

**KEY INFORMATION**

Ward Balgillo

**Proposal**

Retrospective permission for dismantling, moving and re-erection of rear garden fence to eastern edge of property

**Address**

38 Coldstream Drive  
Dundee  
DD4 0TJ

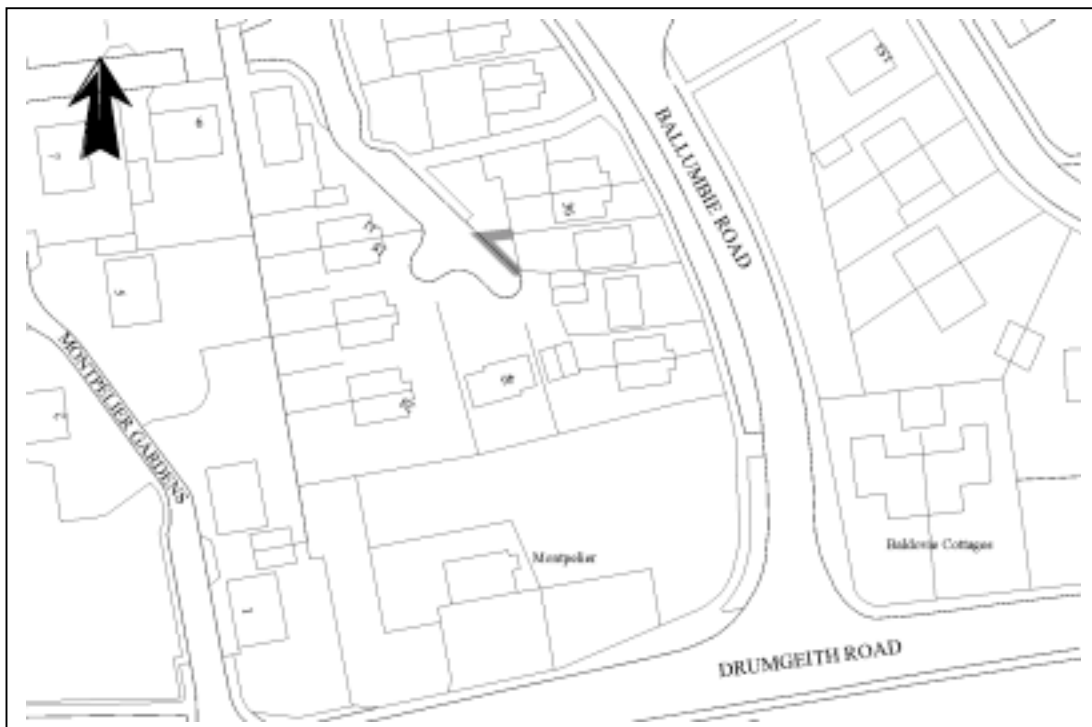
**Applicant**

Heather Baxter Brown  
38 Coldstream Drive  
Dundee  
DD4 0TJ

**Agent**

Registered 29 July 2002

Case Officer C Walker



## Consent Sought for Existing Fence at Coldstream Drive

Retrospective permission for dismantling, moving and re-erection of rear garden fence to western edge of property is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

**The fence will not adversely impact on the amenities enjoyed by neighbours to such an extent as to justify a refusal of the application. The application is therefore recommended for APPROVAL.**

**SUMMARY OF REPORT**

- Planning permission is sought to retain a 1.5 metres high fence enclosing garden ground attached to this dwelling. It replaces an older fence set further back within the garden area which has since been removed and has the effect of enlarging the garden area.
- Coldstream Drive is an adopted road but the public footway ends to the north of the application site and the road/turning head adjacent to the site does not have any footways.
- In the adopted Dundee Local Plan 1998 the site is allocated as falling within an existing residential area where Policy H1 seek to protect residential amenity. Policy H4 sets out criteria for alterations and extensions to houses.
- A letter of objection was received from the occupier of the house to the south who claims that the fence is too close to the kerb making access to and from vehicles parking at this location impossible.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to retain a 1.5 metres high fence enclosing garden ground attached to this dwelling. The fence is a slatted timber fence painted green and is linked to similar fencing around the property. It replaces an older fence set further back within the garden area which has since been removed and has the effect of enlarging the garden area.

## SITE DESCRIPTION

The site comprises a detached 2 storey house and its garden ground at 38 Coldstream Drive. Although the front elevation faces east to Ballumbie Road, access is from Coldstream Drive to the west. The pair of semi detached houses to the north and the detached house to the south have a similar relationship to these roads. There is a pair of garages immediately to the south of the house, one of which belongs to the applicant and the other to the adjoining house to the south.

The houses on the east side of Coldstream Drive have gardens which are set back behind the road leaving small areas of ground which are either grassed or serve as driveways and small parking areas. This is the situation with the house immediately to the north at 36 Coldstream Drive.

Coldstream Drive is an adopted road but the public footway ends to the north of the application site and the road/turning head adjacent to the site does not have any footways.

## POLICY BACKGROUND

In the adopted Dundee Local Plan 1998 the site is allocated as falling within an existing residential area where Policy H1 seek to protect residential amenity. Policy H4 sets out criteria for alterations and extensions to houses.

## LOCAL AGENDA 21

The Council's Local Agenda 21 Policies are not directly relevant to the determination of this application.

## SITE HISTORY

Planning permission was granted for this housing development in 1987 - application ref no D12135 refers

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and a letter of objection was received from the occupier of the house to the south (copy available for inspection in the Members Lounges). The objector claims that the fence is too close to the kerb making access to and from vehicles impossible. This ground of objection is considered in the Observations section of this Report.



## CONSULTATIONS

No adverse comment on the development has been received from Statutory Consultees.

## OBSERVATIONS

The determining issue for the Committee in this instance is whether the erection of this fence has an adverse impact on the amenities of the adjoining occupiers to such an extent as to warrant a refusal of the development, taking into account Policies H1 and H4 of the Local Plan.

The fence is typical of garden fences and is of an attractive design. Although it is on a roadside boundary, this is effectively the private rear garden of the house where more substantial boundary enclosures are expected.

The neighbours difficulty appears to be that they cannot park beside the applicant's property any more because the fence prevents them from getting out of the car. However they have

other opportunities to park their car including their own garage beside their house. Whilst it is accepted that parking is tight in this location, a lower fence of 1 metre in height would be similarly restrictive but would not require planning permission. It is not considered that the fact that the fence makes it inconvenient for neighbours to park on the street is sufficient to justify refusal of this application.

It appears unlikely that there are services at this location adjacent to the roadway. The applicant states that there is no reference to a service strip in her title deeds. However a decision to approve this application does not in any way authorise an encroachment onto any service strip and information to this effect will be conveyed to the applicant.

## Design

The fence is typical of garden fences and is of an attractive design.

## CONCLUSION

The fence will not adversely impact on the amenities enjoyed by neighbours to such an extent as to justify a refusal of the application.

## RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following condition:

- 1 the development hereby permitted shall be commenced within five years from the date of this permission

## Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997