

**KEY INFORMATION**

Ward Baxter Park

**Proposal**

Retain new double glazed window with opaque glass

**Address**

11 Lynnewood Place  
Dundee  
DD4 7HB

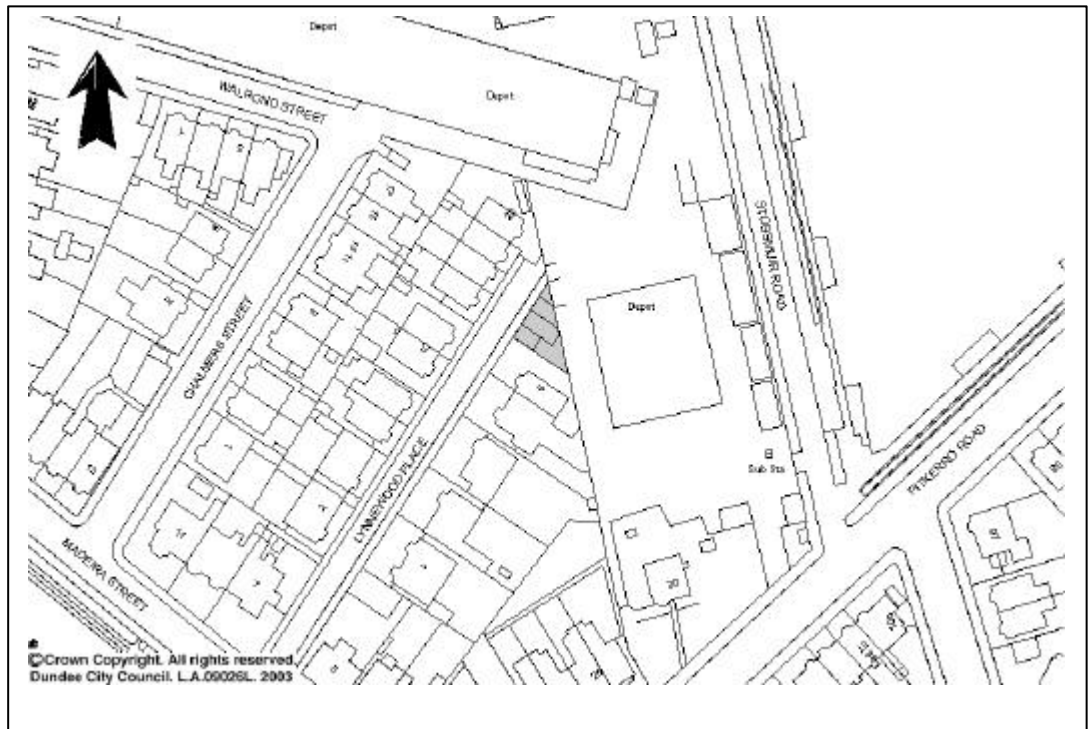
**Applicant**

Mr Clive Graham  
11 Lynnewood Place  
DUNDEE  
DD4 7HB

**Agent**

Registered 23 March  
2005

Case Officer C Walker



## Window fitted in existing opening at Lynnewood Place

The retention of new double glazed window with opaque glass is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

There will be no loss of privacy as a result of the retention of this window with obscure glass and planning conditions can be imposed to ensure that this situation does not change. The application is therefore recommended for **APPROVAL**.

**SUMMARY OF REPORT**

- Planning permission is sought to retain an upper floor window with opaque glass on the front elevation of this recently converted dwelling house.
- A letter of objection was received from the occupiers of a house on the opposite side of Lynnewood Place. They are concerned that the window is only some 13 metres from their house and that they will therefore suffer a loss of privacy.
- The proposal complies with the provisions of the adopted and finalised Local Plans and will not detract from the character or appearance of the conservation area.
- Since obscure glass has been fitted in the window there will be no loss of privacy and planning conditions can be imposed to ensure that this situation does not change.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to retain an upper floor window with opaque glass on the front elevation of this recently converted dwelling house. The approved plans for the development, which date back to 1988, indicate that this opening was to be infilled with a timber screen.

## SITE DESCRIPTION

The site comprises a recently converted dwelling house on the south east side of Lynnewood Place. This building was once a garage and conversion works have been ongoing for many years. The building sits directly on the footway and has no curtilage other than a small parking area to the south west of the building. The houses on the opposite side of Lynnewood Place are a terrace of 4 one and half storey stone built houses of traditional character. These houses are just over 12 metres from the house which is the subject of this planning application. To the north east of the site is the Scottish Water depot at Stobsmuir. Lynnewood Place is an attractive street of stone built dwellings in the Maryfield Conservation Area.

