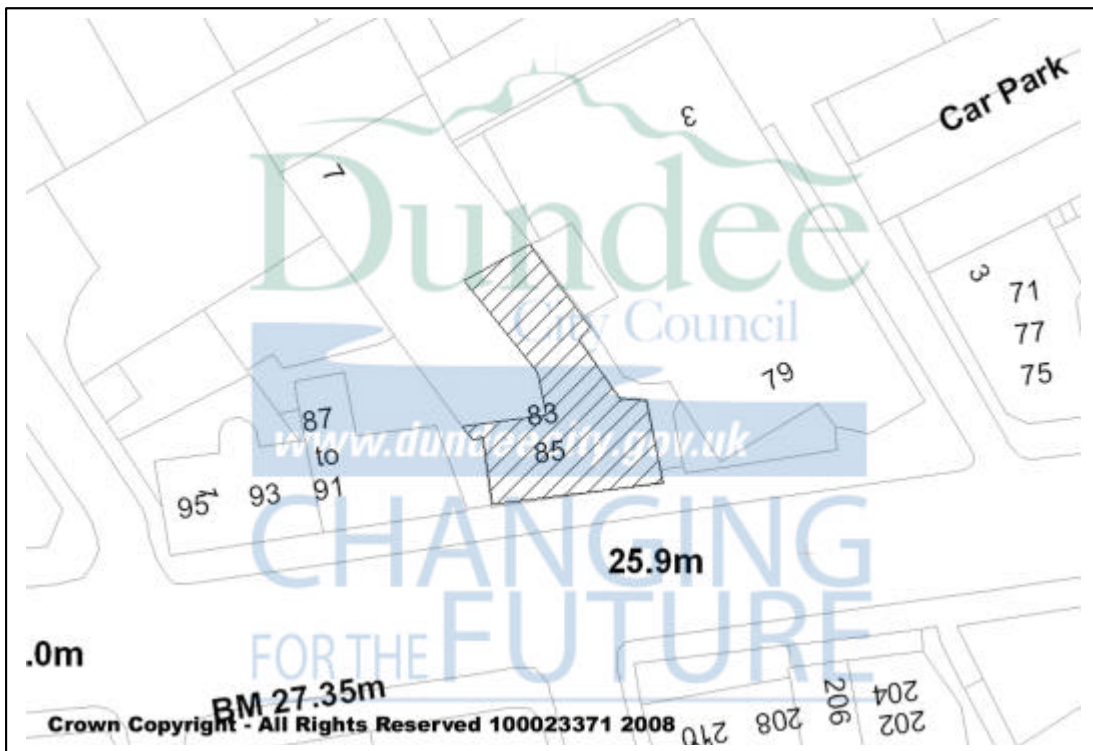


KEY INFORMATION**Ward** West End**Proposal**

Erection of timber fence around roof edge

Address83 Perth Road
Dundee
DD1 4HZ**Applicant**I B Murray & Sons
87 Perth Road
Dundee
DD1 4HZ**Agent**Paul Doig
7 The Esplanade
Broughty Ferry
Dundee
DD5 2EL**Registered** 4 Sept 2008**Case Officer** E Jones

Fence on roof area proposed for security

The erection of a timber fence around roof edge is **RECOMMENDED FOR APPROVAL**. Report by Director of Planning and Transportation.

RECOMMENDATION

It is concluded that the development complies with Policy 1 and that the applicant has reduced the height of the fence on the east boundary to minimise any impact on adjoining residents whilst retaining its security function. The objections are not supported and the application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Planning permission is sought for timber slatted fencing on the roof of an existing commercial premises on the north side of Perth Road. The fencing has been installed and is 5.8 metres x 1.4 m high across the roof to separate one high level from a lower section and 1.5 wide x 1m high on the east edge of the roof.
- The ground floor extends back from the shops fronting the street in a complex of units with varied flat and pitched roofs with flats above the shops accessed via a side stair to a small terrace on the roof. Parts of the flat roof enclosed by the new fence have recently been repaired and resurfaced with replacement rooflights.
- Dundee Local Plan 2005: Policy 1 - Vibrant and Sustainable Communities is relevant.
- The fence was partly built when the Enforcement Officer received complaints from adjoining residents. Two objections to the application were received from residents on grounds of overshadowing.
- The justification from the applicant stresses the fences were erected for safety reasons where there are drops in levels between roofs. It concludes by repeating that, "No light is blocked or obstructed to Ryehill Church."
- The applicant has reduced the height of the eastmost fence to demonstrate to the Council that he wishes to minimise any impact on residents whilst retaining the required security at the edge of this 4 metre drop.

DESCRIPTION OF PROPOSAL

Planning permission is sought for timber slatted fencing on the roof of an existing commercial premises. The fencing has been installed and is 5.8 metres x 1.4 m high across the roof to separate one high level from a lower section and 1.5 wide x 1m high on the east edge of the roof, adjacent to an open void created by the set back of the adjoining building to the east.

