

KEY INFORMATION

Ward Broughty Ferry

Proposal

Increase height of lounge windows and erect a balustrade in the form of an artificial balcony on the west elevation

Address

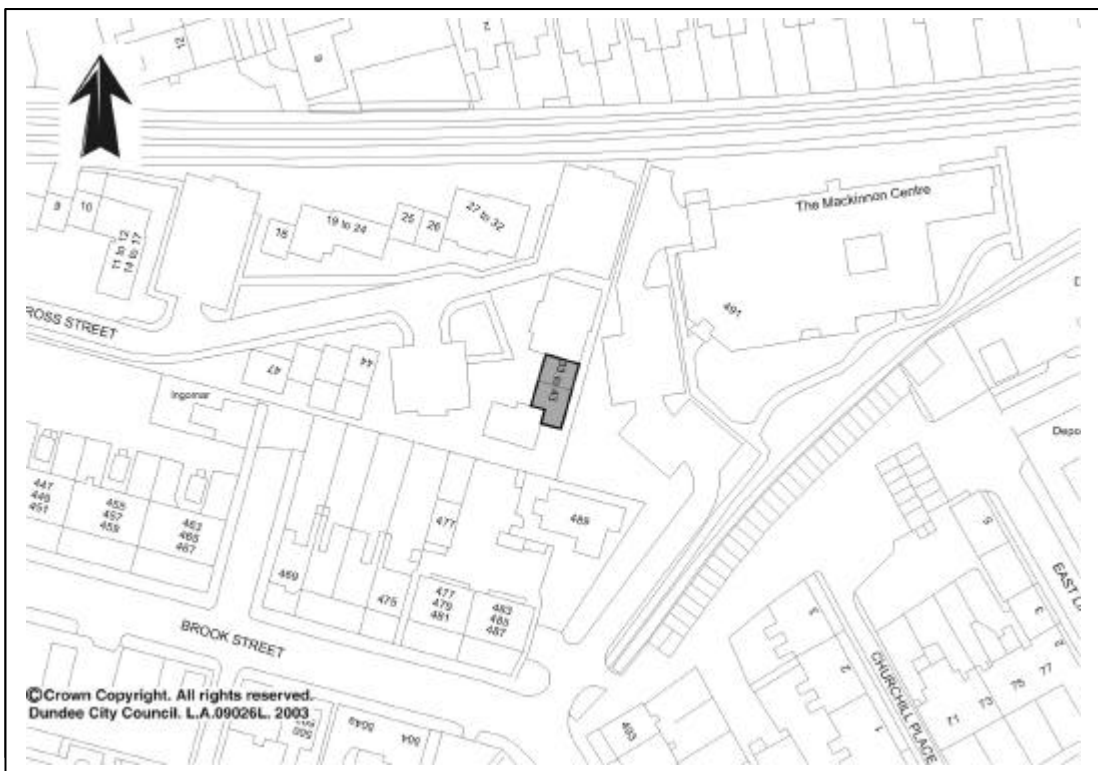
41 Cross Street
Broughty Ferry
Dundee

Applicant

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Agent

Registered 5 June 2006
Case Officer C Walker



Minor Alterations Proposed to Window in Flat in Cross Street

Alterations to lounge windows and erection of a balustrade in the form of an artificial balcony is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed alteration is minor in scale and will not detract from the design of the building. It complies with Local Plan policy and despite the strength of local opposition to any change, there are no planning grounds to refuse this proposal. It is therefore recommended for **APPROVAL subject to conditions**.

SUMMARY OF REPORT

- Planning permission is sought to enlarge 2 windows and erect a small external balcony at a first floor flat in a modern development.
- Policy 14 of the adopted Local Plan requires alterations and extensions to houses to be of appropriate design.
- 2 letters and a petition with 33 signatures objecting to the proposal were received from the occupiers of dwellings in Heriot Gate who are concerned that the design of the proposal would be out of keeping with the uniform design of the development.
- It is considered that the proposed alterations in this case are minor in scale and do not interfere with the basic design and symmetry of the building on which they are proposed. Rather than detracting from the building it is considered that the proposed balcony adds interest to an otherwise plain elevation.
- The proposed alteration is minor in scale and will not detract from the design of the building. It complies with Local Plan policy and despite the strength of local opposition to any change, there are no planning grounds to refuse this proposal.

