

KEY INFORMATION

Ward Lochee East

Proposal
Erection of a Conservatory

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Applicant
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Registered 3 July 2002

Case Officer Eve Jones



Proposed Conservatory at Rear of 17 Johnston Avenue

The erection of a conservatory is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation.

RECOMMENDATION

The proposed conservatory is considered to be acceptable in terms of its size, location and design and accords with the relevant policy in the Dundee Local Plan. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a 4.0 metre by 4.2 metre conservatory on the rear of this semi-detached house which lies on the east side of Johnston Avenue.
- There is an existing rear extension which projects 2.7 metres. The combined length of the existing and proposed extensions is 6.7 metres and the conservatory will be 1.25 metres from the boundary fence.
- Policy H4 of the Dundee Local Plan supports extensions to houses where they do not significantly affect the amenities enjoyed by neighbours.
- The adjoining neighbour objected to the original plans which included a 3 metre high brick wall to the side of the conservatory on the grounds of loss of light and appearance of the wall. The plans were amended to a glazed side wall which is 2.9 metres high sloping down to 2.6 metres and the objection was repeated on the additional ground of loss of privacy.
- The application site is to the north of the pair and the proposed extension will result in some loss of light but the gardens are large, the area affected is limited and the loss of light is to a kitchen which is not a habitable room. The sites are flat and the existing boundary fence will ensure reasonable privacy to the garden.
- It is considered that the proposed conservatory will not result in significant loss of daylight and/or sunlight or significant loss of privacy sufficient to support the refusal of consent.

DESCRIPTION OF PROPOSAL

The application is for the erection of a conservatory to the rear of the house. The conservatory will be 4 metres deep by 4.2 metres wide and will be located 1.025 metres from the side boundary. It will be 2.9 metres high where it abuts the house and will slope down to 2.6 metres high. It will have a dwarf brick wall with oak effect glazing bars and a polycarbonate roof. The conservatory will project from an existing rear extension.

SITE DESCRIPTION

The application property is a semi-detached house on the east side of Johnston Avenue. It is the southern half of the pair of houses. The property has already been extended across the full width of the house to the rear and there is a single garage to the side. The existing rear extension is single storey and is 2.7 metres deep. There is an existing traditional larch lap fence between the properties approximately 1.8 metres high. The rear garden is flat, is 14 metres long by 13.5 metres wide and no trees are affected.

POLICY BACKGROUND

There are no relevant National or Structure Plan policies of direct relevance to this application.

Dundee Local Plan 1997

Policy H4 - Protection of Amenity. The policy supports alterations and extensions to houses where the appearance of the property is not affected and where the siting and scale of the extension significantly affects the degree of sunlight, daylight and/or privacy enjoyed by occupants of adjoining property, where the style and form of the extension is out of character with the original building and where more than 50% of the original garden would be lost.

LOCAL AGENDA 21

The proposal represents beneficial use of resources by the extension of a house within the existing built up area.

SITE HISTORY

Application D13915, extension to dwelling house, was approved on 28 January 1989.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and one objection was received on the grounds of loss of light and visual appearance from the combination of the existing extension and the proposed conservatory. The design of the conservatory was changed and a proposed side fire wall 3 metres high to be of brick construction was changed to a glazed side wall and the conservatory was moved 0.25 metres



away from the mutual boundary. The Neighbour Notification was repeated and the objection was maintained with the added objection of loss of privacy from the side glazing of the conservatory.

CONSULTATIONS

There were no adverse comments from consultees.

OBSERVATIONS

The determining issues in this case are:

- i Whether the proposed extension complies with Policy H4 of the Local Plan,
- ii Whether the objection is of sufficient strength to support the refusal of the application.

Policy H4 of the Dundee Local Plan recognises that householders should be able to extend their properties subject to certain restrictions and that the amenities enjoyed by neighbours should not be significantly affected by such extensions. The policy states that approval is unlikely to be granted where the siting and scale of the extension significantly affects the degree of:

1 "sunlight and daylight" In this case the existing and proposed extensions will total 6.7 metres long and will be located just over 1 metre from the boundary. The existing extension has a shallow sloping roof of approximately 3.0 metres high. The proposed conservatory will slope down from 2.9 metres to 2.6 metres high. As the application property is to the south and the rear garden is to the east of the house, the garden will experience some shade at present from the existing extension and boundary fence. The shadow from the proposed extension will be increased especially in the winter when the sun is low. There will be loss of some light to a kitchen. However the objectors garden is 16 metres long by 12 metres wide and only a small part will be affected. A kitchen is not a habitable room and loss of some light is not considered to be significant in this case.

- 2 "and/or privacy": The design of the conservatory has been amended to change the side wall from a brick fire wall approximately 3 metres high to a glazed side wall which is lower and less obtrusive. The original objection was to the appearance of the blank wall and the objector now objects on the grounds of loss of privacy. However, there

is an existing 1.8 metre boundary fence which partly screens the gardens. Both gardens are on the same level and it is considered that loss of privacy will not be significant. However the side elevation of the conservatory can be glazed using obscure glass which will not significantly reduce the light but will ensure privacy to the adjoining property and a condition can ensure the retention of the existing boundary fence.

The design and materials are acceptable and the proposed conservatory plus the existing extension and garage occupy less than 25% of the rear garden ground.

It is considered that the proposal, subject to conditions, complies with Policy H4 and will not significantly affect the amenities enjoyed by adjoining residents.

Objection: The terms of the objection, the revision to the plans and the further objection by the adjoining neighbour have been examined in the assessment of Policy H4 above. It is considered that the proposed development, subject to the use of obscure glazing, will not significantly affect the neighbour and the objections raised are not sufficient to support refusal of the application.

Design

The design has been amended to replace the brick fire wall which was originally proposed with a glazed side wall which matches the other elevations of the conservatory.

CONCLUSION

Conclusion: In this case, the Council has to balance the desires of a householder to extend their property with the objections by a neighbour regarding the impact of that proposed extension. Policy H4 of the Dundee Local Plan specifically addresses this issue and does not support alterations and extensions which significantly affect adjoining residents. In this case whilst the extension will have an impact it is considered that the use of obscure glazing and the retention of the boundary fence will protect the neighbours privacy and the objection is not sufficiently strong to support refusal of permission.

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.
- 2 The north elevation of the conservatory shall be glazed, in perpetuity, in obscure glass
- 3 The boundary fence shall be maintained at its current height and position in perpetuity.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To protect the privacy of the adjoining neighbours.
- 3 In order to maintain privacy between the adjoining rear gardens in the interests of the amenities of the occupiers of the properties.