

KEY INFORMATION

Ward Coldsid

Proposal

Retrospective consent for the erection of decking to rear garden and the erection of a garden shed

Address

92 Kinghorne Road
Dundee
DD3 6PU

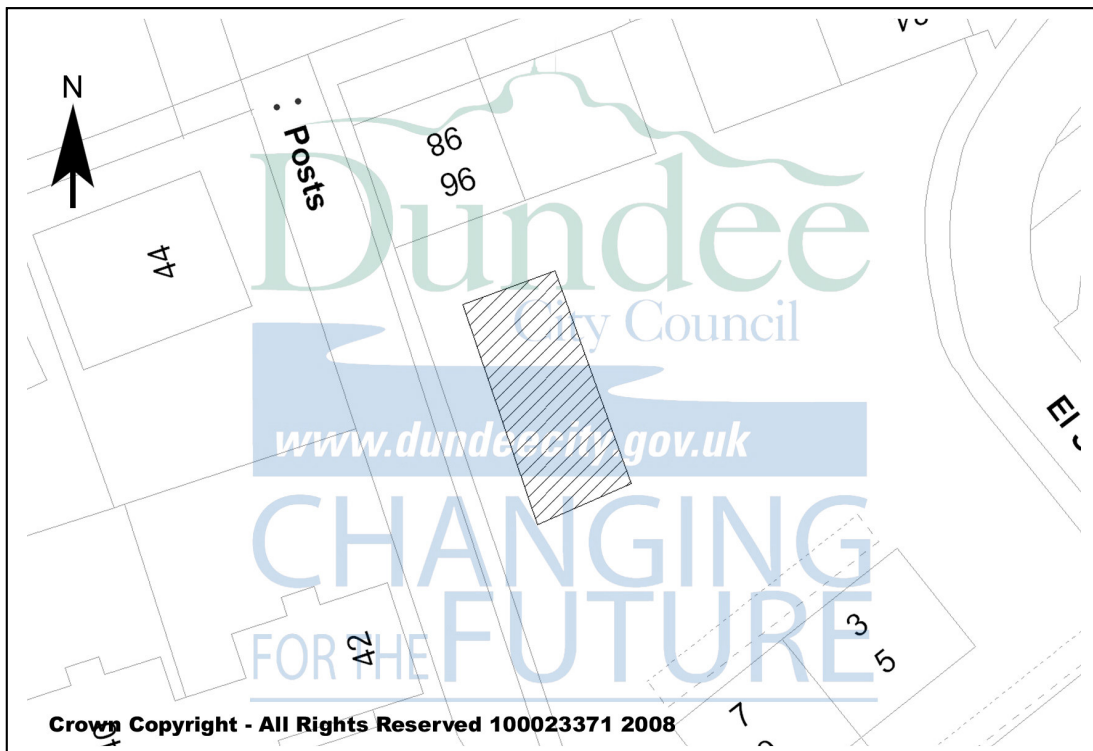
Applicant

David Coupar
92 Kinghorne Road
Dundee
DD3 6PU

Agent

Registered 7 Oct 2008

Case Officer B Knox



Consent Sought for Garden Decking in Kinghorne

The retrospective consent for the erection of decking and garden shed is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The application is considered to comply with Policy 14 of the Dundee Local Plan and there are no material considerations to justify a decision contrary to this, including the views of the objectors. The application is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- The application proposes the erection of an area of decking and the erection of a garden shed.
- The applicant carried out the Statutory Neighbour Notification procedure and in total, 3 letters of objection were received with 2 of these being from the same source.
- Policy 14 of the Dundee Local Plan Review 2005 is relevant to the determination of the application.
- The views of the objectors are not supported and the application is considered to comply with Policy 14 of the Dundee Local Plan Review 2005. There are no material considerations to justify a decision contrary to this.

DESCRIPTION OF PROPOSAL

The application proposes the erection of an area of decking and the erection of a garden shed. The works have already begun on site as the applicant was unaware of the need for planning permission. This was brought to the attention of the applicant and planning permission is now sought for the decking and shed.

The decking would measure approximately 8.9 metres by 4.4 metres and would be comprised of treated timbers. Due to the topography of the land, it will have a step and will be approximately 2 metres in height to the top of the handrail at its highest point.

To the northern end of the decking area there would be a small domestic shed measuring approximately 2.4 by 1.4 metres.

SITE DESCRIPTION

The area of garden relates to 92 Kinghorne Road which is a flatted property occupying the upper floor. Although the rear gardens in this area are all open, the applicant has certified that he owns the area of land to which the application relates.

The land in this area is sloping from north to south and is primarily laid out in grass. To the east of the proposed decking area is an existing patio area which is surrounded by a high timber fence. There are also several sheds and a greenhouse in the area directly adjacent to the application site. There is a tree to the south of the application site which is to remain in situ.

The area of decking is to be located approximately 5.5 metres south of the existing properties located on Kinghorne Road and approximately 17 metres from the nearest properties to the south located on Wishart Street.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

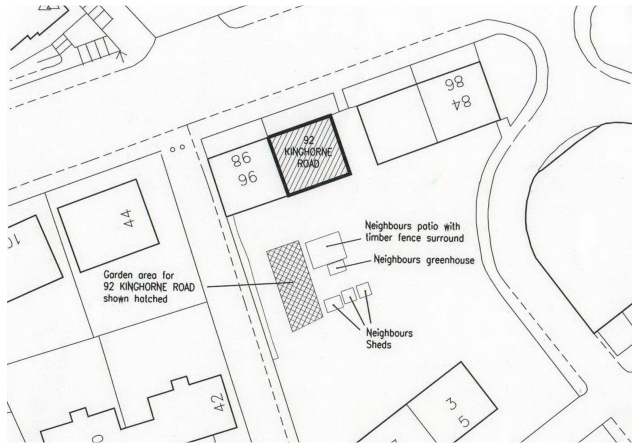
There are no policies relevant to the determination of this application.

