

**KEY INFORMATION****Ward** West Ferry**Proposal**

Erection of conservatory

**Address**4 Balmyle Road  
Broughty Ferry  
Dundee  
DD5 1JJ**Applicant**Mr S Aitken  
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DD5 1JJ**Agent**Mr M Blaikie  
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DD5 1JQ**Registered** 23 Mar 2004**Case Officer** Gordon Reid

## Conservatory Proposal in Balmyle Road

The erection of a conservatory 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 erection of a conservatory and decking at 4 Balmyle Road, Broughty Ferry.
- The application was deferred by Members at the Development Quality Committee on the 26 April 2004 to establish whether any further changes could be made to the proposal to address the objectors concerns.
- The applicant had already amended the proposals to reverse the pitch of the roof of the conservatory in response to concerns of overshadowing of a window raised by a neighbour prior to the consideration by Members at the above meeting. The applicants have indicated that they do not wish to make any further changes to the proposals.
- As no further changes have been made to the application the neighbour has maintained their objection to the amended proposal.
- The proposal raises issues for consideration in terms of the Housing and Built Environment Policies of the Dundee Local Plan 1998 and Policies 14 and 61 of the Finalised Dundee Local Plan Review.
- It is considered that the proposed development is in accordance with the Housing and Built Environment Policies of the Dundee Local Plan 1998 and Policies 14 and 61 of the Finalised Dundee Local Plan Review. In addition, it is considered that the objection raised is not of sufficient weight to warrant refusal of the application in this instance.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a conservatory at 4 Balmyle Road, Broughty Ferry, Dundee.

The conservatory is to be located on the south elevation of the house and will be set back approximately 2.2 metres from the boundary to the east. The conservatory is to have a mono-pitch roof which will be 2.5 metres high at the east side rising to 3.2 metres at the west side. The floor area of the conservatory will be approximately 25 sq. metres. An area of decking is to be formed to the west of the conservatory.

There are to be windows to the west and south elevations with no windows in the east elevation.

The applicant originally proposed to have the mono-pitch roof running from a high point in the east to a low point in the west. This has been reversed in response to objections received from the neighbour to the east.

The applicant has made no further changes to the proposed development since the deferral of the application by the Development Quality Committee on the 26 April 2004.

## SITE DESCRIPTION

The application site is located on the east side of Balmyle Road and to the north of the junction with Dundee Road. The application property is a large two storey villa situated in its own garden grounds. There is a driveway off Balmyle Road and a car port the north of the house.

The house is finished in natural stone with natural slate to the roof. The main areas of garden ground are to the front and side of the house and contain mature trees.

There are residential properties to the north, east and south of the application site with Balmyle Road to the west. The property immediately to the east is set back just over 1 metre from the boundary. There is a window of a habitable room at ground floor on this west elevation of this property.

## 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 H4: this policy seeks to ensure that alterations and extensions to houses do not adversely affect the appearance of the property or the surrounding area. In addition, the policy advise that approval is unlikely to be granted where:

- 1 the siting and scale of the extension significantly affects the degree of sunlight, daylight and/or privacy enjoyed by the occupants of adjoining property;
- 2 where the materials, style and form are alien to the existing building; and



- 3 where more than 50% of the original garden ground would be lost and off-street parking reduced.

Built Environment Policy BE11 Development in Conservation Areas: this policy advises that within conservation areas all development proposals will be expected to 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

The following policies are of relevance:

Policy 14 Alterations and Extensions to Houses: this policy advises that proposals to alter or extend existing dwellinghouses will only be permitted where:

- a there is no adverse impact on the appearance of prominent elevations of the house;
- b there is no significant loss of sunlight, daylight or privacy to the occupants of neighbouring properties;
- c more than 50% of the original useable garden area will be retained; and
- d the design and materials respect the character of the existing building.

Policy 61 Development in Conservation Areas: all development proposals will be expected to preserve or enhance the character of the surrounding 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 15 is relevant to the consideration of this application. This theme seeks to ensure that diversity and local distinctiveness are valued and protected. The application site is located within the West Ferry Conservation Area. It is considered that given the design and finishing materials proposed the development would be in accordance with Key Theme 15.

