

**KEY INFORMATION**

**Ward** North East

**Proposal**

Erection of ranch style wooden fence

**Address**

39 Ballumbie Drive  
Dundee  
DD4 0NP

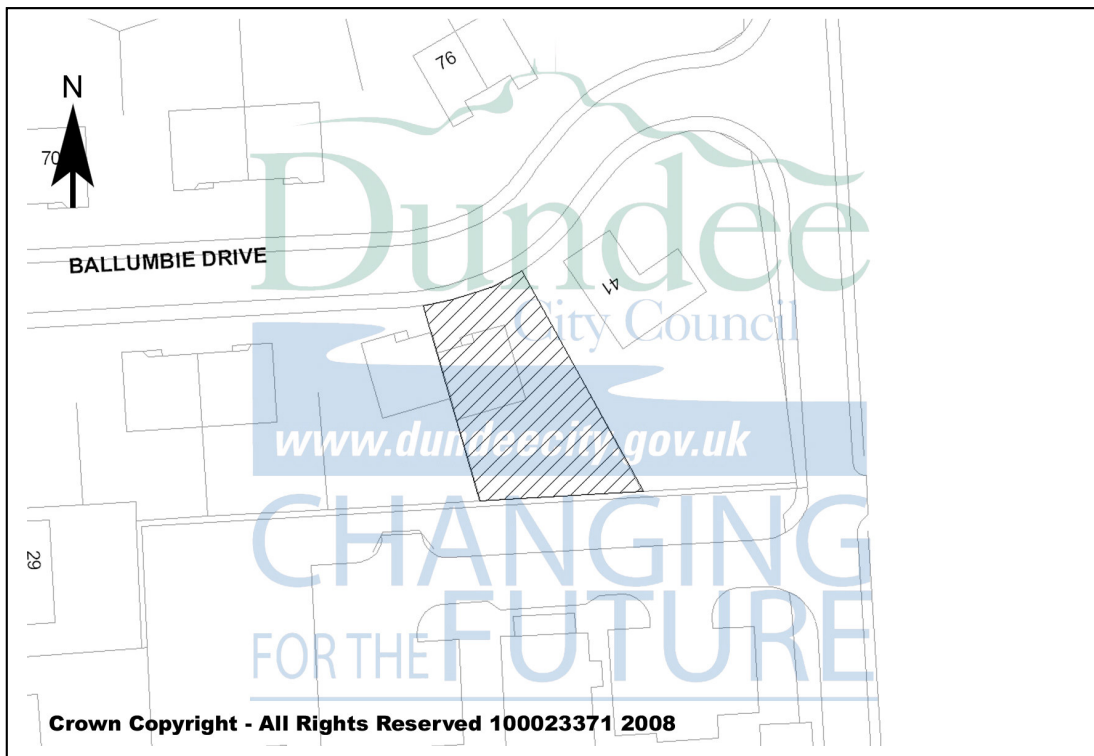
**Applicant**

Mr Karl Schjolberg  
9 Ballumbie Drive  
Dundee  
DD4 0NP

**Agent**

**Registered** 10 Oct 2008

**Case Officer** Paul Macari



## Consent Sought for Garden Fence in Ballumbie Drive

The erection of a ranch style wooden fence is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The fence is considered to meet the criteria of Policy 1 of the Dundee Local Plan Review 2005. The concerns of the objector are not supported by this Department. It is therefore recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- This application seeks retrospective planning permission for the erection of a 1.8m high ranch style fence along the eastern boundary of 39 Ballumbie Drive, Dundee.
- Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005 is relevant to the outcome of this planning application.
- The applicant has followed the statutory neighbour notification procedure as stipulated by the Town and Country Planning (General Development Procedure)(Scotland) Order 1992. 1 letter of objection has been received from a neighbouring resident raising concerns of road safety and visual amenity.
- The fence meets the criteria of Policy 1 of the Dundee Local Plan Review 2005 and therefore the views of the objector are not supported.

## DESCRIPTION OF PROPOSAL

This application seeks retrospective planning permission for the erection of a 1.8m high ranch style timber fence along the eastern boundary of 39 Ballumbie Drive, Dundee. The fence is of constructed from vertical posts with horizontal hit and miss panels.

The applicant erected the fence without the benefit of planning permission and consequently a complaint was submitted to the Council's Planning Enforcement Officer. After investigating the complaint received, the applicant was advised to submit an application for planning permission.

Prior to the erection of the fence there was no boundary treatment between the rear elevation of 41 Ballumbie Drive and the eastern elevation of 39 Ballumbie Drive.

