

KEY INFORMATION

Ward West End

Proposal

Sky Satellite Dish to South East Elevation of House Beside Existing Aerial

Address

12 Briarwood Terrace
Dundee
DD2 1NX

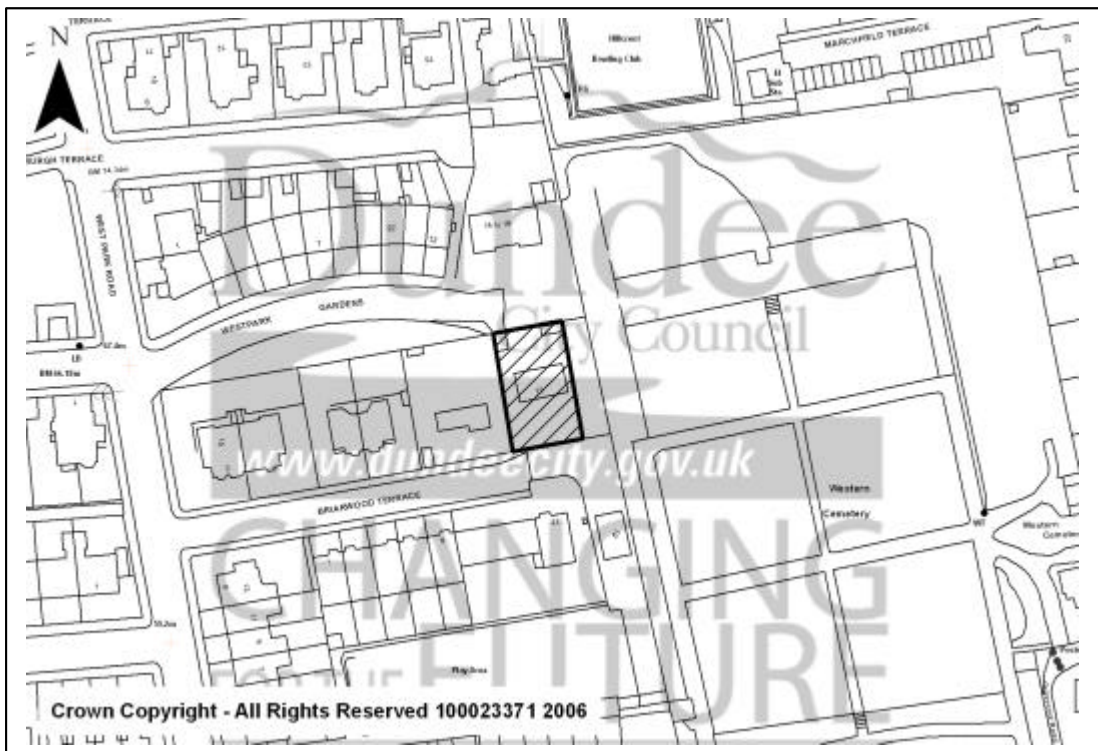
Applicant

Mr Michael Dailly
12 Briarwood Terrace
Dundee
DD2 1NX

Agent

Registered 23 May 2007

Case Officer B Knox



Satellite Dish on Side of House in Conservation Area

The Sky Satellite Dish to South East Elevation of House Beside Existing Aerial is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered to comply with Policies 14 and 61 of the Dundee Local Plan review 2005. There are no material considerations that would justify refusal of the application. Accordingly, the application is recommended for **APPROVAL subject to conditions**.

SUMMARY OF REPORT

- Planning permission is sought to install a satellite dish to the south east elevation of a dwelling house.
- The proposal has been the subject of one objection. The main valid issue of concern relates to the impact of the proposal on the character of the conservation area.
- It is considered that the application complies with Policies 14 and 61 of the Dundee Local Plan Review 2005. The views of the objector are not supported in this instance and there are no material considerations that would justify the refusal of the application contrary to the provisions of the development plan.

DESCRIPTION OF PROPOSAL

The application proposes the installation of a satellite dish to the south east elevation of a private dwelling. It would measure approximately 750mm by 280mm in diameter and be dark grey in colour. It would be located on the east elevation of the dwelling near to the first floor window. Planning permission is required due to the dwelling's location within the West End Suburbs Conservation Area and the associated Article 4 Direction which is in place to restrict certain Permitted Development rights.