## SITE HISTORY

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

## PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and a single letter of objection was received from a neighbour in the property immediately to the east. The main concern was that given the height of the conservatory and its proximity to the boundary it would result in the overshadowing and reduction in the daylight of a ground floor window of a habitable room. The applicant re-notified neighbours advising them of the amendments to the proposal. The neighbour to the east responded and advised that they maintained their original objection and that the amendments did not address their concerns.

Copies of the objection letters are available in the Members' Lounges and the concerns raised are addressed in the "Observations" section of this report.

## 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 Quality Committee deferred consideration of the proposed development at its meeting on the 26 April 2004 to allow for the opportunity for further changes to be made to the proposal to address concerns of the neighbour to the east. In response to this the applicant has advised that they had already amended the proposal to address the objectors concerns prior to the consideration by the Development Quality Committee on the 26 April 2004. The applicants have advised that they do not wish to make any further changes to the proposed conservatory and wish it to be considered on the basis of the proposal as submitted.

## The Development Plan

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

The application is for a conservatory extension in the side garden ground of 4 Balmyle Road. The proposal raises issues for consideration in terms of Housing Policy H4 and Built Environment Policy BE11. The applicant has amended the original design for the mono-pitch roof. Originally the proposal was to have the mono-pitch roof running from a high point in the east to a low point in the west. This has been reversed in response to objections received from the neighbour to the east and the roof now has the high point on the west side.

Housing Policy H4 seeks to ensure that alterations and extensions to houses do not adversely affect the appearance of the property or the surrounding area. In terms of appearance the proposal is considered to be of an acceptable design and would not have an adverse affect on the appearance of the house or surrounding area. Policy H4 advises that approval of proposals is unlikely to be granted where the siting and scale of the extension significantly affects the degree of sunlight, daylight and/or privacy enjoyed by the occupants of adjoining property. The main ground of objection received to the proposed development from the adjoining neighbour is the adverse impact on the degree of daylight/sunlight enjoyed in west facing sitting room.

Given the height and proximity of the proposed conservatory to the window of the neighbours sitting room it is considered that there would be an adverse impact on the degree of daylight/sunlight enjoyed by the neighbour. However, taking into account the height of the extension and the run of the mono-pitch roof away from the neighbours property it is considered that the degree of overshadowing would not warrant refusal.

The application site is located within the West Ferry Conservation Area. The location of the proposed conservatory within the site will mean that it will not be particularly visible from outwith the site. The design of the conservatory is considered to be

acceptable as outlined above. It is considered that the proposal is in accordance with Built Environment Policy BE11 of the Dundee Local Plan 1998.

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:

Policy 14 Alterations and Extensions to Houses sets out similar criteria to Housing Policy H4 of the adopted Local Plan. For the reasons set out above it is considered that the proposed development is in accordance with Policy 14.

Policy 61 Development in Conservation Areas advises that all development proposals will be expected to preserve or enhance the character of the surrounding areas. For the reasons set out above it is considered that the proposals are acceptable in terms of Policy 61.

A single letter of objection was received from the neighbours to the east on the ground of the loss of sunlight and daylight to a west facing window of a habitable room. These concerns are addressed in the consideration of the proposal against Housing Policy H4 above. It is concluded that the degree of overshadowing would not be sufficient to warrant refusal of the application.

It is concluded from the foregoing that there are no material considerations that would justify the refusal of planning permission and it is therefore recommended that planning permission be granted with conditions.

## Design

The conservatory is of a simple design with mono-pitch roof. There is to be glazing to the west and south with high level glazing to the east. The proposals include an area of decking to the west. The proposals are considered to be of an acceptable quality of design.

## CONCLUSION

It is considered that the proposed conservatory is in accordance with the Housing and Built Environment Policies of the Dundee Local Plan 1998 and Policy 14 and 61 of the

Finalised Dundee Local Plan Review.  
In addition, it is considered that the concerns raised by the objector are of insufficient weight to warrant refusal of the application.

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## RECOMMENDATION

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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.