

4 APPEAL DECISIONS (AN72-2013)

(a) 6 Bath Street, Broughty Ferry, Dundee Retrospective Extension of Cellar (Ref: 12/00633/FULL)

Reference is made to Article II(a) of the minute of meeting of this Committee of 17th December, 2012, wherein the above proposal was refused planning permission contrary to the Director's recommendation because the Council considered that:

"By virtue of design and finish, the extension adversely impacts on the setting of the C Listed Building and the character of the surrounding Broughty Ferry Conservation Area. The proposals are therefore contrary to the requirements of Policies 60 (Alterations to Listed Buildings) and 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005. There are no material considerations that would justify approval of planning permission in this instance.

The decision was appealed by the applicant, the appeal was determined by written representations and the decision was received by the Council on 29th April, 2013. Copies of the Reporter's decision letter have already been circulated to Members by e-mail.

The Reporter **ALLOWED** the appeal and granted planning permission.

In reaching his decision the Reporter considered that the determining issues were whether the extension would accord with Policies 60 and 61 of the adopted Local Plan by having regard to the preservation or enhancement of the architectural or historic character of the Listed Building and the preservation or enhancement of the Conservation Area and, if not, whether there were material considerations that would justify any exception to these policies.

He concluded that the extension, although not attractive, was a small plain low key addition that was subordinate to the cottage and respected the character and setting of the Listed Building and Conservation Area. He also considered that the existing simple wooden fence and gate complemented the cottage and was similar to other fences in the area.

He concluded that the design and finishing material of the extension blended in well in its setting adjoining the gable wall of the cottage and would not detract from its integrity and historic interest and that good screening was provided by the fence and gates. He also concluded that the extension preserved and enhanced the character of the Conservation Area.

He suggested that an extension of this type would not be appropriate in a more conspicuous location or as an extension to a Listed Building with a more formal character but that it was satisfactory in this particular setting.

(b) 6 Bath Street, Broughty Ferry, Dundee Retrospective Extension of Cellar (Ref: 12/00634/LBC)

Reference is made to Article II(b) of the minute of meeting of this Committee of 17th December, 2012, wherein the above proposal was refused Listed Building Consent contrary to the Director's recommendation because the Council considered that:

"By virtue of design and finish, the extension adversely impacts on the setting of the C Listed Building. The proposals are therefore contrary to the requirements of Policies 60 (Alterations to Listed Buildings) of the Dundee Local Plan Review 2005. There are no material considerations that would justify approval of Listed Building Consent in this instance."

The decision was appealed by the applicant, the appeal was determined by written representations and the decision was received by the Council on 29th April, 2013. Copies of the Reporter's decision letter has already been circulated to Members by e-mail.

The Reporter **ALLOWED** the appeal and granted Listed Building Consent.

In reaching his decision the Reporter considered that the determining issue was whether the extension would have an adverse effect on the character of the Listed Building in the context of S14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

He concluded that the extension, although not attractive, was a small plain low key addition that was subordinate to the cottage and respected the character and setting of the Listed Building and Conservation Area. He also considered that the existing simple wooden fence and gate complemented the cottage and was similar to other fences in the area.

He concluded that the design and finishing material of the extension blended in well in its setting, adjoining the gable wall of the cottage and would not detract from its integrity and historic interest and that good screening was provided by the fence and gates. He also concluded that the extension preserved and enhanced the character of the conservation area.

He suggested that an extension of this type would not be appropriate in a more conspicuous location or as an extension to a Listed Building with a more formal character but that it was satisfactory in this particular setting.