

KEY INFORMATION

Ward East Port

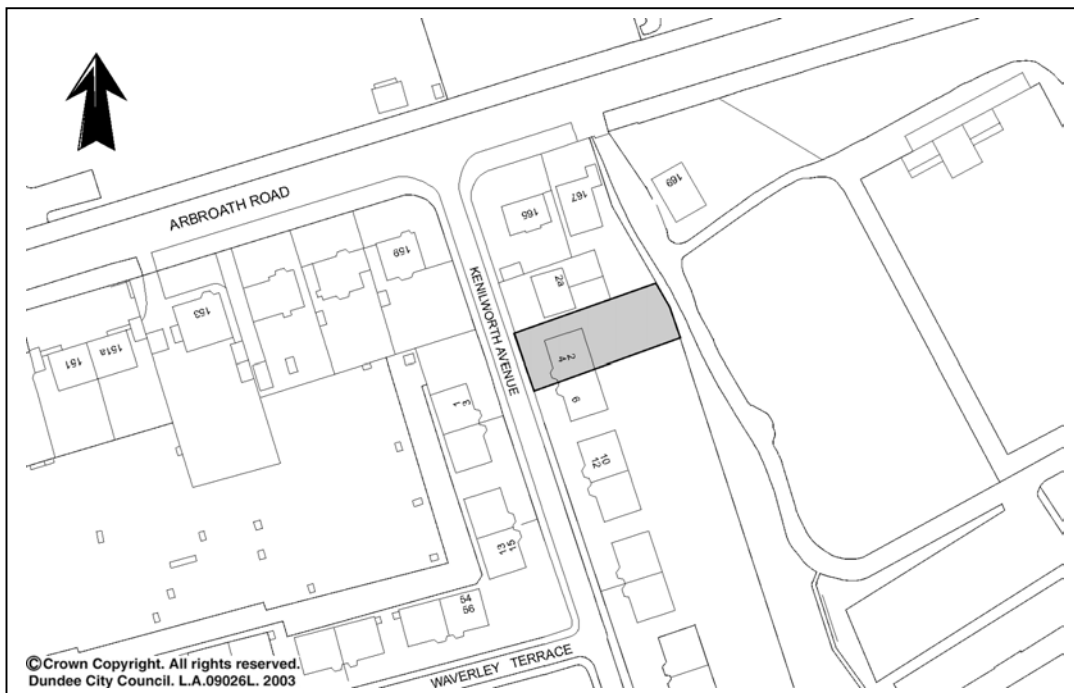
Proposal

Construction of driveway

Address4 Kenilworth Avenue
Dundee
DD4 6LL**Applicant**Kwok Fung Wong
4 Kenilworth Avenue
Dundee
DD4 6LL**Agent**

Registered 22 Oct 1004

Case Officer J Finlay



The construction of a driveway 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 and there are no material considerations that would justify refusal of the application.

Accordingly the application is recommended for **APPROVAL**

SUMMARY OF REPORT

- Planning permission is sought for the construction of a driveway at 4 Kenilworth Avenue.
- There are other similar driveways adjacent and opposite the application site.
- Policy H1 of the Dundee Local Plan 1998 and Policy 1 of the Finalised Dundee Local Plan Review, which seek to protect the residential amenity enjoyed by neighbouring residents, are relevant to the determination of the application.
- Two letters of objection were received from neighbouring residents stating concerns about loss of on street parking due to the required dropped footway.
- It is considered that the proposal is acceptable and will not adversely affect the amenity enjoyed by adjoining residents. As there is a parking problem on Kenilworth Avenue, it will be beneficial to provide off street parking at this location. Therefore the proposal complies with the development plan policies and the application is recommended for **APPROVAL**.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the construction of a driveway in the front garden of 4 Kenilworth Avenue, which will have a tarmac finish. The drive will be 4.94m wide and half of the front garden to the north will remain grassed over.

SITE DESCRIPTION

The application site is located on the east side of Kenilworth Avenue and it is the northmost ground floor flat in a block of four. There are 1.2m high black painted metal railings along the boundary of the front garden and a 1.5m high hedge along the south boundary. A footpath is located to the north of the flats and continues along the front of the building to the entrance door.

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:

H1: Existing Residential Areas - Developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

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 1: Vibrant and Sustainable Communities - The City Council will promote vibrant communities and new development should seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of

design, layout, parking and traffic movement issues, noise or smell.

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 13 is relevant to the application and states that places, spaces and objects should combine meaning and beauty with utility. It is considered that the proposed development complies with these aims.

SITE HISTORY

There is no site history of direct relevance to the application site in these circumstances.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and two letters of objection were received from adjoining residents who are concerned about loss of parking space on Kenilworth Avenue as the footway will need to be dropped in front of no.4.

CONSULTATIONS

No adverse comments were received from statutory consultees.

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.

Policy H1 states that developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents. The proposed driveway is located within the front garden area of 4 Kenilworth Avenue and will provide off street parking at a location where there are problems with parking on the street at present. Therefore it is considered that the proposal complies with this policy.

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:

Finalised Dundee Local Plan Review

Policy 1 seeks to protect the environmental quality enjoyed by local residents as with Policy H1 above. It is considered that the proposal complies with this policy for the same reasons.

Objections

The objections relate to existing parking and access problems along Kenilworth Avenue. As previously discussed, it is considered beneficial to provide off street parking and this will not make the parking problem any worse along the street.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is

therefore recommended that planning permission be granted with conditions.

Design

The proposed driveway will be finished in tarmac and this is considered acceptable at this location.

CONCLUSION

It is concluded that the proposal complies with the relevant policies in the Dundee Local Plan 1998 and the Finalised Dundee Local Plan Review and there will be no adverse impact on the amenity enjoyed by surrounding residents. Therefore the application is recommended for APPROVAL subject to conditions.

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