

KEY INFORMATION

Ward Douglas

Proposal
Erection of 8 Garages and
Associated Parking

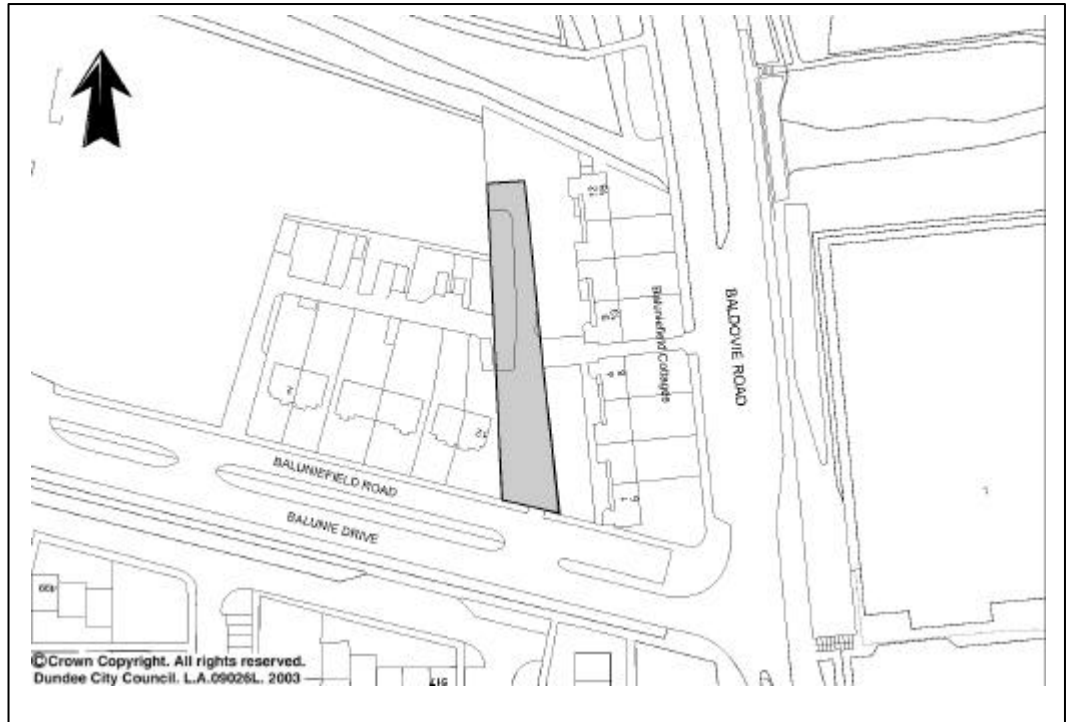
Address
Land at Broughty Ferry Court
Baldovie Road
Dundee
DD4 8UF

Applicant
Baluniefield Dev Co
68 Dalkeith Road
Dundee

Agent
Edwin Doel
Baldovan Cottage
Strathmartine
DD3 0PD

Registered 26 November
2004

Case Officer C Walker



New Garages & Parking proposed at Baldovie Road

The erection of 8 garages and associated parking is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with Development Plan policy and will not adversely affect the amenities enjoyed by adjoining occupiers. The application is therefore recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought to erect 8 double garages on the site. The applicants state that the garages will be provided for the residents of Broughty Ferry Court with the parking spaces provided for residents and their visitors.
- The site comprises some 0.1 ha of unsurfaced ground to the rear of 2 terraces of stone buildings containing 16 flats at Broughty Ferry Court.
- The site is in an existing residential area under the adopted Local Plan and the Finalised Local Plan and the relevant policy seeks to protect amenity. The Dighty and a corridor 15 metres either side is of nature conservation interest and is protected from adverse development by policies in the adopted Local Plan and the Dundee Urban Nature Conservation Subject Local Plan.
- 3 letters of objection and 2 of representation were received stating concerns about the potential use of the garages as workshops, overshadowing, overlooking, design and loss of security, the condition of this area of ground and people using it as a rat run.
- The proposed development is to provide garaging for vehicles for the occupants of the adjacent dwellings at Broughty Ferry Court. It complies with the Development Plan and will not adversely affect the amenities enjoyed by adjoining occupiers

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect 8 double garages on the site. Each garage measures some 36 sq. meters providing enough space for 2 cars. It is proposed to build the garages adjacent to the western stone boundary wall, forming parking spaces (11 in total) between the garages. Proposed finishing materials are block walls and lean to metal roofs.

The applicants state that the garages will be provided for the residents of Broughty Ferry Court with the parking spaces provided for residents and their visitors. They also state that they will upgrade the road serving the development.

SITE DESCRIPTION

The site comprises some 0.1 ha of ground to the rear of 2 terraces of stone buildings containing 16 flats which are known as Baluniefield Cottages or Broughty Ferry Court. The ground is unsurfaced and not well maintained and is used for parking by some of the residents of the flats. To the east of the site are the rear gardens of the flats, most of which are separated from it by fences and hedges. To the west is a stone wall separating the site from dwellings at Broughty Ferry Walk. To the north is the Dighty and there are some self seeded trees adjacent to the burn. To the south are Balunie Drive and Baluniefield Road and this area is also used by the residents of Broughty Ferry Court for parking.

