

Garden Ground Extension

KEY INFORMATION

Ward North East

Address

20 Gordon Court
Dundee
DD4 9DE

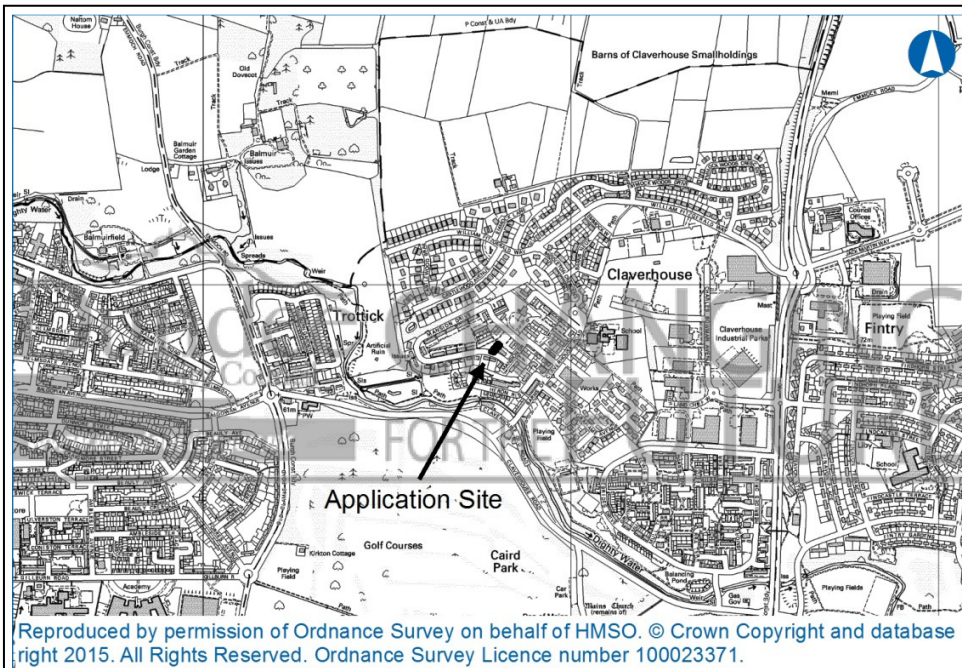
Applicant

Mr Steven Traynor
20 Gordon Court
Dundee
DD4 9DE

Agent

Registered 11 Feb 2015

Case Officer S Dorward



SUMMARY OF REPORT

- Planning permission is sought for the change of use of 192m² of open space to private garden ground and the erection of a 1.5 metre high fence to the boundary of the application site, to be 1 metre in height within 2 metres of the adjacent road. An off-street parking space is also proposed.
- Policies 10 (Householder Development), 38 (Trees and Urban Woodland) and 42 (Sustainable Drainage) of the Adopted Dundee Local Development Plan are relevant to the determination of the application. The proposal is in accordance with these policies.
- The statutory neighbour notification procedure was undertaken. One letter of representation was received which queries land ownership.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Development Management Committee at the request of a Councillor.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=NITYIOGCN0E00>.

RECOMMENDATION

The proposed development would comply with the relevant policies of the Development Plan. There are no material considerations that would justify the refusal of this application. The application is therefore recommended for **APPROVAL** subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the change of use of a small strip of open space to private garden ground measuring approximately 192m² (29.5m x 6.5m), and the erection of timber fencing to a height of 1.5 metres, dropping to a 1 metre high fence adjacent to the road carriageway for 2 metres. It is also proposed to create an off-street car parking space within the curtilage of the site.

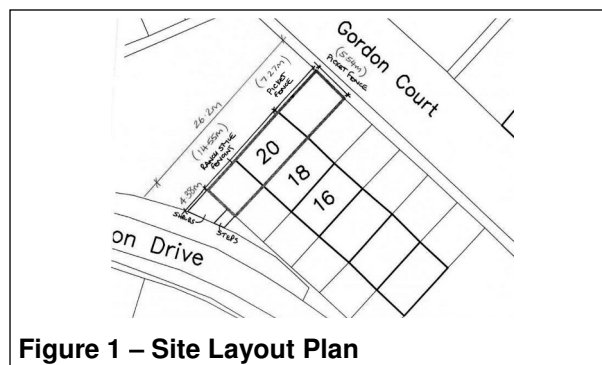


Figure 1 – Site Layout Plan

2 SITE DESCRIPTION



Figure 2 – View of Site from Gordon Court (North)

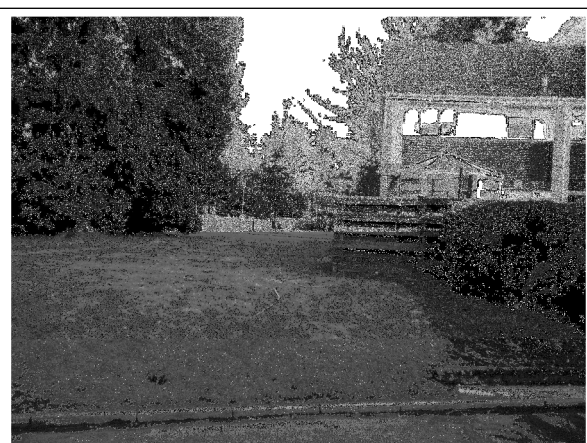


Figure 3 – View of Site from Mansion Drive (South)

