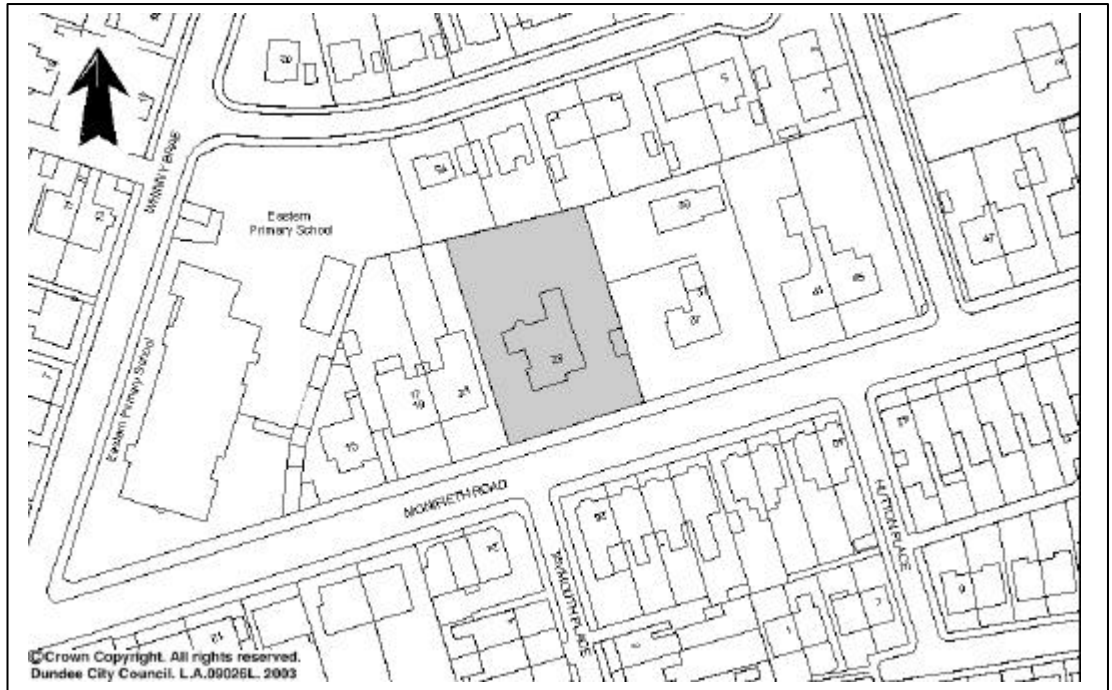


KEY INFORMATION**Ward** Broughty Ferry**Proposal**

Erection of double garage

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Dundee
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DD5 2RN**Agent**Hiddleston and Feist
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DD1 1NU**Registered** 22 Mar 2005**Case Officer** C Walker

Double Garage Proposed in Monifieth Road

The erection of a double garage is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with the policies of the adopted and finalised Local Plans and meets the statutory duty to preserve the appearance of the Forthill Conservation Area and is therefore recommended for APPROVAL.

SUMMARY OF REPORT

- Planning permission is sought to erect a double garage in the north east corner of the site with roughcast walls and a tiled roof.
- The site comprises the Invermark Guest House and its garden ground on the north side of Monifieth Road.
- The site is in an existing housing area and in the Forthill Conservation Area and the relevant policies in the adopted and finalised Local Plans seek to protect residential amenity and to complement and enhance the character of the conservation area.
- Two letters of objection were received from the occupiers of houses to the north and east of the site concerned about the height of the pitched roof and the design of the garage.
- It is considered that the proposal complies with the provisions of the adopted and finalised Local Plans will not have an adverse impact on residential amenity and is of satisfactory design such that it will not detract from the appearance of the Forthill Conservation Area

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a double garage in the north east corner of the site with roughcast walls and a tiled roof. The garage has a plan area of some 36 sq. metres, an eaves height of some 2.5 metres and a ridge height of some 5 metres. It will sit some 2.5 metres from the stone wall at the eastern site boundary with an existing tree being retained and some 0.6 metres from the stone wall at the northern site boundary.

SITE DESCRIPTION

The site comprises the Invermark Guest House and its garden ground on the north side of Monifieth Road. The house is an attractive stone villa with a 2 storey rear extension. The eastern portion of the grounds are surfaced in tarmac and given over to car parking and there is a lawn in the western area.

