

Extension and Change of Use to Garden Ground at Boysack Gardens

KEY INFORMATION

Ward The Ferry

Address

18 Boysack Gardens
Broughty Ferry, Dundee

Applicant

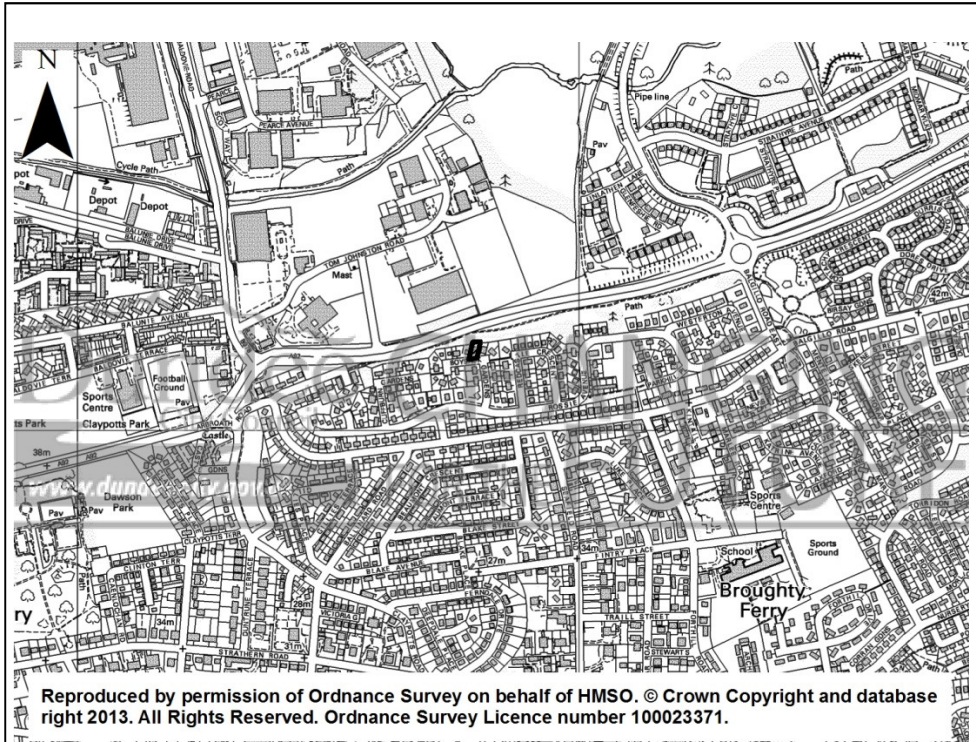
Mr & Mrs Charlie and Susan
Walker, 18 Boysack Gardens
Broughty Ferry
Dundee DD5 3NE

Agent

David Peoples Peoples
Architecture
Jasmine Cottage
Newbigging Road, Tealing
Dundee DD4 0QX

Registered 6 Jan 2014

Case Officer A Ballantine



SUMMARY OF REPORT

- Planning permission is sought for the change of use of a 3.8 metre strip of open space to private garden ground and erection of a single storey extension to the west side of the property at 18 Boysack Gardens, Broughty Ferry.
- Policies 10 (Householder Development) and 36 (Open Space) of the Dundee Local Development Plan are relevant in the determination of this application. The proposal is in accordance with these policies.
- The statutory neighbour notification procedure was carried out. No public comments were received.
- In accordance with the Council's discretionary scheme of delegation, this application requires to be reported to the Development Management Committee for determination as the applicant is a member of the Council's Planning Service.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=MYZ2E3GCH7C00>.

RECOMMENDATION

The proposal complies with Policies 10 (Householder Developments) and 36 (Open Space) of the Dundee Local Development Plan. There are no material considerations that would warrant refusal of planning permission against the provisions of the Development Plan. The application is therefore recommended for APPROVAL.

