

4 PLANNING APPEAL DECISIONS (AN177-2014)

- (a) 28 INVERGOWRIE DRIVE, DUNDEE - EXTENSION TO NORTH AND ALTERATIONS TO EXISTING ROOF (RETENTION OF EXTENSION)

Reference is made to Article I (b) of the Minutes of the Development Management Committee of 16th December, 2013 wherein the above proposal was refused planning permission contrary to the Director's recommendation because the Council considered that the house extension as proposed and built was contrary to Policy 10 of the adopted Dundee Local Development Plan (Household Development) as the development had a detrimental impact on the character and environmental quality of the house and surrounding area by virtue of size and design and had a detrimental impact on the neighbouring property in terms of physical overshadowing; there were no material considerations that would justify departing from the Development Plan and approving planning permission.

The decision was appealed by the applicant, the appeal was determined by written representations and the decision was received by the Council on 1st May, 2014. Copies of the Reporter's decision letter have already been circulated to Members by e-mail.

The Reporter **ALLOWED** the appeal and granted planning permission.

In reaching her decision the Reporter noted that the determining issues were that having regard to Policy 10: Householder Development of the adopted Local Plan would the extension and roof alterations have an unacceptable impact on the character and amenity of the house and the surrounding area and on the amenity of nearby residents.

In terms of Policy 10 she concluded that there would not be a detrimental impact on the house or surrounding area and although the character of the house was changed by the extension it was done in an acceptable manner. She considered that an acceptable amount of private and usable garden would remain and that there would not be an unacceptable impact on neighbours in terms of physical impact, overshadowing or overlooking. She noted in particular that the extension was largely screened from the house to the east by an existing fence which meant that any loss of sunlight would be minimal. Finally she noted that there would be no impact on the existing level of parking provision.

She concluded that the proposal complied with the Development Plan and that there were no material considerations that would justify refusing planning permission.

The appellants made a claim for an award of expenses based on the Council's unreasonable behaviour in failing to give adequate reasons for refusal and in placing undue weight on representations received and rejecting the recommendation of the Planning Officer. The Reporter rejected this claim stating that the Decision Notice gave clear reasons for refusal and that Committee members were entitled to come to the judgement that the impact would be unacceptable.

- (b) THE OLD POLICE STATION, FINTRY ROAD, DUNDEE - PROPOSED NEW SHOP UNIT ON LAND NORTH EAST OF CORAL BOOKMAKERS

Reference is made to Article I(b) of the Minutes of the Development Management Committee of 17th February, 2014 wherein the above proposal was refused planning permission contrary to the Director's recommendation because the Council considered that the proposal was likely to result in increased traffic congestion and additional demand on limited parking opportunities in the locality, leading to indiscriminate parking. Both factors were likely to have a detrimental impact on pedestrian safety in the vicinity of the application site.

The decision was appealed by the applicant, the appeal was determined by written representations and the decision was received by the Council on 20th May, 2014. Copies of the Reporter's decision letter have already been circulated to Members by e-mail.

The Reporter **ALLOWED** the appeal and granted planning permission subject to conditions.

In reaching his decision the Reporter considered that the main issues were whether the proposed new shop unit was appropriate in land use terms and its effect on traffic congestion, parking and pedestrian safety in the vicinity of the site.

He concluded that the proposal complied with Policy 26 of the Development Plan on local shopping provision, being well within the limits set in the policy and did not feel a small new unit would lead to overprovision. As this was the only relevant Development Plan policy he therefore concluded that the proposal complied with the Development Plan.

In terms of material considerations, he noted that at the time of his site visit that the local shopping centre was busy with traffic and that bollards had been erected to restrict parking on pavements. On this basis he understood the concerns of the local community about a further increase in traffic and parking but felt the proposed shop unit was a modest addition to the existing shopping provision in the area and would not in principle significantly increase traffic congestion or additional demand for parking.

He also noted a previous appeal decision on an application for planning permission in principle for a similar proposal which was allowed but had now expired. He did not place much weight on that decision but noted that it accorded with his views on the current appeal.

He considered the detailed proposals for access, servicing and parking and found them to be acceptable but felt conditions were necessary to ensure that they met the required standards.