

KEY INFORMATION**Ward** West Ferry**Proposal**

Erection of a new conservatory to the south elevation

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Proposed Conservatory Extension to House in Dundee Road

The erection of a new conservatory to the south elevation is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

Subject to the imposition of a condition lowering the finished floor level, the proposed extension will satisfy the requirements of Policy H4 of the adopted Local Plan and will not adversely impact on the amenities enjoyed by the occupiers of neighbouring houses. Recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought to erect a conservatory extension on the south facing elevation of this detached bungalow.
- Policy H4 of the adopted Dundee Local Plan 1998 sets out guidelines for alterations and extensions to houses.
- 2 letters of objection were received from adjoining occupiers claiming that the conservatory will overlook their properties and 1 of the objectors states that the extension will not be in keeping with the character of the surrounding conservation area.
- The design of the proposed extension is satisfactory and will have no impact whatsoever on the wider conservation area. Any potential overlooking is diminished by the distance to the nearest houses, the presence of the hedge, garage and screen fence and the fact that it is a bedroom window on one house and a kitchen window on the other that are affected (as opposed to principal living room windows).
- This application was deferred by the Council's Development Quality Committee on 2/12/02 to see if additional screening would be of benefit. The applicant and both objectors were written to and whilst the applicant was willing to provide additional screening, both objectors were opposed to screening.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a conservatory extension on the south facing elevation of this detached bungalow. The proposed extension measures 3.8 by 4 metres (15 sq. metres). Proposed finishing materials are facing brick walls to match the house and brown upvc framing. The plans as submitted propose to extend the conservatory at the same finished floor level as the house which is about 0.4 metres above existing ground level.

The Councils Development Quality Committee first considered this application on 2/12/02. The application was deferred at the behest of the Local Member who was concerned about overlooking and wished to investigate whether additional screening would be of benefit. The applicant and both objectors were written to and whilst the applicant was willing to provide additional screening, both objectors were opposed to screening.

SITE DESCRIPTION

The site comprises a modern detached bungalow and its garden ground at 85 Dundee Road. The original stone villa has been subdivided into flats and 5 new dwellings have been built in its former garden ground. The house immediately to the south west is a one and a half storey dwelling and to the south east is a bungalow, both constructed of similar finishing materials as the house on the application site.

There are small areas of garden ground around the house and the garden to the south, where it is proposed to erect the conservatory, is enclosed by a conifer hedge. However it is possible to see over this hedge into the bedroom window of the house to the south east and the distance between the 2 houses is some 17 metres (and 13 metres from the proposed conservatory to the bedroom window affected). There is a more oblique view of the kitchen window on the house to the south west. Although the distance is even closer at 12 metres (9 from the proposed conservatory), that dwelling is partially screened by a detached

garage and a high section of timber fencing.

POLICY BACKGROUND

Policy H4 of the adopted Dundee Local Plan 1998 sets out guidelines for alterations and extensions to houses. It states that proposals will normally be approved provided the appearance of the house and surrounding area is not adversely affected. It also states that approval is unlikely to be granted where the siting and scale of the extension significantly affects the degree of sunlight/daylight and/or privacy enjoyed by the occupants of adjoining property; where the materials, style and form are alien to the existing building; and where more than 50% of the original garden ground would be lost and off street parking provision reduced.

The site is in the West Ferry Conservation Area and Policy BE11 of the Plan states that within conservation areas all development proposals will be expected to complement and enhance the character and appearance of the surrounding area.



LOCAL AGENDA 21

The Council's Agenda 21 Policies are not directly relevant to the consideration of this application. **SITE HISTORY**

In August 2001 planning permission was granted to erect a similar conservatory on the east elevation of this house - application ref. no. 01/30060/FUL. This consent has not been implemented and is still valid. However the applicant has stated that he does not intend to implement it and rather wishes to proceed with a conservatory on the southern elevation.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 2 letters of objection were received from the occupiers of houses to the south west and south east of the site (copies available for inspection in the Members' Lounges).

Both objectors claim that the conservatory will overlook their properties and one of the objectors states that the extension will not be in keeping with the character of the surrounding conservation area. Both also mention that there are title deed restrictions preventing the extension of this property but this matter cannot be taken into account in the determination of this planning application.

