

KEY INFORMATION

Ward West End

Proposal

Retrospective permission to erect additional decking area to rear of dwelling

Address

6 Glamis Terrace
Dundee
DD2 1NA

Applicant

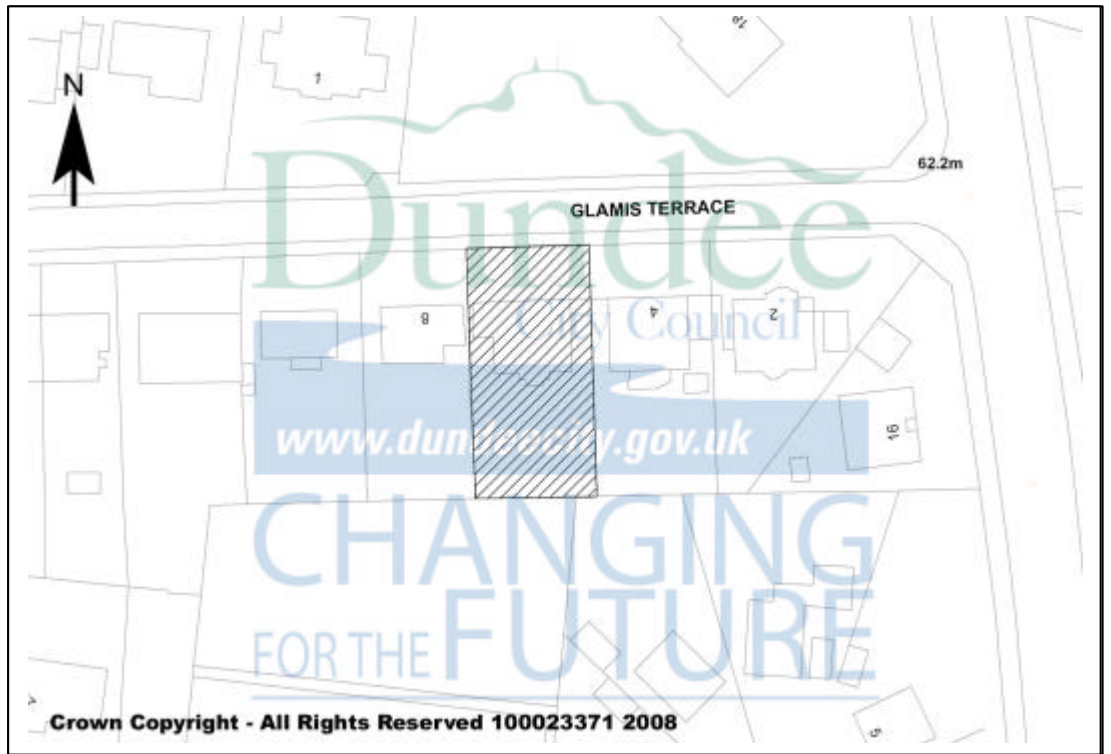
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Registered 22 June 2008

Case Officer D Gordon



Consent Sought for Decking in Glamis Terrace

Retrospective permission to erect an additional decking area is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the details of the application comply with the requirements of Policy 14 of the Dundee Local Plan Review 2005. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- The application seeks retrospective permission to erect timber decking on the rear elevation of a detached dwelling house in Glamis Terrace. Permission is also sought to amend and lower the existing height of the southern section of the decking and to erect a timber boundary fence.
- The proposal has attracted objections from two neighbouring properties. The main issue raised relates to the adverse impact the decking will have on the privacy of the surrounding occupiers.
- The development raises issues for consideration in terms of Policy 14 (Alterations and Extensions to Houses) of the Dundee Local Plan Review 2005.
- It is concluded that the provision of the decking and the proposed boundary fence is in accordance with the terms of Policy 14 of the Plan. There are no material considerations of sufficient weight, including the views of the objectors that would justify the refusal of this application contrary to the terms of this Policy.

DESCRIPTION OF PROPOSAL

The proposal under consideration seeks, in part, retrospective permission to erect timber decking on the south side of a detached dwelling house located on the south side of Glamis Terrace. The proposals also seek permission to alter and drop the levels of the southern section of the decking. It was noted during a visit to the site that works on the decking had commenced.

The decking is constructed primarily of timber supported on steel beams and concrete blocks. Due to the sloping nature of the site, the decking currently elevates at various levels above the rear garden area of the house. The main area of decking is located on the east side of the site.

The proposal also involves the erection of a boundary fence along east side of the site. This will be a vertically boarded timber fence that will vary in height from 2 to 3.5 metres along the length of the decking.

SITE DESCRIPTION

The site is located on the south side of Glamis Terrace approximately 45 metres to the west of its junction with Glamis Road. Due to the land characteristics, the site slopes steeply in a north to south direction resulting in the building having the appearance of a 1.5 storey house on the main street elevation (north) and a 2.5 storey building to the rear (south).

The property is a detached dwelling house that accommodates a pitched slate roof and blockwork/roughcast external walls. The building has recently undergone various improvements and extension works and includes a new single storey conservatory on the south elevation and a domestic garage in the rear garden on the west boundary of the site. Works on the decking have commenced.

The surrounding area is predominantly residential in character with houses to the east, west, north and south east. To the south west lies the Invercarse Hotel.

