

KEY INFORMATION

Ward Broughty Ferry

Proposal
Erection of wooden fence

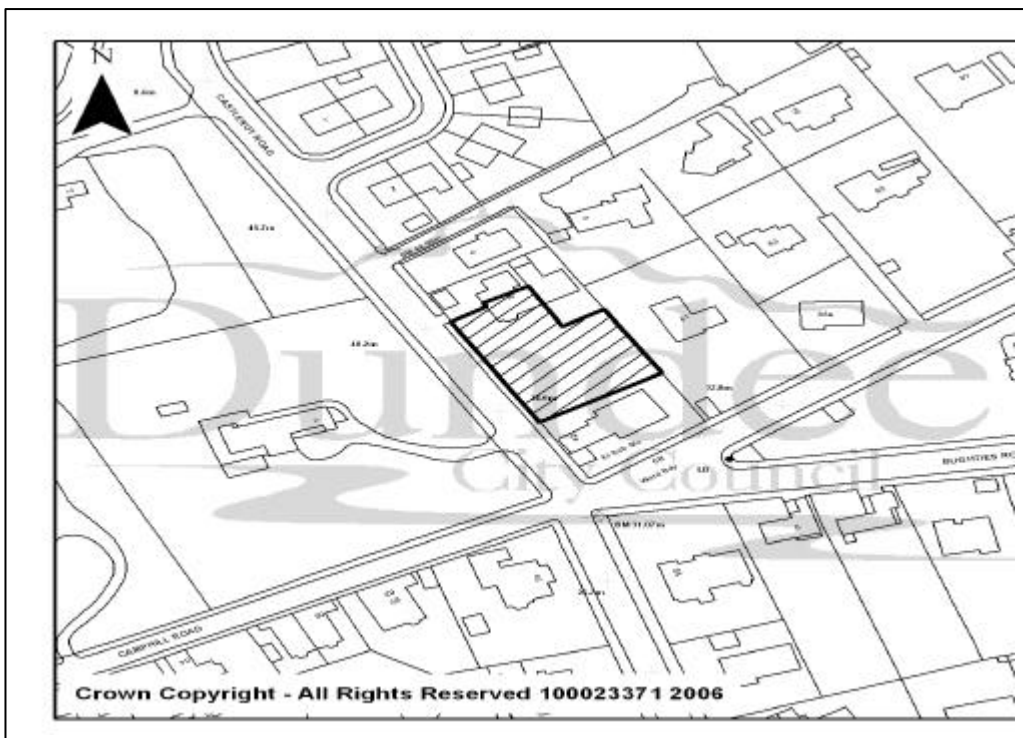
Address
Flat 1
Marchbanks
2 Castleroy Road

Applicant
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Agent

Registered 28 Sept 2006

Case Officer S Johnson



Proposed Fence in Castleroy Road

The erection of a wooden fence is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered to be contrary to Policy 61 of the Dundee Local Plan Review 2005, it fails to preserve or enhance the conservation area and the objection is supported.

SUMMARY OF REPORT

- Planning permission is sought of the erection of a fence at Flat 1, 2 Castleroy Road, Broughty Ferry, Dundee.
- One letter of objection was received from a neighbour on the grounds of enhancing or preserving the conservation area, the appearance, design and materials of the fence and the impact on the built environment.
- Policies 14 and 61 of the Dundee Local Plan Review 2005 are relevant to the determination of the application as these policies seek to protect the existing amenity of neighbouring properties and preserve and enhance the conservation area.
- It is considered that the proposal does not comply with Policy 61 of the Dundee Local Plan Review 2005. It fails to preserve or enhance the Reres Hill Conservation Area. The views of the objector are supported and there are no material considerations that would justify the approval of this application contrary to the provisions of the development plan.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a wooden fence on the west elevation of the flatted property at 2 Castleroy Road, Broughty Ferry, Dundee. The proposed fence would measure approximately 30ft in length and would vary in height from 2ft 6inches to 6ft. The fence will be stained with green wood preservative and there will be an intercom system, metal mailbox and paper box attached.