The matters of overlooking and the appearance of the extension are considered in the Observations Section of this Report

CONSULTATIONS

No adverse comment on the development was received from Statutory Consultees.

OBSERVATIONS

The determining issue for the Committee is whether the design, scale and siting of the proposed extension are satisfactory taking into account the guidelines set out in Policy H4 of the Plan, Policy BE11 of the Plan and the comments of the objectors.

The proposed extension is not particularly large and is designed to match this modern house. It is reasonably well secluded within the application site and is surrounded by modern houses. It is considered that not only is the design of the extension satisfactory but also that it will have no impact whatsoever on the wider conservation area.

In terms of Policy H4 and the concerns of objectors about overlooking, it is accepted that due to the difference in ground level, there will be the potential for overlooking from the proposed conservatory. It could be possible for the applicants to increase the height of the conifer hedge but this is a matter that is difficult to monitor and control and there is always the danger that the hedge may die back in the future. The degree of overlooking is diminished by

the distance to the nearest houses, the presence of the hedge, garage and screen fence and the fact that it is a bedroom window on one house and a kitchen window on the other that are affected (as opposed to principal living room windows). The windows on the house to the south west are partially screened by the garage and timber fence and views from the proposed conservatory will be at a more oblique angle. In addition there must already be a degree of overlooking between the kitchen windows on both houses. Although the extension is closer to this house, it is not considered that the impact of the proposed conservatory on the occupiers of that house will be such as to justify a refusal of planning permission.

The impact on the house to the south east will be greater because views are more direct and the impact of screening is less. However regard should be had to the fact that it is a bedroom window that is affected and the distance involved is some 13 metres. It is felt that the imposition of a planning condition reducing the finished floor level of the extension to existing ground levels coupled with the retention of the conifer hedge to a height of 1.6 metres will maintain a sufficient degree of privacy to satisfy the requirements of Policy H4.

The Councils Development Quality Committee first considered this application on 2/12/02. The application was deferred at the behest of the Local Member who was concerned about overlooking and wished to investigate whether additional screening would be of benefit. The applicant and both objectors were written to and whilst the applicant was willing to provide additional screening, both objectors were opposed to screening. The objectors consider that their views and amenity would be adversely affected by screening and wish to maintain their original objections to the proposed development. It would appear that the objectors do not wish any form of development to take place on the application site. It is important to bear in mind that the proposed conservatory is small in scale and of a size that would normally be permitted development were this not a conservation area. Any overlooking will be minor taking into account the lowering of

the finished floor level of the proposed extension, the presence of the screen hedge and the fact that the principal south facing windows on the objectors dwellings will not be affected. The objectors oppose any additional screening (either through an increase in height of the hedge or a timber fence) although the hedge could be grown to a much greater height without any form of consent being necessary. It is therefore considered that the initial recommendation of approval of this application should not be altered.

The proposed extension fully complies with all the other requirements of Policy H4.

Design

The design of the proposed extension is satisfactory and will have no impact whatsoever on the wider conservation area.

CONCLUSION

Subject to the imposition of a condition lowering the finished floor level, the proposed extension will satisfy the requirements of Policy H4 of the adopted Local Plan and will not adversely impact on the amenities enjoyed by the occupiers of neighbouring houses. The application is therefore recommended for APPROVAL with conditions.

RECOMMENDATION

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

- 1 the development hereby permitted shall be commenced within five years from the date of this permission
- 2 the finished floor level of the proposed conservatory shall be lowered by 0.4 metres below the level indicated on the submitted drawings and details of this amendment shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details
- 3 the existing hedge shall be retained and shall not be cut down, grubbed out or otherwise

removed or topped or lopped so that the height of the hedge falls below 1.6 m at any point without the written consent of the City Council. Any hedge removed without consent or severely damaged shall be replaced with trees and shrubs of such size and species as may be directed by the City Council. Any hedge dying or becoming seriously diseased within five years from the completion of development shall be replaced with hedging, trees or shrubs of such size and species as may be approved by the City Council.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 to protect the privacy of the occupiers of the dwellings to the south east and south west of the site
- 3 to protect the privacy of the occupiers of the dwellings to the south east and south west of the site