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 - proposals to alter or



extend existing dwelling 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 respect the character of the existing building.

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 planning application.

SITE HISTORY

03/00229/FUL - Conversion of Basement, Formation of Dormer, Erection of Garage - Approved 1 July 2003.

05/00914/FUL - Erection of a Two Storey Conservatory - Withdrawn 16 January 2006.

06/00144/FUL - Erection of Conservatory - Approved 8 March 2006.

The garage located in the south west corner of the rear garden area of the application site was the subject of an Order under section 71 of the 1997 Act in June 2006. This required, amongst other things, the removal of velux roof lights and windows from the building and that the roof and the external walls to be finished in accordance with plans approved planning permission. This Order was confirmed by the Scottish

Ministers (following a Hearing) on 10 May 2007.

PUBLIC PARTICIPATION

The applicants have carried out the statutory neighbour notification procedure and objections to the proposals have been submitted from 2 neighbouring properties. The relevant issues raised by the objectors relate to:

- 1 Loss of privacy of adjacent residential properties by virtue of the location and the height of the decking.
- 2 Allegations of additional extensions to the existing house.
- 3 The inaccuracy of the submitted drawings.

Copies of these objections are available for inspection in the Members Lounges. It is intended to comment on the terms of the objections received in the "Observations" Section of this report below.

CONSULTATIONS

No adverse comments have been received from statutory bodies.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- 1 whether the proposals are consistent with the provisions of the Development Plan; and if not
- 2 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.

The application seeks retrospective permission to erect timber decking in the rear garden area of a detached dwelling house located on the south side of Glamis Terrace. The application also seeks permission to alter the levels of the southern section of the structure and to erect a new timber fence along part of the eastern boundary of the site.

A visit to the site on an unrelated matter revealed that works on the decking had commenced without planning permission. It was considered at that time that the height of the southern section of the decking (as built) had the potential to adversely impact on the privacy of the adjacent residential property to the east. In this respect the applicants were advised that the structure was considered to be contrary to the terms of Policy 14 of the Dundee Local Plan Review 2005 and that any subsequent planning application for the structure would be unlikely to receive support.

A subsequent site meeting with the applicants' architects was arranged and potential amendments to the structure were discussed, including the reduction in the height of the south most part of the decking in order to protect the residential amenities of adjacent occupiers. These suggested amendments, together with the provision of a new timber fence, form part of the application now under consideration.

The application site, in common with other houses on the south side of the road, slopes steeply in a north to south direction. This has influenced the requirement for the decking to be constructed over several levels in order to allow, amongst other things, easy access to the rear garden area. The highest part of the decking accesses directly from the conservatory on the south side of the house and has been constructed approximately 1.52 metres above the existing ground level. To the south of this, it is proposed to alter the central section of the decking by dropping the existing level by approximately 0.62 metres from 1.16 above ground level to approximately .54 metres above ground level. A third level of decking will be sitting marginally above ground level.

The application also proposes the erection of a timber fence along the east boundary of the site. This new fence will be 2 metres in height above the level of the decking along its entire length and is intended to act as a screen from the neighbouring property to the east.

It is considered that the location, size and design of the decking will have no adverse impact on the appearance of the south elevation of the existing dwelling house. It is further considered that the finishing materials

ie predominantly timber, are acceptable and respect the character of the existing house.

It is also concluded that, by virtue of the provision of timber fencing along the east boundary of the site, the proposal will not result in a significant loss of sunlight, daylight or privacy to the occupants of the neighbouring properties to the east, west and south east.

It is further concluded that, due to the nature and design details of the decking, the proposal will not adversely impact on the useable space of the rear garden area.

In light of the above, it is considered that the development does not contravene the terms of Policy 14 of the Dundee Local Plan Review 2005.

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:

Objections:

With regard to the issues raised by the neighbouring properties the following comments are offered:

- 1 Impact on the Privacy of Adjacent Properties. It is considered that this matter has been discussed and discharged above.

It was noted during a visit to the site that prominent decking of a similar height, design, materials and position to the decking now under consideration exists on the neighbouring boundary to the west of the application site.

- 2 Allegations of Additional Extensions to House. It has been confirmed by the applicants' agents that the application under consideration relates to the provision of decking only and does not involve any other extensions to the house.

- 3 Inaccuracies in the Submitted Drawings. The plans originally submitted for consideration inaccurately identified several elevations on the drawings. These notation inaccuracies have now been successfully corrected by the agents. The accuracy of

the drawings of the existing house has also been questioned by an objector. The agents have been advised of this matter and have indicated that as the application details relate to the provision of the decking only the submitted line drawings of the existing dwelling are intended to show the form of the house in general relation to the new decking. It is considered that the submitted details of the existing house are sufficient to allow full determination of the application.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations 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 and finishing materials of the decking are acceptable to the character and appearance of the existing house and that of the surrounding area.

CONCLUSION

The details of the application comply with the requirements of Policy 14 of the Dundee Local Plan Review 2005. The submitted objections do not carry sufficient weight to merit refusal of this 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 That prior to the completion and first use of the decking the proposed timer fence be erected on the east boundary of the site shall be provided in full accordance with the details as identified on submitted drawings SK(00)01A, SK(00)02A and SK(00)3A.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

- 2 In order to protect adjoining occupiers from direct overlooking of private garden ground.