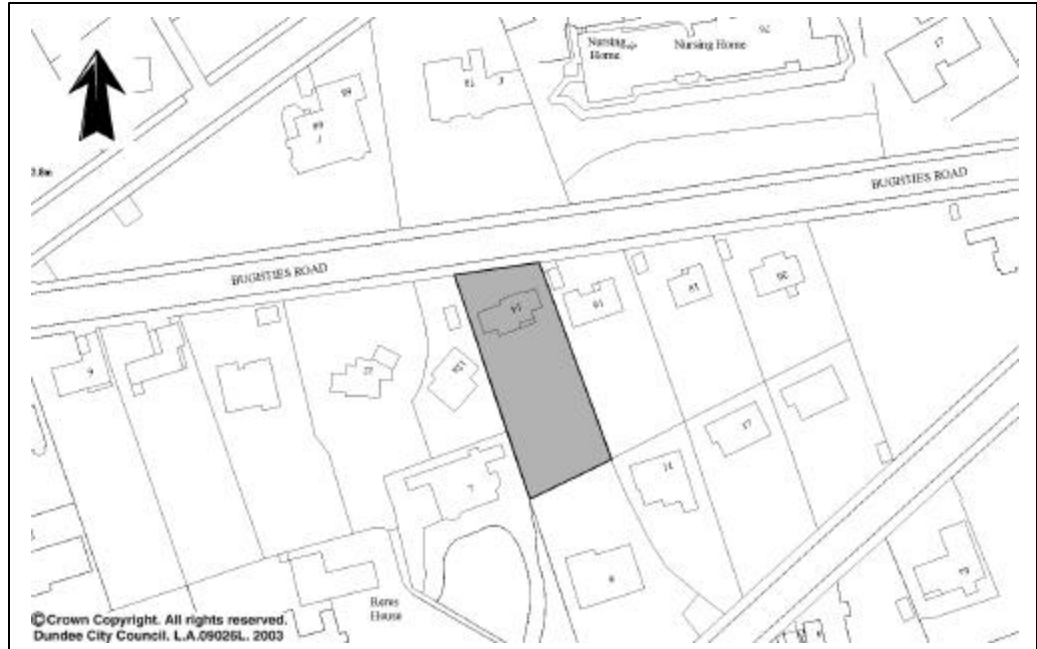


KEY INFORMATION**Ward** Broughty Ferry**Proposal**Erection of summer house
and formation of pond**Address**14 Bughties Road
Broughty Ferry
Dundee
DD5 2LW**Applicant**Dr J A Barnes
14 Bughties Road
Broughty Ferry
Dundee
DD5 2LW**Agent**Brunton Design Studies
95 Dundee Street
Carnoustie
DD7 7EW**Registered** 19 Dec 2003**Case Officer** Gordon Reid

Retrospective Consent Sought for Summerhouse and Pond in Bughties Road

The erection of a summer house and formation of a pond is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered to be in accordance with the policies of the development plan.

The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the formation of a pond with retaining walls and summerhouse at 14 Bughties Road, Broughty Ferry, Dundee.
- The applicant has already carried out the majority of the proposed works.
- The proposed development raises issues for consideration in terms of the Housing and Built Environment Policies of the Dundee Local Plan 1998 and Policies 1 and 61 of the Finalised Dundee Local Plan Review.
- A single letter of representation was received from an adjoining neighbour. The neighbour stated that while they did not object to the proposed pool and summerhouse they were concerned that works had progressed prior to the submission of an application for planning permission and a building warrant.
- It is considered that the proposed pond and summerhouse are in accordance with the Housing and Built Environment Policies of the Dundee Local Plan 1998 and Policies 1 and 61 of the Finalised Dundee Local Plan Review.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the formation of a pond with retaining walls and summerhouse at 14 Bughties Road, Broughty Ferry, Dundee.

The applicant has already carried out the majority of the proposed works.

SITE DESCRIPTION

The application site is located on the south side of Bughties Road and is to the east of the junction with Camphill Road. The house is a modern, detached 2-storey house with basement. There is a large garden to the south with a smaller area including a driveway to the north.

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:

Housing Policy H1 seeks to resist developments that would adversely affect the environmental quality enjoyed by local residents by virtue of design and layout etc.

Built Environment Policy BE11 seeks to ensure that all proposals both complement and enhance the character of the surrounding area.

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:

Finalised Dundee Local Plan Review Policy 1: Vibrant and Sustainable Communities is relevant and seeks to ensure that new developments minimise the effect on the

environmental quality enjoyed by local residents.

Finalised Dundee Local Plan Review Policy 61 is relevant and seeks to ensure that proposals preserve or enhance the character of the surrounding area.

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

Local Agenda Key Theme 15 is of relevance to the consideration of the application and seeks to ensure that diversity and local distinctiveness are valued and protected. It is considered that given the location of the proposals they would not detract from the aims of Key Theme 15.

SITE HISTORY

There is no site history of relevance to the consideration of the application.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and a single letter of representation was received from an adjoining neighbour. The neighbour stated that while they did not object to the proposed pool and summerhouse they were concerned

that works had progressed prior to the submission of an application for planning permission and a building warrant.

CONSULTATIONS

No adverse comments were received from any of the statutory consultees.

OBSERVATIONS

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

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b 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.

Housing Policy H1 seeks to resist developments that would adversely affect the environmental quality enjoyed by local residents by virtue of design and layout etc. The proposed pond and summerhouse are located within the back garden of the property at 14 Bughties Road and are not visible from outwith the site. Given the location, size and design of the proposed pond and summerhouse it is considered that they would not adversely affect the visual appearance of the area or have a detrimental affect on the environmental quality of surrounding neighbours.

Built Environment Policy BE11 seeks to ensure that all proposals both complement and enhance the character of the surrounding area. The proposed pond and summerhouse are located within the back garden of the property at 14 Bughties Road and are not visible from outwith the site. The design of the pond and summerhouse are considered to be acceptable and would not detract from the appearance of the house or surrounding area. It is considered that the proposal is in accordance with Built Environment Policy BE11.

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:

- a Policy 1: Vibrant and Sustainable Communities of the Finalised Dundee Local Plan Review. This policy sets out similar criteria to Housing Policy H1 of the Local Plan 1998. It is considered that for the reasons set out above the proposal would be acceptable in terms of this policy.
- b Policy 61 Development in Conservation Areas of the Finalised Dundee Local Plan Review. This policy sets out similar criteria to Built Environment Policy BE11. For the reasons already set out above it is considered that the proposals would be acceptable in terms of Policy 61.

A single letter of representation was received to the proposed development from a neighbour. The main concerns were that works had progressed prior to the submission of an application for planning permission and a building warrant. The applicants have now submitted an application for planning permission for the proposed works and this report is considering the proposals. To date the applicant has not applied for a building warrant for the works. A Building Warrant will be required if planning permission is granted.

It is concluded from the foregoing that there are no material considerations that would justify a departure from the policies of the development plan in this instance. It is therefore recommended that planning permission be granted with conditions.

Design

The pond has been formed by creating a retaining wall finished in natural stone. The summerhouse is to be finished in timber with a pitched roof finished in felt. The design of the proposed works are considered to be acceptable for the location.

CONCLUSION

It is considered that the proposed pond and summerhouse are in accordance

with the Housing and Built Environment Policies of the Dundee Local Plan 1998 and Policies 1 and 61 of the Finalised Dundee Local Plan Review.

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.