

4 PLANNING APPEAL DECISIONS (AN330-2004)

(a) BARNETTS MAZDA GARAGE, 72-76 MONIFIETH ROAD, BROUGHTY FERRY, DUNDEE - APPLICATION FOR PLANNING PERMISSION FOR THE ERECTION OF 24 APARTMENTS

Reference is made to Article VII(a) of the minute of meeting of the Development Quality Committee of 1st July 2003 wherein the above proposal was refused planning permission. The Council considered that the development contravened policies in both the Adopted and Finalised Local Plan in relation to design, housing type and mix, privacy and parking and that it would not enhance the character of the Reres Hill Conservation Area.

This decision was appealed by the applicant. The Appeal was determined by written representations and the decision was received by the Council on 15th April, 2004. A copy of the decision letter can be found in the Members' Lounges.

The Reporter had considered that the determining issues were whether the development would preserve or enhance the character or appearance of the Conservation Area and whether it was consistent with the provisions of the Adopted Local Plan. The Reporter concluded that there was too little about the development which would tie it into its existing surroundings, including the Conservation Area; that the access and parking arrangements were not satisfactory; that the development would not preserve or enhance the character or appearance of the Conservation Area and that there was no justification for a departure from the policies of the Adopted Local Plan.

Accordingly, the Appeal was **DISMISSED**.

(b) 39 NAVARRE STREET, BROUGHTY FERRY, DUNDEE - APPLICATION FOR ERECTION OF TWO DORMERS ON THE NORTH ELEVATION

This application was refused by the Council under delegated powers on 28th October, 2003 on the basis that the dormers would have a detrimental impact on the house and the surrounding area due to their dominant appearance contrary to Policy H4 of the Adopted Local Plan and Policies 14 and 55 of the Finalised Dundee Local Plan Review.

The decision was appealed by the Appellant and the Appeal was determined by written representations. The decision was received by the Council on 26th April, 2004. A copy of the decision letter can be found in the Members' Lounges.

The Reporter considered that the determining issues were whether the proposal was consistent with Policy H4 of the Adopted Local Plan and if not whether there were any exceptions justified by other material considerations. He concluded that the installation of the proposed dormers would result in a prominent alteration to the property which would significantly alter its character and that the visibility of the dormers from the public street would heighten their impact on the integrity and appearance of the dwellinghouse and would appear visually incongruous as a result. He therefore concluded that the development would contravene Policy H4 of the Adopted Local Plan and Policies 15 and 55 of the Finalised Dundee Local Plan Review.

Accordingly, the Appeal was **DISMISSED**.

(c) 91 QUEEN STREET, BROUGHTY FERRY, DUNDEE - OUTLINE CONSENT FOR THE ERECTION OF A SINGLE STOREY BUNGALOW WITH INTEGRATED GARAGE

Reference is made to Article VI(e) of the minute of meeting of the Development Quality Committee of 25th August, 2003, wherein the above proposal was refused planning permission. The Council considered that the proposed development, by reason of the lack of detail submitted, contravened Policy BE11 of the Adopted Local Plan and Government advice as contained in NPPG18 and the Memorandum of Guidance and Listed Buildings in Conservation Areas. It also considered that the development, by reason of the departure from the prevailing pattern of development and the inappropriate choice of finishing materials would have an adverse effect on the Grove Conservation Area and a setting of the listed building at Brae Cottage contrary to policies of both the Adopted and Finalised Local Plans.

The decision was appealed and the Appeal was determined by written representations. The decision was received by the Council on 9 June, 2004.

The Reporter considered that the determining issues were whether the development accorded with the provisions of the development plan, whether it would have an adverse impact on the Listed Building, whether it would preserve or enhance the character or appearance of the Conservation Area and whether there were any material considerations that would justify the approval of the development.

He concluded that the development would have an adverse impact upon the Conservation Area contrary to Policy B11 of the Adopted Local Plan, that it would significantly and irreplaceably affect the setting of the listed building at Brae Cottage and that it would fail to preserve or enhance the character or appearance of the Conservation Area. He considered that there were no material considerations which would justify the approval of the proposed development.

Accordingly, the Appeal was **DISMISSED**.

(d) LAND NORTH OF 16A GREENDYKES ROAD, DUNDEE - CHANGE OF USE FROM OPEN SPACE TO PARKING BAYS

Reference is made to Article 1(4) of the minute of meeting of this Committee of 26th January, 2004 wherein the above proposal was refused planning permission because the Council considered that the proposed development was contrary to Policy H1 of the Adopted Dundee Local Plan 1998 and Policy 1 of the Finalised Dundee Local Plan Review as it would detract from the existing environmental quality enjoyed by residents and have an adverse effect on traffic safety.

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 29th July, 2004. A copy of the decision letter can be found in the Members' Lounges.

The Reporter considered the determining issues to be whether the proposals were consistent with the development plan and if so whether exceptionally other material considerations justified the refusal of planning permission.

In summary the Reporter concluded, in relation to the development plan that it would be unlikely that the proposal would be detrimental to visual amenity to the extent that would be significant. Accordingly, he considered that whilst the proposal was not "supported specifically" by Policy H1, it was not contrary to it either.

Turning to other material considerations the Reporter commented on the Finalised Draft Plan (FDLPR) as follows. "The FDLPR has only just been to public inquiry, and is therefore some way from adoption, and I can therefore only give it moderate weight in my determination of the appeal". Road safety considerations are given significant weight and concluded that given local circumstances any potential impact on road safety "would not be at a level that would be significant".

Accordingly, the Reporter found that material considerations did not justify the refusal of planning permission for a development which was not contrary to the development plan.

The appeal was **UPHELD** with the standard condition imposed by Section 59 of the Act and a condition relating to the submission of details of surface finishes.