

3 PLANNING APPEAL DECISIONS (AN22-2006)

- (a) LAND NORTH OF CAMPFIELD SQUARE, NURSERY ROAD, DUNDEE - INSTALLATION OF 12.5m STREETWORKS STYLE TELECOMMUNICATIONS MAST AND EQUIPMENT CABINETS

Reference is made to Article 1(b) of the minute of meeting of this Committee of 23rd May, 2005, wherein the above proposal was refused planning permission because the Council considered that -

- (a) the proposal contravened Policies H1 and BE31 of the Dundee Local Plan 1998 and Policies 1 and 78 of the Dundee Local Plan Review 2005 (adverse visual impact on a predominantly residential area); and
- (b) the applicants had failed to demonstrate that there was not a better alternative location more distant from housing and thereby have a lesser impact on residential amenity.

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 a public inquiry held on 15th and 16th November, 2005. The decision was received by the Council on 6th December, 2005. A copy of the decision letter can be found in the Members' Lounges.

The Reporter considered the determining issues to be whether the proposals contravened Policies 1 and 78 of the Dundee Local Plan Review (by then the adopted plan) and if not whether an exception to the provisions of the development plan is warranted by other material considerations as listed in Paras 28-30 of the Reporters' findings.

In summary, the Reporter concluded that mast sharing was not a feasible option; that a credible site search had been undertaken by the applicants; that the impact on residential property would not be so great as to warrant refusal of the application; that the proposal was not to be unacceptably located adjacent to the shopping centre boundary; that the location of the proposal would not threaten public safety because of its location; that no weight could be attached to the objections which expressed concern about health; that the proposal complies with the advice in PAN 62 concerning location and design; and that the proposals did not conflict with the Council's non statutory guidance on telecommunications developments.

Accordingly, the appeal was **UPHELD** with conditions relating to the removal of the equipment when obsolete or redundant.

A claim for expenses by the appellants was rejected by the Reporter.

- (b) 47 ALBERT ROAD, BROUGHTY FERRY, DUNDEE - ERECTION OF DWELLINGHOUSE

Reference is made to Article 1(c) of the minute of meeting of this Committee of 25th April, 2005, wherein the above proposal was refused planning permission because it considered that the proposals ran contrary to Policies BE4 (B), BE4 (1) and ENV12 of the Dundee Local Plan 1998; and Policies 4, 15 and 72 of the Finalised Dundee Local Plan Review 2005 (relating to issues of siting, design, access and tree management).

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 30th November, 2005. A copy of the decision letter can be found in the Members' Lounges.

The Reporter considered the determining issues to be whether the proposals contravened the Dundee Local Plan Review (now the adopted plan) and if so whether other material considerations (wildlife impacts and the capacity of the driveway) indicated that exceptionally planning permission should be granted. Also the Reporter wished to assess whether the proposal would preserve the setting of the listed building known as "Taymount".

In summary, the Reporter concluded that the development plan was offended in several respects (design; detrimental effect on the character and appearance of garden ground and landscaped setting). The Reporter did not consider that any of the other material considerations drawn to his attention carried sufficient weight to counteract the non compliance with the development plan.

The Reporter also found that the proposal would impair the setting of "Taymount" when viewed from Claypotts Road.

Accordingly the appeal was **DISMISSED**.

(c) "SEAFIELD HOUSE", 200 PERTH ROAD, DUNDEE - DEMOLITION OF DOUBLE GARAGE AND ERECTION OF TWO RESIDENTIAL APARTMENTS

Reference is made to Article 1(4) of the minute of the Development Quality Committee of 6th December, 2004, wherein the above proposal was refused planning permission because the Council considered that the proposals did not comply with Policies H10, BE11 of the Dundee Local Plan 1998 and Policies 4, 55 and 61 of the Dundee Local Plan Review 2005 (design of new housing and developments in conservation areas).

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 November, 2005. A copy of the decision letter can be found in the Members' Lounges.

The Reporter considered the determining issues to be whether the proposals would preserve or enhance the character or appearance of the conservation area; accord with the provisions of the development plan and if not whether exceptional approval is merited by other material considerations.

In summary, the Reporter concluded that he did not agree with the Council that the location of the proposal at the heel of the footway on Perth Road would be out of character with the rest of the conservation area; development of the design proposed on this untidy and restrictive gap site would "represent a notable improvement to the street scene"; the proposal was of acceptable design quality and in keeping with the neighbouring developments along Perth Road and would preserve and enhance the character and appearance of the conservation area.

These conclusions were reached despite the development not meeting the 18 metre window to window relationship with properties opposite and that the windows in an adjacent block of flats would be only 4 meters from the blank gable end of the proposal and that visitor parking would not meet the Council's criteria.

The Reporter also considered that the Council's concerns about the adequacy of access arrangements could be covered by condition.

Overall the Reporter found that the proposal accorded with the provisions of the development plan "to an acceptable degree" and that no other material considerations carried sufficient weight to justify a decision of refusal.

Accordingly, the appeal was **UPHELD** with conditions relating to the submission of materials samples and the resolution of site access issues (the achievement of satisfactory sight lines).