

KEY INFORMATION

Ward Balgillo

Proposal

Dormer window extension to bedroom

Address

12 Cliffburn Gardens
Broughty Ferry
Dundee

Applicant

Mr and Mrs V MacDonald
12 Cliffburn Gardens
Broughty Ferry
Dundee
DD5 3NB

Agent

Registered 30 Jan 2006

Case Officer C Walker



Proposed Dormer Extension in Cliffburn Gardens

The dormer window extension to a bedroom is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered to be contrary to Policy 14 of the Local Plan by reason of the overlooking of the garden of the house to the south. The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a dormer extension on the south elevation of the house at 12 Cliffburn Gardens. A previous application for this proposal, which was recommended for refusal, was withdrawn by the applicants prior to its determination by Committee.
- The proposed development raises issues for consideration in terms of Policy 14 of the Dundee Local Plan Review 2005.
- A letter of objection was received stating concerns that the dormer extension would result in the overlooking of the rear garden of the house to the south and the loss of privacy to the occupiers.
- It is considered that there will be an unacceptable loss of privacy contrary to the provisions of Policy 14 of the Local Plan. The applicants were invited to use obscure glass on the window to avoid overlooking but have declined to do this.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a dormer extension on the south elevation of the house at 12 Cliffburn Gardens. The extension permits the formation of an additional bedroom in the upper floor of the house.

The dormer is to be finished in a dry dash render to the walls and concrete tiles to the pitched roof. Finishing materials are to match the existing house.

The proposal is very similar to a previous application for a dormer at this house which was recommended for refusal but withdrawn by the applicants before it was considered by the Committee (see Site History Section below).

SITE DESCRIPTION

The application site is located on the south east corner of Cliffburn Gardens. The application property is a one and a half storey house with detached garage to the east. The house is finished in a dry dash render to the walls and concrete tiles to the roof. There is garden ground to the front, side and rear.

The adjoining dwellings to the south comprise a pair of semi detached bungalows.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

The following policies are of relevance:

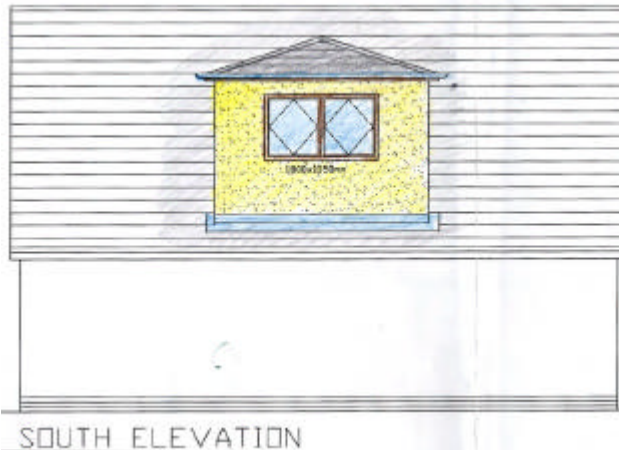
Policy 14: Alterations and extensions to houses.

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

The councils Local Agenda 21 policies have no direct bearing on the proposed development.



SITE HISTORY

An application for an almost identical development, the only difference being that the current application has a shallower roof pitch, was submitted by the applicants in August 2005 - application 05/00738/FUL refers. This application was recommended for

refusal on grounds of design and overlooking but the application was withdrawn by the applicants in October 2005 on the day of Committee.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and a single letter of objection was received from the occupiers of the adjoining bungalow to the south. The main ground of objection is that the dormer extension would result in the overlooking of the rear garden of the house to the south and the loss of privacy to the occupiers.

CONSULTATIONS

There were no adverse comments from 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.

Policy 14 states that proposals to alter or extend existing houses will only be permitted where:

- a there is no adverse impact on the appearance of prominent elevations of the house; and
- b there is no significant loss of sunlight, daylight or privacy to the occupants of neighbouring properties; and
- c more than 50% of the original useable garden area will be retained; and

d the design and materials should respect the character of the existing building.

The proposed dormer extension raises issues for consideration in terms of criteria (a), (b) and (d).

The proposed dormer is to be located on the south elevation of the house. The house is located on the south east corner of the cul de sac. The dormer would therefore be visible from the south and west. Whilst, not the most prominent elevation of the house the location would still be very visible from the surrounding area. In terms of design, the roof pitch of the dormer has been lowered when compared with the previous application so that it has a less dominant appearance.

It is considered that taking into account the amendment to the roof pitch, the use of matching finishing materials and the fact that the dormer is on a side elevation, that the proposal would not result in such an over-dominant feature on the house as to justify its refusal on design grounds. It is considered that the proposal does not conflict with the requirements of criteria (a) and (d).

The proposed dormer would not result in any issues of loss of sunlight or daylight. The proposal does raise an issue in terms of overlooking and the loss of privacy to the garden ground of the neighbouring property to the south. The dormer is to provide an additional bedroom and will have a window facing south. This window will overlook the rear garden ground of the house to the south. The houses to the south are single storey in height and therefore there is no overlooking at present from surrounding properties. The proposal would therefore result in the loss of privacy to the house to the south. It is considered that the loss of privacy is significant and therefore the proposal does not meet criteria (b) of Policy 14.

In views of the concerns about privacy and the fact that the previous proposals were recommended for refusal on privacy grounds, the applicants were encouraged to use obscure glass on the window and informed that if they agreed to this then their application would be recommended for approval. However they have stated that they are not agreeable to using obscure glass to prevent overlooking.

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

Other Material Considerations

The letter of objection from the neighbours to the south states concerns that the dormer extension would result in the overlooking of the rear garden of the house to the south and the loss of privacy. This issue was considered and addressed in the examination of the proposal against the criteria of Policy 14. From this examination it is concluded that the proposal would result in a significant loss of privacy.

There are no material considerations that would justify the granting of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

Design

It is considered that taking into account the amendment to the roof pitch, the use of matching finishing materials and the fact that the dormer is on a side elevation, that the proposal would not result in such an over-dominant feature on the house as to justify its refusal on design grounds.

CONCLUSION

It is considered that the proposed development is contrary to the provisions of Policy 14 of the Dundee Local Plan Review 2005 by reason of the unacceptable overlooking of the dwelling and its garden ground situated to the south of the application site. It is considered that there are no material considerations that would justify the granting of planning permission for the proposed development contrary to the provisions of the development plan.

RECOMMENDATION

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

Reason

- 1 The proposed development contravenes the provisions of Policy 14 of the Dundee Local Plan Review 2005 as it fails to meet criteria (b) as it would result in a significant loss of privacy to the property to the south. There

are no material considerations that would justify a departure to the provisions of the development plan in this instance.