

KEY INFORMATION

Ward Law

Proposal

Erection of a single attached garage to east elevation of dwelling house

Address

9 Law Crescent
Dundee
DD3 6TN

Applicant

Mr W Gray
30 Johnston Avenue
Dundee
DD3 8HG

Agent

Registered 29 April 2002

Case Officer Karen Clark



Garage Extension Proposed In Law Crescent

The erection of a garage attached to the east of a dwellinghouse is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation.

RECOMMENDATION

The proposed garage development fully complies with the adopted policies of the Dundee Local Plan 1998 and will not result in any significant impact on the amenities enjoyed by neighbouring residents. The development is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a garage extension to the east/side elevation of the existing house. The proposed garage will extend to approximately 40 square metres, and be finished in materials to match the existing house.
- One letter of objection was received from neighbours to the east which expressed concerns with regard to the loss of residential amenity and impact on the built environment due to the perceived overlooking and over shadowing of their house by the proposed garage.
- Policy H4 and H1 of the Dundee Local Plan 1998 is of relevance to the current application.
- It is considered that the proposed garage extension will not have a significant impact on the residential amenity of the surrounding area. The houses on Law Crescent are staggered in layout, with the application site set further back than that of the objector. Furthermore, the boundary treatment currently comprises a timber fence, approximately 2 metres in height, with some conifer hedging of approximately 3 metres in height. The application is recommended for **APPROVAL** subject to conditions.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a garage extension to the east/side elevation of an existing bungalow. The proposed garage will extend to approximately 40 square metres finished in a cream coloured dash and brown tile to match the existing house.

SITE DESCRIPTION

The application site is located to the north of the Law. The property consists of a modern detached bungalow finished in a cream roughcast with brown tile roof. The house sits at a lower level from Law Crescent, and includes an existing driveway from the street. The house is set further back from the street than the neighbouring houses. The boundary to the east comprises a 2 metre timber fence with some conifer hedging, approximately 3 metres in height. The surrounding area is predominantly residential with a variety of house and flat types in evidence. The housing within this section of Law Crescent is located in a staggered pattern and all sit within large gardens. The site is bounded to the east and west by similar houses that sit within their own gardens, to the south by Law Crescent and to the north by flats.

POLICY BACKGROUND

Dundee Local Plan 1998

H1 Existing Residential Areas: development will be permitted within residential areas where they do not adversely affect the environmental quality enjoyed by local residents.

H4 Protection of Amenity: alterations and extensions will normally be approved provided the appearance of the house and surrounding area is not adversely affected. Approval is unlikely to be granted where the proposals significantly affect the degree of sunlight and daylight enjoyed by the occupants of neighbouring property.

LOCAL AGENDA 21

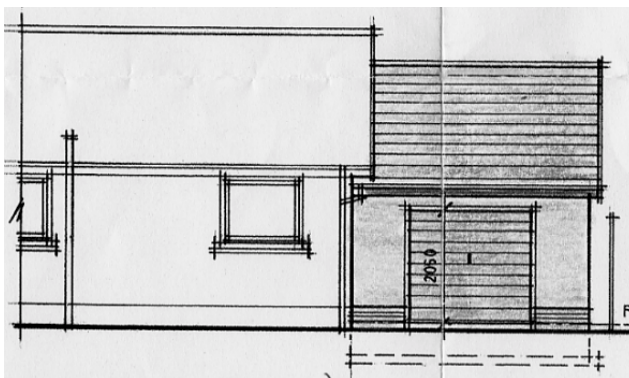
There are no implications with regard to Agenda 21.

SITE HISTORY

There is no planning history relevant to the current application site.

PUBLIC PARTICIPATION

The statutory neighbour notification was carried out by the applicant. One letter of objection was received from the neighbouring resident to the east. The letter expresses concerns with regard to the location and height of the proposed garage which they feel will result in a loss of residential amenity and have a detrimental impact on the built environment due to perceived overshadowing and overlooking. A copy of this letter is available for inspection in the Members Lounges.



CONSULTATIONS

The relevant Council Departments and other bodies were consulted. No comments were received.

OBSERVATIONS

The determining issue for the Committee in this instance are whether the proposal is in accordance with Policies H1 (Existing Residential Amenity) and Policy H4 (Protection of Amenity) of the Dundee Local Plan 1998, with particular reference to the impact of the proposal on the residential amenity of the neighbouring property.

Policy H1 of the Local Plan states that development will be permitted where they do not adversely affect the environmental quality enjoyed by local residents. Policy H4 goes on to confirm that approval is unlikely to be granted where the proposals significantly affect the degree of sunlight and daylight enjoyed by occupants of adjoining property.

The occupants to the east have objected as they consider that their residential amenity and built environment will be detrimentally affected as the proposed garage would overshadow and overlook their property. As indicated the houses on Law Crescent are set out in a staggered pattern with the application site located further to the north than the neighbouring property. The boundary treatment comprises a 2-metre timber fence with some conifer hedging approximately 3 metres in height. The gable wall includes bathroom window which is not considered a habitable room. Furthermore, the roof ridge of the proposed garage will be below the roof ridge of the existing house. The existing house creates a degree of shadow. The addition of an extension at this location is unlikely to create sufficient additional shadowing to warrant refusal of the application on these grounds. Therefore, it is considered that the erection of a single storey garage at this location will not have a detrimental impact on the existing residential amenity of the neighbouring property in terms of loss of daylight, sunlight or loss of privacy. Consequently, the proposal complies with Policy H1 and H4 of the Dundee Local Plan 1998

Design

The design and form of the proposed garage extension are entirely in keeping with the character and appearance of the original house.

CONCLUSION

It is considered that the proposed garage extension fully complies with the policies of the adopted development plan in that there is unlikely to be any adverse impact on the existing residential amenity. There are no material considerations that would justify setting aside the applicable local plan policies in this instance.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.