

**KEY INFORMATION**

Ward The Ferry

**Proposal**

Erection of Wall-Top Fence (West) and Freestanding Fence and Gate (North) to House (Retrospective)

**Address**

Rosemont  
36C Seafield Road  
Broughty Ferry  
Dundee

**Applicant**

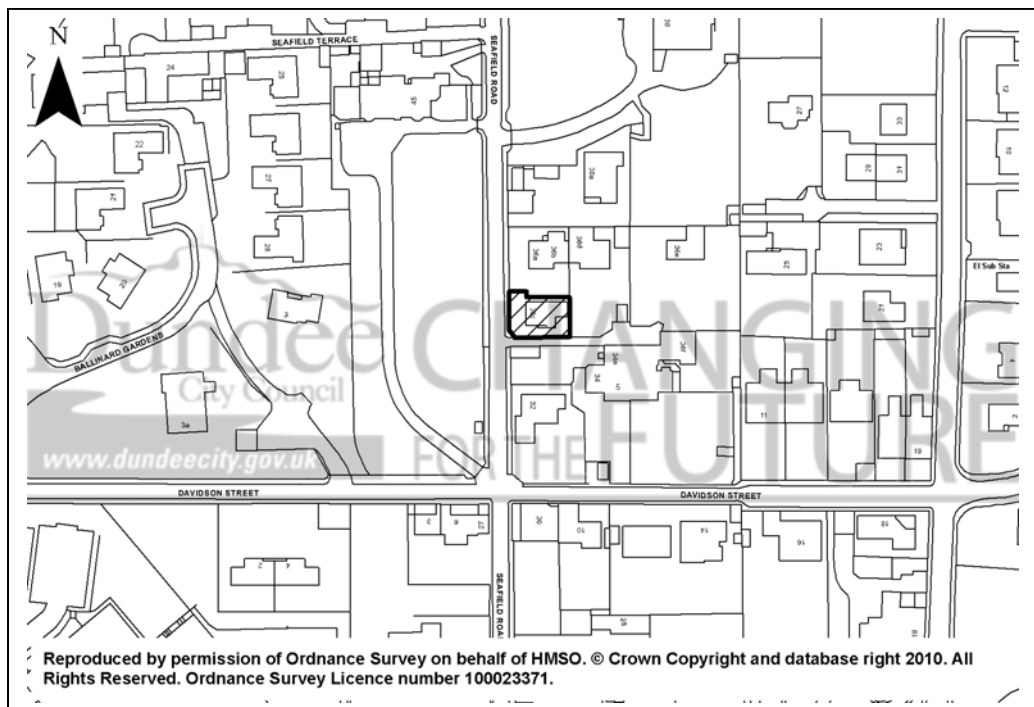
Linda Moores  
Little Firs  
Aston Road  
Wem  
Shropshire SY4 5BA

**Agent**

Ron Weir  
Balloch Bungalow  
South Balloch Farm  
Alyth  
Perthshire PH11 8JN

Registered 4 May 2010

Case Officer B Knox



## Consent sought for Fence and Gate in Seafield Road

The erection of Wall-Top Fence and Freestanding Fence and Gate is **RECOMMENDED FOR APPROVAL**. Report by Director of City Development.

**RECOMMENDATION**

The application is considered to be in compliance with the Dundee Local Plan Review 2005 and the material considerations are not of sufficient weight to justify a decision contrary to this.

**SUMMARY OF REPORT**

- The application seeks retrospective permission for a fence and gate. The fence is timber and is stained light brown to match the timber lining to the dwelling.
- It is considered to be in compliance with Policy 61 of the Dundee Local Plan Review 2005.
- Objections have been received from two sources in addition to an objection from Broughty Ferry Community Council.
- The application is recommended for approval as the material considerations are not of sufficient weight to justify a decision contrary to this.

## DESCRIPTION OF PROPOSAL

The application seeks retrospective permission for a fence and gate. The fence is to the west and north perimeter of the property. There was previously an existing wall of approximately 0.9 metres in height to the west of the property. Retrospective permission is sought for the erection of fence of approximately 0.9 metres to the top of the existing wall. This brings the total height of the boundary enclosures to approximately 1.8 metres. To the north perimeter, a timber fence has been erected which is approximately 1.8 metres in height.

The fence is timber and is stained light brown to match the timber lining to the dwelling.

The works were carried out by the previous owner of the property and it is stated that they did not realise that planning permission would be required.

## SITE DESCRIPTION

The property is located on the eastmost side of Seafield Road in Broughty Ferry. The area is predominantly residential in character with a variety of house types and styles. The application property is an unusual dwelling in terms of appearance and design. It is of a low profile design and is finished with a flat roof. There is an existing area outwith the fenced area but within the property boundary set aside for a single car parking space. Access to this is gained from an existing vehicular access point that the applicant benefits from access over.

The fencing and gate that planning permission is sought for has been erected and is currently in situ.

