

## Erection of Boundary Fence (Retrospective)

### KEY INFORMATION

**Ward** West End

**Address**

18 Glamis Road  
Dundee

**Applicant**

Mr Paul Malik  
18 Glamis Road  
Dundee

**Agent**

N/A

**Registered:** 24 Aug 2023

**Report by Head of Planning  
& Economic Development**

**Contact:** Aimee Smith



### SUMMARY OF REPORT

- Retrospective planning permission is sought for the erection of a 1.5 metre high wooden fence along the top of a stone wall on the southern boundary of the garden ground of a dwellinghouse to a height of 2.24 metres above the adjacent pavement.
- The application is in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. 8 letters of objection and 1 letter of support were received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as six or more valid written objections have been received and the recommendation is for approval.
- More details can be found at <https://idoxwam.dundeeecity.gov.uk/idoxpa-web/applicationDetails.do?keyVal=RTTZ5AGCJJW00&activeTab=summary>

### RECOMMENDATION

The proposal is fully in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of planning permission. It is therefore recommended that planning permission be **APPROVED**.

---

## 1 DESCRIPTION OF PROPOSAL

---

- 1.1 Planning permission is sought retrospectively for the erection of a fence on top of an existing stone boundary wall, to a height of 1.5 metres above the wall and a maximum height of 2.24 metres above the adjacent pavement. The fence extends for 49.3 metres along the full length of the southern property boundary facing onto Glamis Terrace, and abuts an identical boundary fence that serves the property to the west at 18A Glamis Road. Both fences are finished in vertical close boarded timber. The fence replaces several shrubs and bushes that have been removed or trimmed back from the boundary.
- 1.2 The applicant has submitted the following in support of the application:
- Supporting Statement

