

# Enlargement of Garden of Arbroath Road Cottage

## KEY INFORMATION

**Ward** The Ferry

**Address**

Cypress Cottage  
Arbroath Road  
Broughty Ferry

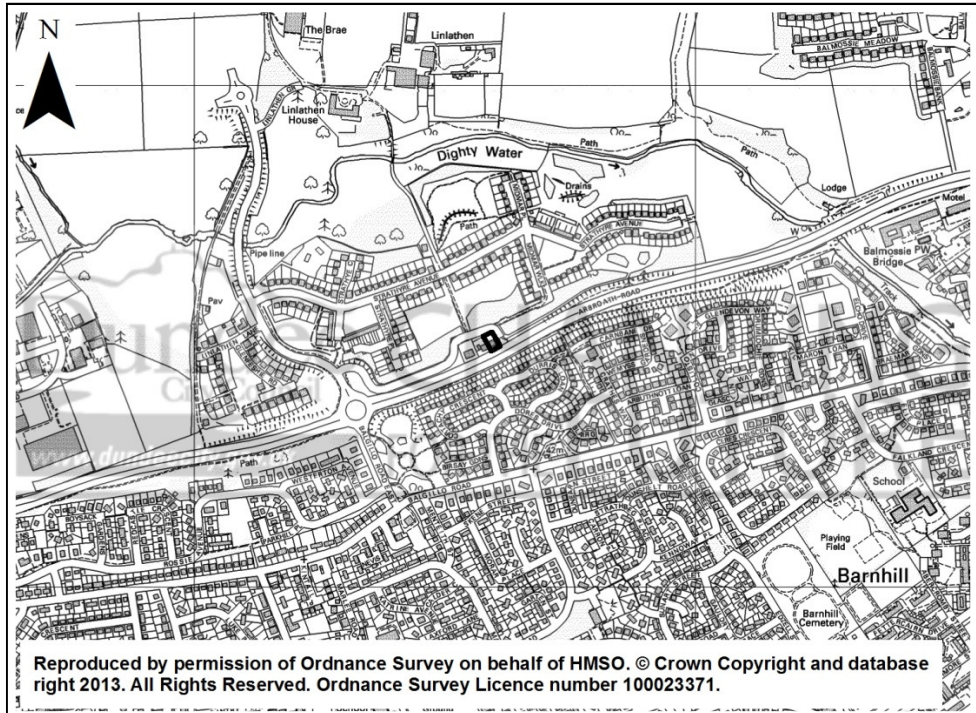
**Applicant**

Ian and Pamela Osborne  
Cypress Cottage  
Arbroath Road  
Broughty Ferry  
Dundee  
DD5 3NR

**Agent**

**Registered** 12 April 2013

**Case Officer** A Ballantine



## SUMMARY OF REPORT

- Planning permission is sought to change the use of 285m<sup>2</sup> of open space to private garden ground. A 2.5 metre fence bounding the site will be erected.
- Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005 is relevant in the determination of this application. The proposal is in accordance with this Policy.
- The statutory neighbour notification procedure was carried out. One letter of objection has been received.
- In accordance with the Council's mandatory scheme of delegation, this application requires to be reported to the Development Management Committee for determination as the site is owned by the Council.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=MLG5FMGC05Q00>.

## RECOMMENDATION

The proposal complies with the Development Plan. There are no material considerations that would justify refusing planning permission. Therefore, it is recommended that the application be APPROVED subject to conditions.

## 1 DESCRIPTION OF PROPOSAL

1.1 The application seeks planning permission for the change of use of some 285m<sup>2</sup> of open space to private garden ground. The L-shaped plot is situated to the north and east of the applicant's house, and currently adjoins the existing garden ground. It is understood that the applicant will lease the land on a long term basis from the Council for this purpose.

1.2 The applicant proposes to erect a 2.5 metre timber fence around the outside of the land incorporating the open ground in to the existing garden ground. It was agreed that in the interests of road visibility and maintenance, the proposed fence be stepped back from the carriageway by 0.5 metres.

1.3 In accordance with the Council's mandatory scheme of delegation this application requires to be reported to the Development Management Committee as the site is owned by the City Council.

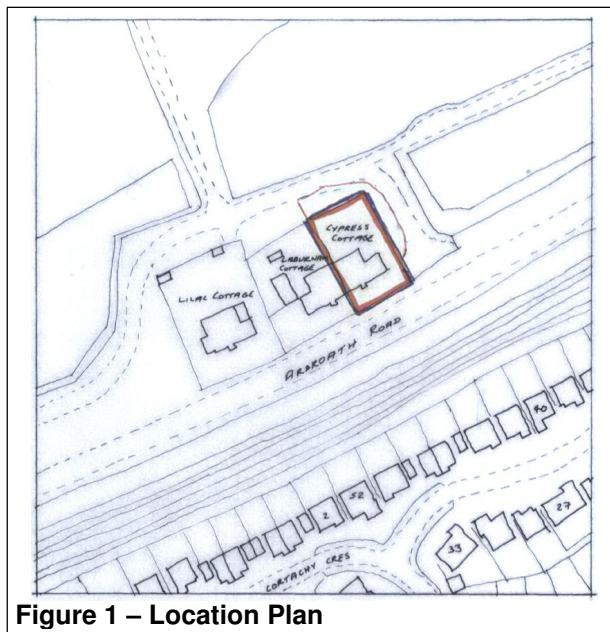


Figure 1 – Location Plan

## 2 SITE DESCRIPTION

2.1 The application site lies to the north of Arbroath Road and is accessed via a road which was constructed during the dualling of the A92 to provide access to the cottages, which previously had direct access to the A92. The immediate area surrounding the application site is comprised of a group of three stone cottages (including the application site), and open ground, with Arbroath Road to the south.

