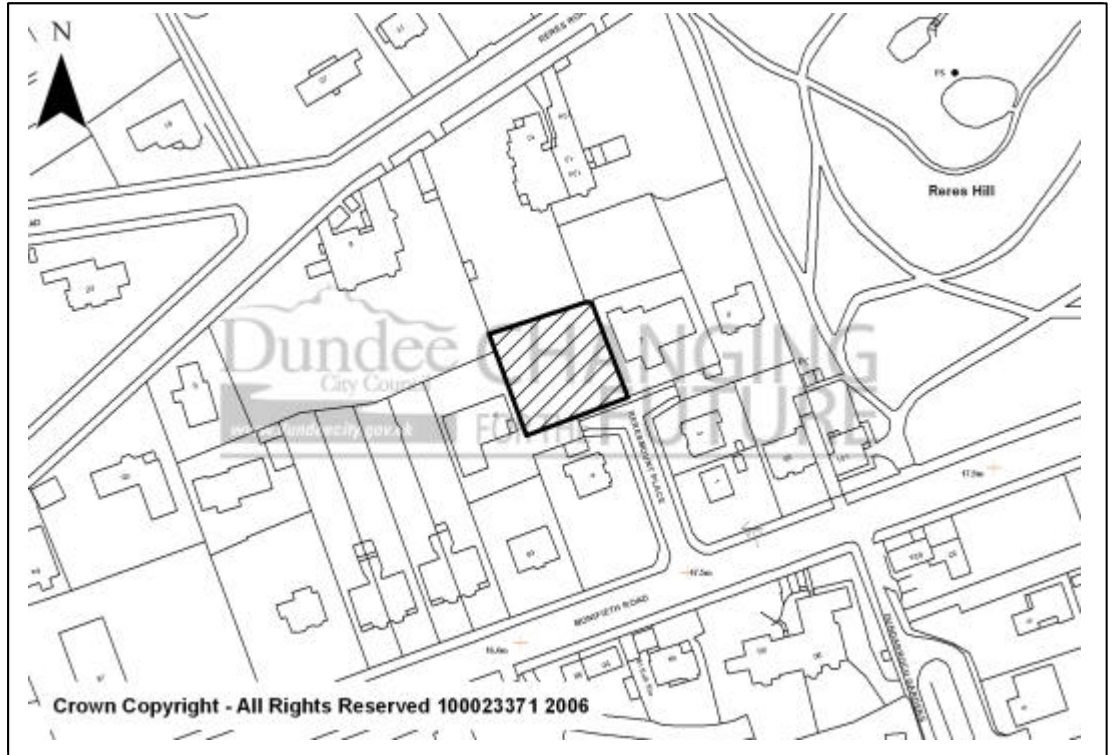


**KEY INFORMATION****Ward** The Ferry**Proposal**Erection of Hard Landscape  
(Walls/Patios/Planters)**Address**Land West of  
7 Reresmount Place  
Broughty Ferry  
Dundee**Applicant**Mr B Cruickshank  
Pinewood  
Wester Balruddery  
Invergowrie  
by Dundee  
DD2 5LF**Agent**Ron Weir  
Balloch Bungalow  
South Balloch Farm  
Alyth  
Perthshire  
PH11 8JN**Registered** 5 Dec 2008**Case Officer** J Young

## Consent Sought for Hard Landscaping in Reresmount Place

The erection of Hard Landscape (Walls/Patios/Planters) is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation.

**RECOMMENDATION**

It is considered that the proposed development complies with Policy 61 of the Dundee Local Plan Review 2005. The objection is not supported and there are no material considerations to justify refusal of the application. Accordingly, the application is recommended for **APPROVAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of hard landscaped areas with various walls, patios and planters at the east and west ends of the rear garden.
- Policy 61 of the Dundee Local Plan Review 2005 is of relevance to the determination of the application and seeks to ensure that the character of the area is preserved or enhanced.
- One letter of objection was received from a resident to the south east of the site who has general concerns with the impact of the house and also potential overlooking from the proposed hard landscaped areas.
- The principle of the acceptability of the house on the site has already been established and planning permission granted. It is considered that there will not be an overlooking issue, which has such an adverse impact on neighbouring residents to justify refusal of the application. The application is in accordance with section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997. Therefore the application is recommended for **APPROVAL** subject to conditions.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for hard landscaped areas, including patio and decked areas, adjacent to the west and east boundaries of a house at Reresmount Place, Broughty Ferry, Dundee. At the west end of the site, three patio and decked areas at various heights are proposed along the west boundary. It is further proposed to form one patio area next to the east boundary with steps leading up to the area from ground level. 1.1m high balustrading with tinted glass panels will be erected around the patio areas. On visiting the site, it was noted that steps had already been installed at the west end of the site, patio and decked areas formed, boundary walls erected and surfaces still to be finished.

