

KEY INFORMATION**Ward** Broughty Ferry**Proposal**

Erection of retaining wall

Address12A Bughties Road
Broughty Ferry
Dundee**Applicant**Mr J Milne
12A Bughties Road
Broughty Ferry
Dundee
DD5 2LW**Agent**James Paul Associates
4 Brook Street
Broughty Ferry
Dundee
DD5 1DP**Registered** 16 Dec 2003**Case Officer** Gordon Reid

Proposed Retaining Wall at Bughties Road

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

RECOMMENDATION

The revised proposals are considered to be acceptable in terms of the policies of the development plan in this instance.

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

SUMMARY OF REPORT

- Planning permission is sought for the erection of a retaining wall at 12A Bughties Road, Broughty Ferry, Dundee.
- The proposal is for a revised design to the previous retaining wall that was refused planning permission by the Development Quality Committee at its meeting on the 1 December 2003.
- The applicant had already erected the majority of the retaining wall prior to the submission of the original planning application.
- The proposed retaining wall raises issues for consideration in terms of the Housing Policies of the Dundee Local Plan 1998 and Policy 1 of the Finalised Dundee Local Plan Review.
- Two letters of objection were received from adjoining residents raising issues of concern in terms of overlooking, overshadowing, materials, loss of trees and the adverse impact on the appearance of the area.
- It is considered that the proposed revisions to the design of the retaining wall are sufficient to address the concerns raised by objectors.
- It is considered that the retaining wall as revised would be acceptable in terms of the Housing Policies of the Dundee Local Plan 1998 and Policy 1 of the Finalised Dundee Local Plan Review. It is considered that the objections raised by residents are of insufficient weight to warrant refusal of the proposal.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a retaining wall at 12A Bughties Road, Broughtly Ferry.

The proposal is for a revised design to the previous retaining wall that was refused planning permission by the Development Quality Committee at its meeting on the 1 December 2003.

The revised retaining wall is to be formed at the southern end of the garden of 12A Bughties Road. The new wall is to be 0.99 metres high at the western end and increase in height to 1.43 metres at the eastern end. The wall is to be built on top of an existing wall, which is 350 mm in height. This would result in the total height of the wall being between 1.34 to 1.78 metres. The wall is to be of a concrete block construction. The face of the block wall is to be coated with a white Keim Granital paint.

The applicant proposes to infill the area behind the wall to extend the garden ground of the property by 1.3 metres southwards. This will create a lower terrace to the garden. A post and wire mesh safety barrier of 1.1 metres within the new area is to be erected on the new area. In addition, landscaping is to be included with trees planted along the entire length of the wall.

The main changes to the retaining wall proposed by the applicants wall are:

- 1 the height of the retaining wall has been reduced by approximately 0.44 metres along its entire length.
- 2 the applicant proposes to include a painted finish to the face of the wall to complement the house at 7 Reres Road; and
- 3 the planting of trees in the newly formed lower terrace to provide a visual screen.

The applicant had erected the majority of the retaining wall prior to the submission of the original planning application.

SITE DESCRIPTION

The application site is located on the southern side of Bughties Road and is to the east of the junction with Panmure Street. The application

property is a modern detached house with integral garage. The house is finished in a white render to the walls and concrete tiles to the roof. There is a sun lounge extension to the south elevation of the house. At the time of visiting the site the work had already started with the majority of the wall erected.

There are residential properties to the east, south and west of the house. The house immediately to the south has both ground floor and first floor windows facing northwards towards the application site. These windows



are just over 2 metres from the proposed wall.

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

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 proposed retaining wall it would not detract from the aims of Key Theme 15.

SITE HISTORY

Planning Application 95/21548/D: Erection of Sun Lounge Extension and Satellite Antenna at 12A Bughties Road, Broughtly Ferry, Dundee. Approved on the 13 February 1996.

Planning Application 96/22054/D: Erection of Replacement Garage and Entrance Gates and formation of Bin Store at 12A Bughties Road, Broughtly

Ferry, Dundee. Approved on 20 August 1996.

Planning Application 03/00741/FUL: Erection of retaining wall at 12A Bughties Road, Broughty Ferry, Dundee. Refused on the 1 December 2003.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours. Two letters of objection were received to the revised application. The main grounds of objection were that:

- 1 The appearance of the wall was not in keeping with the character of the surrounding area.
- 2 It would increase the problems of overlooking and overshadowing of the house to the south.
- 3 Mature conifer trees have been removed to facilitate the erection of the retaining wall.
- 4 No details of how the wall is to be finished off are provided.
- 5 That the wall raised issues of concern regarding structural integrity, safety and drainage.

