

**KEY INFORMATION**

**Ward** West Ferry

**Proposal**  
Erection of continuation wall to match existing

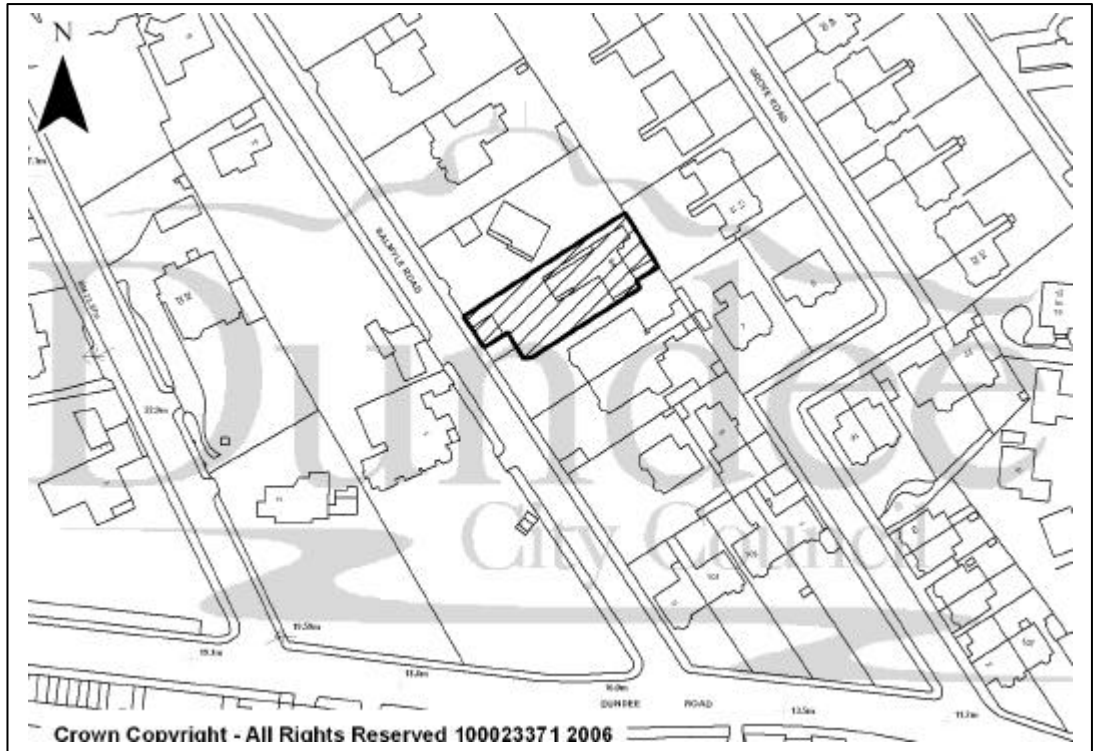
**Address**  
8A Balmyle Road  
Broughty Ferry  
DUNDEE

**Applicant**  
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8A Balmyle Road  
Broughty Ferry  
Dundee DD5 1JJ

**Agent**

**Registered** 4 Dec 2006

**Case Officer** C Walker



## Proposed New Wall in Balmyle Road

The erection of a continuation wall to match existing is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal complies with the Dundee Local Plan Review 2005. The objection does not carry sufficient weight to merit refusal of the application. The application is recommended for **APPROVAL**.

**SUMMARY OF REPORT**

- Planning permission is sought to enclose 15 sq. metres of garden ground to the side of the house by extending an existing blockwork boundary wall just less than 2 metres high around this area.
- The site lies within the West Ferry Conservation Area but the proposed wall is some 35 metres distant from Balmyle Road and is well screened by existing buildings and planting.
- Policies 14 and 61 of the Dundee Local Plan Review 2005 are relevant.
- A letter of objection was received from the occupiers of the house to the south of the site who are concerned that the construction of the proposed wall will uproot trees and overlook and overshadow their property.
- The design of the proposed wall is satisfactory and the development will not lead to an unacceptable impact on the amenities of the adjoining occupiers.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to extend an existing blockwork boundary wall just less than 2 metres high for a distance of some 7.6 metres along a mutual boundary to the side of the house and returning at right angles for a further 2 metres to join up with a flat roofed extension to the rear of the house.

The applicant has written to state that ideally he would wish to build the wall as a mutual boundary wall but that if this was not agreeable to his neighbours to the south then he would construct it entirely on land in his ownership just inside the mutual boundary.

## SITE DESCRIPTION

The site comprises a modern bungalow with walls of roughcast and artificial stone and a tiled roof. This house has been built in what was formerly part of the garden ground of 8 Balmyle Road, a substantial semi detached stone and slate villa to the south of the site.

The site is quite secluded, being screened from Balmyle Road by garages sitting on the heel line of the footway.

