

## 6 PLANNING APPEAL DECISIONS (AN186-2008)

### (a) 93-95 HIGH STREET, LOCHEE - UNAUTHORISED INSTALLATION OF FOUR EXTERNAL MOUNTED ROLLER SHUTTERS WITH ASSOCIATED BOXES

Reference is made to the Listed Building Enforcement Notice served by the Council on 15th May 2008 under powers delegated to the Director of Planning and Transportation. The Notice required that the shutters and the boxes be removed within 28 days of the service of the Notice.

The terms of the Notice were appealed under the provisions of Section 34 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The appeal was determined by written representations and the decision was received by the Council on 25th September 2008. Copies of the decision notice have already been circulated to Members by e-mail.

The Reporter **DISMISSED** the appeal and upheld the Listed Building Enforcement Notice which took effect on the date of the appeal decision. This means that the shutters and boxes require to be removed within 28 days of 25th September, 2008.

In reaching her decision the Reporter found that the addition of the works to the listed building detracted from the proportions of the windows and the door and from the character of the shop front. This impact would be emphasised in the evening when the shutters are closed. Consequently, the Reporter found that the works were to the detriment of the architectural quality of the building. The Reporter considered the appellant's case with regard to potential for vandalism and the need for this form of protection. Whilst sympathetic she considered that this matter had to be balanced against the benefits of retaining the architectural integrity of the building.

### (b) GROUND TO THE EAST OF 14 STRIPS OF CRAIGIE ROAD, - ERECTION OF HOUSE AND FORMATION OF DRIVEWAY (OUTLINE)

Reference is made to Article I(i) of the Minutes of the Development Quality Committee of 17th December 2007 wherein the above application was refused planning permission because the Council considered that the proposal conflicted with Policies 1, 4 and 15 of the Dundee Local Plan Review (impact on existing dwellings area of garden ground; impact on prevailing densities; impact on trees) and that there were no material considerations which led the Council to granting an exceptional approval.

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 23rd September 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 her decision the Reporter did not agree with the Council on the issue of adequacy of remaining garden ground which would be allotted to the existing dwelling. However, the Reporter agreed that the proposal would adversely impact on prevailing densities rendering it contrary to the development plan. (Policies 1, 4 and 15 of the Dundee Local Plan Review 2005). The Reporter dismissed the arguments of comparability raised by the appellant and considered that there were no material considerations which would lead to an exception approval.