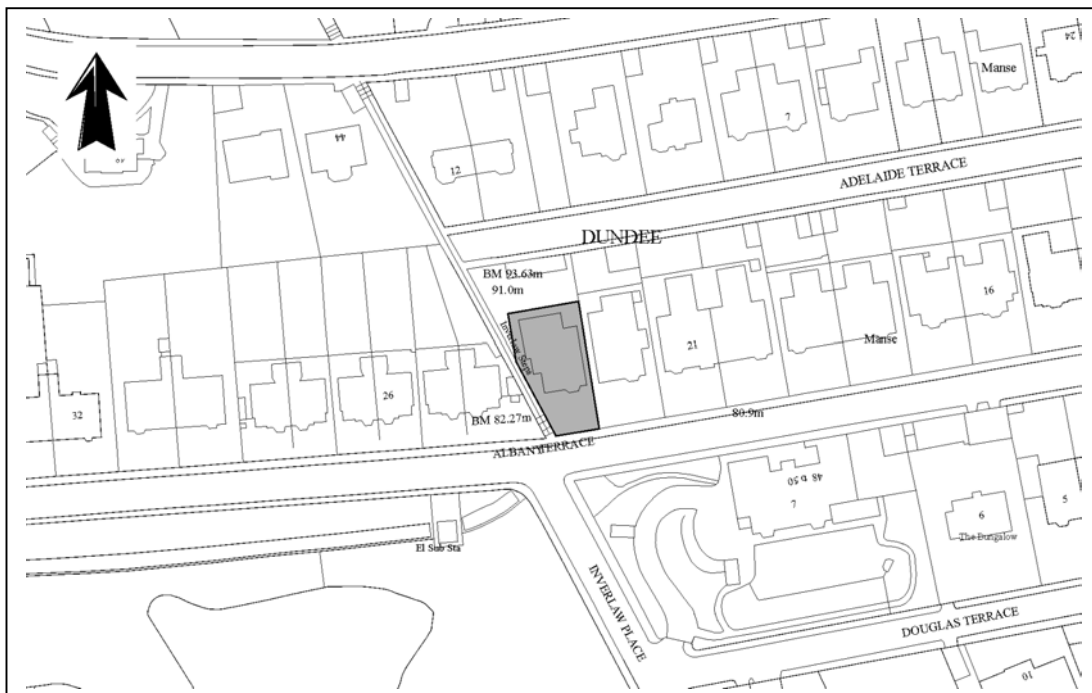


KEY INFORMATION

Ward Law

ProposalAlterations to former window
& installation of balcony**Address**23 Albany Terrace
Dundee
DD3 6HR**Applicant**David and Jacki Mulligan
23 Albany Terrace
Dundee DD3 6HR**Agent**David S Dow DA ARIAS
RIBA

Unit One

10 Milton Street
Dundee DD3 6QQ**Registered** 28 April 2003**Case Officer** R Anderson

Proposed Alterations to House in Albany Terrace

Alterations to former window and installation of balcony is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal conforms to local plan policy and there are no material considerations which warrant a deviation from policy in this case. Accordingly the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- It is proposed to install a balcony and French doors at attic level. The balcony will be finished in 1.1m high glass sheets with steel rails, whilst the doors will be formed from UPVC.
- The property is category "C" listed and located in the Law Terraces Conservation Area.
- One letter of objection has been received regarding the application relating to overlooking of neighbouring properties and impact on the setting of a listed building.
- It is considered that the installation of the balcony is acceptable and conforms to local plan policy. The materials used are of quality and its positioning on the house will not be visually disruptive. The use of UPVC for the doors is unacceptable and a condition will be imposed to reflect this. Approval of the application is recommended.

DESCRIPTION OF PROPOSAL

It is proposed to install a small balcony and patio doors at the above property. The balcony will involve the removal of an existing bay window pitched roof on the front (south) elevation at attic level. The balcony measures some 4.5m in area and will be finished in timber flooring. A 1.1m high plate glass enclosure and metal handrail will enclose the balcony. It is also proposed to install two full height French doors in place of existing windows to access the balcony. The doors will be finished in white UPVC.

SITE DESCRIPTION

The site is located on the north side of Albany Terrace immediately opposite its junction with Inverlaw Place. The property now subdivided into flats is two and a half storeys in height and finished in natural stone walls with slate roofs. The height of the building is exacerbated by the elevated nature of the site, which sits significantly higher than the adjacent footway. The site has a steep south-facing slope. The site is surrounded on three sides by similar residential properties with the grounds to Dudhope House to the south. The property is category C listed and lies within the Law Terraces Conservation Area.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application

Dundee Local Plan 1998

The following policies are of relevance:

H4 - Protection of Amenity

BE11 - Development in Conservation Areas

BE17 - Alterations to Listed Buildings

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 14: Alterations and Extensions to Houses



Policy 60: Alterations to Listed Buildings

Policy 61: Development in Conservation Areas

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application

Non Statutory Statements of Council Policy

There are no non- - statutory Council policies relevant to the determination of this application

LOCAL AGENDA 21

Key Theme 12 Opportunities for culture, leisure and recreation are readily available to all.

