

KEY INFORMATION

Ward West End

Proposal

Retrospective permission

Address

6 Minto Place
Dundee
DD2 1BR

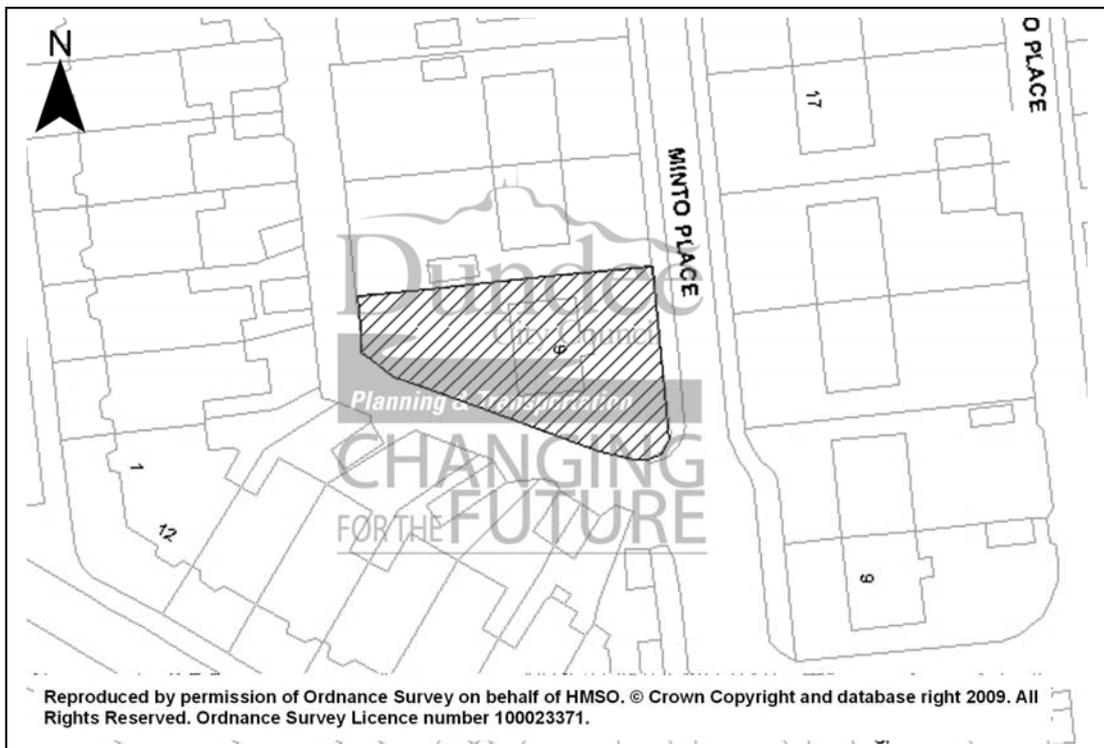
Applicant

Ms J McLaren
6 Minto Place
Dundee
DD2 1BR

Agent

Registered 7 Jan 2010

Case Officer B Knox



Consent Sought for Alterations to Front Garden in Minto Place

Retrospective permission for a shed and fence panels and planning permission for hard standing, drop kerb and gates is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

The application is considered to comply with Policy 14 of the Dundee Local Plan Review 2005 and discharges the Statutory Duties set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The views of the objectors are not supported and the application is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- The application proposes the creation of a hard standing area to the front of the application property and the erection of gates to the south perimeter of the curtilage of the dwelling. Retrospective permission is sought for a timber garage which has been erected to the south side of the house and also for the erection of two fence panels, located on the south perimeter of the dwelling.
- A total of 6 letters of objection were received in relation to the proposals. The concerns raised relate to a number of issues including the impact upon the appearance of the street. The views of the objectors are not supported and there are no material considerations that would justify a decision contrary to Policy.

