

4 APPEAL DECISIONS (AN439-2004)

(a) LAND TO SOUTH OF ST. STEVEN'S YARD AND EAST OF SHEPHERD'S LOAN, DUNDEE: AMENITY NOTICE REQUIRING THE REMOVAL OF SOIL, RUBBLE, DRESSED STONE ETC

On 22nd June 2004, under the provisions of Section 179 of the Act, the Council served an Amenity Notice requiring that within 30 days of the notice taking effect detritus, building materials and fencing be removed from the site and that grass be reinstated. In addition, details were required as to the storage of all building material relating to the former half timer's school.

The terms of the Notice were appealed by the applicant under the provisions of Section 180 of the Town and Country Planning (Scotland) Act 1997. The appellant's specified detailed grounds of appeal and the Council responded to each ground.

The appeal was determined by written representations and the decision was received by the Council on 3rd November. A copy of the decision letter can be found in the Members' Lounges.

In considering each ground of appeal in turn the reporter concluded that he was in "no doubt whatsoever that the storage use and present appearance of the appeal site is harmful to residential and visual amenity"; that it was harmful to the character and appearance of the Conservation Area; that the action was not premature in that there could be no certainty as to if/when development on the site would begin; and that there was no evidence that the present use was lawful.

The Reporter therefore **upheld the terms of the Amenity Notice** but varying the timescales for compliance to eight weeks from the date of his decision (29th December 2004) in respect of the clearance of the site and till 1st May 2005 in respect of the re-grassing of the area.

(b) 122A CAMPHILL ROAD: EXTENSION AND ALTERATIONS TO DWELLING

Reference is made to the decision of the Council on 19th January 2004, under powers delegated to the Director of Planning and Transportation in consultation with the Convener, to refuse planning permission because it was considered that the proposal contravened Policy H4 of the adopted Dundee Local Plan 1998 and the equivalent Policy 14 of the Finalised Draft Local Plan Review 2003 (unacceptable overlooking of private gardens of surrounding houses).

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 4th November 2004. A copy of the decision letter can be found in the Members' Lounges.

The Reporter considered the determining issues to be whether the proposal was consistent with the policies of the adopted Local Plan and, if so, whether other material considerations justified a refusal of the application.

In summary, the Reporter concluded that the design of the extension; the size and location proposed windows; the size and orientation of surrounding gardens; separation distances; and the presence of trees, shrubs and walls would not lead to such a degree of overlooking of surrounding properties that planning permission should be refused. It was found that in the Reporter's opinion neither policy was breached.

Accordingly the appeal was **UPHELD**.