Copies of the letters of objection are available in the Members Lounges and are addressed in the Observation 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 application under consideration is a revision of the proposal that was refused by the Development Quality Committee at its meeting on the 1 December 2003. In order to try and address the previous concern the applicants have reduced the height of the wall, propose to treat the surface of

the wall with a white Keim Granital paint and landscape the area including a row of trees along the length of the wall.

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 retaining wall would result in the extension of the garden ground by approximately 1.3 metres towards the house to the south. The previous garden ground was terraced and dropped down in height towards to property to the south. The north elevation of the property at 7 Reres Road has windows at both ground floor and first floor level. While these windows are already overlooked from the garden area of the application property the extending of the garden ground at the higher level would increase the level of overlooking to both ground and first floor windows. The applicants in the revised application propose to reduce the height of the retaining wall to maintain a terrace to the garden. While, the terrace would be at higher level than the previous situation it is less than the previous proposals. The new area is also to include a row of trees in this area. The new area of garden will therefore be at a lower level and will be less useable. It is considered that on the basis of the proposed changes to lower the height of the wall and to include trees to screen the garden from the neighbouring windows the level of overlooking would be reduced to an acceptable level.

Built Environment Policy BE11 seeks to ensure that all proposals both complement and enhance the character of the surrounding area. The proposed retaining wall is on a boundary between the application property and the house at 7 Reres Road. The wall is to be constructed using concrete block with a white painted finish. This would tie in the colour of the house at 7 Reres Road which has a wet dash finish painted white to the walls. While the use of concrete block is not the most appropriate finish the wall is not visible from any public vantage

point outwith the site or the garden at 7 Reres Road. The applicants also propose to paint it white to tie in with the house at 7 Reres Road. It is considered that the proposed wall would not detrimentally affect the visual character of the Reres Hill Conservation Area.

It is concluded from the foregoing that the proposal is acceptable in terms of 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.
- c Two letters of objection were received to the application from the residents to the south and to the east of the site. The main grounds of objection were that:
 - 1 "the appearance of the wall was not in keeping with the character of the surrounding area". The wall is of a concrete block finish and is to be painted white. The wall is not visible from outwith the back garden area of the properties. While the wall is not of the most appropriate finishing materials it is not so poor as to warrant refusal of the application.
 - 2 "That it would increase the problems of overlooking and overshadowing of the house to the south". It is considered that the proposal would not result in an

unacceptable level of overlooking of windows in the property to the south. Given the height of the retaining wall relative to the windows it is considered that it would not result in a significant level of overshadowing.

- 3 "Mature conifer trees have been removed to facilitate the erection of the retaining wall". There is no evidence of what trees were previously along the boundary. The applicants are now proposing to plant trees along the newly formed garden area. It is considered that the proposed trees are an acceptable replacement for those previously removed.
- 4 "No details of how the wall is to be finished off are provided". The finishing materials have been indicated and these are to be the concrete block wall and a white keim granital paint finished. These are considered to be acceptable.
- 5 "the wall raised issues of concern regarding structural integrity, safety and drainage" These issues are matters for consideration in terms of Building Standards. A Building Warrant was approved and issued for the proposed works on the 22 September 2003.

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

Design

The design of the retaining wall is not of a high quality. The applicants now propose to use a white keim granital paint finish. This will improve the visual appearance of the wall and tie in with the house at 7 Reres Road. The wall is in a location where it would not be visible from any public vantage point. It is considered that the design is not so poor as to warrant refusal of the application.

CONCLUSION

It is considered that the revisions to the proposed retaining wall address the concerns raised by objectors and as such it is acceptable in terms of the Housing Policies of the Dundee Local Plan 1998 and Policy 1 of the Finalised Dundee Local Plan Review. It is considered that the objections raised by residents are of insufficient weight to warrant refusal of the proposal.

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 A detailed landscaping scheme and maintenance schedule shall be submitted to the Council for approval prior to the commencement of any further development and if approved the proposed development shall be carried out only in full accordance with such approved details.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the landscaping screen is to an acceptable standard and maintained in a satisfactory condition.