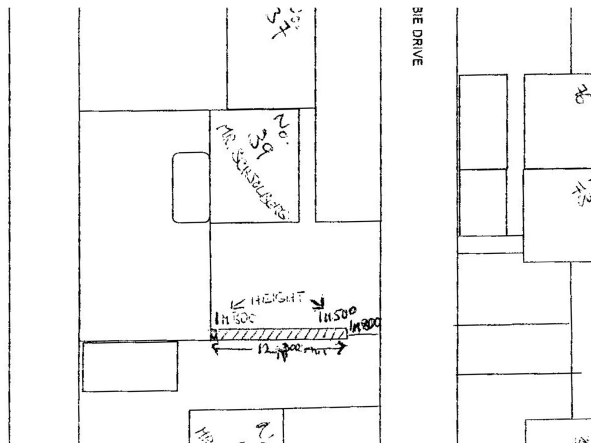
## SITE DESCRIPTION

The application site comprises a single storey semi-detached house with extensive front, rear and side gardens. The property benefits from a large driveway that runs along the eastern boundary of the site giving access to the rear garden. The rear garden of the application site is bound by a combination of fencing and mature shrubbery.

The front garden ground of the application site is open plan in layout. With the exception of the driveway the front garden ground is landscaped and well maintained. The driveway is paved in red and grey mono-block. Prior to the erection of the fence which is the subject of this planning application there was no boundary treatment between the driveway serving the application site, and the driveway serving 41 Ballumbie Drive.

The application site is bound to the east by the driveway of 41 Ballumbie Drive, to the south by the garden grounds of Ballumbie Court Nursing Home and to the west by the adjoining property 37 Ballumbie Drive. Both 37 and 41 Ballumbie Drive take the form of single storey dwellings with independent driveways and parking similar to the application site. The only difference being that 41

Ballumbie Drive is a detached property with a detached garage located at the end of a driveway. The driveway serving 41 Ballumbie Drive mirrors the position of the driveway serving 39



Ballumbie Drive. All 3 dwellings as well as those surrounding are finished in similar materials with the front elevations finished in random course reconstituted stone and white PVCU window frames and doors. The remaining elevations of all 3 houses and indeed the surrounding properties are finished in buff roughcast with the roofs in either brown or red concrete roof tiles.



There are several examples of fencing which extends beyond the front building line of houses in Ballumbie Drive. There are also several



examples of different fence types along Ballumbie Drive.

## 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.

The Council will promote vibrant communities, encouraging the development of a 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 effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

### 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

This planning application has been submitted in retrospect. The applicant erected the fence without the benefit of planning permission and consequently a complaint was submitted to the Council's Planning Enforcement Officer. After investigating the complaint received, the applicant was advised to submit an application for planning permission.

There is no other planning history of relevance to the outcome of this planning application.

## **PUBLIC PARTICIPATION**

The applicant has completed the statutory neighbour notification procedure. One letter of objection has been received from a neighbouring resident concerned about road safety and visual amenity.

## **CONSULTATIONS**

No adverse comments have been received 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.

The proposal under consideration involves the erection of a 1.8m high boundary fence along the eastern boundary of the property. It is considered that the fence is of a design that does not adversely impact on the prominent elevations of the house or the surrounding streetscape but rather creates a clear boundary between 39 and 41 Ballumbie Drive safeguarding the privacy of both properties. The fence although delineating the eastern boundary of the application site is set back from the public footpath by 1.8m and therefore safeguards the visibility of drivers entering and exiting 39 and 41 Ballumbie Drive. The Council's Roads Engineers have confirmed that there are no concerns over the level of visibility afforded to the driveways at 39 and 41 Ballumbie Drive due to the erection of the fence.

Prior to the erection of the fence that is the subject of this application, there was no boundary treatment separating 39 and 41 Ballumbie Drive. This

meant that the west facing windows of the dwelling at 41 Ballumbie Drive which sits perpendicular to the dwelling at 39 Ballumbie Drive overlooked the driveway and front gardens of 41 Ballumbie Drive. The fence therefore safeguards the privacy of both properties.

The fence by way of scale, design and finish is considered to compliment the colours of the surrounding built form while the use of timber rather than brick softens the visual appearance of the boundary treatment in relation to the surrounding dwellings and surfaced driveways. It is therefore considered that the fence while affording 39 and 41 Ballumbie Drive privacy and safeguarding existing levels of road safety and visibility, does not impact upon the visual appearance of the surrounding properties or Ballumbie Drive streetscape.

It is concluded from the foregoing that the proposal complies with the provisions of Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005.

## **Other Material Considerations**

The other material considerations to be taken into account are as follows:

### **a Concerns of Objectors**

One letter of objection has been received from a neighbouring resident concerned about the impact the proposed wall will have on road safety and visual amenity. Concerns of road safety and visual amenity have been discussed in the Observations Section above. These concerns are not supported as the fence although erected in retrospect satisfies the criteria of Policy 1 of the Dundee Local Plan Review 2005.

It is concluded from the foregoing that insufficient weight can be accorded to 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 subject to conditions.

## **Design**

The design of the ranch style fence is considered acceptable and to be in keeping with other forms of boundary enclosure in the immediate vicinity.

## **CONCLUSION**

The fence is considered to meet the criteria of Policy 1 of the Dundee Local Plan Review 2005. The concerns of the objector are not supported by this Department. It is recommended that planning permission be granted subject to conditions.

## **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.

## **Reason**

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