DESCRIPTION OF PROPOSAL

The application proposes the creation of a hard standing area to the front of the application property and the erection of gates to the south perimeter of the curtilage of the dwelling. Retrospective permission is sought for a timber garage which has been erected to the south side of the house and also for the erection of two fence panels, located on the south perimeter of the dwelling.

The two fence panels are to match an existing boundary fence which runs to the south of the dwelling and these are already in place. They appear brighter in appearance as the existing fence has been weathered.

A small section of boundary wall has already been removed in the location where the gates are proposed. The gates proposed would close the existing gap of approximately 5.5 metres.

There are no details to indicate what finish the hardstanding would have and in the event the application is approved this could be the subject of a condition.

The application is being referred to committee as it has attracted 6 objections and also at the request of a local councillor.

SITE DESCRIPTION

The application property is a detached bungalow type dwelling located on the West side of Minto Place in the west end of Dundee. The dwelling has a small front porch located centrally on the street elevation. There is a grassed area of garden to the front of the property and a line of large shrubs located to the east of the garden running adjacent to a small approximately 1 metre high wall.

The dwelling is of a modern design and appearance and is finished in concrete roof tiles with dry dash walls. It is located within the West End Lanes Conservation Area and the entire street is considered to be a modern insert within this.

A section of the front boundary wall has been removed to the south side of the dwelling but within the front garden area. In addition, the proposed

timber garage has been erected. It is of a dark green stain finish and measures approximately 4.8 metres by 3 metres.

The two section of fence panel that have already been erected are to match the main fence bounding the property and although they are brighter in appearance this is due to the existing sections having been subject to weathering.



POLICY BACKGROUND

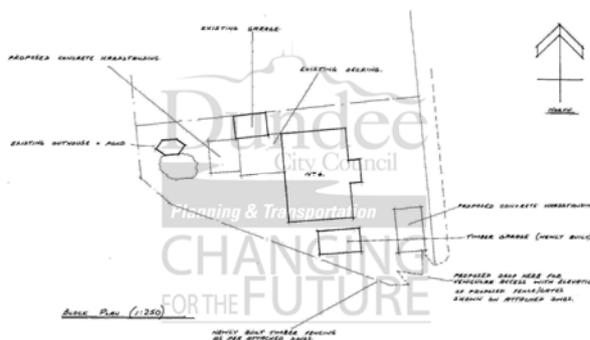
Dundee and Angus Structure Plan 2001-2016

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 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.

Policy 61: Development In Conservation Areas - within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic pattern of streets and spaces, as identified in the Conservation Area management plans to be advanced in the near future.

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

The following policy statements are of relevance:

Breaches in Boundary Walls Policy and Guidance for Dundee's Listed Buildings and Conservation Areas.

SUSTAINABILITY ISSUES

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

SITE HISTORY

The property has erected several incidental domestic outbuildings over a period of time including a shed and summer house which are not considered to require the benefit of planning permission and the rear garden area is landscaped.

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

- the removal of the front wall is out of place with the other properties and spoils the appearance of the street;
- the existing driveway is adequate for the dwelling;
- a business is to be run from the property;
- the large shed is being used for commercial purposes; and
- the application does not state where the hard standing is to be.

Other concerns were raised in relation to the presence of a motor home in the front garden area. This is not a valid material planning consideration and will therefore not be taken into account in the determination of the application.

CONSULTATIONS

No adverse comments have been received from 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.

In terms of Policy 14 of the Dundee Local Plan Review Part A states that there should be no adverse impact upon the appearance of prominent elevations of the house. The timber garage is to the side of the property beyond the building line and is screened by the existing timber fence, including the new sections subject to this application. It is considered to be appropriate in terms of materials and proportions and shall not have a detrimental effect upon the prominent elevations of the street.

The proposed gates are small and of a scale in keeping with the existing boundary wall fronting the street. They have been designed to be of a simple design and do not detract from the area.

The location and size of the proposed hard standing is considered to be acceptable. The applicants are seeking permission for an area measuring approximately 3 metres by 5 metres which is considered to be relatively small in comparison with the garden to the front of the property. The applicants have not specified the material which it would be finished in and this would be the subject to a condition with any permission.