## POLICY BACKGROUND

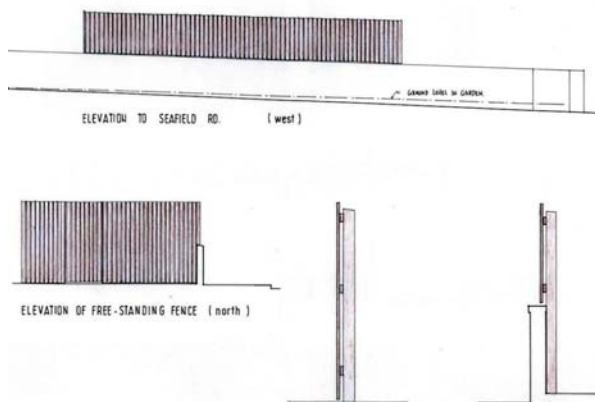
### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan 2005

The following policies are of relevance:

Policy 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

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

The previous owner of the property erected the fence and gate. The current owner has sought to regularise the situation by now seeking planning permission retrospectively.

A separate planning application was submitted on 11 May 2010 seeking planning permission for a 'First Floor Extension to Dwelling' (Ref 10/00295/FULL). It is considered that there are no direct linkages between the two applications in terms of the issues raised.

## PUBLIC PARTICIPATION

The Statutory Neighbour Notification procedure was carried out and in total two letters of objection were received. The application was also advertised as Affecting the Setting of the Conservation Area.

The following concerns were raised in relation to this application:

- The fence was erected in breach of planning legislation
- It does not take account of its location within a conservation area.
- It is an incongruous feature detrimental to the environmental quality of the street.
- It creates sight line problems during access and egress from objectors driveway.
- Safety issues with regard to pedestrians including school children and/or wheelchair users due to the sight line problems.

Members will already have had access to these letters and the points raised are

considered in the Observations Section and the Material Considerations sections of this Report.

## CONSULTATIONS

Broughty Ferry Community Council has advised that there is a parking problem and the erection of the fence reduces the parking provision available on site within the curtilage of the property. They also raised the issue of sightlines for the neighbouring properties in the area are reduced due to the fence. It was suggested that is an interlinkage of this application and the separate application for a first floor extension with regards to the issues that might arise in relation to parking provision.

There were no other adverse comments 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 other 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.

In terms of Policy 61: Development in Conservation Areas, proposals should preserve or enhance the surrounding area. The fence is a timber vertical slatted design. Visually, it is of a scale appropriate to a domestic situation. The fence is to the perimeter of the property but does not project outwards towards the footpath or appear bulky. The dwelling to which it relates is unique in this location and is not a traditionally designed property. The boundary walling to the west of the property is therefore modern and has no particular value of character to the conservation area.

It is considered that timber is an entirely appropriate material to be used in the conservation area. The colour of the fence is not ideal but it is to match the existing dwelling and is not

therefore considered to be out of place in this location.

It is considered that the proposals are sympathetic to the character and appearance of the building and in keeping with the style of property. They have a neutral effect upon the property and surrounding area. The application therefore complies with Policy 61 of the Dundee Local Plan Review 2005.

### Other Material Considerations

#### Views of the Objectors:

- The fence was erected in breach of planning legislation.

The fence was erected by previous owners of the property. An application has been submitted by the current owners to regularise the situation in relation to the requirement for planning permission.



- It does not take account of its location within a conservation area.
- It is an incongruous feature detrimental to the environmental quality of the street.

The design and appearance of the fence has been discussed above in relation to Policy 61 of the Dundee Local Plan Review 2005. It is concluded that the fence has a neutral effect upon the character and appearance of the conservation area.

- It creates sight line problems during access and egress from objectors driveway
- Safety issues with regard to pedestrians including school children and/or wheelchair users due to the sight line problems.

The issues in relation to visibility have been assessed and it is considered that there are no significant issues in relation to visibility due to the location of the fence in relation to existing access points.

#### Broughty Ferry Community Council

Broughty Ferry Community Council has advised that there is a parking problem and the erection of the fence reduces the parking provision available on site within the curtilage of the property. They also raised the issue of sightlines for the neighbouring properties in the area are reduced due to the fence.

Site visits have indicated that the property benefits from an area of hard standing to the north of where the fence has been erected. It is understood that the applicants benefit from access rights to gain entrance to the remaining space for the purposes of vehicular parking.

The Community Council also expressed concerns regarding the impact upon parking that the extension proposed as part of a separate planning application might have. In this regard, parking shall be assessed as part of planning application (10/00295/FULL).

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Council have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.

As discussed above in relation to Policy 61 of the Dundee Local Plan Review 2005, it is considered that the proposals are sympathetic to the character and appearance of the building and in keeping with the style of property. The application is therefore considered to discharge the statutory duties set out above.

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 has been discussed above in relation to Policy 61 of the Dundee Local Plan Review 2005. It is considered that the fence is acceptable in this location. The use of timber is acceptable in a conservation area and whilst the colour is not entirely ideal, it is to match the existing dwelling and is therefore considered acceptable in this instance.

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## **CONCLUSION**

The application is considered to be in compliance with the Dundee Local Plan Review 2005 and the material considerations are not of sufficient weight to justify a decision contrary to this.

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## **RECOMMENDATION**

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

- 1 No Conditions attached to this consent.

## **Reasons**

- 1 No Reasons attached to this consent.