## SITE DESCRIPTION

The application site is located on the north side of Reresmount Place and it is the site of a recently constructed two storey house. The site slopes upwards from south to north and increases by approximately 4m in height. There is a large stone built Victorian villa to the north and historically Reresmount Place formed part of the garden ground for this house.

There is a two storey house to the east with an integral garage on the front elevation and a single storey house to the west.

There is one yew tree in the middle of the rear garden and it is protected by a Tree Preservation Order which has been effective from 7 May 2004.

## 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:

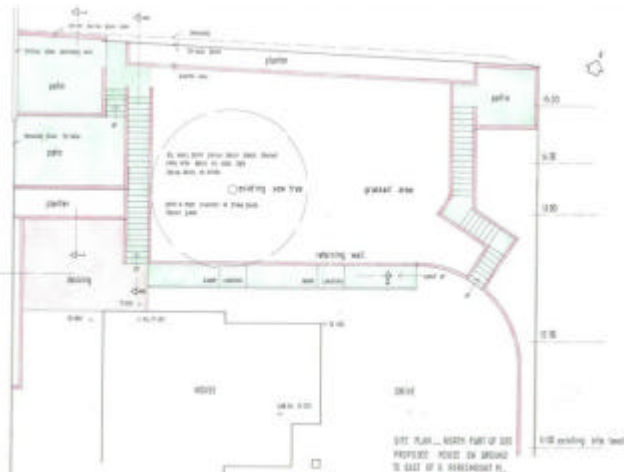
Policy 61: Development in Conservation Areas - all development proposals will be expected to preserve or enhance the character of the surrounding area.

## SUSTAINABILITY ISSUES

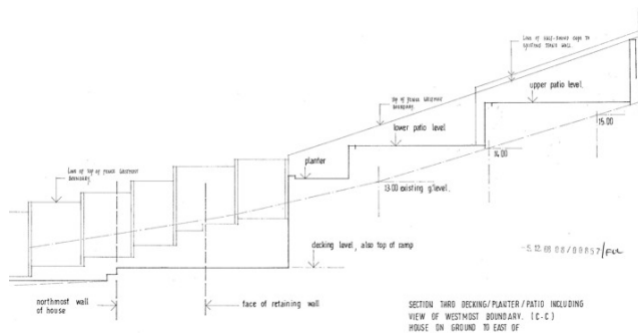
There are no specific sustainability policy implications arising from this application.

## SITE HISTORY

Outline planning permission was refused on 30 August 2004 due to the potential loss of trees on the site and its contravention of Local Plan policies.



Planning permission was granted in the 1980s for the development of the sites to the east and west. Outline planning permission was granted in 2002 for the development of a single storey dwelling to the east of 10 Reres Road (the original dwelling house).



Planning permission was granted on 28 August 2006 for the erection of the two storey house on the site. There was a condition regarding new planting on the site, which has not yet been discharged.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one letter of objection was received from a neighbouring resident to the west. The main grounds of objection are:

- 1 Overlooking
- 2 Loss of privacy

Members will have seen copies of the objection letter. The issues raised are discussed in the Observations section of this report.

## CONSULTATIONS

No comments were 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 advises that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

### 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 planning application submitted is for patio and decked areas with walls and balustrades along the boundaries and located at the east and west ends of the rear garden. There will be steps leading up to the patio areas from ground level. The majority of the development has already been carried out adjacent to the west boundary.

