

KEY INFORMATION

Ward Broughty Ferry

Proposal

Erection of garden shed and timber fence

Address

5B Castle Terrace
Broughty Ferry
DUNDEE

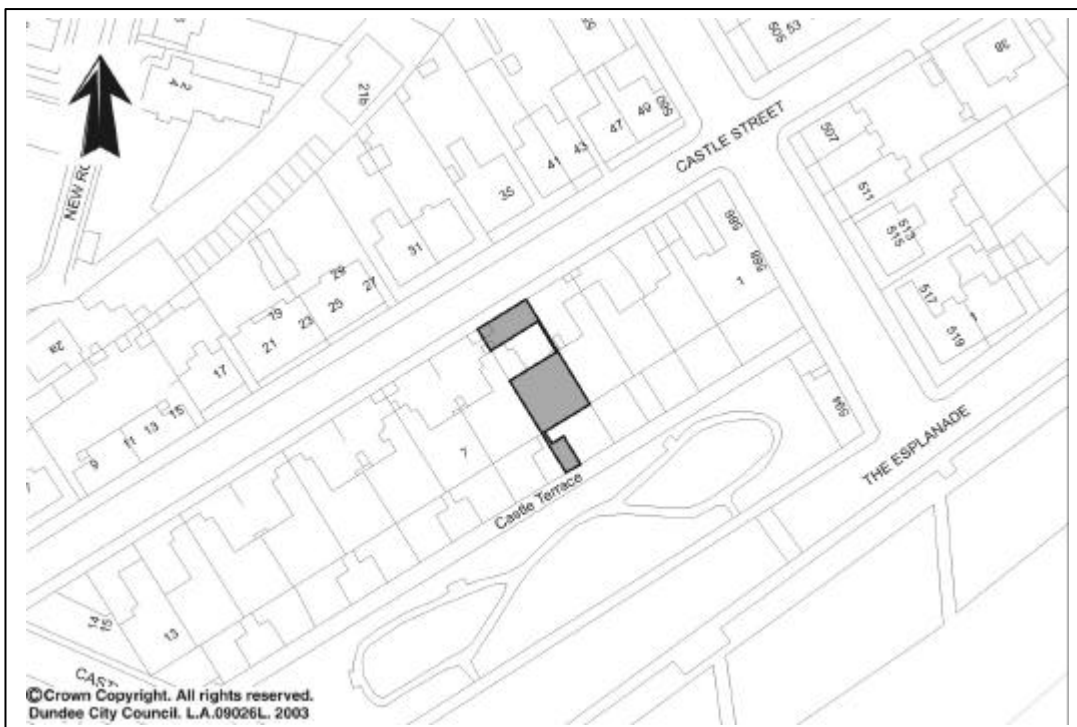
Applicant

Sarah Glynn
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Broughty Ferry
Dundee
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Agent

Registered 7 Sept 2006

Case Officer C Walker



Proposed Garden Shed and Fence in Castle Terrace

The erection of a garden shed and timber fence is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal complies with the Dundee Local Plan Review 2005, will not adversely affect the listed building or the conservation area and will not have an unacceptable impact on the amenities of neighbours. The development is therefore recommended for approval.

SUMMARY OF REPORT

- Planning permission is sought to erect a shed and a fence to the north of the dwelling and to retain a trellis to the south of the dwelling.
- The site comprises an upper floor flat at 5B Castle Terrace, which is part of a terrace of Category C listed dwellings within the Broughty Ferry Conservation Area.
- The occupier of the ground floor flat has objected because of concerns that the trellis fence will result in a loss light to a bedroom window and will have an adverse impact on the setting of the listed building and the character of the conservation area.
- It is considered that the design of the proposed shed and the existing and proposed fences is satisfactory and will not adversely impact on the listed building or the wider conservation area. It is also considered that the retention of the trellis fence will not have such an adverse impact on the amenities of the occupier of the ground floor flat such as to contravene Policy 14(b) of the Local Plan.

DESCRIPTION OF PROPOSAL

Planning permission is sought for what are described as garden improvements at 5B Castle Terrace. This includes the erection of a shed and a fence in the garden area to the north of the dwelling adjacent to Castle Terrace and to retain a trellis to the south of the dwelling.

The shed is of timber construction with a plan area of some 4.5 sq. metres and a height of 1.8 metres at the eaves and 2.3 metres at the ridge. The proposed fence would be 1.8 metres high and is designed to screen bins at this location. To the south of the dwelling a trellis fence of some 1.65 metres high has been erected. This sits on the mutual boundary separating the garden areas of 5A and 5B Castle Terrace, some 3 metres from of a ground floor bedroom window on the neighbouring property.

SITE DESCRIPTION

The site comprises an upper floor flat at 5B Castle Terrace. It forms part of a terrace of Category C listed dwellings at 1-13 Castle Terrace, built in 1864 and subsequently converted into flats in 1906-8. 5B occupies the first floor and attic of the building (there is a box dormer extension on the north elevation) whilst 5A occupies the ground floor. The garden ground to the north and south is partly mutual and partly subdivided.

To the north the boundary to Castle Street is a stone wall some 2 metres high with a pedestrian gateway. To the south, beyond the small private gardens, is a footpath and then landscaped public gardens facing onto the Esplanade.

The site lies within the Broughty Ferry 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 Review 2005

Policy 14: Alterations and Extensions is of relevance. It states that proposals to alter or extend existing dwelling 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 respect the character of the existing building.

