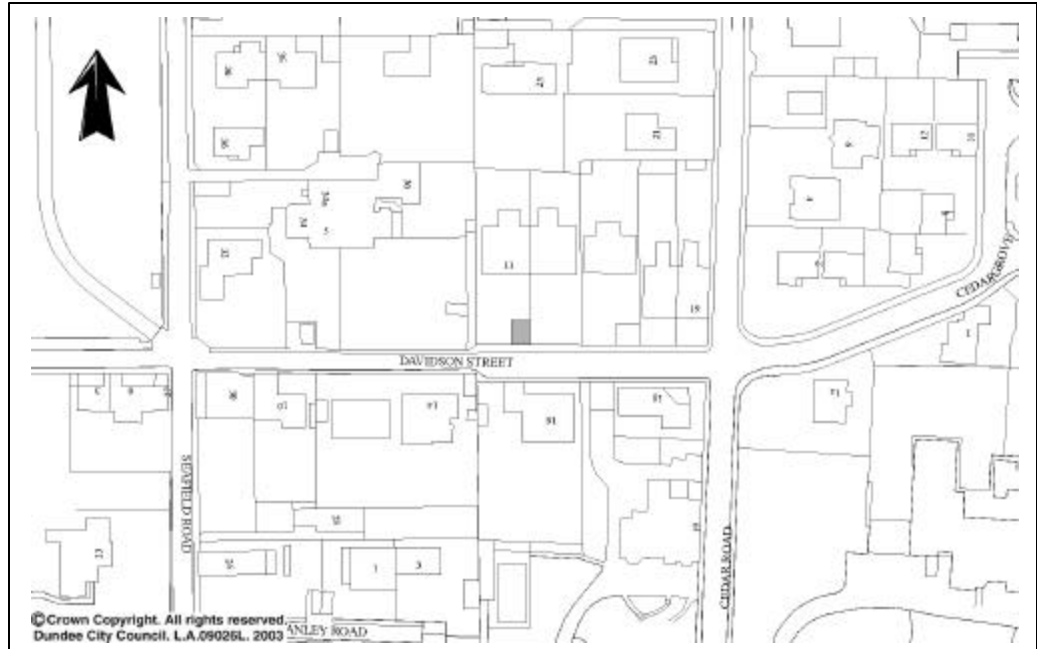


**KEY INFORMATION****Ward** West Ferry**Proposal**Formation of hard standing  
for 2 spaces**Address**11A Davidson Street  
Broughty Ferry  
Dundee  
DD5 3AT**Applicant**Monica Olteaw-Dumbava  
11A Davidson Street  
Broughty Ferry  
Dundee  
DD5 3AT**Agent**Bowman Solicitors  
27 Bank Street  
Dundee  
DD1 1RP**Registered** 10 Feb 2004**Case Officer** Gordon Reid

# Retrospective Application for Car Hardstanding in Davidson Street

The formation of a hardstanding for two car parking spaces is **RECOMMENDED FOR REFUSAL**.  
Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed hardstanding is considered to contravene the policies of the development plan.

The application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the formation of a hardstanding for two car parking spaces in the front garden at 11A Davidson Street, Broughty Ferry, Dundee.
- The proposed development raises issues for consideration in terms of the Built Environment Policies of the Dundee Local Plan 1998 and Policy 61 of the Finalised Dundee Local Plan Review. In addition, the proposal raises issues for consideration in terms of the Non-statutory Policy on Breaches in Boundary Walls and Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.
- An objection was received from a neighbour and Broughty Ferry Community Council also objected. The main concerns related to the loss of the wall and an on street parking space, the formation of car parking in the front garden, the adverse affect on the visual appearance of the conservation area and that it would be contrary to the policy guidance set out in Breaches in Boundary Walls.
- The applicant has already carried out the works to remove the wall and form the hardstanding.
- It is considered that the proposal is not in accordance with the Built Environment Policies of the Dundee Local Plan 1998 and Policy 61 of the Finalised Dundee Local Plan Review. In addition, it is considered that the proposals are not in accordance with the guidance set out the Breaches in Boundary Walls Document and Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997. Furthermore it is considered that the objections received are of sufficient weight to warrant refusal of the application.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the formation of a hardstanding for 2 car parking spaces at 11A Davidson Street, Broughty Ferry, Dundee.

