

3 PLANNING APPEAL DECISIONS (AN16-2010)

(a) 7A ROSSIE AVENUE, BROUGHTY FERRY - ERECTION OF DOUBLE GARAGE AND GARDEN WALL/FENCE

Reference is made to the decision of the Council on 2nd July, 2009 under powers delegated to the Director of City Development, to refuse planning permission for the above proposal. The Council considered that the proposed wall and fence would contravene Policy 1 of the Local Plan in terms of road safety (visibility restriction) and its visual impact, that the proposed garage would result in overdevelopment of the plot and insufficient private garden ground contrary to Policy 14 and that the inadequate set back of the garage would result in cars parking in front of it blocking the footway contrary to Policy 1.

The decision was appealed by the applicant under the provisions of Section 47 and Schedule 4 of the Town and Country Planning (Scotland) Act 1997.

The appeal was determined by written representations and the decision was received by the Council on 29th December, 2009. Copies of the Reporter's decision letter have already been circulated to members by e-mail.

The Reporter **DISMISSED** the appeal and refused planning permission.

In reaching her decision, the Reporter considered that the 1.8 metres high front boundary treatment would be an incongruous feature detrimental to the environmental quality of the established streetscape and would restrict visibility to the detriment of traffic safety. Whilst she considered the design of the garage to be satisfactory, she concluded that it would encroach on the remaining garden area and would leave insufficient space for cars to park without encroaching on the footway. She therefore concluded that the development contravened Policies 1 and 14 of the Local Plan. She took account of the fact that planting could obscure visibility without the need for planning permission and that there were other examples of parking spaces close to pavements but did not consider that these considerations justified a departure from the Development Plan.

(b) DALNACRAIG SPORTS GROUND, 102 ARBROATH ROAD - PROVISION OF TWO ALL-WEATHER PITCHES ON EXISTING PLAYING FIELDS

Reference is made to Article I(a) of the minute of meeting of this Committee of 19th June, 2009, wherein the above proposal was refused planning permission contrary to the Director's recommendation. The Council considered that the proposal was contrary to Policy 1 of the Dundee Local Plan due to the effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement, noise and smell.

The decision was appealed by the applicant under the provisions of Section 47 and Schedule 4 of the Town and Country Planning (Scotland) Act 1997.

The appeal was determined by written representations and the decision was received by the Council on 29th December, 2009. Copies of the Reporter's decision letter have already been circulated to members by e-mail.

The Reporter **DISMISSED** the appeal and refused planning permission.

In reaching her decision the Reporter concluded that although the development would alter the established character of the area, the enhancement of the established landscape buffer and the distance from the nearest houses meant that the impact would not be unacceptable. She also concluded that noise and light pollution would be within acceptable limits. She also noted that offering community access to the enhanced facilities accorded with Policy 68 of the Local Plan.

However, she expressed concerns about the fact that the development would lead to increase in pedestrians crossing the busy Arbroath Road. Although she noted that the applicants had submitted proposals for a pedestrian crossing, she considered that the issues of road and pedestrian safety had not been fully assessed. She concluded that this was not a matter that could be addressed by planning conditions and that the conflict with road and pedestrian safety meant that the development contravened Policy 1 of the Local Plan and that the appeal should be dismissed.

(c) LAND TO SOUTH OF DIGHTY AND NORTH OF INCHCAPE ROAD, BROUGHTY FERRY -
OUTLINE RESIDENTIAL USE

Reference is made to Article I(a) of the minute of meeting of this Committee of 20th April 2009, wherein the above proposal was refused planning permission because the Council considered that:-

- the provision of housing on this unallocated greenfield site was contrary to the Structure Plan and the Local Plan;
- the development would have an adverse impact on open space, nature conservation and recreation contrary to the Structure Plan and the Local Plan; and
- the applicant had failed to demonstrate that the development would not lead to flooding problems contrary to the Local Plan.

The decision was appealed by the applicant under the provisions of Section 47 and Schedule 4 of the Town and Country Planning (Scotland) Act 1997.

The appeal was determined by written representations and the decision was received by the Council on 7th December, 2009. Copies of the Reporter's decision letter have already been circulated to members by e-mail.

The Reporter **DISMISSED** the appeal and refused planning permission.

In reaching his decision, the Reporter considered that the development of the site for housing contravened Development Plan policies on open space allocation, greenfield housing and nature conservation. He saw no evidence that the development of this site was essential in order to provide adequate effective development land or that any mitigating measures proposed by the applicant would overcome the presumption against development. Finally, he considered that it would be inappropriate to accept the principle of developing the site when the impact on the listed bridge was unknown, the access arrangements were insufficiently detailed and there was a potential for flooding problems.