

KEY INFORMATION**Ward** Longhaugh**Proposal**Erection of metal fencing
(retrospective)**Address**33 Findchapel Place
Dundee
DD4 9LL**Applicant**Robert Griffin
33 Findchapel Place
Dundee
DD4 9LL**Agent****Registered** 15 November
2004**Case Officer** C Walker

Consent sought for Garden Fence in Findchapel Place

The erection of metal fencing is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.**
Report by Director of Planning and Transportation

RECOMMENDATION

The retention of this fence 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.

SUMMARY OF REPORT

- Planning permission is sought to retain a metal fence enclosing the front and side (south) boundaries of the front garden of this semi detached house. The fence is just over 1 metre high (1.14 metres) with the posts supporting the fence and gates being some 1.27 metres high. The fence has an open decorative appearance and is painted in a silver/metallic colour.
- A letter of objection was received from the occupiers of the house to the south who are concerned about the appearance of the fence, its open nature (which they consider diminishes noise attenuation and privacy), the possibility of children or animals becoming trapped in the fence and drainage problems.
- The proposed fence is not high (it is slightly above the permitted development height of 1 metre) and is of an attractive design and it is considered that the proposal complies the policies of the Adopted and Finalised Local Plans.
- Any adverse impact on privacy or noise disturbance will be minimal considering that this is a quiet street and it is the front garden area that is affected. It is not considered that there is anything inherently dangerous about the fence. Finally the erection of this fence has had no impact on drainage in this area.

DESCRIPTION OF PROPOSAL

Planning permission is sought to retain a metal fence enclosing the front and side (south) boundaries of the front garden of this semi detached house. The fence is just over 1 metre high (1.14 metres) with the posts supporting the fence and gates being some 1.27 metres high. The fence has an open decorative appearance and is painted in a silver/metallic colour.

SITE DESCRIPTION

The application site is a semi detached house and its garden ground. All the surrounding houses are of similar design with timber clad walls and tiled roofs. The front garden area of the house has been slabbed. An open mesh fence encloses the garden of the attached house to the north and the house to the south has a high hedge along the roadside boundary.

There are a variety of types of boundary enclosure on this street ranging from completely open front gardens to fences and hedges.

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

This fence was erected without planning permission (it is just over the 1 metre height that is permitted development) and following a complaint from a neighbour this planning application was submitted.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and a letter of objection was received from the occupiers of the house to the south who are concerned

about the appearance of the fence, its open nature (which they consider diminishes noise attenuation and privacy), the possibility of children or animals becoming trapped in the fence and drainage problems. A copy of this letter is available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

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 fence is not high (it is slightly above the permitted development height of 1 metre) and is of an attractive design. 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 the appearance of the fence, its open nature (which they consider diminishes noise attenuation and privacy), the possibility of children or animals becoming trapped in the fence and drainage problems. It has already been stated that it is considered that the design of the fence is attractive and suitable for this location. There are a variety of boundary enclosures in the neighbourhood and this particular fence does not detract from the visual amenity of the area. The open nature of the fence is less private than a hedge but planning permission was not required to remove the hedge and there are many other gardens in the street with open fences or indeed no boundary at all. Any adverse impact on privacy will be minimal considering that it is the front garden area that is affected. In terms of noise, this is a relatively quiet street and it is not considered that the impact of the removal of the hedge (which did not require planning permission in any event) is such as to have an unacceptably detrimental impact on residential amenity. It is not considered that there is anything inherently dangerous about the fence. Although its style may be unique, there are many open fences in the locality. Finally the erection of this fence has had no impact on drainage in this area. The concerns of the objectors may relate to the construction of the slabbed area to the front of the house which did not require planning permission.

The objectors have also raised other matters relating to the construction details of the fence which are not material to the determination of this planning application.

It is concluded from the foregoing that insufficient weight can be accorded to the grounds of objection 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 fence is of an attractive design and scale. Whilst not typical of other boundary enclosures in the vicinity, it is appropriate for its surroundings.

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