The proposal involves the removal of a small section of the boundary wall onto Davidson Street. The hardstanding takes the form of an area laid out in gravel.

The applicant has already carried out the removal of the wall and laid the area out in gravel.

## SITE DESCRIPTION

The application site is located on the north side of Davidson Street and is to the west of the junction with Cedar Road. The application site is in the front garden of the property at 11A Davidson Street. There is a small stone wall to the front garden. The area of wall subject to this application has already been removed and the hardstanding laid out in gravel. To the east of the site is a modern single garage and driveway. The kerb has been dropped to access this garage.

The application site is located within the Forthill 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:

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 Review

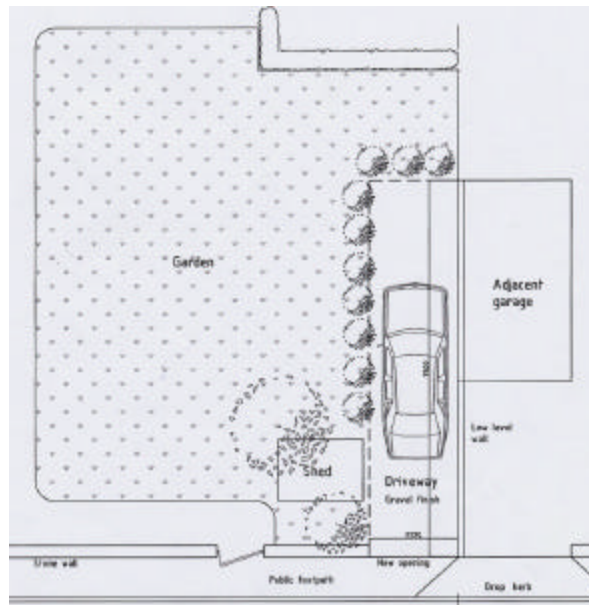
The following policies are of relevance:

Policy 61 Development in Conservation Areas: all development proposals will be expected to preserve or enhance the character of the surrounding area.

## Scottish Planning Policies, Planning Advice Notes and Circulars

The following policies are of relevance:

Section 64 of the Planning (Listed Buildings and Conservation



Areas)(Scotland) Act 1997 advises that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

## Non Statutory Statements of Council Policy

Breaches in Boundary Walls Policy and Guidance for Dundee's Listed Buildings and Conservation Areas. The aim of the Policy is to help prevent the gradual erosion of the townscape by explaining what alterations are appropriate and by providing best practice guidance. In terms of openings to provide parking in front gardens of houses in conservation areas the guidance advises that they will only be

considered acceptable where there is a predominance of existing and authorised front garden parking. However, proposals to create car parking within garden ground will not be recommended for approval where, in the consideration of the planning authority, the works will damage the walls to the detriment of the conservation area.

## 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 and design of the proposed hardstanding the aims of Key Theme 15 are not achieved.

## 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 the application was advertised in the "Dundee Courier and Advertiser" on the 17 February 2004 as affecting the setting of the conservation area. A single letter of objection was received from an adjoining neighbour. The main concerns raised were that the section of wall should not have been removed as it is within a conservation area and that it would result in the loss of on street car parking.

A copy of the letter of objection is available in the Members' lounges and the concerns raised are addressed in the "Observations" section of this report.

## CONSULTATIONS

Broughty Ferry Community Council raised an objection to the proposed development on the grounds that the proposal was contrary to the Council's non-statutory policy for Breaches in Boundary Walls. In particular as it would provide front garden parking in an area where there is little existing provision, there are no gate piers and

inadequate pavement cross-over, it is unattractive and unbalanced and could lead to the encouragement of further proposals in the conservation area.

No adverse comments were received from any of the other 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.

The proposed development is for the formation of hardstanding for two car parking spaces in the front garden area of the house at 11A Davidson Street. The applicant has already carried out the works to form the hardstanding. This has involved the removal of a section of the boundary wall extending to 2.2 metres and the laying out of the area in gravel. The applicant has not provided a vehicular crossing over the footway to serve the area.

