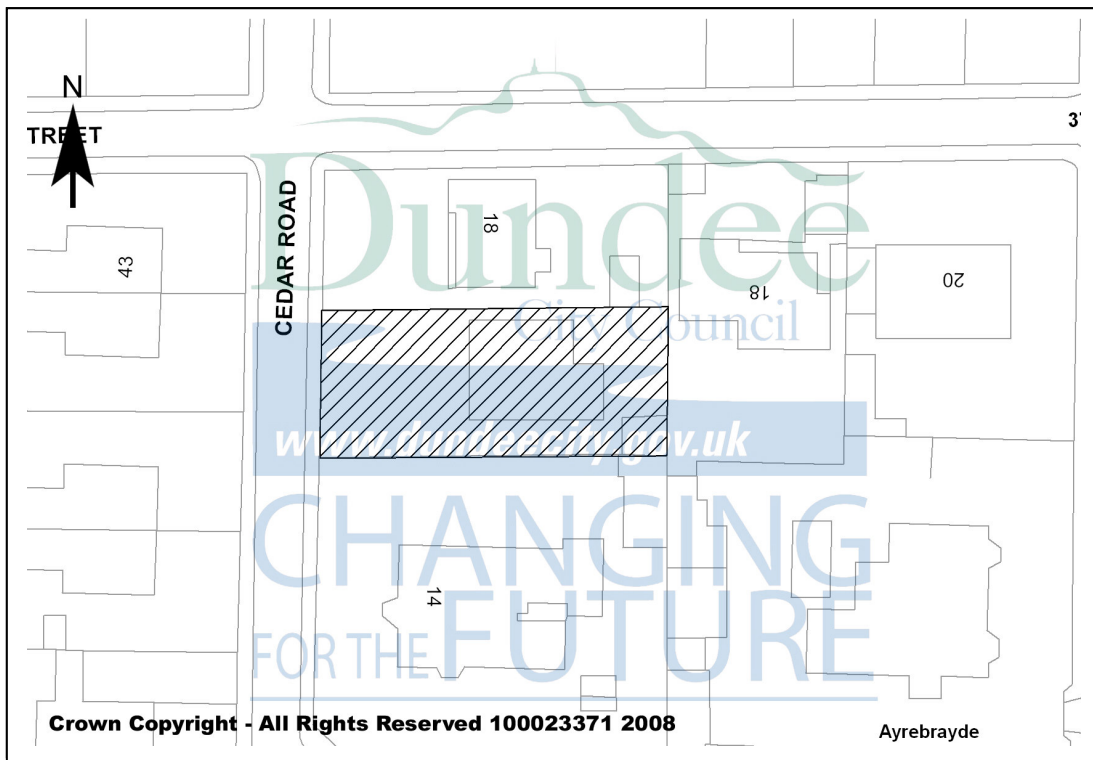


KEY INFORMATION

Ward The Ferry

Proposal

Widening of vehicular entrance gateway on Cedar Road

Address16 Cedar Road
Broughty Ferry
Dundee**Applicant**Professor J & Mrs M
McEwan
16 Cedar Road
Broughty Ferry
Dundee
DD5 3BB**Agent**Leadingham Jameson
Rogers and Hynd
18 South Tay Street
Dundee
DD1 1PD**Registered** 18 June 2008**Case Officer** Julie Young

Proposal to Widen Gateway in Cedar Road

The widening of a Vehicular Entrance Gateway is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal complies with Policy 61 of the Dundee Local Plan Review 2005 and it is considered that the proposed alterations are acceptable. The objection is not supported in these circumstances. Accordingly, the proposal is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Planning permission is sought to widen a vehicular entrance at 16 Cedar Road, Broughty Ferry.
- One letter of objection was received from Broughty Ferry Community Council on the grounds of the adverse impact on the Conservation Area.
- Policy 61 of the Dundee Local Plan Review 2005 is of relevance to the determination of the application.
- It is considered that the proposed widening of the entrance is minimal and the existing condition of the wall is of poor quality. Therefore it is considered that the proposal is not so adverse to the character of the conservation area that it merits refusal of the application. There are no other material considerations that would justify refusal of the application.

DESCRIPTION OF PROPOSAL

Planning permission is sought to widen an existing vehicular access onto Cedar Road. A 1.5m wide section of stone wall will be removed and one of the existing stone pillars will be repositioned. New, wider gates will be installed.