Part B of the policy states that there should be no significant loss of sunlight, daylight or privacy to the occupants of neighbouring properties. In terms of privacy, the type of works proposed shall not give rise to the significant overlooking of nearby residential occupiers. Due to the location within the plot of the timber garage to the south of the property, it shall not cause the loss of sunlight or daylight for neighbouring occupiers.



Part C states that there should be more than 50% of the original useable garden ground remaining. There shall be a sufficient level of garden ground remaining after development of the proposal to the rear of the property.

Part D of the Policy states that the design and materials should respect the character of the existing building. The materials of the garage and fence are timber and appropriate for use within this conservation area. The garage and gates are of a simple design are in keeping with the dwelling and do not detract from the appearance of the area. As mentioned above, the finish to the hard standing area could be conditioned with any permission to ensure that it is appropriate for the conservation area. The application is considered to be acceptable in this regard.

The application is considered to comply with Policy 14 of the Dundee Local Plan Review 2005.

Policy 61 states that within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. The property is located within a street which is a modern insert within the

conservation area. The proposals are domestic in scale and those works which have been carried out have used acceptable materials which do not detract from the surrounding conservation area. The presence of a hard standing in the location proposed is acceptable provided that appropriate materials are used and as mentioned this can be conditioned. It will be nearby to an entrance to an access road that leads to lock up garages and due to its small size will be largely obscured by the front garden wall that has been retained. It is considered that the proposal shall preserve the character of the surrounding area.

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

The Statutory Requirements under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

In accordance with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

As discussed above in relation to Policy 61 of the Dundee Local Plan Review 2005, it is considered that the various proposals shall have a neutral effect upon the conservation area and shall not detract from the appearance and character of the area. It is considered that the Statutory Duties as set out above are discharged.

Other Material Considerations

Views of the objectors:

- The removal of the front wall is out of place with the other properties and spoils the appearance of the street.

The application property is the end property in the row and stands alone where the majority are semi detached and as such a slightly different boundary enclosure arrangement is not significantly out of keeping with the immediate surroundings. The removal of the small section of wall does not have a significant impact upon the appearance of the street as a whole due to its small size at approximately 1 metre in height.

- the existing driveway is adequate for the dwelling

It is not considered to be excessive to seek permission for a small additional area of hard standing within the curtilage of a domestic property where it measures only 3 metres by 5 metre. It is considered that this is of an appropriate scale relative to the location and application property:

- A business is to be run from the property and the large shed is being used for commercial purposes.

This matter has been investigated by the Councils Enforcement Officer and the applicants have confirmed that there is not a business being operated from the property at this time. The situation can be monitored in the future:

- The application does not state where the hard standing is to be.

This information was included in the schedule of drawings submitted as part of the planning

application and have been available for public viewing in accordance with normal procedure.

Council Guidance on Breaches in Boundary Walls

This document has been consulted in the determination of the application. The guidance states that depending upon the location of the proposed opening, the quality of the wall and the design of the alteration, breaches may be acceptable. These issues have been considered in the determination of this application and it has been concluded that given the type of wall that has been removed, its low height and corner location and the proposed gate being of a suitable design, the proposal is in compliance with these guidelines.

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 existing dwelling and surrounding conservation area. The materials that have been used are appropriate for use within the conservation area and are considered to be acceptable.

CONCLUSION

It is concluded that the application proposals are in accordance with Policies 4 and 61 of the Dundee Local Plan Review 2005 and the concerns of the objections are not sufficient to warrant a decision contrary to this.

RECOMMENDATION

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

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
- 2 Prior to the commencement of works on the installation of the hard standing full details of the proposed materials shall be submitted to and approved in

writing by the Planning Authority. The works shall thereafter be implemented in accordance with the agreed details.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
- 2 In order to ensure the materials are appropriate to the surrounding conservation area.