Key Theme 13 indicates that places, spaces and objects combine meaning and beauty with utility

SITE HISTORY

94/19716/D & 94/00958/DLB - Formation Of Balcony/Veranda On West Elevation Of Top Floor Flat - approved - 08.08.1994

PUBLIC PARTICIPATION

One letter of objection has been received regarding the application. The main issues arising are: -

* Overlooking of a neighbouring property

* Impact on setting of listed building

CONSULTATIONS

No adverse comments have been received regarding the application.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

c whether the proposals are consistent with the provisions of the development plan; and if not

d whether an exception to the provisions of the development plan is justified by other material considerations

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above

H4 - Protection of Amenity - The proposed balcony is to be developed at two and a half storey level and will not protrude further than the existing bay window it is situated upon. In this respect it does not protrude further than the existing building lines and is below the ridge of the highest roof. It therefore sits within the fabric of the building and does not present any disruptive protrusions and awkward angles and does not overtly stand out. The materials used in its construction are modern, light and fresh looking which promotes quality and gives the structure a contemporary look to the benefit of the building in many ways.

With regard to the impact on neighbouring amenity, the structure

does not directly overlook any neighbouring properties although the gardens of properties on both sides can be viewed from the proposed balcony and the existing windows. However these are the front gardens of the neighbouring houses and in this respect they are fairly public anyway. It is considered that the balcony does not impact onto any private space and therefore does not impact adversely onto neighbouring properties. Such properties are not entitled to amenity considerations to the public areas of their curtilages.

BE11 - Development in Conservation Areas - The balcony forms a very small addition to the conservation area and given its elevated position and that of the dwellinghouse is not readily visible from public views. As already indicated it is not overt when looking at the house and its surroundings and does not cause adverse visual impact. The materials used are of quality and arguably (albeit by a small amount) they enhance the character and appearance of the area.

BE17 - Alterations to Listed Buildings - as indicated the design of the balcony is supported by this department and represents a modern addition to the listed building. However the appearance and quality of the materials used add to the character of the building and represent a sympathetic addition. However the addition of the UPVC doors is unacceptable in the listed building. It is conceded that the windows of the house have been altered in the past and are a UPVC style. It is not known whether such changes benefit from relevant consents or not. However it does not necessarily mean that changes, which in their own right would be unacceptable, are now acceptable. In this respect a condition should be imposed indicating that the doors should be of timber construction and of appearance and character as befits a listed building.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

Dundee Local Plan Review 2003

Policy 14: Alterations and Extensions to Houses - similar considerations are given to this policy as H4 above

Policy 60: Alterations to Listed Buildings - similar considerations are given to this policy as policy BE17 above.

Policy 61: Development in Conservation Areas - similar considerations are given to this policy as policy BE11 above.

Points raised by the objector - With regard to the point raised about overlooking of the neighbouring property - it is accepted that to a degree this will occur. However, the balcony is to the front of the property and as a result will overlook the front garden of the neighbouring property. This is already public and although elevated, clearly visible from the street, with little degree of privacy. In such circumstances the neighbours are not entitled to the same degree of protection as if the situation were to rear garden or private space. It is considered that the neighbouring residential amenity will not be adversely affected.

With regard to the point raised about the impact on the listed building - this matter will be considered in more detail via an application for Listed Building Consent (which the applicants will require to submit). However it is considered that the addition of the balcony is a fairly minimal addition to the overall property and is in such an elevated position that it is not visually obtrusive. It is a modern addition to the building formed with quality, contemporary materials. In this regard it complements the quality of the architecture whilst respecting the appearance of the building.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The department generally supports the design of the balcony and windows. The use of glazing and steel rails gives

the balcony a light modern quality appearance, which is in keeping with the character of the building and commensurate with its status, but also it is fairly minimal in visual terms and does not detract from the appearance of the building. The use of UPVC doors is unacceptable and a condition will be imposed to ensure a suitable material is used in this case.

CONCLUSION

The proposal represents a minimal addition to the property and will not cause any adverse effects in relation to residential amenity. The design is of a relatively high standard and is acceptable to this department (notwithstanding the doors). Accordingly the application is recommended for approval.

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 That notwithstanding the docquetted plans the use of UPVC French doors are not approved as part of this consent. The doors should be made from timber or another such suitable material. Full details of the proposed doors shall be agreed in writing to the satisfaction of the Planning Authority prior to the commencement of development.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 In the interests of the character of the building