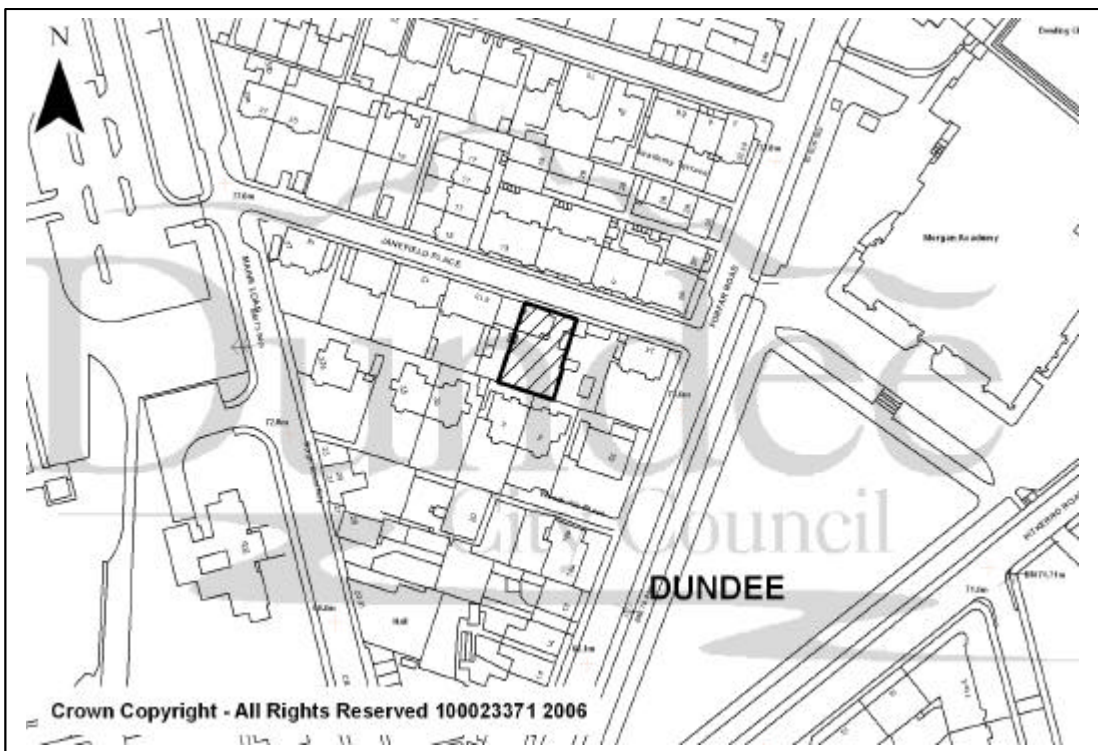


**KEY INFORMATION****Ward** Baxter Park**Proposal**Proposed Erection of a  
Conservatory**Address**6 Janefield Place  
Dundee  
DD4 7AD**Applicant**Mr Fallon & Mrs Knight  
6 Janefield Place  
Dundee  
DD4 7AD**Agent**John Gordon  
19 Kinneddar Park  
Saline  
Fife  
KY12 9LE**Registered** 26 Jan 2007**Case Officer** S Johnson

# Rear Conservatory Proposed In Maryfield Conservation Area

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

**RECOMMENDATION**

The proposed development is considered to be contrary to Policy 14 and Policy 61 of the Dundee Local Plan Review 2005. The objections are supported and the application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of a conservatory to the south elevation of 6 Janefield Place Dundee.
- Policy 14 and Policy 61 of the Dundee Local Plan Review 2005 are relevant to the determination of the application as they seek to protect the amenity of neighbouring residents and Maryfield Conservation Area.
- Two letters of objection were received from surrounding neighbours on the grounds of: Development will be built on a common access; effect on conservation area; neighbouring property would be obscured from view and overlooking; deprivation of natural sunlight; lack of consideration for neighbouring property and planning regulations; effect on residential amenity and there will be an increase in noise.
- It is considered that the proposal is contrary to Policy 14 and Policy 61 of the Dundee Local Plan Review 2005. The views of the objectors are supported because it is considered this proposal will have a detrimental impact on the neighbouring property and Maryfield Conservation Area. There are no material considerations that would justify the approval of the application.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a conservatory to the south elevation of 6 Janefield Place, Dundee. The proposed conservatory will measure approximately 3.2metres in width, 3metres in length and will be approximately 3.2metres high. The proposed finishing materials are matching facing brick on the base course, the conservatory will be a white UPVC conservatory with trickle ventilation and the roof frames will be double glazed toughened sealed units.

## SITE DESCRIPTION

The site is located on the south side of Janefield Place within Maryfield Conservation Area. It is a one and a half storey, end of three in a row dwelling. There is a flat roof extension on the east elevation. There is a separate garage to the east of the site. As the property fronts onto the street, there is a reasonable sized garden area to the south only. This is a residential area with a mixture of tenemental flatted properties and detached two storey and one and a half storey dwellings. There is on-street parking. Some properties have a garage or parking within the curtilage.

## 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

d d 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.



As Proposed

### 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

There is no site history of direct relevance to the consideration of this planning application.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and two letters of objection were received. The grounds of objection are:

The development will be built on a common access.

A ransom strip will be created as a result of this development.