1 DESCRIPTION OF PROPOSAL

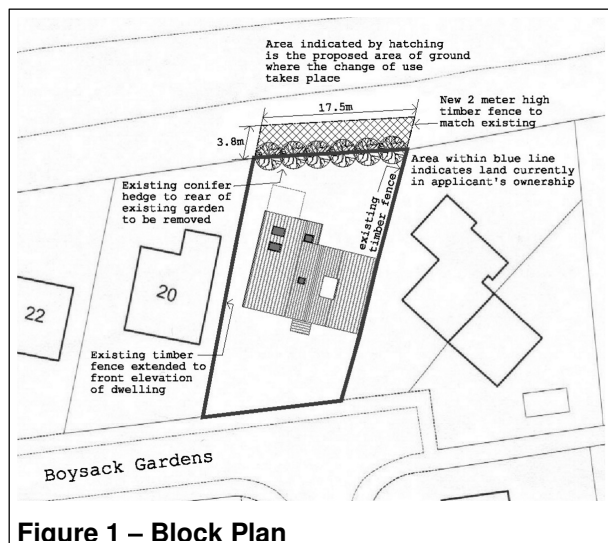


Figure 1 – Block Plan

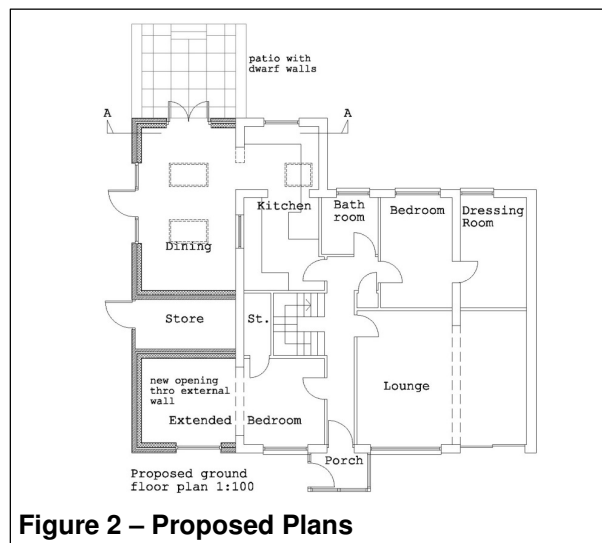


Figure 2 – Proposed Plans

- 1.1 Planning permission is sought for the change of use of a small strip of public open space to private garden ground and the erection of a single storey extension to the west side of the property at 18 Boysack Gardens. The change of use element of the application involves changing the use of a 3.8 x 17.5 metre strip of designated open space to private garden ground to the rear of the property, and will enclose this strip of land with a 2 metre high timber fence. The proposed single storey extension will be formed on the western side of the house, using matching finishing materials. The proposed extension will accommodate an extended bedroom, an externally accessed store, and a dining area, with patio to the north accessed through patio doors. The extension will have a mono-pitch roof to match the existing extension to the eastern side of the house, and will replace the existing single garage and sun room located to the western side of the house.

2 SITE DESCRIPTION

- 2.1 The application site involves a one and half storey non-traditional detached house, located to the north of Boysack Gardens. To the front is a small enclosed garden with a tarmac driveway. There is a flat-roof garage at the end of the driveway to the side of the property and the house has been extended to the east with a single storey extension with mono-pitch roof design. The house itself is finished in harling with dark brown timber cladding and concrete tile roof. To the rear, there is a small kitchen/sun-room extension to the north-west side of the house and the rear garden, which is mainly laid to grass. The rear garden is enclosed at the sides by a 2 metre high fence and to the north by a conifer hedge.



Figure 3 – Application Site

- 2.2 To the north of the property is land designated as open space, which includes a narrow strip of open grass, a shelter belt group of trees and the Dundee Green Circular foot and

cyclepath. Beyond this is the A92 trunkroad. To the west, south and east are other residential properties of similar design and style. The area is generally residential in nature.

3 POLICY BACKGROUND

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

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 10: Householder Developments

Policy 36: Open Space

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 85/10733/D - application for planning permission for Erection of Sun Porch at 18 Boysack Gardens - approved.

4.2 04/00153/FUL - application for planning permission for Erection of Pitched Roof on Existing Flat Roof Extension and Rebuilding of Conservatory Extension at 18 Boysack Gardens - approved subject to conditions.

5 PUBLIC PARTICIPATION

5.1 No public comments have been received.

6 CONSULTATIONS

6.1 No consultations were received.

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 DEVELOPMENT PLAN

7.2 **Policy 10: Householder Developments** – requires all new householder developments to meet five criteria.

