

KEY INFORMATION

Ward Ninewells

Proposal

Retrospective consent for new conservatory

Address

9 Millbay Gardens
Dundee
DD2 5JR

Applicant

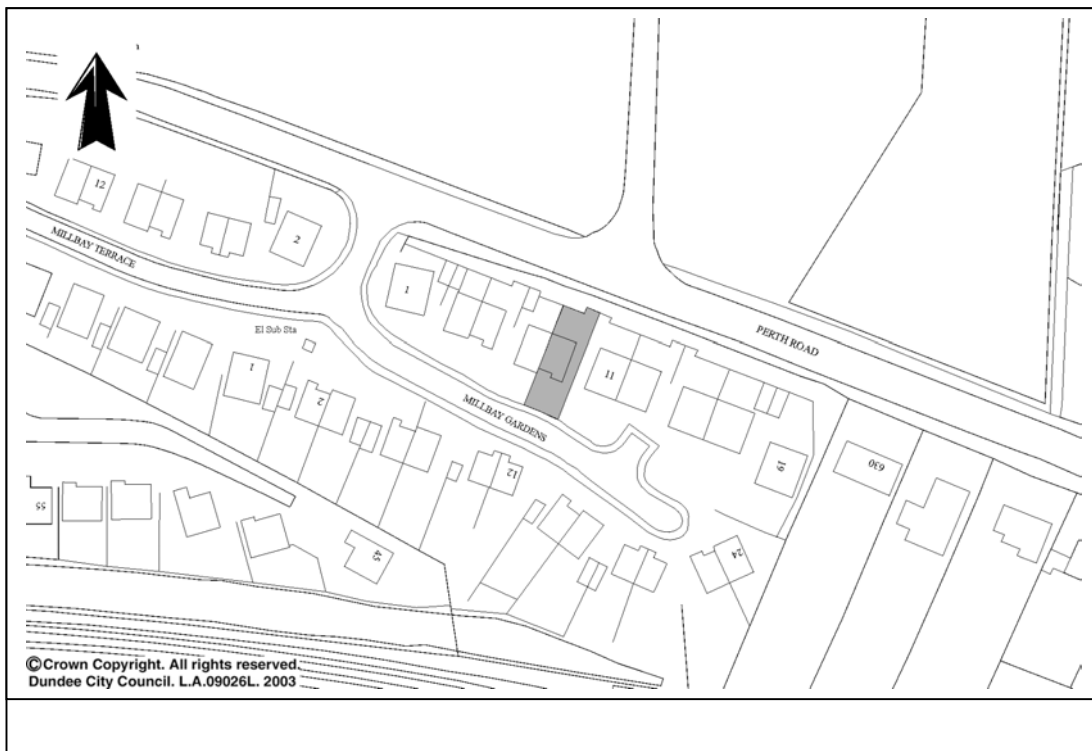
Mr and Mrs Gourlay
9 Millbay Gardens
Dundee
DD2 5JR

Agent

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Unit 4 Business Park
Perth Airport
Perth PH2 6PL

Registered 11 Sep 2003

Case Officer R Anderson



Retrospective consent for a new conservatory is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The conservatory does not present an unacceptable structure which impacts negatively on neighbouring properties and conforms to the terms of the Development Plan. **APPROVAL** of the application is recommended.

SUMMARY OF REPORT

- An application has been received in retrospect for the erection of a 17m² pitched roof conservatory to the rear of the above property.
- It is to be finished in UPVC and polycarbonate with a facing brick dwarf wall. The western wall requires to be a solid firewall for building Regulations purposes.
- Two letters of objection have been received regarding the application. The main issues arising relate to impact on privacy and light and being built too close to a boundary.
- It is considered that although the conservatory is substantial in relation to the garden and the neighbouring properties the impact it has is acceptable. Accordingly it is considered in line with development plan policy and approval is recommended

DESCRIPTION OF PROPOSAL

Retrospective full planning permission is sought for the erection of a conservatory to the rear(north) of the above dwellinghouse. The pitched roof conservatory, measuring some 17m² in area is located only some .5m from the neighbouring boundary is UPVC framed with a polycarbonate roof and a solid firewall on its western boundary. Finished in a dry dash render, a small dwarf brick wall forms the base of the structure.

