

KEY INFORMATION

Ward Balgay

Proposal
Erection of conservatory

Address
8 Hayston Terrace
Dundee DD2 2ED

Applicant
Mr & Mrs Flynn
8 Hayston Terrace
Dundee DD2 2ED

Agent
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Registered 26 May 2004

Case Officer R Anderson



Proposed Conservatory in Hayston Terrace

The Erection of Conservatory is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed conservatory has a detrimental impact on neighbouring residential amenity. The proposal is contrary to local plan policy and in addition there are material considerations which justify the recommendation of refusal.

SUMMARY OF REPORT

- It is proposed to add a conservatory extension to the above property. The conservatory will measure some 14m² in area and will be formed from a white UPVC frame, a brick basecourse and a solid brick firewall on the northern elevation.
- One letter of objection has been received regarding the impact the conservatory will have on residential amenity, particularly loss of sunlight/daylight.
- It is considered that as the conservatory will be positioned to the south west of the neighbouring house, there will be some impact on the neighbouring bedroom positioned to the north. Much of the daylight/sunlight appreciated by this room will emanate from the south and west and in this respect the proposal will be detrimental to residential amenity.
- The proposal is contrary to policy H4 of the Dundee Local Plan 1998 and Policy 14 of the Finalised Local Plan Review 2003. There are no material considerations which warrant overturning policy in this case and therefore refusal of the application is recommended.

DESCRIPTION OF PROPOSAL

It is proposed to erect a "lean to" conservatory at the above dwellinghouse. The conservatory will be formed from a white UPVC frame a brick base course dwarf wall and a solid brick wall on its northern side. It will measure some 14m² in area and be developed into the rear garden, to the west.

SITE DESCRIPTION

The property in question is located on the western side of Hayston Terrace some 50m north of its junction with Dalrymple Terrace. The property is a single storey semi detached house, with dry dash rendered walls and concrete roof tiles. It is surrounded on all sides by similar residential properties.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

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Dundee Local Plan 1998

The following policies are of relevance:

H4 - Protection of Amenity

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

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

The following policy statements are of relevance:

Householder Design Guides - Extensions and Garages

LOCAL AGENDA 21

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



proposal may impact on the neighbouring property and be detrimental to their opportunity to enjoy their dwellinghouse.

SITE HISTORY

There is no site history of relevance to this proposal.

PUBLIC PARTICIPATION

One letter of representation has been received regarding the application. The main issues arising are the impact of the proposal on neighbouring residential amenity. This will be fully considered in the "Observations" section of this report.

CONSULTATIONS

No adverse comments have been received.

OBSERVATIONS

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

- whether the proposals are consistent with the provisions of the development plan; and if not
- 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 main issue to consider with this proposal is the impact the conservatory will have on the neighbouring property to the north. In terms of its appearance the conservatory is in keeping with the modern materials of the dwellinghouse. However it is sited in a position on the dwellinghouse where it does have the potential to cause detriment to neighbouring amenity. This is a common issue with extensions on semidetached properties. In this case the conservatory is positioned within 200mm of the boundary, with a habitable room in the other dwelling immediately adjacent. In addition to this the northern wall of

the conservatory requires to be a solid wall for building regulation purposes. This means there will be a solid 2.5m long wall within 1m of the centre of a neighbouring bedroom window. This window faces west and therefore the conservatory will have a bearing on the southern and south western sunlight, which is the majority of direct sunlight throughout the afternoon and early evening. In this respect the conservatory will impact detrimentally on the neighbouring bedroom, in planning terms, a habitable room, which would be contrary to the terms of policy H4 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:

Dundee Local Plan Review 2003 - Policy 14: Alterations and Extension to

dwellinghouse. Similar considerations are given to this policy as policy H4 above.

Council's Householder Design Guidance note "Extensions and Garages" - This document indicates that neighbouring properties should not suffer significant loss of daylight to habitable rooms. It further advises that extensions to dwellinghouses should be kept as far away from boundaries as possible. In this case the solid boundary wall is within 200mm of the boundary and impacts on a habitable window in the neighbouring property. Indeed the accompanying diagram in the advice note, which indicates what is unacceptable, is very similar to the current proposal.

Points Raised By the Objector: The issue of loss of daylight into a habitable room was raised by the objector and is concurred with as demonstrated above.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify refusal of planning permission.

Design

Notwithstanding the above the design of the conservatory is acceptable in as much as the modern materials used in its construction are in keeping with the modern materials of the dwellinghouse. However, the siting of the structure and the positioning of the solid boundary wall impact detrimentally on the neighbouring property, and in this respect the overall design is unacceptable.

CONCLUSION

It is concluded that as the proposal is contrary to local plan policy and there are material considerations supporting to this effect, a refusal of the application is recommended.

RECOMMENDATION

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

Reason

- 1 That the proposed conservatory is contrary to policy H4 of the Dundee Local Plan 1998 in so far as it represents development which is likely to significantly affect the sunlight/daylight

enjoyed by the occupants of an adjoining property.

- 2 That the proposal is contrary to policy 14 of the Dundee Local Plan Review 2003 in so far as it represents development where there will be a significant loss of sunlight/daylight to the occupants of neighbouring properties.