Devalue and effect the privacy and enjoyment of the adjoining property.

This is a conservation area and any change may be contrary to legislation.

Intention to build on neighbour's servitude right of water and sewerage.

The size of the building does not take into consideration the statutory requirement of leaving the required space between neighbouring boundaries.

The neighbouring property would be obscured from view and there would be overlooking.

Deprivation of natural sunlight.

There is a Human Rights implication as this conservatory will intrude on family life and the peaceful enjoyment of neighbouring property.

Lack of consideration not only for a neighbouring property but of current planning and building regulations.

This development will effect residential amenity.

There will be an increase in noise.

Overshadowing and overlooking of the neighbouring property.

Copies of the objections 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.

In terms of Policy 14 the conservatory is proposed to be erected on the south elevation as such it is considered it will not have an adverse impact on the prominent elevation of this dwelling.

The main issue for consideration is whether as a result of this extension there will be a loss of privacy to the properties located to the south and west of the development. In relation to the property to the south, as this is a suburban setting it is considered that if the applicant had a seating area along the southern boundary of their garden this would create more of a privacy issue than this proposal. However, in relation to the adjoining property to the west, as the conservatory is at a higher level than this adjoining property it is considered that this would lead to overlooking. In addition, it would appear that the distance between the proposed conservatory and the windows in the adjoining property to the west is only some 7 metres. The Dundee Local Plan Review 2005 requires that a distance of 18 metres is maintained between habitable rooms. With this development this would not be the case. It is considered that there will be unacceptable overlooking and loss of privacy which will detrimentally effect the residential amenity currently enjoyed by residents as a result of this development.

In relation to the loss of natural light and overshadowing to the properties to the south and west. There is approximately 9metres from the proposed conservatory to the southern boundary. There are some small shrubs planted along the boundary with gaps between the planting. As the conservatory will measure approximately 3.2metres high it is considered that there may some overshadowing at certain times of the day but it is not considered that this is sufficient to warrant refusal of the application on these grounds.

However, in relation to the property on the west elevation it is considered that due to the proximity of the development to the adjoining dwelling there may be overshadowing at certain times of the day. Consequently, it is considered that this development is potentially contrary to Policy 14.

The extension will be approximately 3.2metres in width and 3metres in length. The site has a reasonable sized garden area measuring approximately 154sqm. This proposal will have minimum impact on the total amount of useable garden ground associated with this property.

The building work will be finished in facing brick to the base course to match the existing. The conservatory will be a white UPVC conservatory with trickle ventilation and the roof frames will be double glazed toughened sealed units. The proposed finishing materials are acceptable for this dwelling. However, the manner in which the conservatory is joined to the roof of the existing house is awkward and visually unattractive.

Policy 61 states that all development proposals will be expected to preserve or enhance the character of the surrounding area. As discussed above, in terms of design, this proposal is considered unacceptable for this site. It is felt that this proposal will detract from the character of the conservation area.

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

## Other Material Considerations

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

### Objections

Two letters of objection were received in respect of this application. The main issues relating to privacy, overshadowing and effect on residential amenity have been covered in the development plan section above. The other issues raised by the objectors are:

The development will be built on a common access; it is the intention to build on the neighbour's servitude right of water and sewerage and a ransom strip will be created as a result of this development. This development will also devalue the adjoining property. These points of objection have been

grouped together as these are not relevant planning matters but relate to legal issues and consequently can not be considered when assessing this application.

There would appear to be a lack of consideration not only for a neighbouring property but of current planning and building regulations. As the applicant has submitted a planning application for this development it is considered that the applicant has taken the appropriate measures to comply with planning requirements.

There will be an increase in noise. It is unclear whether the objector is objecting to the noise whilst the conservatory is being erected or afterwards. If the objector is referring to noise during construction it is recognised that with any sort of development there will be a certain amount of disturbance. If the objector is concerned about the noise on completion of the development it is considered that if the applicant were to provide a seating area in the garden there would be more noise created than with this development. It should be noted that the control of noise is covered by other legislation rather than planning legislation.

In relation to the appropriate space between boundaries, it would appear that the conservatory will be set back approximately 1.4metres from the boundary. However, there is no requirement in planning legislation that development must be a certain distance from the boundary. Planning considers issues such as privacy and overshadowing as a result of any proposed development. In relation to this application these issues have been considered in the Development Plan section above.

In terms of Human Rights, the Scottish Planning System is compliant with Human Rights legislation.

It is concluded from the foregoing that there are no material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

### Design

The manner in which the conservatory is joined to the roof of the existing house is awkward and visually unattractive. Therefore it is considered

that the proposed development due to its architectural form would have a detrimental impact on the adjoining property and the Maryfield Conservation Area.

---

## CONCLUSION

---

It is considered that the proposal is contrary to Policy 14 and Policy 61 of the adopted Dundee Local Plan Review 2005. The objections are supported in these circumstances.

---

## RECOMMENDATION

---

It is recommended that consent be REFUSED for the following reasons:

### Reasons

- 1 The proposed development is contrary to Policy 14 of the Dundee Local Plan Review 2005 due to overlooking, loss of privacy and design. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.
- 2 The proposed development fails to preserve or enhance the character or appearance of the Maryfield Conservation Area due to the design of the conservatory, in particular, the manner in which it is attached to the dwelling 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 to the provisions of the development plan in this instance.