

KEY INFORMATION

Ward Whitfield

Proposal

Change of house types on Plots 111 and 112 to incorporate large balconies

Address

Ballumbie Estate Phase 7 B,
Berwick Drive
Dundee

Applicant

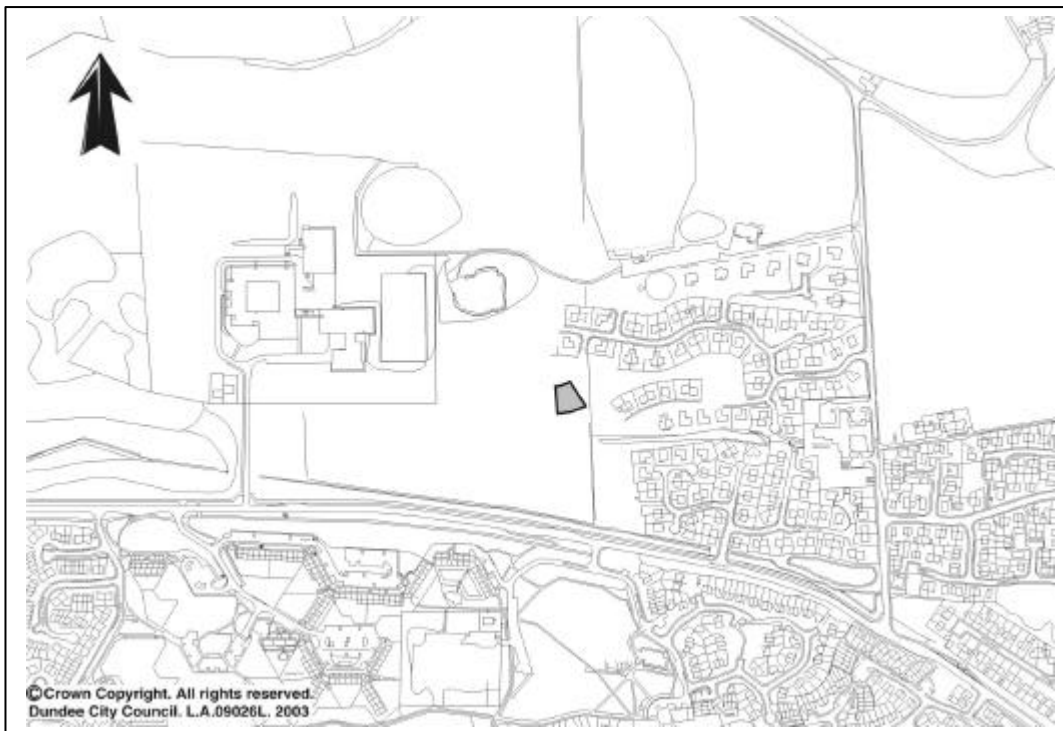
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Agent

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Registered 17 Aug 2006

Case Officer C Walker



Enlarged Balconies Proposed at Ballumbie Estate

A change of house types to incorporate large balconies is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed extended balcony areas comply with Local Plan policy and will not have a significant impact on the amenities of neighbours such as to justify a refusal of planning permission. The application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Planning permission is sought to enlarge first floor balconies on a pair of semi detached houses currently under construction.
- The houses occupy a very elevated position and command extensive views over houses at Phase 6A of the Ballumbie development towards the Firth of Tay.
- Policy 14 of the adopted Local Plan sets out criteria for alterations and extensions to houses.
- 2 letters of objection were received from the occupiers of dwellings further to the south east of the site who are concerned that use of the extended balcony areas will adversely impact on their residential amenities by reason of overlooking, loss of privacy and noise.
- The proposed extended balcony areas comply with Local Plan policy. It is considered that taking into account the distance of 37 metres to the nearest affected houses and the difference in ground levels, that any loss of privacy would not be significant. Normal use of the balconies should not give rise to any noise problems.

DESCRIPTION OF PROPOSAL

Planning permission is sought to enlarge first floor balconies on this pair of semi detached houses. The approved house type on these plots incorporates upper floor external balconies on each house off the lounge areas, measuring some 3.6 metres long by 1.5 metres wide (5.4 sq. metres in total). It is now proposed to enlarge these balconies by extending them over the entire width of the houses, adding an additional 3 metres to their length but the depth over the recessed dining area would be some 2.7 metres. The increase in size would be some 8.1 sq. metres. In all other respects the house plans remain unchanged.

SITE DESCRIPTION

The application site comprises a pair of semi detached houses under construction as Phase 7B of the Ballumbie housing development. Work on constructing the balconies has not yet commenced. The houses occupy a very elevated position and command extensive views over houses at Phase 6A of the Ballumbie development towards the Firth of Tay.

The houses at Phase 6A to the south east of the site are some 37 metres distant at the nearest point but more significantly, their finished floor levels range from 12 to 15 metres lower than the houses on the application site.

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.



South Elevation

Non Statutory Statements of Council Policy

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

LOCAL AGENDA 21

The councils Local Agenda 21 policies have no direct bearing on the proposed development.



SITE HISTORY

Planning permission was granted for the houses on the application site in June 2005 - application ref no 05/00352/FUL refers. The houses further to the south east were approved in August 2004 - application ref no 04/00534/FUL refers.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and 2 letters of objection to the proposal were received from the occupiers of dwellings further to the south east of the site in Phase 6A of the Ballumbie housing development.

The objectors are concerned that use of the extended balcony areas will adversely impact on their residential amenities by reason of overlooking, loss of privacy and noise.

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

- 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.

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:

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

The proposed extended balconies raise issues for consideration in terms of criteria (a), (b) and (d). In terms of criteria (a) and (d), the elevational alterations to provide the increase balcony areas are in keeping with the approved house types and will not have an adverse impact on the houses or the surrounding area.

In terms of criteria (b) there is no impact on daylight or sunlight. In terms of privacy, the extended balconies afford the opportunity for overlooking houses and their private gardens further to the south east. The houses immediately to the east and west of the application site are not affected as they are either in line with or set behind the proposed extended balcony areas.

The nearest affected houses are almost 37 metres distant (their gardens are some 28 metres from the balconies) at the nearest point. Normally an 18 metres distance is considered appropriate in terms of protecting residential amenity. The proposed balconies will be much higher than the houses to the south east so that rather than looking at they look over these houses and their rear gardens. Finally account should also be taken of the fact that balconies have already been approved on these houses, but it is accepted that the approved balconies were much smaller and did not afford the same opportunity for use as the larger balconies currently proposed.

It is considered that taking into account the distance involved and the difference in ground levels, that any loss of privacy would not be significant.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

The objectors are concerned that use of the extended balcony areas will adversely impact on their residential amenities by reason of overlooking, loss of privacy and noise.

The issues of overlooking and loss of privacy were 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 further concern about noise relates to possible dining and entertaining on the balcony area, noting that the approved

balconies were too small to permit such use. There is a particular concern about late night use.

It is considered that normal use of the balconies should not give rise to problems. If people were to use the balconies in an anti social manner then there is separate legislation to deal with such behaviour (which could occur in any event whether balconies were provided or not). It is not considered that there is anything in the nature of these extended balconies that would result in unacceptable noise or disturbance for nearby residents.

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

The elevational alterations to provide the increased balcony areas are in keeping with the approved house types and will not have an adverse impact on the houses or the surrounding area.

CONCLUSION

The proposed extended balcony areas comply with Local Plan policy and will not have a significant impact on the amenities of neighbours such as to justify a refusal of planning permission.

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.