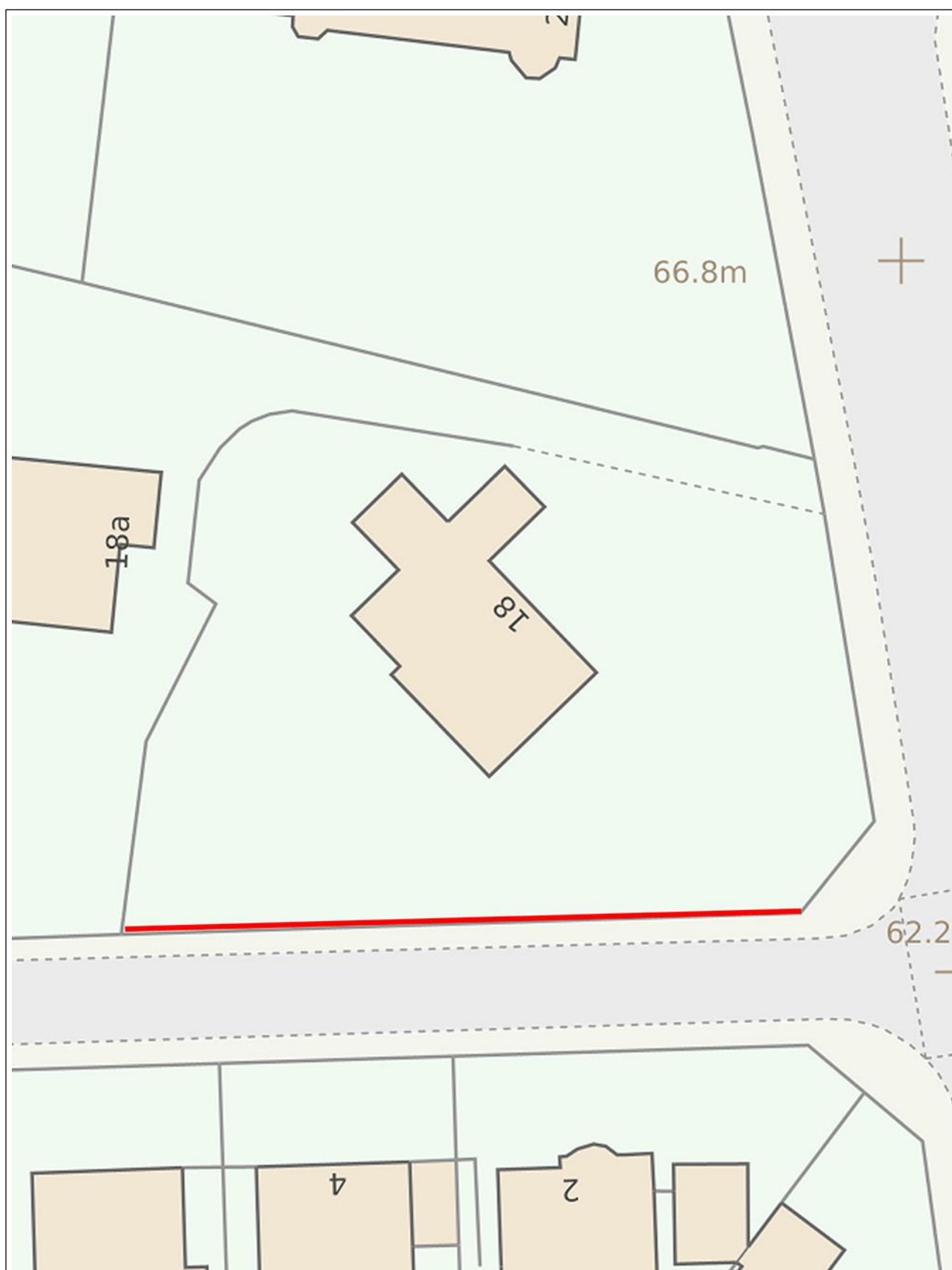


Figure 1 – Plan Showing Location of Fence

---

## 2 SITE DESCRIPTION

---

- 2.1 The application site is located on the west side of Glamis Road and the south boundary faces onto Glamis Terrace. The dwelling house is a two and a half storey traditional dwelling finished in a white render with white uPVC windows and a tiled roof. The original boundary fence was an iron metal railing above the existing stone wall. The existing garden has many large trees. This is a residential area with a mix of dwelling styles.
- 2.2 The original garden ground of the application property was subdivided in 2019 following the grant of planning permission by the Local Review Body in 2016 for the erection of a dwelling house at what is now 18A Glamis Road. The planning permission included a new 20 metre long timber boundary fence on top of the boundary wall along Glamis Terrace.





**Figure 2 – View of Fence On Glamis Terrace**



**Figure 3 – Neighbouring Fence and Application Fence**

---

### 3 POLICY BACKGROUND

---

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

**NATIONAL PLANNING FRAMEWORK 4**

Policy 16g: Quality Homes

**DUNDEE LOCAL DEVELOPMENT PLAN 2019**

Policy 11: Householder Development

Householder Development - Advice and Best Practice Supplementary Guidance

- 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 Planning permission 09/00791/FULL for an extension to the northwest of the dwelling was approved in February 2010.
- 4.2 Planning application 15/00725/FULL for the erection of a dwelling house within the existing garden ground was refused under delegated powers, but subsequently approved after an appeal to the Local Review Body in April 2016.

---

### 5 PUBLIC PARTICIPATION

---

- 5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.2 Eight objections have been received raising the following material grounds:
- the proposal does not comply with permitted development rights and legislation;
  - the height and length of the fence is not acceptable;
  - the fence does not fit in with the character of the streetscape;
  - fallen branches cannot be passed to the owners of the property over the fence;
  - the structure of the fence is not secure or safe for pedestrians;
  - the fence hampers the movement of wildlife;
  - the fence is higher than shown on the plans; and
  - more natural materials should have been used to fit in with the character of the streetscape.
- 5.3 One letter of support raised the following valid material planning considerations:
- the fence looks good.

- 5.4 The valid grounds of representation are taken into account in the material considerations section of this report.

---

## 6 CONSULTATIONS

---

- 6.1 No consultation responses were received.

