

4 APPEAL DECISION – 15/00636/FULL (AN55-2016)

Planning application ref: 15/00636/FULL sought planning permission under Section 42 of the Town and Country Planning (Scotland) Act 1997 as amended to vary Condition 2 of planning permission ref: 13/00086/FULL to remove the timber slatted screens to the east elevation of the new build flatted development at Parkview, 309 Blackness Road. This application was refused by the Development Management Committee on 16 November 2015. The reason for refusing planning permission was because the omission of the timber screens would adversely impact on the amenity of neighbouring properties by virtue of overlooking of private garden grounds by windows serving habitable rooms. Therefore the development failed to satisfy Policy 9 and Appendix 3 of the Dundee Local Development Plan 2014.

The appointed appeal reporter dismissed the appeal on the grounds that without the timber screens the flats with east facing windows had an uninterrupted view toward the rear facades and gardens of the neighbouring properties on Jedburgh Road. The Reporter stated that irrespective of whether the east facing windows of the new build flats served habitable rooms or non-habitable rooms the omission of the timber screens would lead to an unacceptable infringement on the privacy of neighbouring properties on Jedburgh Road. Consideration was given to the use of a condition to address the identified infringement of privacy. However, the use of obscure film/ glazing was considered by the Reporter to exacerbate any impact on privacy during the hours of darkness, when shadows of the occupants moving within the flats would be more clearly seen against the internal illumination.