2.2 The land which is the subject of this application is a small strip of grassed land at the side of the road servicing the cottages. It is currently maintained by the Council. The strip of land also extends to the front of the other two cottages.

2.3 The application site is a traditional semi-detached cottage and has been recently extended at ground level to the rear to provide further accommodation. It is bound by a stone wall to the south, and is screened on all other elevations by fencing and hedging. Garden ground is situated to the north of the property. The property has in-curtliage parking as well as space for further parking within the hammerhead adjoining the property.



Figure 2 – Application Site Looking South

---

### 3 POLICY BACKGROUND

---

3.1 The following plans and policies are considered to be of direct relevance:

**DUNDEE LOCAL PLAN REVIEW 2005**

Policy 1 (Vibrant and Sustainable Communities)

**PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN**

Policy 10 (Householder Development)

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

---

### 4 SITE HISTORY

---

4.1 There is no planning history for the site relevant to the determination of this application.

---

### 5 PUBLIC PARTICIPATION

---

5.1 The Statutory Neighbour Notification was carried out and the application advertised. As a result one letter of objection has been received on the grounds of the potential of the proposed fencing causing a pedestrian hazard by virtue of reduced visibility.

---

### 6 CONSULTATIONS

---

6.1 No comments have been received from statutory consultees.

---

### 7 DETERMINING ISSUES

---

7.1 **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.

#### DUNDEE LOCAL PLAN REVIEW 2005

7.2 **Policy 1 (Vibrant and Sustainable Communities)** - it is the aim of Policy 1 to support proposals that minimise the impact on the level of environmental quality afforded to neighbouring properties.



Figure 3 – Application Site Looking West

- 7.3 The change of use of the piece of land would result in the rear garden area of Cypress Cottage changing from approximately 387m<sup>2</sup> to 672m<sup>2</sup>. It is considered that the change of this 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 such an area will not detract significantly from the visual amenity of the area.
- 7.4 In respect of parking and traffic movement issues, it is considered that there will be no adverse impact on visibility or traffic/pedestrian movement. The applicant has agreed to step the fence back 0.5 metres from the edge of the carriageway in the interests of visibility, and it is also considered that beyond the corner of the road which leads to a dead end and the driveway of the applicant's house there is little or no traffic/pedestrian movement other than that associated with the applicant's house. **As such, it is considered that the proposed development complies with Policy 1 of the Dundee Local Plan Review 2005.**

## **OTHER MATERIAL CONSIDERATIONS**

### **A - PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN**

- 7.5 Policy 10 (Householder Development) of the Proposed Dundee Local Development Plan is supportive of proposals that do not have a detrimental impact on the existing property and the surrounding area. It is considered this proposal meets all four criteria of Policy 10 for the following reasons:
- a due to the design and materials of the proposed fence, there will not be a detrimental impact on the environmental quality of the area. If the Committee are minded to approve the application, a condition will be imposed to ensure the proposed fence is in keeping with, and preserves, the environmental quality of the area;
  - b the private garden ground area of the house will be increased;
  - c due to its height and positioning, the fence will not significantly overshadow neighbouring properties; and
  - d there will be no affect on car parking provision.

- 7.6 **It is considered that the requirements of Policy 10 (Householder Development) of the Proposed Dundee Local Development Plan are also satisfied.**

### **B - VIEWS OF OBJECTORS**

- 7.7 One letter of objection was received from a neighbouring resident who is concerned that the proposed fencing will cause a pedestrian hazard to users of the area by virtue of reduced visibility at the corner of the application site. These matters have already been included in the above assessment, and it was considered that there is no adverse impact on visibility and pedestrian/vehicle movement.
- 7.8 As such, the views of the objectors are not supported.
- 7.9 **It is concluded from the foregoing that there are no material considerations that would justify refusing planning permission.**

---

## **8 CONCLUSION**

---

- 8.1 The proposed change of use to private garden ground will not have a detrimental affect on the amenity of the surrounding area. The proposal complies with the Development Plan and there are no material considerations that would justify the refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

---

## **9 RECOMMENDATION**

---

- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 Any fence to be erected around the newly formed garden ground shall be set back 0.5 metres from the edge of the carriageway.
  - 2 Prior to the commencement of development, details of the boundary fence shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved details.

### **REASONS**

- 1 In the interests of road visibility and maintenance.
- 2 In order to ensure that the visual amenities of the area are preserved.