The applicant has submitted justification for the works which have been carried out.

SITE DESCRIPTION

These premises are on the north side of Perth Road, immediately west of the former Ryehill Church. The ground floor commercial premises extend back from the shops fronting the street in a complex of units with varied flat and pitched roofs. There are flats above the shops accessed via a side stair to a small terrace on the roof. The adjoining Ryehill Church building, which is now converted into residential flats, is partly set back and this area contains windows to the flats on several floors, both above and below the level of the application site roof.

Parts of the flat roof enclosed by the new fence have recently been repaired, and resurfaced and have new, replacement rooflights.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 1 - Vibrant and Sustainable Communities.

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 planning history.



PUBLIC PARTICIPATION

The fence was partly erected when the Enforcement Officer received complaints from adjoining residents of the converted former Ryehill Church. Following a site visit, the applicant was advised that planning permission was required. The application was the subject of statutory Neighbour Notification and two objections were received from residents of the flats. The only valid objection which was raised by the objectors is overshadowing. The objections are considered in the Observations below.

Members will already have had access to the objection letters.

CONSULTATIONS

There were no adverse comments from consultees.

OBSERVATIONS

Statutory Requirements

In accordance with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The site is not visible from the street and the design of the new timber fence is traditional, of domestic scale and replicates the existing timber fence which secures part of the roof. It has no adverse impact on the character and appearance of the Conservation Area.

In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 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 1: Vibrant and Sustainable Communities - the City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

The applicant has submitted justification for the development and the main points raised are as follows:

The existing fence which provided security for the roofs of the commercial premises was removed to allow roof repairs to be carried out. During these works, two safety issues were identified and addressed by the fences which have been erected.

1 There is a substantial drop in level of some 4 metres between the roof of 83 Perth Road and the back premises of the former Ryehill Church. A short fence, 1.5 metres high was erected on the edge of the roof to protect this drop. The applicant notes that during construction, an adjoining resident complained about shadowing from the fence. It was demonstrated to the resident that "the shadow did not fall anywhere near his window". The applicant concludes that, "..... at no point does a shadow cast over any window of Ryehill Church tenants flats."

2 There is a drop of approximately 1.5 metres between two of the roofs of No 83 Perth Road and in the interests of safety, this was also fenced with a timber fence of the same design.

The applicant thinks that the tenants of Ryehill Church assumed that the existing fence would not be replaced and the occupants of the flats would have access to a much larger roof terrace which would compromise their privacy and allow overlooking. However, the original fence which secures the roof area has now been replaced.

The justification concludes by repeating that, "No light is blocked or obstructed to Ryehill Church."

Subsequent to the initial works to erect these fences, the fence on the east edge of the roof has been reduced in height to 1 metre to match the height of the existing flanking wall and the applicant has advised that this further reduces any shadow cast in the direction of Ryehill Church. The applicant considered that this demonstrates to the Council that he wishes to minimise the perceived impact on residents whilst retaining the

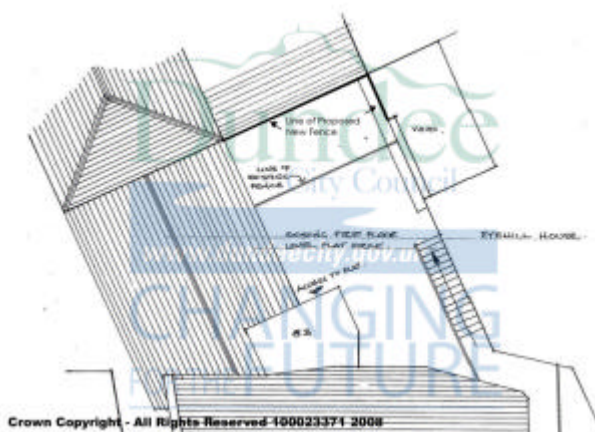
required security at the edge of this 4 metre drop.

It is considered that this amendment will minimise any affect on the environmental quality enjoyed by local residents by virtue of design and layout and the development complies with Policy 1.

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

Two objections were received from residents of the adjoining flats to the east. The only valid objection which was raised by the objectors is overshadowing.

As noted above, the applicant contends that there is no overshadowing but has reduced the height of the small fence on the east side of the roof in order to minimise the possible impact on neighbours. It is considered that the applicant has made an acceptable compromise by lowering the fence whilst still retaining its safety function. It is considered that any overshadowing which may exist is limited and is not significant enough to justify the refusal of the application. Accordingly, the objections are not supported.

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.

Design

The fence is of traditional design and materials and is acceptable.

CONCLUSION

It is concluded that the development complies with Policy 1 and that the applicant has reduced the height of the fence on the east boundary to minimise any impact on adjoining residents whilst retaining the security function of the fence. The objections are not supported and the application is Recommended for APPROVAL

RECOMMENDATION

It is recommended that consent be GRANTED.