

**KEY INFORMATION**

**Ward** East End

**Proposal**

Erection of fence and use of ground as garden ground

**Address**

Land west of  
38 Craighill Court  
Dundee

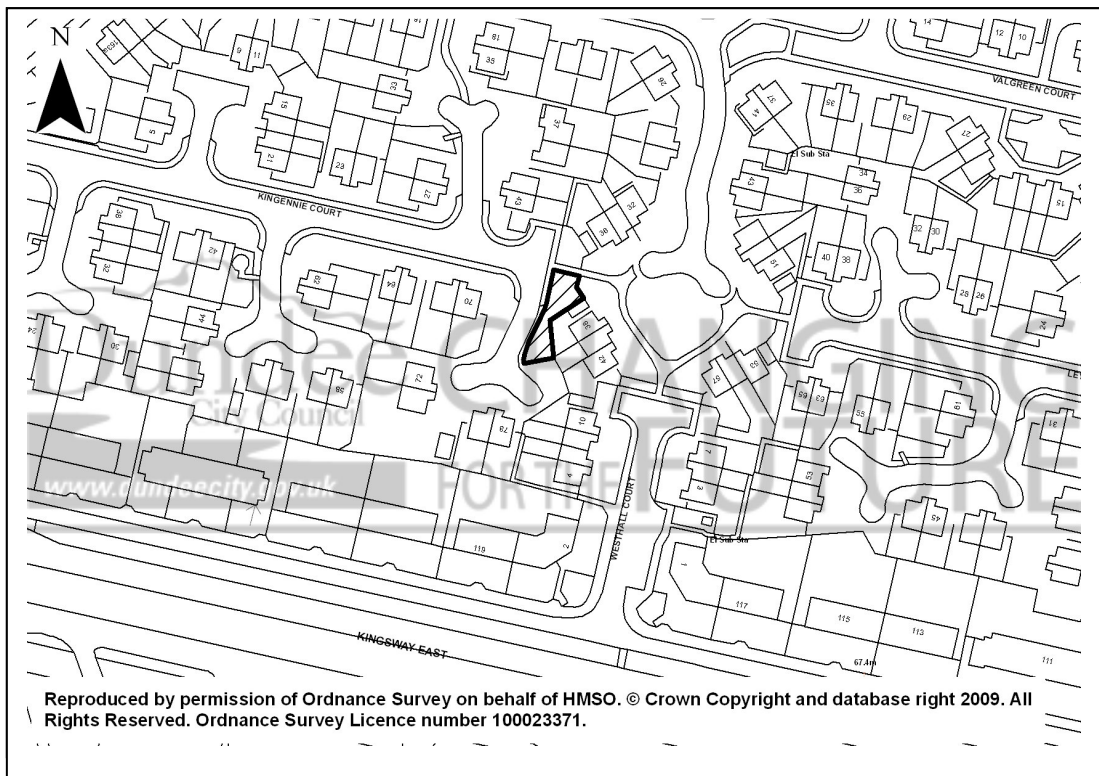
**Applicant**

Mr Steven and Mrs Evelyn  
Bryson  
38 Craighill Court  
Dundee  
DD4 8XQ

**Agent**

**Registered** 2 Dec 2009

**Case Officer** B Knox



## Proposed Garden Extension at Craighill Court

The erection of a fence and use of garden ground is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of City Development.

**RECOMMENDATION**

The use of the site as garden ground is acceptable in a residential area and the proposal will not have an adverse impact on the amenities of neighbours and the loss of a small part of the open space will not detract significantly from the visual amenity of the area. The proposed development complies with Policy 1 of the Local Plan.

**SUMMARY OF REPORT**

- The application proposes the erection of a 2 metre high fence to enclose an area of ground which is proposed to become private garden ground.
- Policy 1 of the Dundee Local Plan Review 2005 is considered to be relevant to the determination of the application.
- Following neighbour notification procedures, a total of three letters of objection were received which raise issues in relation to loss of green space, security and overshadowing.

## DESCRIPTION OF PROPOSAL

The application proposes the erection of a fence and the change of use of ground to that of private garden ground. The ground is currently under the ownership of the Council. The fence would be approximately 2 metres in height and would be a vertical close board fence treated timber. It is then proposed that this would be stained with a red cedar treatment. The proposed fence would follow the line of the existing grassed area.

It is proposed that this area would be used as private ornamental garden with the potential for drying of clothes and a future green house or shed. Any future outbuildings of this nature may require the benefit of planning permission and as such an informative note shall be attached to any grant of permission to advise the applicants of this.

## SITE DESCRIPTION

The application site is located to the rear of 38 Craighill Court. The immediate area surrounding the application site is comprised largely of detached and semi detached residential properties arranged in small cul de sac streets.

The application property is a semi detached two storey dwelling which takes access from Craighill Court to the east of the site. Due to the street layout, the rear of the dwelling faces onto the neighbouring cul de sac of Kingennie Court to the south and west of the site. The rear garden area of the application property is enclosed by a timber fence, approximately 2 metres in height.

