercial building. The replacement windows contain thicker UPVC white frames and do not follow the window pattern (i.e. slender timber sash and casement) associated with traditional style building. The replacement windows have top-hung openings on a hopper with exposed trickle vents which do not follow or represent traditional form. Noting these deficiencies, these replacement windows on this traditional

building represent a missed opportunity to enhance the character of the building and the Darvel Central Conservation Area. Whilst the applicant has provided photographic examples, due to the passage of time, many of these properties would be immune from enforcement action under the four-year rule if these windows do not have planning permission. In addition, some of them are not within the conservation area and there appears to be no planning records for at least one of these properties whose windows have been replaced more recently.

Whilst noting that the replacement windows are not an example of particularly good design practice, the replacement windows which are retrospective and would be associated with a residential use would on balance, be considered to be broadly acceptable when considered within the context of the replacement of windows associated with a former commercial use which would not be practical for use on a residential property noting also that the site lies at the very edge of the conservation area.

Replacement door

The replacement door which is also retrospective has a white UPVC finish and has a thick frame surround. Such an external finishing material and design is not desirable in relation to its location within the conservation area, however as its positioning is away from public view, on balance, the replacement door would be acceptable in this particular instance.

Design and Placemaking

Policies DES1 of the EALDP2 (2024) and Policy 14 of NPF4 require a development to be of a suitable design, seeking that a development is compliant with the six principles of a successful place and improving the overall quality of the property and local area. The design submitted demonstrates that the proposed conversion of a former veterinary surgery to a dwellinghouse would complement the existing housing stock within Darvel, however as outlined above, the external alterations to provide replacement windows (retrospective) to the front elevation is not considered to enhance the character of the conservation area overall (Policy NE1 of EALDP2). The paint colour is acceptable, and the rear elevation door can be justified given the enclosed location to the rear garden away from public view

The proposed block plan shows a small area of external ground to the rear of the building which would in this case not achieve the level of private open space standards required under EALDP2 Policy OS1 and Schedule 1. Due to the nature of this proposal which relates to the conversion and reuse of a vacant traditional style of building, a smaller area than required can be accepted given the proposal represents the reuse of a traditional building within the conservation area.

As in the case of many of the traditional residential properties within this terraced row, there is a lack of on-street parking. The location is close to Darvel Town Centre and there is no requirement for 'off-street' parking provision, noting comments from the Ayrshire Roads Alliance (ARA) and the application can therefore generally comply with the principles of 20 minute neighbourhoods.

In conclusion and on balance, the proposal, on balance, broadly conforms to the placemaking principles.

Impact of the development on other residential properties in amenity terms

Policies RES3 of the EALDP 2024 and Policy 16 of NPF4 seek to protect and preserve the residential character of an area. The change of use to a residential dwelling would be compatible with the surrounding residential uses. Given that there are no extensions, there would be no adverse impact from overlooking or overshadowing or in general amenity terms from the physical works proposed as part of this application

Other matters

Developer Contributions

Under Policy INF4, the Council has anticipated where the need for developer contributions will arise and no developer contribution is applicable for this particular proposal given its scale.

Fibre Broadband

No details of the broadband infrastructure have been provided. Should the application be approved, a condition will be attached requiring the developer to engage early with service providers to ensure that appropriate, universal and futureproofed infrastructure is installed and utilised and accord with Policy INF2 of EALDP2.

Supplementary Guidance - Listed Buildings and Conservation Areas

The impact upon Darvel Central Conservation Area is considered in the relevant section above and whilst the replacement windows are not an example of good design practice, they would be accepted in this particular case as they replace windows associated with a former commercial use which would not be practical in a domestic setting and noting the location of the site at the very edge of the conservation area.

CONCLUSIONS

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 as amended require that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Adopted East Ayrshire Local Development Plan EALDP2 (2024) and the National Planning Framework 4 (NPF4).

The proposal concerns the conversion of a single storey terraced building which was last in use as a veterinary surgery (Class 1A). With the exception of the replacement windows, the suitability of the proposal to a dwelling, in principle, would be acceptable given that the existing building is substantially intact and would lend itself easily to conversion to a dwelling.

As explained within the report, the external alterations to the windows which are retrospective, would be accepted in this particular case for the reasons noted. The other external works comprising painting and new rear door are also acceptable for the reasons noted.

There would be no adverse impact upon the neighbouring residential properties in general amenity terms and due to the proximity to Darvel town centre, there would be no requirement for 'off-street' parking. No representations have been received and there are no objections from the Ayrshire Roads Alliance (ARA).

In conclusion, and noting the above assessment, the proposal is considered on balance to accord with the principle of residential conversion policies in terms of the Development Plan. The proposed external works can also be justified in this instance. Having considered all the relevant matters such as the material considerations highlighted within this report, there are none that would warrant the refusal of the application.

RECOMMENDATION

Approve with conditions.

CONDITIONS:

1. The permission hereby granted shall be taken to have commenced on 03.02.2023.

- Reason That being the date where an application for planning permission was submitted as the development had already commenced and therefore the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) do not apply.
2. No further construction work, site clearance or preparation work or related deliveries shall take place before 0800hrs or after 1800hrs Monday to Friday, before 0800hrs or after 1300hrs on Saturday and not at any time on a Sunday or on a Scottish bank holiday, as set out and defined at www.gov.uk.
- Reason: In the interest of residential amenity with regard to minimising noise disturbance during construction.
3. Prior to the occupation of the dwelling, the developer shall install the necessary infrastructure to enable the dwelling to be connected to the existing fibre optic network, where available in East Ayrshire, and in accordance with the relevant telecommunications provider's standards.
- Reason: To ensure compliance with Policy INF2 of the East Ayrshire Local Development Plan 2024.

Case Officer – A.M. Turner

Appointed Officer – Fiona Finlay

Chief Planning Officer – Pamela Clifford