The proposed development is located within the Reres Hill Conservation Area and as such Policy 61 applies. This Policy seeks to ensure that all developments complement and enhance the character of the surrounding area. The proposed walls along the boundaries of the patio and decked areas will use facing brick to match the existing house. 2m high timber fences along the east and west boundaries were granted as part of the

planning permission for the two storey house on the site. Although these fences go some way to protect the amenity of adjacent residents to the east and west, it is considered that there may be potential for overlooking at some points. Therefore, if permission is granted, there will be a condition to ensure that the boundary treatments are increased in height. It is considered that the scale and materials will reflect those of the existing house and boundary treatments.

Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997

This legislation advises that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. It has been discussed previously that the proposal will blend in with the newly built house and will not detract from the character of the surrounding conservation area. Therefore the proposal complies with Section 64 of the Planning Act 1997.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan and Section 64 of the Planning Act 1997.

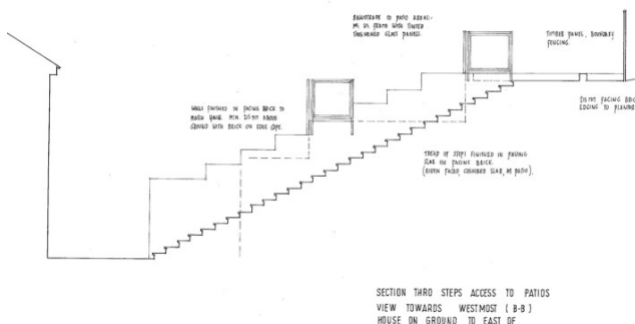
### Other Material Considerations

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

#### Objections

One letter of objection was received from a neighbouring resident to the south east on the grounds of overlooking and loss of privacy. Other objections regarding the impact of the house and loss of trees was also raised by the objector. Although this objector did not object to the original application, the issues have already been addressed and discharged with the previous application for the two storey house on the site. A 2m high fence has been erected along the east and west boundaries of the rear garden. Due to the height of the patio and decked areas, it is considered that this fence may not be sufficient to

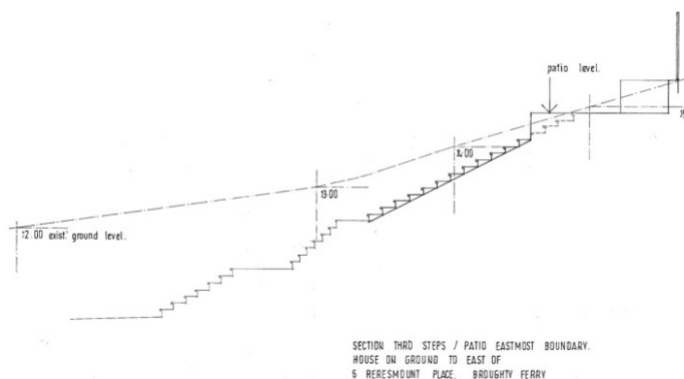
protect neighbours from overlooking and/or loss of privacy. Therefore if permission is granted, a condition will



be attached to ensure that the height of the boundary treatments is increased to adequately protect residential amenity. It is considered that this will protect



the amenity of adjacent neighbours from undue overlooking and/or loss of privacy. It is considered that there will be no overlooking issue for the objector to the south east of the site.



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. It is therefore recommended that planning permission be granted.

### Design

The design of the proposal is considered acceptable and will preserve and enhance the character of the area.

### CONCLUSION

It is concluded that the proposed development complies with Policy 61 of the Dundee Local Plan Review 2005. The objection is not supported and there are no material considerations that would justify refusal of the application in these circumstances.

### 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 Details of a full tree management plan for retained trees and new trees on the site shall be submitted to the Council for approval before the development is completed and if approved, the development shall be carried out only in full accordance with such approved details.
- 3 Details of the proposed balustrade and tinted glass panels around the patio areas shall be submitted to the Council for approval prior to the first occupation of the house, and if approved the development shall be carried out only in full accordance with such approved details.
- 4 Details of boundary treatments for the east and west boundaries, which shall be a minimum of 1.8m high from the floor level of the decked and patio areas, shall be submitted to the Council for approval and if approved the development shall be carried out only in full

accordance with such approved details and prior to the first occupation of the house.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 4 To ensure that the amenity of those residents to the east and west of the application site is adequately protected.