## 7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended 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.

### NATIONAL PLANNING FRAMEWORK 4

- 7.2 **Policy 16g: Quality Homes-** sets out that householder development proposals will be supported where they:
- i do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
  - ii do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- 7.3 In respect of Policy 16g - the proposal is assessed against the two criteria as follows:
- 7.4 In response to Criterion i,- the proposed boundary fence would not have a negative impact on the character or environmental quality of the existing dwelling house in terms of size, design, and materials.
- 7.5 In terms of the surrounding area the property directly adjacent to the existing dwelling has a fence that is of the same height, materials, and design and this was previously approved at the Local Review Body under planning application 15/00725/FULL. The proposal extends the approved 20 metre section of fence a further 49.3 metres along the applicants' boundary. It is of the same scale and design as the approved fence and sits against a backdrop of mature trees and greenery which help to absorb the visual impact within the surrounding area. At present the fence appears visually prominent as it has not yet had time to weather. Over time this will appear more natural in its setting and assimilate into its surroundings.
- 7.6 Overall, in terms of size, design, and materials the proposal would not have a significantly detrimental impact on the character of the home and would not have a significant negative impact on the surrounding area.
- 7.7 In response to Criterion ii - in relation to overshadowing due to the location of the boundary fence and the distance from adjacent properties there are no overshadowing issues. There would be no overlooking to neighbouring properties, rather privacy levels would be increased.

The proposal would not therefore result in any significant detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

**7.8 The proposal is in accordance with Policy 16 g.**

**DUNDEE LOCAL DEVELOPMENT PLAN 2019**

**7.9 Policy 11: Householder Development** - supports development where it:

- 1 does not have a detrimental impact on the character or environmental quality of the house and the surrounding area by virtue of size, design and materials;
- 2 does not result in a significant loss of private/useable garden ground;
- 3 does not result in a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking; and
- 4 does not have a detrimental impact on the existing level of parking provision.

7.10 The preamble to Policy 11 also states that householder developments should adhere to the guidance contained within the Dundee Local Development Plan Householder Development Supplementary Guidance 2019. The householder guidance advises that any new development should preserve/enhance the overall quality of the surrounding environment.

7.11 Criteria 1) and 3) of Policy 11 of the Local Development Plan substantively reiterate those within Policy 16g of the National Planning Framework 4 and therefore the proposal is acceptable in terms of criteria 1) and 3) for the reasons previously given. The proposal is assessed against the remaining two criteria as follows:

7.12 2) The proposal relates to alterations to the existing rear garden boundary, which would not alter the current level of amenity space. Conversely the proposal would secure a more private amenity space as the current boundary height would be raised. The proposal would not result in any unacceptable loss of private and useable garden ground.

7.13 4) The proposal relates to a garden fence to enclose the private garden ground of the dwelling and would have no impact upon the existing level of parking provision within the area.

**7.14 The proposal would comply with the requirements of all four criteria of Policy 11.**

7.15 **Householder Development Supplementary Guidance** - states at 3.7 that any new boundary treatments should respect the height and type of those of neighbouring properties to complement the existing character of the area.

7.16 In this case it is acknowledged that boundary treatments of properties along Glamis Terrace are generally formed of low walls often with soft landscaping behind. An exception to this is the existing approved fence immediately adjacent to the application site which has a 20 metre long timber fence set along the top of the original low boundary wall.

7.17 Whilst it is acknowledged that the proposal fence is different in height and type to the low boundary treatments seen along Glamis Terrace it is identical to and therefore in keeping with the boundary treatment on the immediately adjacent property boundary at 18A Glamis Terrace. The fence is therefore considered to be in accordance with the Supplementary Guidance.

7.18 The application is in accordance with the Development Plan.



## MATERIAL CONSIDERATIONS

7.19 The material considerations to be taken into account are as follows:

### A - REPRESENTATIONS

7.20 In total, eight letters were received objecting to the proposal. The objections raised the following material grounds:

- the proposal does not comply with permitted development rights and legislation;
- the height and length of the fence is not acceptable;
- the fence does not fit in with the character of the streetscape;
- fallen branches cannot be passed to the owners of the property over the fence;
- the structure of the fence is not secure or safe for pedestrians;
- the fence hampers the movement of wildlife;
- the fence is higher than shown on the plans; and
- more natural materials should have been used to fit in with the character of the streetscape.