SITE DESCRIPTION

The site is located on the north side of Millbay Gardens some 75m from its junction with Perth Road. The house in question is semi detached and finished in a combination of dry render, facing brick and concrete roof tiles. Surrounded on three sides by similar residential properties, large banking lies to the rear of the property with landscaping and Perth Road beyond. The height of the banking is at least 3m.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 1998

The following policies are of relevance:

H4 - Protection of Amenity.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application.

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 14 - Alterations and Extensions to Houses.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

LOCAL AGENDA 21

Key theme 12 indicates that opportunities for culture, leisure and recreation are readily available to all.

SITE HISTORY

There is no site history of relevance on this site.

PUBLIC PARTICIPATION

Two letters of objection have been received. The main issues arising are:

- impact on neighbouring privacy; and
- deprivation of light.

It does not conform to the plans as the conservatory is nearer than shown on the plans.

These points will be answered in greater detail in the Observations section of this report.

CONSULTATIONS

No adverse comments have been received regarding the application.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- whether the proposals are consistent with the provisions of the development plan; and if not
- whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

H4 - Protection of Amenity:

It is clear that the conservatory, at 17m² is a substantial addition to a semi detached house of this size. There is no doubt that it has an impact on the neighbouring properties - especially to the west. However it has to be assessed whether this impact is reasonable given the tight residential nature of the properties. The rear gardens of the houses on the north side of Millbay Gardens are bounded by the houses to the south and high banking to the north. They are fairly enclosed at present. It is reasonable to assume that the gardens do not receive much if any direct sunlight as even when the sun is in the western sky it is lower on the horizon and, as already stated, the houses are at a much lower level than the Perth Road to the north and West. Deprivation of light is a notoriously difficult issue to prove one way or the other. However as the gardens are fairly well bounded at present and as there is little if any direct sunlight shining onto the gardens it is unlikely that the conservatory will act as a major source of light deprivation if at all. On this basis it is considered that the development does not present an unacceptable mass, which impacts on the light enjoyed by the neighbouring properties.

In terms of privacy it is clear that as the wall of the conservatory to the west is solid there is no privacy implications or overlooking of this property. With regard to the glazed side (east), this is located only some

4m from the neighbouring boundary and at present there is no boundary between the properties. It is reasonable to assume that with full glazing of the size developed some kind of boundary treatment to ensure that the neighbouring property is not overlooked should be installed. It is not uncommon in a residential development such as this that rear boundaries would be high fences and a condition should be attached to any planning permission to ensure that some boundary treatment is realised.

In terms of the remaining criteria of the policy the conservatory does not take up more than 50% of useable garden ground or result in the loss of off street parking spaces.

It is concluded that although the conservatory does have an impact on neighbouring properties due to its mass and scale (and in no small measure to the size of the original houses) this impact is unavoidable with almost any extension to any of the houses in this development. However taking into account all of the constraints of the site it is considered that the impact of the conservatory on neighbouring properties is acceptable to maintain a reasonable degree of residential amenity. In this respect it conforms to policy H4.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

Finalised Local Plan Review

Policy H14 - Alterations and Extensions - similar considerations are given to this policy as to H4 above.

The points raised by the objectors:

The first two points regarding privacy/impact and sunlight have been answered previously. The point about the plans being drawn incorrectly is a valid one. However the discrepancy of some 20cm is not significant in terms of the land use considerations of the development.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify refusal of planning permission contrary to the provisions

of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The design of the conservatory although as already mentioned fairly substantial is built in materials which are typical of these domestic structures. The firewall on the eastern boundary is required for Building Regulations purposes. The whole structure is not seen from public areas and in this respect the design in terms of visual appearance is not significant.

CONCLUSION

It is concluded that the conservatory does not constitute unacceptable development in terms of neighbouring amenity and conforms to the policies of the development plan. There are no material considerations, which warrant a refusal of the application. Accordingly approval is recommended

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 That the eastern boundary be augmented by an appropriate boundary treatment. The details of the boundary treatment and the timing of its implementation shall be agreed in writing with the planning authority within three months of the date of this consent.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure a suitable level of amenity and privacy is enjoyed by the neighbouring property and the impact of the conservatory is minimised