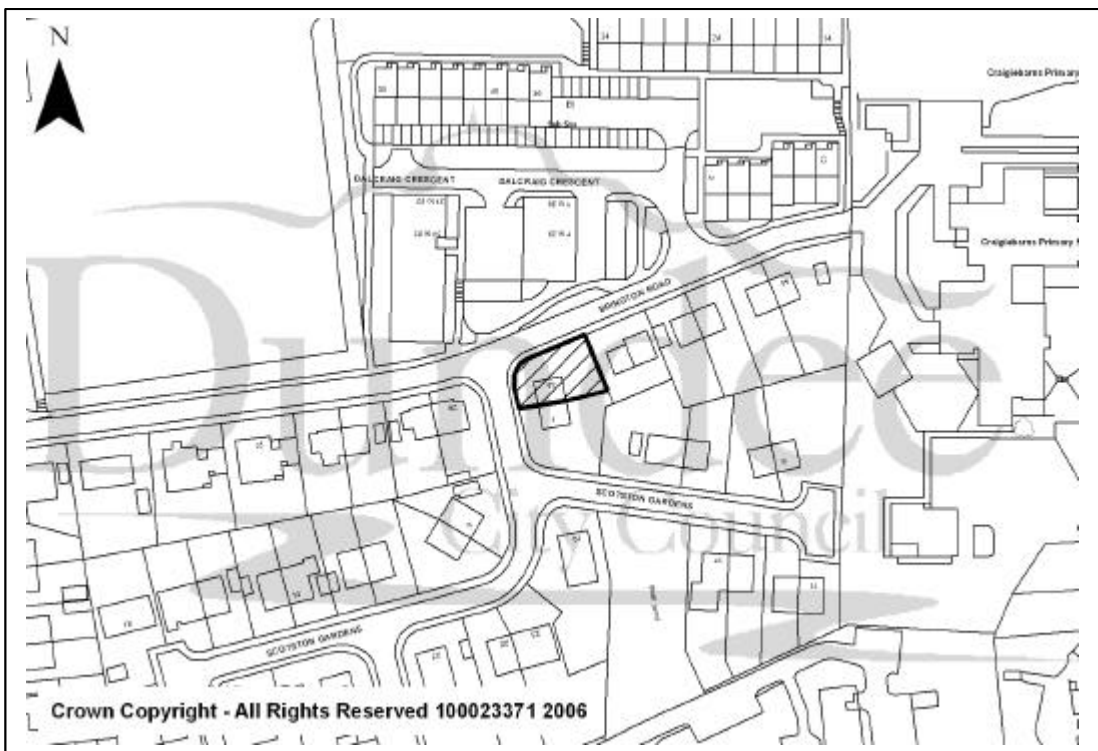


KEY INFORMATION**Ward** Craigiebank**Proposal**

Conservatory with blockwork firewall (retrospective)

Address35 Brington Road
Dundee
DD4 7QE**Applicant**Mr C Lamb
35 Brington Road
Dundee
DD4 7QE**Agent**C R Smith Glaziers
PO Box 27
Gardeners Street
Dunfermline
KY12 0RN**Registered** 19 Feb 2007**Case Officer** S Johnson

Retrospective Approval Sought to Change of Materials

The conservatory with blockwork firewall (retrospective) is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed extension complies with Policy 14 of the Dundee Local Plan Review 2005. It is considered that the objections submitted do not carry sufficient weight to justify refusal of the application. Therefore the application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Retrospective planning permission is sought for the erection of a conservatory on the west elevation of 35 Brington Road, Dundee.
- Policy 14 of the Dundee Local Plan Review 2005 is relevant to the determination of the application as it seeks to protect the amenity of neighbouring residents and the amenity of the area.
- Two letters of objection were received from the same neighbouring resident on the grounds that the agreed finishing materials for the firewall and the legal process have been disregarded by the applicant.
- It is considered that the proposal complies with Policy 14 of the Dundee Local Plan Review 2005. The views of the objector are not supported because it is considered that the appropriate measures have been followed by the applicant to amend the finish of the firewall of this conservatory extension. There are no material considerations that would justify the refusal of the application.

DESCRIPTION OF PROPOSAL

Retrospective planning permission is being applied for a conservatory with blockwork firewall at 35 Brington Road, Dundee.

The conservatory is in place. The conservatory measures approximately 4.6 metres in width and 38metres in length. The height of the conservatory at the highest point is approximately 3.5m².

The finishing materials are fyfestone to the base wall with roughcast on the firewall to match the existing dwelling, with a pitched bronze polycarbonate roof and rosewood UPVC frames.

SITE DESCRIPTION

The application site is located on the south side of Brington Road. It is a two storey semi-detached dwelling on a corner site. There is a separate garage to the east of the dwelling. There is no other off road parking. The property is a corner site with a reasonable amount of garden ground and is surrounded by a high leylandi hedge. This is a residential area where the majority of properties are two storey detached dwellings with flatted properties to the north.