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 site is in an existing residential area where Policy H1 seeks to protect amenity.

The Dighty and a corridor 15 metres either side of it is both a Category A wildlife site and a wildlife corridor. Policy ENV4 seeks to protect wildlife sites from developments likely to have an adverse effect on them.

ENV5: Wildlife Corridors - suitable provision must be made for nature conservation, taking account of the scale and type of development and characteristics of the wildlife corridor.

Dundee Urban Nature Conservation Subject Local Plan 1995

SP1: Site Protection Policy - this seeks to protect sites from adverse effects of development and is similar to Policy ENV4.

WC01: Wildlife Corridor Policy - this seeks to make suitable provision for nature conservation and is similar to Policy ENV5.



Finalised Dundee Local Plan Review

The relevant policies in this Plan are similar to those in the adopted Local Plan, namely:

The site is in an existing housing area and Policy 1 seeks to protect residential amenity.

Policy 70: Semi-Natural Greenspaces of Local Nature Conservation Importance no longer includes this site as part of the Dighty wildlife site or corridor.

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

LOCAL AGENDA 21

The proposals for garages on this site do not run contrary to the Council's Agenda 21 policies.

SITE HISTORY

There is no relevant history of planning applications relating to this site.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 3 letters of objection and 2 of representation were received (copies available for inspection in the Members Lounges). 1 of the letters of objection is signed by 6 people occupying 4 houses in Broughty Ferry Court.

The 2 objectors who live in Broughty Ferry Walk to the west of the site are concerned about overshadowing and overlooking of their properties, the unsightly nature of the proposal as well as a loss of security. The objectors and those making representations from Broughty Ferry Court to the east of the site are concerned that the garages might be sold off to third parties who might use them as workshops with consequent problems of noise, mess, loss of parking and obstruction to access. Residents are also concerned about the condition of this area of ground and that some people are using it as a rat run between Balunie Drive and Baldovie Road.

These views are fully considered in the Observations section of this Report.

CONSULTATIONS

No adverse comments on the proposal were received from 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.

If the proposed development is to provide garaging for vehicles for the occupants of the adjacent dwellings at Broughty Ferry Court it is difficult to envisage any problems with noise or disturbance. The applicants have stated that this will be the case and a planning condition to this effect can be imposed should Members be minded to approve the application.

The design of the proposed garages is reasonable for this location. They will be some 1.25 metres higher than the adjoining stone wall to the west but the exposed area of blockwork will be harled to a reasonable standard.

As there are no windows on the garages they cannot overlook adjoining properties and the degree of overshadowing will be minimal given that they will only be 1.25 metres higher than the existing wall.

The proposed development will occur in an area of partial hardstanding separated from the Dighty by a significant change in level and a stone retaining wall. As such the development will have no adverse impact on the nature conservation value of the Dighty and the adjacent wildlife corridor.

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:

a The Finalised Dundee Local Plan Review

The policies in this plan are similar to those in the adopted Local Plan and the proposed development complies with them for the same reasons that it complies with the policies of the adopted Local Plan.

b The views of Objectors and those making Representations

Although the proposed development attracted a significant amount of local concern, much of this relates to fears that the garages might be rented or sold to third parties who might use them as workshops. As has been mentioned above, a planning condition can exclude this possibility.

Concerns about potential overlooking or overshadowing of adjoining properties have already been addressed in the context of Policy H1 and it has been concluded that there will be no unacceptable impact. It is difficult to envisage how the proposal would lead to a loss of security to the properties to the west since it will be higher than the existing wall and involves a lean to roof whose lowest point would still be higher than the existing wall.

The applicants have stated that the ground around the proposed garages will be upgraded and a planning condition can be imposed to ensure that this will happen. Finally some residents are concerned that people are using the site as a rat run between Balunie Drive and Baldovie Road. This is unlikely to be a significant problem and was not observed at any of the site visits. The proposed development will not worsen the situation but rather the redevelopment of this area of ground is likely to deter non residents.

It is concluded from the foregoing that insufficient weight can be accorded to the views of the objectors such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

Design

The design of the proposed garages is satisfactory for this location and a planning condition can ensure the use of an appropriate quality of finishing materials.

CONCLUSION

The proposed development complies with Development Plan policy and will not adversely affect the amenities enjoyed by adjoining occupiers.

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 proposed garages shall only be used for domestic purposes incidental to the use of the dwelling houses at 1-16 Broughty Ferry Court.
- 3 The area of ground serving the proposed garages shall be upgraded to a standard acceptable to the Council. Details of this upgrading, including a timescale for its implementation, 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.
- 4 samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 In order to accord with the applicants stated intentions and to ensure that the proposed garages are not used in a manner that would create residential amenity problems for the adjoining houses to the east at Broughty Ferry Court.
- 3 To provide satisfactory access to the garages and parking spaces in the interests of residential amenity.
- 4 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.