7.21 The grounds of objection are considered and assessed as follows:

7.22 **Objection** - the proposal does not comply with permitted development rights and legislation.

7.23 **Response** - the contributor is correct to note that the development does not comply with permitted development rights. The fence does require planning permission and this planning application is required to be assessed against the Development Plan, in this case, National Planning Framework 4 and the Dundee Local Development Plan.

7.24 **Objection** - the height and length of the fence is not acceptable.

7.25 **Response** - the impact of the height and length of the fence has been discussed in the foregoing assessment under Policy 16 g of the National Planning Framework 4 and Policy 11 of the Dundee Local Development Plan. It is recognised that a fence of a similar height has been approved by the council at the adjacent property.

7.26 **Objection** - the fence does not fit in with the character of streetscape.

7.27 **Response** - the impact of the fence in terms of height, materials and design on the surrounding area has been discussed in the foregoing assessment under Policy 16g of the National Planning Framework 4 and Policy 11 of the Dundee Local Development Plan. It is recognised that the backdrop of trees and greenery as well as the use of timber which would weather to become more natural within its setting would be appropriate visually in terms of the surrounding area and the fence would be a continuation of the neighbouring fence which is of the same height, design and materials which has already been approved by the council.

7.28 **Objection** - fallen branches cannot be passed to the owners of the property over the fence.

7.29 **Response** - this issue is not a material planning consideration.

- 7.30 **Objection** - the structure of the fence is not secure or safe for pedestrians.
- 7.31 **Response** - the issues of construction standards are not a material planning consideration.
- 7.32 **Objection** - the fence hampers the movement of wildlife.
- 7.33 **Response** - consideration has been given to the impact of the fence on the movement of wildlife. Given the height of the existing stone wall the addition of the fence is not considered to create a significant or additional barrier to the movement of wildlife to or from the garden.
- 7.34 **Objection** - the fence is higher than shown on the plans.
- 7.35 **Response** - the information and drawings supplied with the application have been assessed and the height on the plans has been deemed acceptable.
- 7.36 **Objection** - more natural materials should have been used to fit in with the character of the street.
- 7.37 **Response** - the impact of the fence in terms of materials within the surrounding area has been discussed in the assessment under Policy 16g of the National Planning Framework 4 and Policy 11 of the Dundee Local Development Plan. It is recognised that the backdrop of trees and greenery as well as the use of timber which is a natural material and will weather to become more natural within its setting would be appropriate visually in terms of the surrounding area.
- 7.38 In total one letter of support was received raising the following material grounds:
- the fence looks good.
- 7.39 The letter of support is noted.

## **B – APPLICANT’S SUPPORTING STATEMENT**

- 7.40 The applicant has submitted a short statement with the application. This sets out that it is the applicant’s view that the fence at 1.8m in height from the ground is in keeping with nearby fences on Glamis Terrace and Glamis Road and that it is no taller than other walls in neighbouring properties.
- 7.41 It then also notes that the fence has been erected primarily for the safety of the applicant’s young children and dog. They considered the current wall to be insufficient in height for that purpose as at points it is at ground level on the house side of the boundary wall.
- 7.42 **Response** – the points regarding the height and design of the fence are noted. The impact of the height and length of the fence has been discussed in the foregoing assessment under Policy 16g of the National Planning Framework 4 and Policy 11 of the Dundee Local Development Plan. It is recognised that a fence of a similar height has been approved by the council at the adjacent property.
- 7.43 **The issues raised in the representations have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of planning permission.**

---

## **8 CONCLUSION**

---

- 8.1 The application for a boundary fence is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

---

## **9 RECOMMENDATION**

---

- 9.1 It is recommended that planning permission be GRANTED.
- 9.2 As the application is retrospective there are no planning conditions requiring to be attached to the Decision Notice.