- 2.1 The application site includes the curtilage of number 20 Gordon Court and an area of open space which is immediately adjacent and to the north west of the property. Existing garden ground is located to the front and rear of the property, facing Gordon Court and Mansion Drive, amounting to approximately 75m². The property is a 2 storey end terrace dwelling with a pitched roof and a conservatory to the rear south west elevation. Existing boundary treatment is 'hit and miss' and picket style timber fencing.
- 2.2 Surrounding land uses are residential with an area of open space to the north west of the property; this is not designated as protected open space within the Adopted Dundee Local Development Plan (2014). There are 2 mature conifer trees just outside the application site boundary.

3 POLICY BACKGROUND

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

DUNDEE LOCAL DEVELOPMENT PLAN

- Policy 10: Householder Development
- Policy 38: Trees and Urban Woodland
- Policy 42: Sustainable Drainage

- 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 Certificate of Lawfulness application reference 13/00094/CLPUD for the erection of a conservatory was agreed to be permitted development on 15 March 2013.

5 PUBLIC PARTICIPATION

- 5.1 A letter of representation has been received which states that the applicant does not own all of the land within the application site as indicated on the site ownership certificate, but neither objects to nor supports the proposals. The matter has been raised with the applicant, however this is not be a material planning consideration relevant to the assessment of the proposals, but would constitute a private legal matter.

6 CONSULTATIONS

- 6.1 **The Council's Forestry Officer** - advised that care should be taken when excavating near the tree roots adjacent to the site; only hand digging should be undertaken within 4 metres of each tree and no tree roots larger than 25mm in diameter should be cut.

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 Development** – supports development which does not have a detrimental impact on the character or environmental quality of the house and surrounding area by virtue of size, design and materials; where there would not be a significant loss of private/useable garden ground; which would have no detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking, and which would not have a significant adverse effect on the existing level of parking provision. The development must also be consistent with all other policies of the Adopted Local Plan to accord with Policy 10.
- 7.3 In this instance, it is not considered that there would be a detrimental impact upon the character of the existing dwellinghouse or the surrounding area. The proposed fence would not be of a height or design which would cause a detrimental impact upon the street scene, an enhanced level of private amenity space would be created and there would be no issues

in terms of residential amenity. With the creation of an off street parking space, there would be an enhancement to the level of parking provision. Policy 10 also seeks that development should be consistent with all other policies of the Local Plan; Policy 36 is relevant but does not apply as the location is not a designated area of open space, as discussed below.

7.4 **The proposal satisfies Policy 10.**

7.5 **Policy 38: Trees and Urban Woodland** – requires new development to ensure the survival of existing healthy mature trees through sensitive site layout both during and after construction.

7.6 The Council's Forestry Officer has advised that as the two mature Lawson Cypress trees are located in close proximity to the proposed fence, care should be taken when excavating near the tree roots adjacent to the site; it is recommended that only hand digging should be undertaken within 4 metres of each tree and no tree roots larger than 25mm in diameter should be cut.

7.7 **An appropriate planning condition is proposed so that the proposal complies with Policy 38.**

7.8 **Policy 42: Sustainable Urban Drainage Systems** – requires proposals to ensure an appropriate level of treatment and adopt an ecological approach to surface water management.

7.9 The conversion of soft surfaces to hard surfaces does add to overall surface water flood risk and reduced sewer capacity, therefore in this case it is proposed that a planning condition is imposed to require construction of the driveway in porous material.

7.10 **With the addition of an appropriate planning condition the proposal would comply with Policy 42.**

OTHER MATERIAL CONSIDERATIONS

7.11 There are no other material considerations relevant to the determination of the planning application.

7.12 **It is concluded from the foregoing that the material considerations support the approval of planning permission. It is therefore recommended that planning permission be granted subject to conditions.**

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. It is therefore 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 All trees existing adjacent to the site at the date of this decision shall be retained; only the hand digging of fence posts shall be undertaken within 4 metres in any direction of

both trees and any tree roots larger than 25mm in diameter shall not be cut, unless otherwise agreed in writing with Dundee City Council as Planning Authority.

- 2 BEFORE ANY WORKS START ON SITE, further details with regard to the surface material for the driveway shall be submitted for approval in writing by the Planning Authority; to demonstrate that a porous material will be implemented. Thereafter the development shall be carried out in accordance with the details approved unless changes are subsequently agreed in writing with this Planning Authority

REASONS

- 1 In order to ensure that no damage is caused to the existing trees during development operations.
- 2 To ensure that there is sufficient surface water drainage for the development.