- 7.3 The first criterion requires householder development to not have a detrimental impact on the character or environmental quality of the house and surrounding area by virtue of size, design and materials. It is considered that the proposed single-storey extension to the side will be acceptable in terms of its size, design and materials. The side extension will have a lower roof height than the existing roof, will not extend beyond the front or rear building lines, and will be similar in profile and appearance to the existing eastern extension. The two extensions together make the house more balanced and symmetrical on its principal front elevation. In terms of its size and design, the proposed side extension is considered to be subservient to the existing house and does not result in an unacceptable impact on the style and character of the house in context of the surrounding area. In terms of materials, the proposal is to use matching finishing materials. The proposal is considered to comply with this criterion.
- 7.4 The second criterion requires that there is no significant loss of private/useable garden ground. The proposal will result in the removal of the existing garage and sun room as well as a small area of garden ground behind the existing garage. The loss of this garden ground is not considered to be significant given the remaining enclosed garden ground to the front and rear of the property which is considered to be private/useable. As noted above, the proposal also includes the change of use, and incorporation in to the rear garden, of a strip of land to the north of the existing garden. This will result in a net increase in the amount of private/useable garden ground available at the property. The proposal is considered to comply with this criterion.
- 7.5 The third criterion requires that there is no detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. It is considered that by virtue of its size, form and scale, and positioning within the site, the proposed side extension will not result in any physical impact, overshadowing or overlooking of the property to the west at 20 Boysack Gardens. The proposal is considered to comply with this criterion.
- 7.6 The fourth criterion requires that householder proposals have no significant adverse effect on the existing level of parking provision. Whilst the proposal involves the removal of the existing single, flat-roofed garage to accommodate the proposed extension, the existing driveway can accommodate at least 2 cars without impeding the use of the adjoining footway. This is considered to be acceptable and the proposal therefore complies with this criterion.
- 7.7 The fifth criterion requires that the proposed development is consistent with all other policies of the Plan. Policy 36 (Open Space) is relevant to the determination of the application and, as noted below, is considered to be in compliance with this Policy. The proposal therefore complies with this criterion.
- 7.8 **The proposal satisfies Policy 10 of the Dundee Local Development Plan.**
- 7.9 **Policy 36: Open Space** – seeks to preserve areas designated as open space unless the proposal meets one of three criteria set down in the policy.
- 7.10 The proposal involves the change of use of a 3.8 x 17.5 metre strip of land designated as open space to private garden ground found to the rear of the existing house. This would be incorporated in to the existing garden ground and enclosed by a 2 metre



Figure 4 – Open Space to Rear

high timber fence. The area of ground in question is currently owned and maintained by the Council.

- 7.11 Between the A92 trunk road to the north and the application site, there is an approximate 20 metre stretch of grass, bi-sected by the Green Circular, and a shelter-belt of mature trees. Between the shelter-belt and the rear boundaries of the residential properties is a further stretch of approximately 7 metres of grass. It is considered that the purpose of this designated open space is to provide a buffer between the existing residential area and the heavily-trafficked A92 trunk road to the north, as well as accommodating the Green Circular foot and cycle-path which runs from east to west. The change of use of this small area of land to the rear of the applicant's house is not considered to be significant in this instance, both in terms of not undermining the purpose(s) of the open space designation and the fact that the change of use will not have a detrimental visual impact on the surrounding area, as it will be largely screened. In terms of the function of the strip of grass between the residential properties and the shelter-belt of trees, access and movement will not be hindered as the change of use only involves approximately half the width of this strip of land. The proposal also involves the incorporation of this strip of ground in to the existing garden, and will not involve any development works. From the foregoing, it is considered that the proposed change of use meets the requirements of Criterion 3 of Policy 36 insofar as the proposal involves a lesser part of the site designated as open space.
- 7.12 Whilst it is considered that individually this will not have a significant impact upon the designated open space, any future intrusions will need to be monitored to ensure that there is no cumulative loss of open space and its integrity is not undermined. It is considered that any future proposals for a change of use of open space to private garden ground should not extend beyond the boundary line proposed.
- 7.13 **The proposal satisfies Policy 36 of the Dundee Local Development Plan.**

OTHER MATERIAL CONSIDERATIONS

- 7.14 There are no material considerations that are relevant to the determination of this application.
- 7.15 **It is concluded from the foregoing that the proposal complies with the provisions of the Development Plan.**

8 CONCLUSION

- 8.1 The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to conditions:
- 1 There are no conditions attached to this consent.