

5 AMENITY NOTICE APPEAL DECISION - LAND AT 437A KING STREET, BROUGHTY FERRY, DUNDEE (AN233-2002)

Under powers delegated to the Director of Planning and Transportation, an Amenity Notice, in terms of Section 179 of the Town and Country Planning (Scotland) Act 1997 was served on the owner of the land at the junction of King Street and New Road, Broughty Ferry requiring that, within 28 days of the Notice taking effect, certain specified works be undertaken to the building on the site in view of the neglected condition of the land (taken to include the building).

The decision was appealed by the applicant under the provisions of Section 180 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 12th August, 2002. A copy of the decision letter can be found in the Members' Lounges.

In considering the grounds of appeal lodged by the appellant, the Reporter considered that the determining issues were whether the condition of the building adversely affected the amenity of the area in the context of the site's location within a conservation area. He found that the external appearance of the building was unacceptable in a conservation area and that the amenity of the area was adversely affected (at October/November, 2001). There was no evidence to indicate that there was a continuing lawful use of the building. It was determined that the building was unused and vacant. The Reporter considered that the required works (timber replacement and repainting) were reasonable and that the length of time prescribed by the Council for their undertaking (28 days) to be reasonable.

The Reporter **DISMISSED** the appeal and upheld the terms of the Amenity Notice subject to the building being repainted in either white or grey.

Members are asked to note that the required works had been completed prior to the appeal site visit and therefore the Amenity Notice has already been complied with.