

PROPOSED CONSERVATORY - 5 MERICMUIR GARDENS, DUNDEE, DD3 9DS (AN165-2006)

On 30th March 2006 the Council received a valid planning application for the erection of a conservatory on the east elevation of the property at 5 Mericmuir Gardens.

A valid letter of objection was received from a neighbour at 8 Mericmuir Place raising concerns about residential amenity, namely overlooking, overshadowing, noise, odour and the appearance of the development.

Unfortunately there was an administrative delay between the receipt of the objection letter and the case officer dealing with the application. The case officer was unaware of the existence of the objection letter when he prepared his written report and assumed that the permission could be dealt with under delegated powers. It was only after the decision was issued that the existence of the objection came to light. Therefore a decision was taken on the application under powers delegated to the Director of Planning and Transportation and the decision notice issued. Planning permission has therefore been granted.

The officers' written report acknowledged the issue of the potential impact of the development on the amenity of neighbours as a material consideration to be taken into account. This includes the points raised by the objector concerning overlooking and the amenity issues. Had the application been referred to Committee for a decision the conclusions and recommendations would have remained the same. The objection letter was received in the department on 12th April 2006. The Planning Act indicates that 14 days should elapse between the receipt of an application and its determination to allow representations to be made. The decision on the application was taken on 14th April, 15 days after receipt. The administrative delay in this case was caused by new procedures for the electronic scanning of mail resulting in a longer than normal delay in mail reaching the case officer.

The proposal has obtained a Building Warrant and the applicant may begin work on site at any time.

Administrative procedures have been amended to ensure that the likelihood of this set of circumstances occurring in the future is minimised.

The agent for the applicant has been contacted and the situation explained. The opportunity to request to be heard as a deputation at Committee has been offered.

Similarly the objector has been contacted, the situation explained and offered a similar opportunity to make a deputation request.

The Committee is requested to note the situation and to endorse the decision taken by the Director of Planning and Transportation as explained above. If the committee are not minded to endorse this decision a full report will be brought back to Committee detailing the options open to them in these circumstances.