## 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 H4: this policy seeks to ensure that alterations and extensions to houses do not adversely affect the appearance of the property or the surrounding area. In addition, the policy mentions amongst other matters that approval is unlikely to be granted where the siting and scale of the extension significantly affects the degree of privacy enjoyed by the occupants of adjoining property.

Built Environment Policy BE11 Development in Conservation Areas: this policy advises that within conservation areas all development proposals will be expected to

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

The following policies are of relevance:

Policy 14 Alterations and Extensions to Houses: this policy advises that proposals to alter or extend existing dwelling houses will only be permitted where (amongst other matters) there is



no significant loss of privacy to the occupants of neighbouring properties.

Policy 61 Development in Conservation Areas: all development proposals will be expected to preserve or enhance the character of the surrounding areas.

### 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

The proposed development does not impinge on the Councils Agenda 21 policies.

## SITE HISTORY

Planning permission was originally granted for the conversion of a garage/workshop to a house in 1988 - application ref no D13277 refers. Conversion work started on the site and timber boarding was formed at this upper floor opening. Work then stopped for many years and recommended in 2002. A change was made by the current applicants who replaced the timber boarding with a window with opaque glass.

Following complaints made by the current objectors, the applications were asked to submit a planning application to retain the change made to this opening.

## PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and a single letter of objection was received from the occupiers of a house on the opposite side of Lynnewood Place. They are concerned that the window is only some 13 metres from their house whereas the recommended distance is 18 metres, that the change to the plans was made without permission and that there is a possibility that in the future the opaque glass will be replaced with clear glass. They also refer to the loss of a parking space as a result of the conversion of this building to a house but that is not relevant to the determination of this application.

Copies of the objection letter and reports are available in the Members' Lounges and the concerns raised are addressed in the 'Observations' 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.

Furthermore in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) Act 1997 special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Maryfield Conservation Area.

## The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above. Policy H4 seeks to protect residential amenity, including privacy. Normally for new houses and extensions an 18 metre privacy distance between windows of habitable rooms is expected. The present situation is somewhat unusual because the building on the application site is not being extended but rather a window has been placed in an existing opening. This window is just over 12 metres from ground floor bay windows on the front elevation of houses at 14 and 16 Lynnewood Street on the opposite side of the road. Although the windows are slightly offset the distance is close. However the window on the application premises serves a bedroom and is fitted with obscure glass. In these circumstances there will be no loss of privacy.

In terms of Policy BE11 the design of the proposed window is satisfactory and will not detract from the character or appearance of the conservation area.

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

Policies 14 and 61 are almost identical in wording to Policies H4 and BE11 of the adopted Local Plan and it is considered that the proposed development complies with the policies in the Finalised Plan for the

same reason that it complies with the corresponding policies of the adopted Local Plan.

- b Section 64 of the Planning (Listed Buildings and Conservation Areas) Act 1997 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Maryfield Conservation Area.

The design of the proposed window is satisfactory and will not detract from the character or appearance of the conservation area.

- c The views of the Objectors

The objectors are concerned that the window is only some 13 metres from their house whereas the recommended distance is 18 metres, that the change to the plans was made without permission and that there is a possibility that in the future the opaque glass will be replaced with clear glass.

The issue of privacy has already been considered in the context of Policy H4 of the adopted Local Plan and it has been concluded that since obscure glass has been fitted in the window there will be no loss of privacy.

The objectors are rightly concerned that the window might be glazed with clear glass some time in the future so if Members are minded to approve this application then a planning condition can be imposed ensuring that it is only glazed or reglazed with obscure glass. In addition this bedroom also has a south facing velux window providing ventilation and a means of escape so there is no need to open this west facing window the subject of the current application. A further condition is therefore proposed that this window be non openable.

The also refer to the loss of a parking space as a result of the conversion of this building to a house but that is not relevant to the determination of this application.

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 window is satisfactory and will not detract from the character or appearance of the conservation area.

## CONCLUSION

There will be no loss of privacy as a result of the retention of this window with obscure glass and planning conditions can be imposed to ensure that this situation does not change.

## 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 window shall only be glazed or reglazed with obscure glass.
- 3 The window or any future replacement of this window shall be a fixed unopenable window at all times.

## Reasons

- 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 house on the opposite side of Lynnewood Place.
- 3 To protect the privacy of the occupiers of the house on the opposite side of Lynnewood Place.