

### **3 APPEAL DECISION, 34 MONIFIETH ROAD, BROUGHTY FERRY (AN366-2003)**

Reference is made to Article VIII of the minute of meeting of this Committee of 26th August, 2002 wherein the above proposal was refused planning permission for alterations and extension because the Committee considered that the proposal would be contrary to Policy H4 of the Dundee Local Plan 1998 as there would be unacceptable loss of daylight and overshadowing for neighbouring residents to the east.

The decision was appealed by the applicant under the provisions of Section 47 and Schedule 4 of the Town & Country Planning (Scotland) Act 1997.

The appeal was determined by written representations and the decision was received by the Council on 8th July, 2003. A copy of the decision letter can be found in the Members' Lounge.

The Reporter considered the determining issues to be whether the proposal would accord with the relevant provisions of the adopted Local Plan and if not, whether an exception to those provisions was justified by other material considerations.

In summary the Reporter concluded that:

- (a) the proposal accorded with Policy BE4(A) of the Local Plan (design and use of materials);
- (b) the proposal would not result in the unacceptable loss of sunlight and daylight to the adjoining garden or property to the east taking account of the level of existing overshadowing. Other criteria in the policy being satisfied, the proposal did not breach the terms of Policy H4 of the Local Plan (design, use of materials, sunlight, daylight, privacy and loss of garden ground);
- (c) turning to other material considerations, the proposal would not contravene Policy 14 of the finalised Local Plan review (similar to Policy H4);
- (d) the east wall of the extension (4.4m high, 6.8m long and surmounted by a roof slope of 6m) would present a seriously overbearing aspect from the conservatory and from the area of garden adjacent to the house which are likely to have significant amenity value for the occupiers of the adjacent property; and
- (e) the Appellants' reasons for wishing to have additional accommodation were of insufficient weight to counterbalance the finding that planning permission should be refused.

Accordingly, the appeal was DISMISSED.