Dundee Local Plan 2005

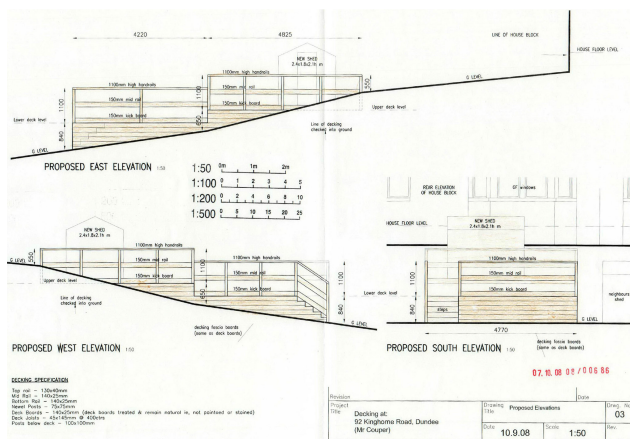
The following policies are of relevance:

Policy 14: Alterations and Extensions to Houses - proposals to alter or extend existing dwellinghouses will be 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 application.

SITE HISTORY

The applicant began to construct the decking and shed unaware that planning permission would be required. This was drawn to the attention of the Council and the applicant was informed of the need for planning permission to carry out the works. The applicant has since ceased work and is now seeking to obtain the required planning permission.

PUBLIC PARTICIPATION

The applicant carried out the Statutory Neighbour Notification procedure and in total, three letters of objection were received with two of these being from the same source. The valid issues raised in these are as follows:

- the decking and fencing is out of character for the area;
- the materials, construction and design are inappropriate for the area;
- the choice of decking is wholly inappropriate and the layout and design is at odds with the surrounding area; and
- the timber decking and pole are overshadowing neighbouring land

Several other matters were raised in the objections relating to issues such as loss of washing line, risk of injury, the applicant does not reside at the address, land ownership issues and the quality of the workmanship. It is considered that these do not constitute as valid objections and therefore cannot be considered in the determination of this application.

One letter of representation was also received which confirmed that a neighbouring resident has no objections.

Members will have already had access to these letters and it is intended to comment on the various issues raised in the Observations section of this report below.

CONSULTATIONS

No adverse comments were received from any of the consultees.

OBSERVATIONS

Statutory Requirements

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 14 of the Dundee Local Plan Review 2005 is relevant to the determination of this application. Part A of this policy states that proposals to alter or extend dwellings will only be permitted where there is no adverse impact upon the appearance of prominent elevations of the house. The decking is proposed to the rear garden area so clearly it will not impact upon the main front elevation of the house. The rear garden is enclosed by hedging and it is considered that the decking area will not have an adverse impact upon the appearance of prominent elevations of the house.

Part B of the Policy states that alterations should not result in the significant loss of sunlight, daylight or privacy to the occupants of neighbouring properties. The decking will be located approximately 5.5 metres from the existing properties located on Kinghorne Road to the

north and approximately 17 metres from the nearest properties to the south located on Wishart Street. The shed will be approximately 2.1 metres in height and in this respect it is not considered that the works will result in the loss of sunlight or daylight to the



occupants of neighbouring properties.

The area in which it is proposed to locate the decking is an open garden area. It is to be located some 17 metres away from the dwellings to the south which it will primarily face. The shed at the north of the deck area will block direct views to the north. It is considered that given the open and largely communal nature of the gardens in this area, the deck area will not result in a significant loss of privacy to the neighbouring occupiers. It is therefore considered that the application complies with this part of Policy 14.

Part C of the policy relates to the



retention of useable garden area. The design and siting of the deck area and its terraced nature has improved the usability of the garden area for the occupier given the steeply sloping nature of the ground in this area. Consequently, this part of Policy 14 is discharged.

Finally, part D of Policy 14 states that the design and materials should respect the character of the existing building. In terms of the proposed shed, the shed proposed is of a standard shed type design and is similar to other existing sheds in the garden area and is therefore considered to be acceptable and in keeping with the area. With regards to the decking itself, the design put forward for consideration is again similar to the terraced nature of the adjacent patio to the east, albeit differing in materials. It is considered that the use of timber in the creation of a deck area is appropriate given the existing timber sheds and fencing in the immediate area. However, it is considered that the timber should be stained a dark

colour in order to blend in with the surrounding area. This will therefore be applied to any grant of permission. The design and materials of the works proposed are therefore considered to be acceptable and respect the character of the existing building.

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:

Views of the objectors:

The valid issues raised in these are as follows:

- the decking and fencing is out of character for the area;
- the materials, construction and design are inappropriate for the area;
- the choice of decking is wholly inappropriate and the layout and design is at odds with the surrounding area; and
- the timber decking and pole are overshadowing neighbouring land.

These matters have been discussed and fully discharged in the Observations Section above. The views of the objectors are not supported in this instance.

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

The design is considered to be acceptable and in keeping with the surrounding area. The design will help to contribute to the usability of the garden area.

CONCLUSION

Whilst the proposed works have been undertaken, they are considered to be acceptable and are an acceptable form of development for the area. The deck will help to make the sloping site more usable as a garden area and can be stained a dark colour in order to be less conspicuous. The views of the objectors are not supported and the application is considered to comply with Policy 14 of the Dundee Local Plan Review 2005.

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 The timber decking shall be stained a dark colour which shall be agreed in writing with the Planning Authority and carried out within 6 months of the date of this permission. The works carried out shall only be in complete accordance with the agreed works.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In order to ensure the decking is of an appropriate colour and finishing for the surrounding area.