Built Environment Policy BE11 of the Dundee Local Plan 1998 seeks to ensure that all development proposals both complement and enhance the character of the conservation area. The introduction of two car parking space in the front garden area of the property at 11A Davidson with the removal of the stone boundary wall neither complements or enhances the visual character of the area. The parking of two cars in the garden ground would detract from the appearance of the area. While there is an existing garage and driveway adjacent to the application site this pre-dates the designation of the conservation area. It is considered that the proposed development is not in accordance with Built Environment Policy BE11 of the Dundee Local Plan 1998.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

## Other Material Considerations

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

Policy 61 Development in Conservation Areas seeks to ensure that all development proposals preserve or enhance the character of the surrounding area. As indicated above it is considered that the proposal does not enhance the character of the conservation area due to the loss of the boundary wall and the visual impact of parking two cars in the front garden of this property. In addition, it is considered that it would not preserve the character of the area for the same reasons. Section 64 of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 also seeks to preserve or enhance the character or appearance of a conservation area. For the reasons set out above it is considered that the proposed development fails to achieve this aim.

Breaches in Boundary Walls Policy and Guidance for Dundee's Listed Buildings and Conservation Areas advises that proposals to create car parking within garden ground will not be recommended for approval where, in the consideration of the planning authority, the works will damage the walls to the detriment of the conservation area. It is considered that the formation of two car parking spaces in the front garden and the loss of this section of boundary wall would detract from the visual appearance of the conservation area.

The Guidance does advise that openings to provide parking in front gardens of houses in conservation areas will only be considered acceptable where there is a predominance of existing and authorised front garden parking. While there is an existing opening in the adjacent property this pre-dates the conservation area designation and further developments of this type would not now be acceptable.

A single letter of objection was received from a neighbour. The main concerns are addressed in the following:

- 1 "the section of wall should not have been removed as it is within

a conservation area and that it would result in the loss of on street car parking". It is considered that the removal of the boundary wall would neither complement nor enhance the character of the Forthill Conservation Area.

Broughty Ferry Community Council also objected to proposal and the concerns raised are addressed as follows:

- 1 "the proposed development is contrary to the Council's non-statutory policy for Breaches in Boundary Walls". For the reasons, outlined above, it is considered that the proposal is contrary to the advice set out in this Non-Statutory Policy Document.
- 2 "the proposed development would provide front garden parking in an area where there is little existing provision, there are no gate piers and inadequate pavement cross-over, it is unattractive and unbalanced and could lead to the encouragement of further proposals in the conservation area". For the reasons set out above it is considered that the proposals would not be appropriate for the conservation area and could lead to the encouragement of further development of this nature.

It is concluded from the foregoing that the material considerations also justify the refusal of planning permission and it is therefore recommended that planning permission be refused.

## Design

The design of the proposal is poor and has not sought to complement or enhance the visual appearance of the Forthill Conservation Area. The wall has not been properly finished off with gate piers or any other such appropriate feature.

## CONCLUSION

It is considered that the proposal is not in accordance with the Built Environment Policies of the Dundee Local Plan 1998 and Policy 61 of the Finalised Dundee Local Plan Review. In addition, it is considered that the proposals are not in accordance with the guidance set out the Breaches in

Boundary Walls Document and section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997. Furthermore it is considered that the objections received are of sufficient weight to warrant refusal of the application.

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## RECOMMENDATION

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It is recommended that planning permission be REFUSED for the following reason(s):

### Reason

- 1 The proposed development is considered to be contrary to Built Environment Policy BE11 of the Dundee Local Plan 1998, Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Policy 61 of the Finalised Dundee Local Plan Review as it would neither complement, enhance or preserve the character of this part of the Forthill Conservation Area. There are no material considerations that would justify a departure to the development plan in this instance.
- 2 The proposed development is considered to be contrary to the advice contained within the Council's Non-Statutory Guidance on Breaches in Boundary walls in Conservation Areas as it would:
  - a result in car parking in the front garden in an area where there is not a predominance of existing authorised front garden parking; and
  - b the works will damage the wall to the detriment of the conservation area.