

**KEY INFORMATION**

**Ward** Broughty Ferry

**Proposal**  
Erection of decking in garden ground

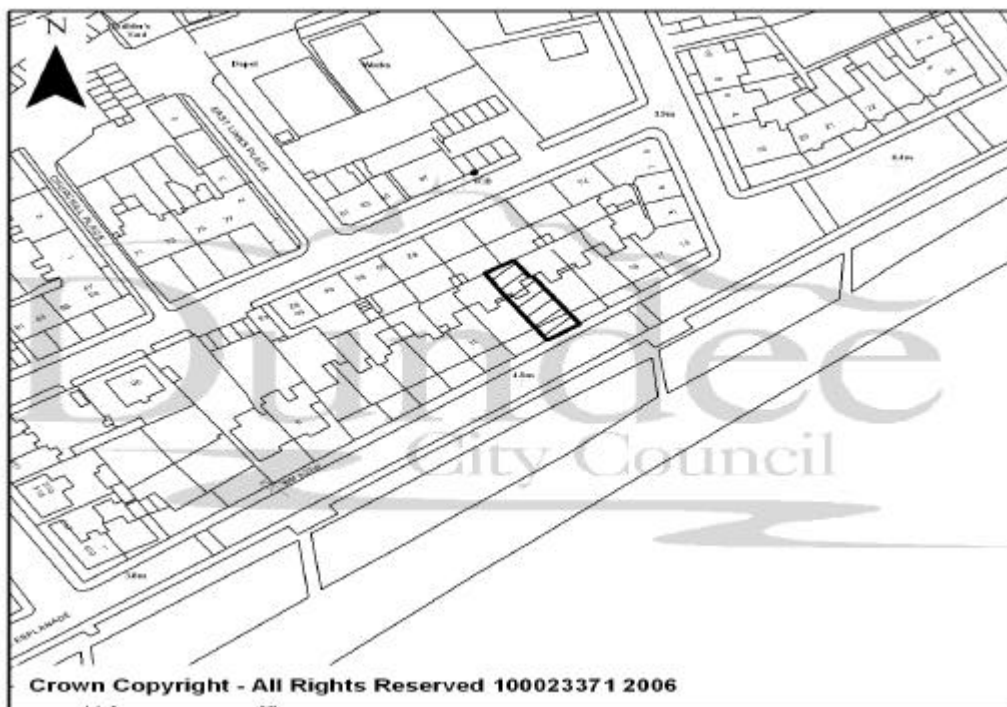
**Address**  
13A & 13B The Esplanade  
Broughty Ferry  
Dundee

**Applicant**  
Kareen Landels & Fiona  
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13A The Esplanade  
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Dundee  
DD5 2EL

**Agent**

**Registered** 18 Sept 2006

**Case Officer** J Young



## Proposed Garden Decking in The Esplanade

The erection of decking in garden ground is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal is considered to be in accordance with Policies 14 and 61 of the Dundee Local Plan Review 2005. The objections are not supported and there are no other material considerations to justify refusal of the application. Accordingly, the application is recommended for **APPROVAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of a timber decked area in the north east corner of a rear garden at 13A and 13B The Esplanade. The timber decking has already been installed.
- Policies 14 and 61 of the Dundee Local Plan Review 2005 are relevant to the determination of the application and seek to protect the amenity of neighbours and preserve the character of the area, which is allocated as a conservation area.
- Two letters of objection were received from neighbouring residents on the grounds of overlooking and loss of privacy.
- It is considered that the proposal is acceptable and will not adversely affect the amenity enjoyed by neighbours and will not have an adverse impact on the character of the area.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of timber decking in the north east corner of the rear garden at 13A and 13B The Esplanade, Broughty Ferry, Dundee. The decking has a floor area of 2.74m by 2.18m and a fence along the north and east boundaries, which is 1.5m high. The decking is 310mm above ground level.

## SITE DESCRIPTION

The application site is located on the north side of The Esplanade. The properties are 2 storey traditional terraced houses with stone walls and slate roof. The application property has been subdivided into flats. There is a shared garden area to the rear with a 1.8m high wall along the rear boundary. There are 2 storey properties to the north with upper floor windows which look into the decked area. There are balconies on the rear of properties at The Esplanade.



## 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: Proposals will only be permitted where they do not adversely affect the prominent elevations of the house, there is no significant loss of sunlight, daylight or privacy to the occupants of neighbouring properties, more than 50% of the original useable garden ground will be retained and the design and materials respect the character of the existing building.

Policy 61: Development in Conservation Areas - all developments within Conservation Areas will be expected 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.

## CONSULTATIONS

No adverse comments were received from any of the consultees.

## OBSERVATIONS

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

- whether the proposals are consistent with the provisions of the development plan; and if not
- whether an exception to the provisions of the development plan is justified by other material considerations.

Also, in accordance with provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Council is required to have special regard to preserving and enhancing the character or appearance of a 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 14 of the Dundee Local Plan Review 2005 seeks to protect the amenity of neighbouring residents. The decked area is in the north east corner of the rear garden. There is a 1.8m high wall along the rear boundary and 1.5m high timber fence along the north and east boundaries of the decking inside this wall. It is considered that there will be no loss of amenity due to overlooking or loss of privacy for neighbours, taking into account the height of the existing wall, proposed fence and height of the decking above ground level. Therefore the proposal complies with Policy 14.

Policy 61 requires new developments in conservation areas to preserve or enhance the character of the area. The decking has already been installed and is located within a rear garden area. The materials are considered acceptable and there will be no adverse impact on the character of the conservation area. Therefore the proposal complies with Policy 61.

## SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

## SITE HISTORY

The timber decking has already been installed and a neighbour contacted the Planning Department to complain as no permission had been granted. The applicant was advised that it is necessary to apply for planning permission.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and two letters of objection were received from neighbouring residents to the north who have concerns regarding overlooking and loss of privacy.

Copies of these objections are available for inspection in the Members' Lounges and the issues raised are addressed in the "Observations" section below.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

It is also concluded from the foregoing that the statutory duty set out in the relevant sections of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is discharged in this instance.

## Other Material Considerations

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

## Objections

Two objections were received from neighbours to the north who have concerns regarding the overlooking and loss of privacy. As discussed under Policy 14 above, there is an existing 1.8m high wall and 1.5m high timber fence along the north boundary of the timber decking. Therefore it is considered that the proposal will not affect the amenity of neighbours to the north for the reasons specified above and the objections cannot be supported in these circumstances.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations 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 and materials of the timber decking are considered acceptable for this location within a conservation area.

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## CONCLUSION

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The proposal complies with Policies 14 and 61 of the Dundee Local Plan Review 2005. The objections and any other material considerations do not carry sufficient weight to merit refusal of the application. Therefore the application is recommended for APPROVAL.

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## RECOMMENDATION

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

- 1 The development hereby permitted shall be commenced

within five years from the date of this permission.

## Reasons

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