Policy 55: Urban Design



All development should respect the setting of listed buildings.

Policy 61 Development in Conservation Areas requires new development to 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

SUSTAINABILITY ISSUES

This proposed development does not raise any issues in terms of the Council's sustainability policies.

SITE HISTORY

There is no relevant history of planning applications. There is a current application for listed building consent to replace windows on this building (reference 06/00828/LBC).

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as affecting the setting of the listed building. A letter of objection was received from the occupier of the ground floor flat. The objector is concerned that the retention of the trellis fence will result in a loss of view and light to the bedroom window of her dwelling and will have an adverse impact on the setting of the listed building and the character of the conservation area by reason of its design.

Copies of this letter are available for inspection in the Members' Lounges and the issues are discussed in the "Observations" section below.

CONSULTATIONS

No adverse comments were received from statutory consultees or other bodies.

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: Alterations and Extensions to Houses seeks to facilitate alterations and extensions provided that the amenities of neighbours are protected. Subsections (a) and (d) relate to the design and appearance of alterations and extensions and subsection (b) relates to loss of light.

Although this policy is largely geared towards extensions to houses, it seems reasonable that it should also be applied to garden structures such as those currently proposed.

In this case it is considered that the design of the proposed shed and the existing and proposed fences are satisfactory. The shed will be located in a discreet position adjacent to the stone boundary wall to the north and a high timber fence to the west. There is a similar shed in the garden of the adjoining house to the west. At most the roof of this shed will be visible from outwith the application site. The proposed fence at this location will screen bins and as with the shed, will not be visually prominent.

The design of the existing trellis to the south of the house is satisfactory. It has an open appearance and is much more pleasing than other fencing on this side of the houses at 1-13 Castle Terrace. It would appear that it is intended to grow climbing plants on this trellis meaning that it will be completely screened over time.

Subsection (b) relates to the impact of development on sunlight and daylight. In this case, the proposed shed and fence will have no impact but the positioning of the existing trellis will result in a loss of light to the ground floor bedroom window at 5A Castle Terrace.

However the situation is difficult because without any such screening the privacy of the bedroom window would be adversely affected. The problem is the subdivision of the garden ground which has allocated garden to the upper floor flat close to a window on the downstairs flat. The applicant has provided photographic evidence indicating that prior to the erection of the trellis, there was a screen fence at this location composed

of different materials with an appearance that was visually much less pleasing. There is also an existing shrub on the west side of the affected window which is much closer to the window and much higher than the trellis fence. Even if the trellis fence was removed, the applicants could still plant trees or shrubs at this location without the need for planning permission which could have a similar or greater impact on light to this window.

Taking into account the fact that the window affected is a bedroom window which will not have an open outlook due to the need for privacy, that there was previously a screen at this location and that the loss of light experienced will not be that substantial when account is taken of the existing shrub close to the window, it is considered that the retention of this fence will not have such an adverse impact on the amenities of the occupier of the ground floor flat such as to contravene Policy 14(b) of the Local Plan.

Policy 55 Urban Design states that all development should respect the setting of listed buildings. The northern side of the buildings at Castle Terrace tend to be used for more functional purposes such as clothes drying, bin stores etc and is well screened from Castle Street by high stone walls. The proposed shed and fence at this location are discretely sited and will not adversely impact on the listed buildings. The south facing elevation is the principal elevation, although it is also partly screened from view by shrubs and trees both within garden areas and in the public gardens to the south off the Esplanade. The retention of the trellis fence at this location will not have an adverse impact on the setting of the listed buildings, because its design is satisfactory and it has an open appearance and in any event it will be completely screened over time.

Policy 61 Development in Conservation Areas requires new development to preserve or enhance the character of the surrounding area. Again for the same reasons as set out in the consideration of the development against Policy 55 it is considered that the development will not have an adverse impact on the Broughty Ferry 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) Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect the setting of listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This matter has already been considered in the assessment of the development under Policy 55 of the adopted Local Plan and it was concluded that the proposals would not detract from the setting of the adjoining listed building.

(B) Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications in conservation areas to have special regard to the desirability of preserving or enhancing the character or appearance of that area.

This matter has already been considered in the assessment of the proposed development under Policy 61 of the adopted Local Plan and it was considered that the proposal would preserve the character and appearance of the conservation area.

(B) The Concerns of the Objector

The concerns of the objector are that the retention of the trellis fence will result in a loss of view and light to the bedroom window of her dwelling and will have an adverse impact on the setting of the listed building and the character of the conservation area by reason of its design.

All these matters (other than the loss of view which is not a material planning consideration) have been addressed in the consideration of the application against Local Plan policy and it has been concluded that there will be no unacceptable adverse impact on the amenities of the neighbouring flat and that the design of the development is appropriate in the context of its impact on the setting of the listed building and the wider conservation area.

It is concluded from the foregoing that insufficient weight can be accorded to the concerns of the objector such as to justify the 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 proposed shed and the existing and proposed fences are satisfactory. The shed will be located in a discreet position adjacent to the stone boundary wall to the north and a high timber fence to the west. There is a similar shed in the garden of the adjoining house to the west. At most the roof of this shed will be visible from outwith the application site. The proposed fence at this location will screen bins and as with the shed, will not be visually prominent.

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CONCLUSION

The proposal complies with the Dundee Local Plan Review 2005. The objection does not carry sufficient weight to merit refusal of the application.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following condition:-

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.