

KEY INFORMATION

Ward West End

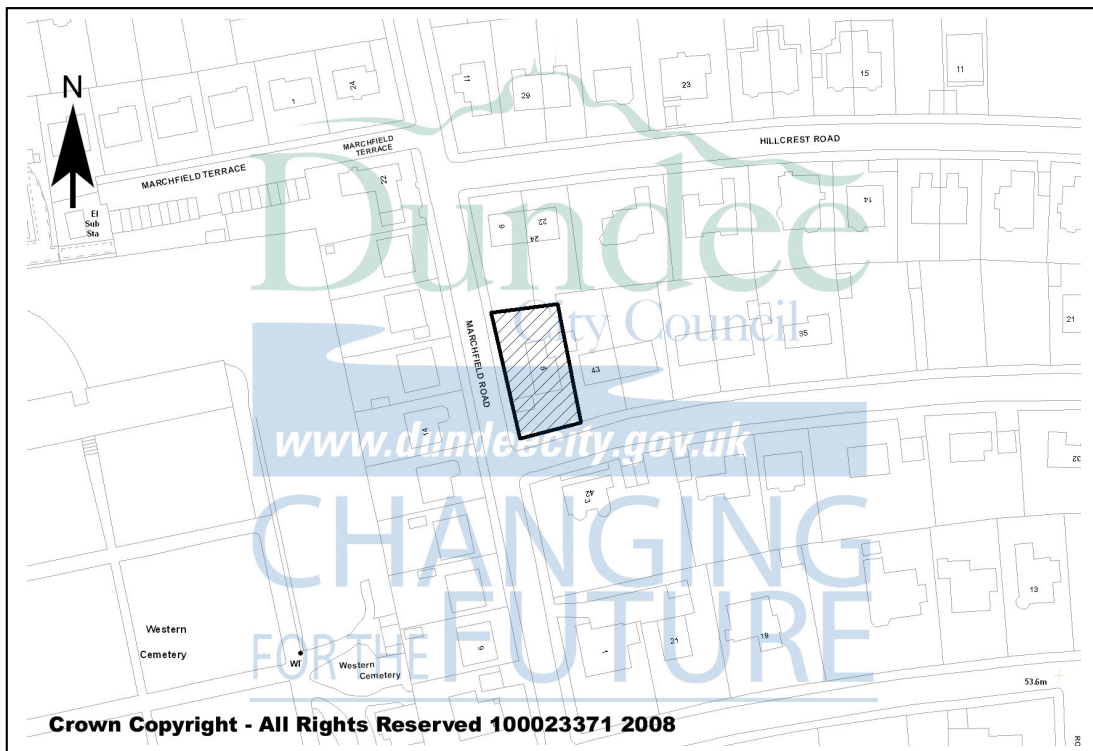
Proposal

Proposed decking to the front of the dwelling

Address5 Marchfield Road
Dundee
DD2 1JG**Applicant**Mr D Johnston
5 Marchfield Road
Dundee
DD2 1JG**Agent**

Registered 18 Nov 2008

Case Officer B Knox



Consent sought for Garden Decking in Marchfield Road

The proposed decking to the front of the dwelling is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation.

RECOMMENDATION

The application is considered to comply with Policy 14 and Policy 61 of the Dundee Local Plan Review 2005. The view of the objector is not supported in this instance. The application is therefore recommended for approval.

SUMMARY OF REPORT

- The application seeks permission for an area of decking measuring approximately 4.2 metres by 3 metres.
- One letter of objection has been received raising concerns regarding appearance and privacy. The views of the objector are not supported.
- The application is considered to comply with Policy 14 and Policy 61 of the Dundee Local Plan Review 2005 and there are no material considerations that would justify a decision contrary to this.

DESCRIPTION OF PROPOSAL

The application proposes the erection of an area of decking to the front of a residential property. Decking has already been erected in this area at the front of the dwelling without planning permission. The Planning Department advised that planning permission would be required and offered advice to ensure it did not overlook the neighbouring property, including reducing the size of the area of decking proposed. The current planning application seeks permission for this reduced size of decking.

The proposed decking would measure approximately 4.2 metres by 3 metres. There would be balustrading around the decked area which would be approximately 1 metre in height from the level of the decking. It is also proposed to install stairs on the east elevation leading from the decking to the garden area of the application property. It is to be located on part of an area of ground which has previously partly been a raised patio area.

SITE DESCRIPTION

The application site is located on the east side of Marchfield Road in the west end of Dundee. It is in an area of high architectural quality and sits adjacent to the West End Suburbs conservation area but is not included in its boundary. It occupies a corner site and the main elevation appears to address Middlebank Crescent.

It is a detached dwelling which is built into the steep slope of the street. As such, the southern end of the dwelling has a garage built into the hill which the dwelling appears to sit on.