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:

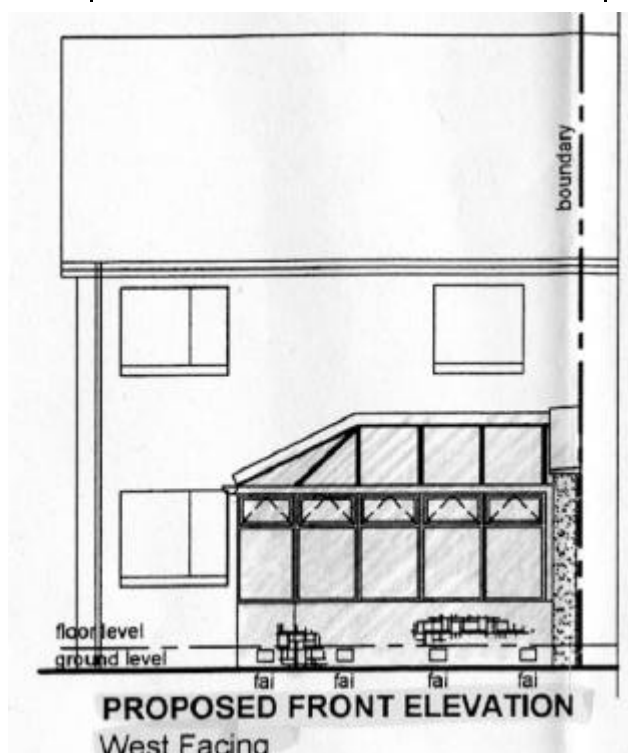
Policy 14: Alterations And Extensions To Houses - proposals to alter or extend existing dwellinghouses will be only be permitted where:

- there is no adverse impact on the appearance of prominent elevations of the house; and
- there is no significant loss of sunlight, daylight or privacy to the occupants of neighbouring properties; and

- more than 50% of the original useable garden area will be retained; and
- the design and materials respect the character of the existing building.

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 previous application (Planning reference 06/00439/FUL) was approved in June 2006 for the erection of a conservatory.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and two letters of objection were received from the same neighbouring resident. The grounds of objection are:

Why has the information previously provided in conjunction with the previous application been ignored?

The legal process has been ignored.

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.

The conservatory is located on the west elevation. The conservatory is barely visible from outwith the site as there is a Leylandi hedge approximately 2 metres in height surrounding the site. In terms of Policy 14, due to the design of the conservatory, it does not have an adverse impact on the prominent elevations of the dwelling.

The firewall to the south which is closest to the neighbouring property is a solid wall with no glazing, it is therefore considered that privacy or overlooking are not an issue.

In terms of loss of natural light and overshadowing to the property to the south. The firewall is set back approximately 50mm from the adjoining boundary. There is an existing leylandi hedge and some small trees along this boundary which vary in height with the highest measuring approximately 2metres. It is possible that the proposed extension may result in a loss of sunlight at certain times of the day to the garden area. However it is considered that this will be minimal and is not sufficient to justify the refusal of this application.

It is considered the conservatory will have minimum impact on the total amount of useable garden ground associated with this property.

The conservatory has a pitched bronze polycarbonate roof with rosewood UPVC frames and fyfestone to the base wall with roughcast to the firewall to match the existing dwelling. It is considered that the conservatory has been designed to complement the design of the existing house. The proposed finishing materials are acceptable for this dwelling. It is therefore considered that the proposed conservatory by virtue of its size, scale, architectural form and finishing materials would not be detrimental to the character and appearance of the house and the area. It is considered that the extension would not have an unacceptable appearance in terms of Policy 14.

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:

Two letters of objection were received from the same neighbouring resident in respect of this application.

It should be noted that this conservatory was the subject of a previous application (Planning reference: 06/00439/FUL) which was dealt with under delegated powers. The adjoining neighbour had requested additional information regarding the distance from the boundary and the finishing materials. The applicant was contacted and further information was received where it was stated that the south facing fire wall would be finished in Fyfestone and that it would be set back 50mm from the existing

garden dividing wall. On the basis of this information the neighbour was satisfied and did not wish to object. Once the conservatory was built, the applicant decided that Fyfestone would no longer be the material used to provide the finish to the fire wall. Consequently, as there had been previous concerns from an adjoining neighbour to the original application, a new application was lodged to cover this change of materials.

The objector has stated that the applicant has disregarded that it was stated in the previous planning application that the firewall would be finished in Fyfestone and that the legal process has been ignored. This is not a material consideration as a new planning application has been submitted. The applicant has decided that they want to finish the firewall in "creme" roughcast to match the existing dwelling. As a new application has been submitted to cover this change in materials, it is considered that the applicant has taken the appropriate measures to comply with planning requirements.

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

As discussed above it is considered that the design of the conservatory and the proposed finish to the firewall is acceptable to the character and appearance of the existing house and that of the area.

CONCLUSION

The proposal complies with Policy 14 of the Dundee Local Plan Review 2005. The objections do not carry sufficient weight to merit refusal of the application. Should Members be minded to grant approval it is suggested that a condition be imposed to ensure that the firewall on the south elevation is finished in roughcast.

RECOMMENDATION

It is recommended that consent 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 firewall on the south elevation shall be finished in roughcast to match the existing dwelling to the satisfaction of the Council, within a period of three months from the date of this permission.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To provide a satisfactory finish to the development.