Beyond this, there is a small area of grass at the rear of the property which is bound by a small fence of approximately 1 metre in height. There is no formal footpath in this location since the housing layout takes the form of a shared surface approach where low traffic speeds are encouraged by the design of the street layout.

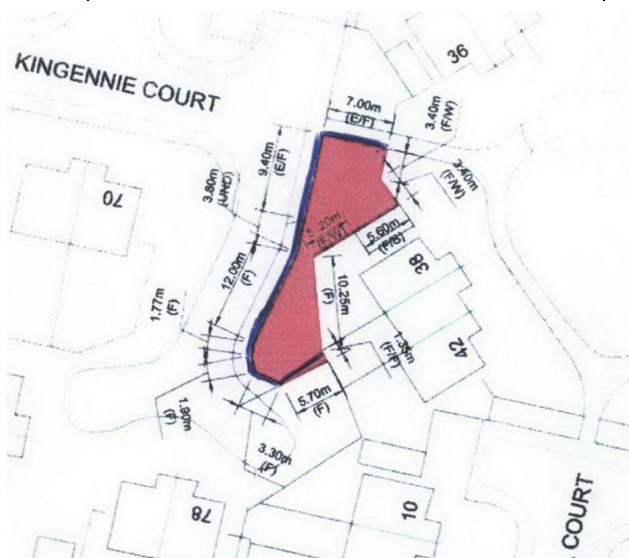
There is a grassed area directly opposite the application site on the west side of Kingennie Court which is planted with shrubs.

## 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 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.

## 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 planning history for the site relevant to the determination of this application.

## PUBLIC PARTICIPATION

The Council has carried out the statutory neighbour notification procedure as stipulated in Section 19 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

A total of three letters of objection were received in relation to the proposals. The concerns raised are listed below:

- The fence will have an impact upon the security of the cul de sac. The fence will have a detrimental impact upon the ability to see the cars to deter thieves and vandalism.
- The fence will invade the natural light of a significant area of ground.
- The fence would obscure the vision of vehicles and pedestrians walking within the cul de sac and would impair the safety of all involved.
- The area has always been used as a play area and adds to the spacious nature and atmosphere of the area.

## CONSULTATIONS

No adverse comments were received from any of the consultees.

## OBSERVATIONS

### Statutory Requirements

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.

### The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

It is the aim of Policy 1 to support proposals that seek to enhance the level of environmental quality afforded to neighbouring properties. The 2m high fencing proposed to be erected to contain the garden area is to match the existing boundary fencing of the application property. The grassed area is tidy and appears to be well kept. There is no obvious function of the area due to the location away from the dwellings which sit on Kingennie Court. The nearest dwelling to the area of land in question is that of the application dwelling.

The change of use of the piece of land would result in the rear garden area of 38 Craighill Court changing from approximately 60m<sup>2</sup> to approximately 225m<sup>2</sup>. It is considered that the change of this small area of land to that of private garden ground shall not have an adverse impact on the amenities of neighbours in terms of noise or privacy. In addition to this, it is considered that the loss of a small part of the green space will not detract significantly from the visual amenity of the area. The proposed development therefore complies with Policy 1 of the Local Plan. The green space is not allocated as open space in the Local Plan as part of the existing residential area at this location.

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 fence will have an impact upon the security of the cul de sac. The fence will have a detrimental impact upon the ability to see the cars to deter thieves and vandalism.

The proposed fence shall close in an area of ground currently open within the cul de sac. However, there shall be remaining areas of open space within the immediate area and it is considered that this shall contribute to a feeling of safety and openness within the area.



- The fence will invade the natural light of a significant area of ground.

The nearest dwelling to the new section of fence other than that of the application property shall be approximately 8.1 metres away. It is therefore considered that there shall not be a significant loss of natural light to the residents of nearby properties such as to warrant refusal of the application.

- The fence would obscure the vision of vehicles and pedestrians walking within the cul de sac and would impair the safety of all involved.

The housing layout has been designed as a shared surface where there is no separate footpath. Low road speeds are encouraged by this type of design and the cul de sac within which the piece of land is located serves four houses only. It is therefore considered that a fence in this location shall not have a significant impact upon the safety of road users, including pedestrians.

- The area has always been used as a play area and adds to the spacious nature and atmosphere of the area

As stated above, the houses in Kingennie Court are designed with a shared surface approach and the front gardens of the properties are therefore open creating green space areas. In addition to this, directly opposite the application site to the west side of Kingennie Court, there is a green area planted with shrubbery which contributes to the green open feeling in the area. It is therefore considered that a fence in this location would not significantly detract from the visual amenities of the area.

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 of the fence is in keeping with the existing dwellings in the area. It is considered that it will not detract from the visual amenities found in the area.

## CONCLUSION

The use of the site as garden ground is acceptable in a residential area and the proposal will not have an adverse impact on the amenities of neighbours and the loss of a small part of the open space will not detract from the visual amenity of the area. The proposed development complies with Policy 1 of the Local Plan.

## RECOMMENDATION

It is recommended that consent be GRANTED subject to the following condition:-

- The development hereby permitted shall be commenced within three years from the date of this permission.

### Reason

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