

3 APPEAL DECISIONS (AN357-2004)

(a) LAND AT CORNER OF LOONS ROAD/LAWSIDE ROAD, DUNDEE - ERECTION OF TWELVE HOUSES

Reference is made to Article viii(b) of the minute of meeting of this Committee of 29th September 2003 wherein the above proposal was refused planning permission because the Council considered that the proposal was contrary to Policy H1 of the adopted Dundee Local Plan 1998 and Policy 1 of the Finalised Draft Local Plan 2003 (environmental quality due to road layout and traffic movements); and to PAN67 Housing Quality in terms of the provision of a safe and secure local environment.

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 1st August 2004. A copy of the decision letter can be found in the Members' Lounges.

The Reporter considered the determining issues to be:

- (a) whether the proposal would accord with the relevant policies of the structure plan and local plan; and
- (b) if not, whether there are any other material considerations which would justify refusing to grant planning permission.

In summary, the Reporter concluded that the proposals whilst according with the structure plan and the principle of residential development accorded with the adopted development plan, the particular layout involved would be contrary to the requirements of Policies H1, H10 and BE1 of the plan. Turning to other material considerations the Reporter found that those of the draft local plan review mirrored those of the adopted plan and that neither PAN67 nor the Council's residential development guide supported the approval of the proposed layout.

Accordingly, the appeal was **DISMISSED**.

(b) 334-346 PERTH ROAD - CONVERSION OF FORMER STUDENT RESIDENCE AND COTTAGE TO FORM FIVE TOWNHOUSES AND ONE APARTMENT, ERECTION OF TWO PENTHOUSES AND ERECTION OF FOUR TOWNHOUSES

Reference is made to Article I(j) of the minute of meeting of this Committee of 23rd February 2004 wherein the above proposal was refused planning permission because the Committee considered that the proposal was contrary to the adopted Dundee Local Plan 1998 (Policy H10: Design of new housing; Policy BE11 : Development in Conservation Areas; and Policy H1: Residential amenity issues); and to the Finalised Dundee Local Plan 2003 (Policy 61: Development 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 public inquiry held on 16th and 17th March 2004 and the decision was received by the Council on 23rd June 2004. A copy of the decision letter can be found in the Members' Lounges.

The Reporter considered the determining issues to be as follows:

- (a) whether the proposals would have an adverse affect on the setting of the listed McCheyne Church;
- (b) whether the proposals would preserve or enhance the character of appearance of the West End Lanes Conservation Area;
- (c) whether the proposals would be consistent with the relevant provisions of the development plan and government guidance; and

(d) whether other material considerations would justify refusing or approving planning permission.

In summary, the Reporter concluded that the principle of conversion to residential use of the former student accommodation, to secure its repair and future, would accord with Government advice; that the character and appearance of the conservation area would be preserved and enhanced by the developments proposed; that the proposals accorded with Policies BE1 and BE11 of the DLP and Policy 61 of the FDLP and would not result in a significant loss of local amenity in terms of Policy H1 and H10 of the DLP and Policy H4 of the FDLP. The proposals were considered to comply with Government policy and with the Council's Urban Design Standards.

Accordingly the appeal was **UPHELD with a variety of conditions.**