SITE DESCRIPTION

The application site is located on the east side of Cedar Road and is within Forthill Conservation Area. The property is a large, single storey detached house set behind a high stone wall bounding onto Cedar Road. There is an existing driveway and an opening in the wall with stone pillars at either side of the access. Black painted iron gates have been fitted to the entrance pillars.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities - the City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Policy 61: Development in Conservation Areas - within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic pattern of streets and spaces, as identified in the Conservation Area

management plans to be advanced in the near future.

Scottish Planning Policies, Planning Advice Notes and Circulars

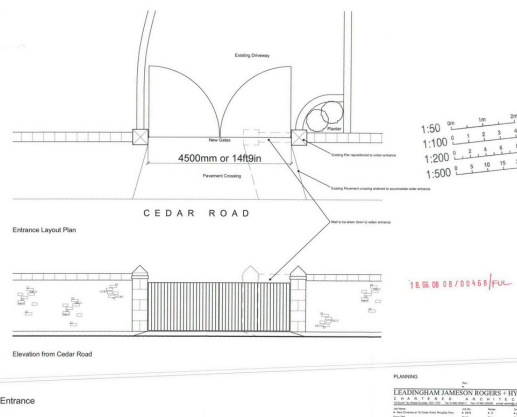
There are no statements of Government policy relevant to the determination of this application.



Non Statutory Statements of Council Policy

The Council's non-statutory document entitled "Breaches in Boundary Walls - Policy and Guidance for Dundee's Listed Buildings and Conservation Areas" is relevant to the determination of the planning application.

New Driveway at 16 Cedar Road, Broughty Ferry



SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

There is no site history of relevance to the application site.

PUBLIC PARTICIPATION

The application was advertised as affecting the setting of a Conservation Area on 26 June 2008.

Statutory neighbour notification was carried out and no objections were received from members of the public.

CONSULTATIONS

One letter of objection was received from Broughty Ferry Community Council.

The grounds of objection are that the proposed access is wider than a normal domestic entrance, the adverse impact on the conservation area and the precedent for further erosion of the stone wall.

Copies of the objection letter are available for viewing in the various Members' Lounges and the grounds of objection will be discussed in detail in the

Observations section below.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

Policy 1 of the Dundee Local Plan Review 2005 states that development should seek to minimise any effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

It is considered that the proposal complies with all elements of this Policy as the environmental quality enjoyed by neighbouring residents will

not be adversely affected. It is considered that by widening the access there will be safer movement of vehicles to and from the application site as the visibility is currently restricted due to the width and angle of the driveway and entrance.

Policy 61 of the Dundee Local Plan Review 2005 states that within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area.

The proposal is to extend an existing vehicular entrance by removing a section of stone wall, repositioning a stone pillar and installing new gates. It is considered that the proposal will not adversely affect the character of the conservation area. The section of stone wall to be removed is in a poor condition and it is considered that its removal will improve the character of the area.

No details of the proposed new gates have been submitted. Therefore, should Members be minded to approve the application a condition will be attached requiring details to be submitted prior to work commencing on site, to ensure that the gates are of a design suitable for a conservation area.

It is concluded from the foregoing that the proposal complies with the provisions of the Development Plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

Objection

One letter of objection was received from Broughty Ferry Community Council on the grounds of the adverse impact on the conservation area and the precedent which could be set by the proposal. It has been discussed that the proposed development is minimal and will not adversely affect the conservation area to such an extent that justifies refusal of the application.

The objections are not considered to carry sufficient weight to merit refusal of the application.

Section 64 of the Planning(Listed Buildings and Conservation Areas)(Scotland)Act 1997 requires planning authorities, in considering applications within conservation areas, to pay special attention to the desirability of preserving or enhancing

the character or appearance of the conservation area.

This matter has already been discussed under Policy 61 of the Dundee Local Plan Review 2005 and it is considered that the proposed development will preserve the character of the area as the additional downtaking of stone wall is minimal.

The Council's non statutory policy on "Breaches in Boundary Walls" generally supports the proposal as the existing stone pier will be moved and re-used and the alterations are being carried out in a respectful manner to the character of the stone wall and conservation area.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

Design

The proposal is designed in such a manner to be sympathetic to the character of the conservation area.

CONCLUSION

The proposal is considered acceptable and complies with Policy 61 of the Dundee Local Plan Review 2005. The character of the area will not be adversely affected and the objections are not supported.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following condition(s):

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 Details of the proposed entrance gates shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved details.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed gates have a satisfactory external

appearance in the interest of the visual amenities of the conservation area.