

6 PLANNING APPEAL DECISIONS (AN122-2009)

(a) 330 KING STREET, BROUGHTY FERRY - ATTIC CONVERSION TO PROVIDE TWO BEDROOMS AND SHOWER ROOM

Reference is made to the decision of the Council on 12th January, 2009, 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 Policy 61 of the Dundee Local Plan Review 2005 (adverse impact of cabrio balcony and rooflights on this Conservation Area property).

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 6th April, 2009. Copies of the Reporter's decision letter have already been circulated to Members by e-mail.

The Reporter DISMISSED the appeal and refused planning permission .

In reaching her decision the Reporter considered that the balcony and roof lights together would remove a significant portion of the solid roof space above the tenement which is characteristic of the Broughty Ferry Conservation Area. She noted that it would be visible from Broughty Castle. She considered that other examples of modern dormers and roof alterations in the vicinity did not justify approval of this application but rather reinforced the importance of keeping the remaining character as intact as possible.

(b) RAILWAY LAND BETWEEN 7 AND 9 AMERICANMUIR ROAD - ERECTION OF TWO NEW HOUSES WITH INTEGRAL GARAGES AND ASSOCIATED PRIVATE ACCESS ROADS

Reference is made to Article III(s) of the Minutes of the Development Quality Committee of 15th September, 2008 wherein the above proposal was refused planning permission because the Council considered that the proposal was contrary to the provisions of the Dundee Local Plan Review 2005 in the following respects:

- 1 it failed to respect the prevailing low density of development in the surrounding area and to provide suitable private garden ground for the southmost house (Policy 4); and
- 2 the design was inappropriate in scale, height and massing and the development failed to respect the prevailing low density of development (Policy 15).

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 20th April, 2009. Copies of the Reporter's decision letter have already been circulated to Members by e-mail.

The Reporter DISMISSED the appeal and refused planning permission.

In reaching her decision the Reporter considered that the design of the houses and the relationship to prevailing densities were satisfactory but that the close proximity of the windows on two levels of the existing house at 9 Americanmuir Road would result in a loss of privacy for both proposed houses and their gardens that would be wholly unacceptable and that the development therefore contravened Policy 4. She did not think that it was possible to screen these properties from overlooking in a satisfactory manner. She also concluded that the development of a house on Plot 2 would breach Policy 15 by being forward of the front building line of the original house. Finally, taking account of other developments permitted in the locality, she concluded that there were no material considerations to justify approving the development.

Both parties put forward claims for an award of expenses but the Reporter concluded that neither party had acted unreasonably and therefore declined to make an award.

(c) 56 WILLIAM FITZGERALD WAY - CHANGE OF USE FROM RETAIL USE TO DAYCARE NURSERY

Reference is made to the decision of the Council on 10th November, 2008, under powers delegated to the Director of Planning and Transportation, to refuse planning permission because the Council considered that the proposal provided inadequate outdoor play space contrary to Policy 19 of the Dundee Local Plan Review 2005.

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 6th April, 2009. Copies of the Reporter's decision letter have already been circulated to Members by e-mail.

The Reporter UPHELD the appeal and granted planning permission.

In reaching her decision the Reporter agreed that the failure to provide adequate outdoor play space conflicted with Policy 19 of the Local Plan but considered that the accessible site location, the potential quality of the internal play space and the proximity to a major area of public open space all provided a justification for departing from the Local Plan.

(d) 38H SEAFIELD ROAD - CHANGE OF USE FROM ONE FLAT TO TWO FLATS

Reference is made to the decision of the Council on 14th August, 2008 under powers delegated to the Director of Planning and Transportation, to refuse planning permission because the Council considered that the proposal for the provision of flats below the minimum floor area of 60m² was contrary to Policy 4 of the Dundee Local Plan Review 2005.

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 April, 2009. Copies of the Reporter's decision letter have already been circulated to Members by e-mail.

The Reporter UPHELD the appeal and granted planning permission.

In reaching his decision the Reporter considered that the proposed flats only marginally failed to reach the standard of 60m², that the flats would provide a satisfactory level of residential accommodation, that there were adequate arrangements for access, bin storage and open space and although there were parking problems in the area, the addition of one additional flat would not make any appreciable difference. He concluded that although not strictly consistent with the terms of Appendix 1, the development accorded with the intent of Policy 4 to provide new housing of a high quality and therefore was consistent with the provisions of the development plan.