The site is enclosed by stone boundary walls approximately 2 metres high and is surrounded by housing on all sides. The houses on Monifieth Road are substantial older houses whereas to the rear are modern houses at Rowanbank Gardens and to the east is a modern bungalow built in the rear garden of 37 Monifieth Road

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:

The site is in an existing housing area and Policy H1 seeks to protect residential amenity.

The site is also within the Forthill Conservation Area and Policy BE11 requires all development proposals 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 relevant policies in this Plan are similar to those in the adopted Local Plan, namely:

The site is in an existing housing area and Policy 1 seeks to protect residential amenity.



The site is also within the Forthill Conservation Area and Policy 61 requires all development proposals to 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

The proposed development is sustainable insofar as it is in a central location close to services and facilities.

SITE HISTORY

There is no planning history of relevance.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposed development was advertised as affecting the Forthill Conservation Area. Two letters of objection were received from the occupiers of houses to the north and east of the site (copies available for inspection in the Members lounges).

The concerns of the objectors who live to the east of the site are that the garage would overshadow their house and garden and may result in the removal of a tree in a conservation area. They would not object if the garage had a flat roof. The occupiers of a house to the north of the site are concerned about the impact of the proposed garage on the structural stability of the boundary wall and that the garage with its high pitched roof would detract from the conservation area.

The concerns raised in these letters are addressed in the 'Observations' 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.

Furthermore in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) Act 1997 special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Forthill Conservation Area.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

It terms of Policy H1, the proposed erection of a garage is in accordance with the terms of this policy.

Policy BE11 requires all development proposals to complement and enhance the character of the surrounding area. In this case the proposed garage is of an appropriate design and finishing materials and is set in a very inconspicuous part of the site to avoid detracting from the character or appearance of the conservation area.

It is concluded from the foregoing that the proposal complies with the provisions of the adopted Local Plan.

Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997

This requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In this case it is considered that the proposed garage is of a satisfactory standard of design and finishing materials and is carefully sited so that it will not detract from the appearance of the Forthill Conservation Area.

Other Material Considerations

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

The Finalised Dundee Local Plan Review

The policies in this plan are very similar to those in the adopted Local Plan. For the same reasons as set out in the consideration of this application under the adopted Local Plan it is considered that the proposed development complies with Policy 4 of the Finalised Local Plan and Policy 61 on development within conservation areas.

The Concerns of the Objectors

The concerns of the objectors who live to the east of the site relate essentially to the height of the pitched roof on the garage. They consider that it will

overshadow their house and garden and would like a flat roof instead.

The house to the east was built just over 15 metres from the application site. It was extended by 4 metres to the west following the granting of planning permission in 2003 so that it now lies some 11 metres from the application site. Taking this distance into account along with the size of the proposed garage, the height of the boundary wall (some 2 metres), the presence of 2 trees (1 either side of the boundary) at this location and the fact that the proposed garage will be a further 2.5 metres from the site boundary, any overshadowing of the house and garden to the east will be insignificant. This objector is also concerned that the tree at this location may be felled. Although this tree does not make a significant contribution to the visual amenity of the conservation area, the applicants have indicated that this tree will be retained.

The objector to the north is concerned about the size and height of the garage and its potential adverse impact on the conservation area. The impact of the proposed development on the conservation area has already been considered when assessing this proposal under the statutory duty and the relevant Local Plan policies, and it has been concluded that it is satisfactory. This objector is also concerned about the destabilisation of the stone boundary wall but this matter is not a material consideration in the determination of this planning application.

It is considered that insufficient weight can be accorded to the views of the objectors such as to justify the refusal of this application. It is therefore recommended that planning permission be granted.

Design

The proposed garage is of a satisfactory standard of design and finishing materials and is carefully sited so that it will not detract from the appearance of the Forthill Conservation Area.

CONCLUSION

The proposed development complies with the policies of the adopted and finalised Local Plans and meets the statutory duty to preserve the

appearance of the Forthill Conservation Area.

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 Samples of the finishing materials for the roof, which shall be a slate or slate like tile, and for the wall finish shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In order to safeguard the visual amenity of the Conservation Area.