DESCRIPTION OF PROPOSAL

Planning permission is sought to enlarge 2 first floor windows by some 0.6 metres taking them down to floor level and erecting a small external balcony. The balcony would extend to a maximum of 0.3 metres (not enough to sit out on) but the windows would open inwards allowing someone to sit in the lounge and enjoy an open view. It is proposed to finish the balcony in stainless steel.

SITE DESCRIPTION

The application site is a first floor flat in a 3 storey block of modern design. The walls at this part of the building are finished in roughcast (reconstituted stone is used elsewhere) and the roof is tiled. Directly underneath this flat is an open pend. The flat faces westwards over a parking area beyond which are dwellings.

The entire development of 47 houses, known as Heriot Gate, is of uniform design and finishing materials.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

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

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

LOCAL AGENDA 21

The Council's Local Agenda 21 policies have no direct bearing on the proposed development.

SITE HISTORY

There is no relevant planning history.



PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and 2 letters and a petition with 33 signatures objecting to the proposal were received from the occupiers of dwellings in Heriot Gate (representing in total 70% of the residents). The main ground of objection is that the design of the proposal would be out of



keeping with the uniform design of the development. Objectors also state that the deed of conditions prevents this type of alteration but that matter is not relevant to the determination of this application.

Copies of these letters are available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

There were no adverse comments from 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 14 states that proposals to alter or extend existing houses will only be permitted where:

- there is no adverse impact on the appearance of prominent elevations of the house; and
- there is no significant loss of sunlight, daylight or privacy to the occupants of neighbouring properties; and
- more than 50% of the original useable garden area will be retained; and
- the design and materials should respect the character of the existing building.

The proposed dormer extension raises issues for consideration in terms of criteria (a) and (d), and essentially the question that needs to be addressed is whether the proposed alterations would have such an impact on the appearance of the building as to justify a refusal of planning permission. There are no issues with regard to overlooking or overshadowing.

In this case there are no special controls in operation in terms of the site being within a conservation area or adjacent to listed buildings. However since flatted developments do not enjoy permitted development rights, most changes to the building will require planning permission and in this case there is no evidence of any significant alterations to any of the buildings within the Heriot Gate development. This position is probably reinforced by title restrictions but the existence of any such restrictions is not relevant to the determination of this planning application.

The design of the development at Heriot Gate is not in any way exceptional such that alterations or changes could not be accommodated. It is further considered that the proposed alterations in this case are minor in scale and do not interfere with the basic design and symmetry of the building on which they are proposed. This central bay of the building sits above a pend and the proposed alterations do not in any way affect the symmetry or balance of this section of the building. The new windows are designed to match the existing windows and the only obvious external manifestation of the alteration will be the proposed stainless steel balcony. It is considered that the proposed balcony is an elegant feature in itself and that stainless steel is an appropriate material for the structure. Rather than detracting from the building it is considered that the proposed balcony adds interest to an otherwise plain elevation. Despite the uniform unaltered state of the development, it is considered that the proposed development is a positive intervention that will not in any way detract from its appearance.

It is considered that the proposal does not conflict with the requirements of criteria (a) and (d) and it is concluded that the proposal complies with the provisions of the development plan.

Other Material Considerations

The letters and petition of objection, signed by most of the residents of this development, express a strong desire to prevent any changes to the buildings at Heriot Gate. In general the concerns expressed relate to an opposition to any changes to the buildings rather than concerns about the particular intervention proposed in this case.

This issue was considered and addressed in the examination of the proposal against the criteria of Policy 14, and from this examination it is concluded that the proposal is satisfactory.

The concerns of the objectors are not sufficient to justify the refusal of planning permission. It is therefore recommended that planning permission be granted in accordance with the provisions of the development plan.

Design

It is considered that taking into account the symmetrical nature of the alteration and the use of appropriate finishing materials, that the alteration would be a positive intervention that would enhance the design of this building.

CONCLUSION

The proposed alteration is minor in scale and will not detract from the design of the building. It complies with Local Plan policy and despite the strength of local opposition to any change, there are no planning grounds to refuse this proposal.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following condition:

- 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.