

### 3 PLANNING APPEAL DECISIONS (AN110-2008)

#### (a) MOYNESS, 76 GROVE ROAD, BROUGHTY FERRY, DUNDEE, ALTERATIONS TO AND EXTENSION OF NURSING HOME

Reference is made to Article 1(e) of the minute of meeting of this Committee of 17th December 2007 wherein the above proposal was refused planning permission because the Council considered that the proposals would:

- detract from the appearance of the original villa and the wider area;
- constitute an overdevelopment of the plot and fail to respect prevailing densities; and
- entail the felling of mature trees which contribute to the character and appearance of the Conservation area.

Policies 1, 10, and 15 of the Dundee Local Plan Review 2005 were thereby contravened. There were considered to be no material considerations of sufficient weight to counterbalance this finding.

The decision was appealed by the applicant under the provisions of Section 47 and Schedule 4 of the Town and Country Planning (Scotland) Act 1997.

The appeal was determined by written representations and the decision was received by the Council on 22nd May 2008. Copies of the Decision Notice have already been circulated to Members by e-mail.

The Reporter **DISMISSED** the appeal and refused planning permission.

In reaching his decision, the Reporter found no serious conflict with Policy 10 given the established nature of the existing use of the property and the likely lack of impact in terms of likely traffic generation. However, the Reporter was concerned less with the proposed architectural treatment than with the impact of the proposals on the mature trees proposed to be removed. He considered these to be the property's main contribution to the character and appearance of the Conservation Area. He did not accept the appellant's arguments that the loss of the trees was justified due to the condition of the adjacent wall. In conclusion, the Reporter, in these respects, found that the proposals contravened Policies 15(i) and (f), Policy 1 and Policy 61 (impact on the Conservation Area) of the Dundee Local Plan Review 2005.

#### (b) FLAT A/1, 11 MORGAN STREET, DUNDEE, CHANGE OF USE FROM 3 BEDROOM FLAT TO 4 BEDROOM HOUSE OF MULTIPLE OCCUPANCY

Reference is made to the decision of the Council on 20th August, 2007, under powers delegated to the Director of Planning and Transportation, to refuse planning permission because the Council considered that the proposal was contrary to the provisions of Criteria A, B and C of Policy 11 of the Dundee Local Plan Review 2005 (a flat with a common stair, limited car parking in the area and inadequate refuse storage and garden ground).

The decision was appealed by the applicant under the provisions of Section 47 and Schedule 4 of the Town and Country Planning (Scotland) Act 1997.

The appeal was determined by written representations and the decision was received by the Council on 13th May, 2008. Copies of the Decision Notice have already been circulated to Members by e-mail.

The Reporter **DISMISSED** the appeal and refused planning permission.

In reaching his decision, the Reporter noted that the change of use was retrospective and at the time of his site visit, the premises were occupied by four adults. The Reporter agreed that the proposal was contrary to Criteria A of the Policy (flat with a common stair). In terms of Criteria B (availability of parking), the Reporter agreed with the Council that the proposal had the potential to put stress on the availability of parking on adjacent streets. Criteria B was also therefore breached by the proposal. In terms of Criteria C (adequacy of refuse storage and garden areas), again the Reporter agreed with the Council as there was the potential to erode the amenity of nearby residents due to the cumulative impact of small changes in the demands made on these common areas. In consultation, the Reporter found that the proposal contravened Policy 11 and that there were no material considerations which would lead him to grant planning permission contrary to the provisions of the Plan.