SITE DESCRIPTION

The application site is located to the east side of Castleroy Road in the Reres Hill Conservation Area. It is a large stone built dwelling which has been sub divided into three flatted properties. There is parking within the curtilage and a reasonable garden area mainly to the south of the property. This is a residential area where the majority of properties are large detached dwellings with parking within the curtilage and reasonable sized garden areas.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 14: Alterations and Extensions - 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

Within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features which contribute to the character and

appearance including unlisted buildings of townscape interest, trees and landscape features and the historic pattern of streets and spaces, as identified in the Conservation Area management plans to be advanced in the near future.

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

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

SITE HISTORY

A change of use application was approved from one house to three flats in 1990. (Planning Reference 90/15948/D).

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one letter of objection was received from a neighbouring resident. The grounds of objection are:

It does not enhance or preserve the conservation area.

The appearance of the proposed fence, its design and materials.

The impact on the built environment.

Copies of the objection are available for inspection in the Members' Lounge 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

- 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

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

In terms of Policy 14 it is considered that the proposed fence will have an adverse impact on the appearance of the prominent elevations of this stone built dwelling. There are fence posts currently in place at the proposed site. These are clearly evident from Castleroy Road. It is considered if a solid fence was erected at this location this would detract from this dwelling.

As there are no dwellings immediately to the north or south of the proposed site it is not considered that the fence would have an unacceptable impact on neighbouring property in terms of loss of sunlight, daylight or privacy.

The installation of the fence will have a minimum impact on the amount of remaining garden ground.

It is proposed to stain the fence with green wood preserve. Due to the fact the fence will be joining the house and the boundary wall it is considered that the colour of the fence should reflect the amount of stonework in the immediate vicinity. Green may not be an appropriate colour in this instance.

Policy 61 states that all development proposals will be expected to preserve or enhance the character of the

surrounding area. It is considered that the erection of a fence measuring 6ft at the highest point which can be clearly seen from Castleroy Road will detract from the appearance and character of the conservation area.

Due to the overall height of the proposed fence, it is concluded that the proposal does not comply with the provisions of Policies 14 and 61 of the Dundee Local Plan Review 2005.

Other Material Considerations

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

- A) Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, requires planning authorities to pay special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

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 detract from the character and appearance of the Reres Hill Conservation Area.

- B) Objection - One letter of objection was received. The concerns of the objector related to the impact on the conservation area and the design of the fence. These concerns have been addressed above and it is considered that the views of the objector are supported on this occasion.

- C) Additional Information - The applicant has stated that there is a similar fence in place at a dwelling to the west of the site. It should be noted this site is outwith the conservation area and is currently being investigated to determine whether planning permission is required. The applicant also referred to a similar fence to the north of the site which the applicant has stated has been in place since 1996. The area was not included in the Reres Hill Conservation Area until 1997. In addition, as this fence is along the boundary and not a separate stand alone feature it does not appear to be as intrusive to the

character of the Reres Hill conservation area.

It is suggested that if this proposed fence were lowered in height to 1metre and decreased to the height of the boundary wall, this would be more acceptable. The fence would not be as obvious from Castleroy Road which would be less visually intrusive to the surrounding area and the conservation area. The provision of planting (such as Beech or Laurel) would provide additional screening. To date the applicant has not responded to this suggestion.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

Design

The proposed fence would measure 30ft in length and would vary in height from 2ft 6inches to 6ft. The fence will be stained with green wood preservative and there would be an intercom system, metal mailbox and paper box attached. The design of the fence primarily, the overall height, is considered unacceptable for this dwelling which is located within a conservation area, as it will not preserve or enhance the character and appearance of the conservation area.

CONCLUSION

It is considered that the proposal is contrary to Policy 61 of the adopted Dundee Local Plan Review 2005 and would fail to preserve or enhance the character or appearance of the Reres Hill Conservation Area. The objection is supported in these circumstances and the application is recommended for REFUSAL.

RECOMMENDATION

It is recommended that consent be REFUSED for the following reason:-

Reason

- 1 The proposed development fails to preserve or enhance the character or appearance of the Reres Hill Conservation Area due to the height of the fence and is therefore contrary to Policy 61 of

the Dundee Local Plan Review 2005 and the statutory duty set out in Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997. There are no material considerations that would justify a departure of the development plan in this instance.