The boundary between 8A and 8 Balmyle Road from Balmyle Road eastwards for a distance of some 35 metres is marked by a blockwork wall and on the applicants side of that wall is a high conifer hedge. That wall then returns at right angles joining on to the wall to the front of the applicant's house.

The applicants also own a small area of ground of some 15 sq. metres to the south of their house. The boundary between the 2 properties is not marked out at this location and since it is virtually inaccessible from the applicants property, it has been treated as part of the garden of 8 Balmyle Road. The current application seeks to enclose this area of ground as part of the garden ground of 8A Balmyle Road.

The house at 8A Balmyle Road sits above 8 Balmyle Road and its garden area. There is a high level south facing window overlooking the area of ground it is intended to enclose as well as the garden ground of 8 Balmyle

Road. There are 2 conifer trees in the garden ground of 8 Balmyle Road immediately to the south of the proposed wall.

The site lies within the West Ferry Conservation Area.

## 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

Policy 14 relates to proposals to alter or extend existing dwellinghouses. It states that such proposals 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 respect the character of the existing building.

Policy 61 relates to Development in Conservation Areas and requires new development 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

## SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

## SITE HISTORY

There is no relevant history of planning applications.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and a letter of objection was received from the occupiers of the house to the south of the site.

The objectors are concerned that the boundaries at this location have been unchanged for 16 years and that the area of ground in question has effectively formed part of their back garden. They consider that the construction of the proposed wall will uproot trees and overlook and overshadow their property. They point out that they have themselves erected a timber arch with climbing plants in this area which screens a south facing window on the applicant's property and that this will need to be removed if the wall is constructed, with the consequence being complete overlooking of their garden.

Copies of this letter are available for inspection in the Members' Lounges and the issues are discussed in the "Observations" section below.

## CONSULTATIONS

No adverse comments were received from statutory consultees or other bodies.

## 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: Alterations and Extensions to Houses seeks to facilitate alterations and extensions provided that the amenities of neighbours are protected. Subsections (a) and (d) relate to the design and appearance of alterations and extensions and subsection (b) relates to loss of privacy.

Although this policy is largely geared towards extensions to houses, it seems reasonable that it should also be applied to walls and similar structures such as the current proposal.

In this case it is considered that the design of the proposed wall is satisfactory. It will only be visible from the 2 neighbouring properties at 8 and 8A Balmyle Road, being some 35 metres from Balmyle Road and screened by garages and the adjacent houses. The proposed finishing materials will match the existing wall along the mutual boundary between the properties. In addition much of the wall will be screened by 2 conifer trees in the garden ground of 8 Balmyle Road.

Subsection (b) relates to the impact of development on privacy. In this case, the proposed wall will have no direct impact on privacy but an indirect consequence will be the removal of a trellis style structure, which the objector's state will lead to overlooking of their garden from a window in the applicants house. However whether the proposed wall is constructed or not, the trellis structure lies on the applicants property and could be removed at any time. In addition the screening impact of the trellis structure is limited. The trellis itself could be easily relocated and although the

climbing plants would need to be re-established, they have a limited impact, particularly at winter time. In addition to this, the window in question is very much a secondary window to a lounge area (there are large west facing picture windows and patio doors) and is at a high level so that any potential overlooking is extremely limited. In these circumstances it is considered that the proposed development will not lead to unacceptable overlooking of the adjoining property.

Policy 61 Development in Conservation Areas requires new development to preserve or enhance the character of the surrounding area. In this case the proposed wall will not be visible from adjoining roads and the development will have no impact on the West Ferry Conservation Area.

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:

- A) Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications in conservation areas to have special regard to the desirability of preserving or enhancing the character or appearance of that area.

This matter has already been considered in the assessment of the proposed development under Policy 61 of the adopted Local Plan and it was considered that the proposal would have no impact on the conservation area.

- B) The Concerns of the Objectors

The concerns of the objectors are that construction of the proposed wall will uproot trees and overlook and overshadow their property.

All these matters (other than the potential uprooting of trees) have been addressed in the consideration of the application against Local Plan policy and it has been concluded that there will be no unacceptable adverse impact on the amenities of the occupiers of the adjoining dwelling.

Although the proposed wall will be very close to 2 conifer trees in the neighbouring property, if care is exercised then the trees could be retained. It is suggested that a planning condition to this effect be imposed should Members be minded to approve the application.

It is concluded from the foregoing that insufficient weight can be accorded to the concerns of the objector 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

It is considered that the design of the proposed wall is satisfactory. The proposed finishing materials will match the existing wall along the mutual boundary between the properties and the wall will not be visually prominent.

### CONCLUSION

The proposal complies with the Dundee Local Plan Review 2005. The objection does not carry sufficient weight to merit refusal of the application.

### RECOMMENDATION

It is recommended that consent 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 Details of a method statement for the protection of the 2 conifer trees adjacent to the proposed wall in the adjoining property to the south shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

### Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To screen the proposed wall in the interests of visual amenity.