The dwelling has garden ground to all sides with the garage having driveway access from Marchfield Road. It is finished in dry dash render with artificial slate to the roof.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

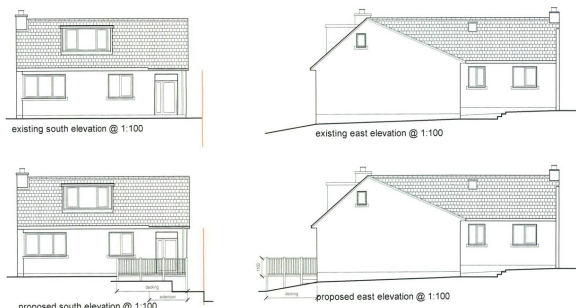
Dundee Local Plan 2005

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

07/00393/FUL

Single storey extension to east elevation and existing shingle roof finish replaced with artificial slates. This application was approved On 3 July 2007.

08/00872/FUL

Amendment to previous planning permission for change in extension size and location and changes to windows. This application is currently pending decision.

PUBLIC PARTICIPATION

The applicant has carried out the Statutory Neighbour Notification procedure and one letter of objection has been received. The following concerns were raised:

- it overlooks path/drive imposingly.
- it overlooks front window.
- it is noisy.
- it is out of character with Middlebank Crescent.
- the decking is above head height on neighbouring drive.
- the position of decking has meant the removal of trees and shrubs.

CONSULTATIONS

No adverse comments have been 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 provides criteria for proposals to alter or extend dwelling houses. Part (a) of this states that there should be no adverse impact on the appearance of prominent elevations of the house. The house is situated on the corner of Marchfield Road and Middlebank Crescent. This location means that whilst the house faces onto Marchfield Road, the south elevation which faces Middlebank Crescent is also prominent. The decking is proposed to the south elevation and will be fairly small in size.

Part (b) of Policy 14 states that there should be no significant loss of sunlight, daylight or privacy to the occupants of neighbouring properties. In terms of sunlight and daylight, the proposal will not have a detrimental effect upon neighbouring properties due to its size and location and in this respect it is considered to be acceptable. The decking will allow views to the front garden of the adjacent property to the east. However, this garden is open to the street and does not benefit from privacy at present and in this respect the decking would not result in a loss of privacy to this area.

Part (c) of the Policy states that more than 50% of the original useable garden ground should be retained. There will be a sufficient level of garden ground remaining should the decking be approved in line with the current application.

Part (d) of the Policy states that the design and materials should respect the character of the existing building. It is considered that the design is of an acceptable standard suitable for a residential area where there are a mixture of house types and finishing materials. The existing building has a modern and fresh appearance and the

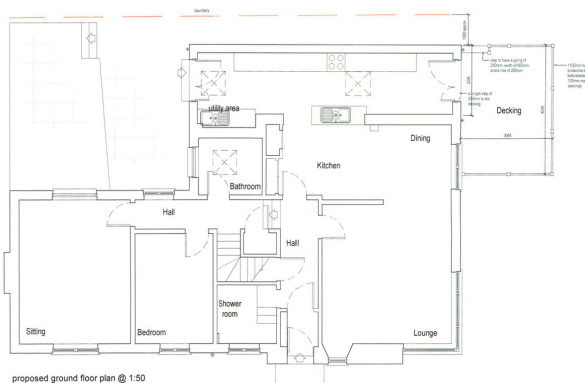
decking area will not detract from this. In this respect, it is considered that the decking is acceptable and will respect the design and materials of the existing building.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

The Statutory Requirements under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are discharged in the assessment of the proposals against the criteria of the Development Plan above.

Other Material Considerations

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



Views of the objector:

- it overlooks path/drive imposingly

The area where the decking is proposed was largely a raised patio prior to the decking being erected and as such the decking would not result in a loss of privacy to this area. In any case, the path and drive areas are open to the street and in full view.

- it overlooks front window
- it is noisy

It is considered that the decking would not result in there being a significant increase in noise levels since the area was previous a useable area of garden. What activities the residents choose to use the decked area for are not relevant to the determination of the current application.

- it is out of character with Middlebank Crescent.

This issue has been discussed and discharged in relation to Policy 14 in the Observations section of this report above.

- the decking is above head height on neighbouring drive

The proposed decking will be positioned approximately 1 metre from the mutual boundary. This is considered to be acceptable and makes use of the sloping nature of the site.

- the position of decking has meant the removal of trees and shrubs

The erection of the decking may have meant that some form of vegetation was necessary to be removed. None of the trees were afforded special protection by a Tree Preservation Order and the site is not located within a conservation area. Whilst it may have been unfortunate that the works have meant that some vegetation has been lost, there are no controls that can be exercised with regards to the current application for decking.

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 style and finishing materials of the dwelling and although it will be visible from the street, it will not be overly prominent in the location proposed.

CONCLUSION

It is concluded from the foregoing that the application for the reduced size of decking is acceptable and will not result in a significant loss of privacy to the neighbouring residents. The design is considered to be acceptable and in keeping with the character and style of the dwelling.

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 decking shall be reduced in size in accordance with the design hereby approved with this permission within six months of the date of this permission.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In order to protect the amenity of the nearby residential occupiers.