

**KEY INFORMATION**

**Ward** Broughty Ferry

**Proposal**

Erection of retaining garden wall

**Address**

2A Bughties Road  
Broughty Ferry  
Dundee  
DD5 2LW

**Applicant**

Mr J Milne  
12A Bughties Road  
Broughty Ferry  
DUNDEE  
DD5 2LW

**Agent**

James Paul Associates  
4 Brook Street  
Broughty Ferry  
DUNDEE DD5 1DP

**Registered** 24 Sept 2003

**Case Officer** G Reid



## Consent sought for Garden Wall in Bughties Road

The Erection of a retaining garden wall is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed retaining wall is not considered to be in accordance with the policies of the development plan.

The application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of a retaining wall at 12A Bughties Road, Broughty Ferry.
- The applicant had already erected the majority of the retaining wall prior to the submission of the planning application.
- The proposed retaining wall raises issues for consideration in terms of the Housing Policies of the Dundee Local Plan 1998 and Policy 1 of the Finalised Dundee Local Plan Review.
- Two letters of objection were received from adjoining residents raising issues of concern in terms of overlooking, overshadowing, materials, loss of trees and the adverse impact on the appearance of the area.
- It is considered that the proposed retaining wall would not be in accordance with the Housing Policies of the Dundee Local Plan 1998 and Policy 1 of the Finalised Dundee Local Plan Review. It is also considered that the objections raised by residents are sufficient to warrant refusal of the proposal.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a retaining wall at 12A Bughties Road, Broughty Ferry.

The wall is to be formed at the southern end of the garden of 12A Bughties Road. The new wall is to be 1.43 metres high at the western end and increase in height to 1.87 metres at the eastern end. The wall is to be built on top of an existing wall, which is 350 mm in height. This would result in the total height of the wall being between 1.78 to 2.22 metres. The wall is to be of a concrete block construction.

The applicant has also advised that he intends to erect a post and wire fence of 1.1 metres on top of the wall to act as a safety barrier and landscape the area at the edge of the retaining wall.

The applicant proposes to infill the area behind the wall to extend the garden ground of the property by 1.5 metres southwards.

The applicant had erected the majority of the retaining wall prior to the submission of the planning application.

## SITE DESCRIPTION

The application site is located on the southern side of Bughties Road and is to the east of the junction with Panmure Street. The application property is a modern detached house with integral garage. The house is finished in a white render to the walls and concrete tiles to the roof. There is a sun lounge extension to the south elevation of the house. At the time of visiting the site the work had already started with the majority of the wall erected.

There are residential properties to the east, south and west of the house. The house immediately to the south has both ground floor and first floor windows facing northwards towards the application site. These windows are just over 2 metres from the proposed wall.

## 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:

Housing Policy H1 seeks to resist developments that would adversely affect the environmental quality enjoyed by local residents by virtue of design and layout etc.

Built Environment Policy BE11 seeks to ensure that all proposals both complement and enhance the character of the surrounding area.

### Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application



### Finalised Dundee Local Plan Review

Finalised Dundee Local Plan Review Policy 1: Vibrant and Sustainable Communities is relevant and seeks to ensure that new developments minimise the effect on the environmental quality enjoyed by local residents.

Finalised Dundee Local Plan Review Policy 61 is relevant and seeks to ensure that proposals preserve or enhance the character of the surrounding area.

### 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

Local Agenda Key Theme 15 is of relevance to the consideration of the application and seeks to ensure that diversity and local distinctiveness are valued and protected. It is considered that given the location of the proposed retaining wall it would not detract from the aims of Key Theme 15.

### SITE HISTORY

Planning Application 95/21548/D: Erection of Sun Lounge Extension and Satellite Antenna at 12A Bughties Road, Broughty Ferry, Dundee. Approved on the 13 February 1996.

Planning Application 96/22054/D: Erection of Replacement Garage and Entrance Gates and formation

of Bin Store at 12A Bughties Road, Broughty Ferry, Dundee. Approved on 20 August 1996.

### PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours. Two letters of objection were received to the application. The main grounds of objection were that:

- 1 the appearance of the wall was not in keeping with the character of the surrounding area.
- 2 it would increase the problems of overlooking and overshadowing of the house to the south.
- 3 mature conifer trees have been removed to facilitate the erection of the retaining wall.

- 4 no details of how the wall is to be finished off are provided.

Copies of the letters of objection are available in the Members Lounges and are addressed in the Observation section of this report.

## CONSULTATIONS

No adverse comments were received from any of the statutory consultees.

## OBSERVATIONS

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

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b 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.

Housing Policy H1 seeks to resist developments that would adversely affect the environmental quality enjoyed by local residents by virtue of design and layout etc. The proposed retaining wall would result in the extension of the garden ground by approximately 1.5 metres towards the house to the south at a height of between 1.5 to 2 metres. The previous garden ground was terraced and dropped down in height towards property to the south. The north elevation of the property at 7 Reres Road has windows at both ground floor and first floor level. While these windows are already overlooked from the garden area of the application property the extending of the garden ground at the higher level would increase the level of overlooking to both ground and first floor windows. It is considered that the increased level of overlooking would adversely affect environmental quality of the resident at 7 Reres Road.

Built Environment Policy BE11 seeks to ensure that all proposals both complement and enhance the character of the surrounding area. The proposed retaining wall is on a boundary

between the application property and the house at 7 Reres Road. The wall is to be constructed using concrete block with an untreated finish. The wall immediately to the west is of a natural stone construction as is the wall onto which the proposed wall has been built. While the use of concrete block is not the most appropriate finish the wall is not visible from any public vantage point outwith the site or the garden at 7 Reres Road. Therefore, it is considered that the proposed wall would not detrimentally affect the visual character of the Reres Hill Conservation Area.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

## Other Material Considerations

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

- a Does the proposal comply with Policy 1: Vibrant and Sustainable Communities of the Finalised Dundee Local Plan Review. This policy sets out similar criteria to Housing Policy H1 of the Local Plan 1998. It is considered that for the reasons set out above the proposal would not be acceptable to this policy due to the increase in overlooking of the property to the south.
- b Does the proposal comply with Policy 61 Development in Conservation Areas of the Finalised Dundee Local Plan Review. This policy sets out similar criteria to Built Environment Policy BE11. For the reasons already set out above it is considered that the proposals be acceptable in terms of Policy 61.
- c Two letters of objection were received to the application from the residents to the south and to the east of the site. The main grounds of objection were that:
  - 1) "the appearance of the wall was not in keeping with the character of the surrounding area". The wall is of a concrete block finish it is not visible from outwith the back garden area of the properties. While the wall is not of the most appropriate finishing materials it is not so

poor as to warrant refusal of the application.

2) "That it would increase the problems of overlooking and overshadowing of the house to the south". It is considered that the proposal would increase the level of overlooking of windows in the property to the south. This would have an adverse affect on the environmental quality of property at 7 Reres Road. Given the height of the retaining wall relative to the windows it is considered that it would not result in a significant level of overshadowing.

3) "Mature conifer trees have been removed to facilitate the erection of the retaining wall". There is no evidence of what trees were previously along the boundary. It is therefore not possible to establish whether permission for their removal would have been refused.

4) "No details of how the wall is to be finished off are provided". The finishing materials have been indicated and these are to be the concrete block wall.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to support the refusal of planning permission. It is therefore recommended that planning permission be refused.

## Design

The design of the retaining wall is not of a high quality. However, it is in a location where it would not be visible from any public vantagepoint. It is considered that the design is not so poor as to warrant refusal of the application.

## CONCLUSION

It is considered that the proposed retaining wall would not be in accordance with the Housing Policies of the Dundee Local Plan 1998 and Policy 1 of the Finalised Dundee Local Plan Review due to the increased overlooking of neighbouring windows. It is also considered that the objections raised by residents are sufficient to warrant refusal of the proposal.

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## **RECOMMENDATION**

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It is recommended that planning permission be REFUSED for the following reasons:

### **Reasons**

- 1 The proposed development would have an adverse impact on the existing environmental quality of the residents at 7 Reres Road through increased overlooking of the windows in the rear elevation and is, therefore, not in accordance with Housing Policy H1 of the Dundee Local Plan 1998. There are no material considerations that would justify departing from the policies of the development plan in this instance.
- 2 The proposed development would have an adverse impact on the existing environmental quality enjoyed by residents at 7 Reres Road through the increased overlooking of windows in the north elevation and would not be in accordance with Policy 1 of the Finalised Dundee Local Plan Review.