SITE DESCRIPTION

The application site is located at the eastern end of Briarwood Terrace and is within the West End Suburbs Conservation Area. The property is a detached 2 storey dwelling which has steep stairs as the pedestrian access only from Briarwood Terrace and both vehicular and pedestrian access from West Park Gardens to the north. The surrounding topography of the land is such that the north of the site is at a higher level than the south. Due to this, the dwelling is built into the land, with the southern part of the site largely comprised of terraced garden ground.

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

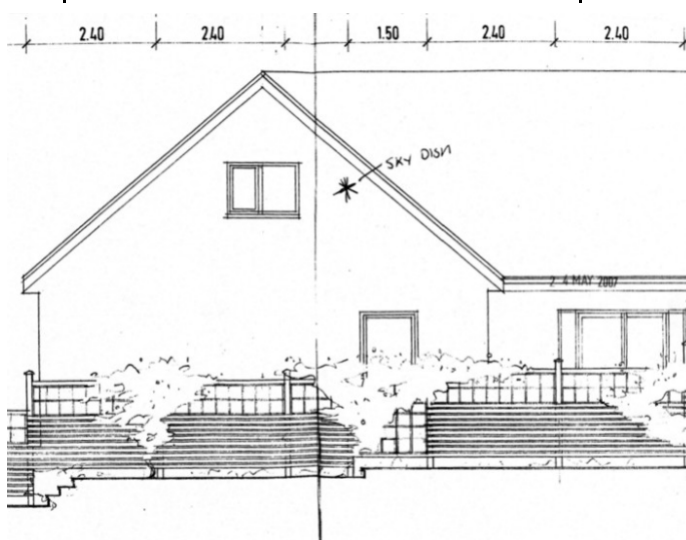
The following policies are of relevance:

Policy 14: Alterations And Extensions To Houses - proposals 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.

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

There is no planning history for this site.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one letter of objection was received. The only valid planning issue relates to:

- The impact upon the character of the conservation area.

The applicant also raised concerns that the Neighbour Notification process was not followed. This matter has been fully discussed with the Councils Legal Division. As a result of this, the applicants have re-notified the appropriate neighbours in order to address the concerns raised in relation to this issue. A further objection was received in respect of this renotification and the applicants have confirmed that they have notified in accordance with the terms of the Town and Country Planning Development Procedure (Scotland) Order 1992.

Other issues have been raised by the objector but they are not of direct relevance to the consideration of the current planning application.

CONSULTATIONS

No adverse comments were received from any of the 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 proposal under consideration seeks permission for the erection of a satellite dish to the south east elevation of a private dwelling. It would measure approximately 750mm by 280mm in diameter and be dark grey in colour. It would be located on the east elevation of the dwelling near to the first floor window. Normally, this would be permitted development. However, in this instance due to the Article 4 Direction as mentioned above in the Description of Proposal section it requires Planning Permission.

The proposal falls to be considered under the terms of Policy 14 (Alterations and Extensions to Houses) of the Dundee Local Plan Review 2005. This policy seeks to support proposals where there will be no adverse impact upon the appearance of the existing house, there is no significant loss of daylight or privacy to the neighbouring properties, where more than 50% of the garden area will be retained and where the design and materials respect the character of the existing house.

The dish is proposed to be located on the south east elevation of the dwelling which faces onto a thin strip of vacant ground and beyond that the Western Cemetery. Taking into account the location of the dwelling, there will be little opportunity for public view of the dish other than from within the cemetery. Taking these things into account, it is not considered to be a prominent elevation of the dwelling and therefore complies with criterion a of Policy 14.

Due to the type of development, there will be no loss of daylight or privacy to the neighbouring properties and no change to the footprint of the dwelling. In this respect, the proposal is considered to comply with criteria b and c of Policy 14.

Furthermore, the existing house is of modern appearance with dry dash finish to the walls and PVC windows and is therefore unrelated in finishing material and design to the general makeup of the area. In light of this, it is considered that the presence of a satellite dish as proposed would have a neutral effect upon the character of the existing house and as such complies with criterion d of Policy 14.

Policy 61 is also relevant here as the property is located within the West End Suburbs conservation area. This policy states that development proposals are expected to preserve or enhance the character of the surrounding area. Due to its discrete location on the building it is not considered that the dish will impact upon the character of the conservation area. It is therefore considered that the proposal complies with Policy 61 of the Dundee Local Plan Review 2005.

It is concluded from the foregoing that the proposal complies with the provisions of the Development Plan.

In accordance with the provisions of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Council is required to have special regard to the desirability of preserving or enhancing the character or appearance of that area. As discussed above, it is considered that the proposal has a neutral effect upon the character and appearance of the conservation area and as such the terms of Section 64 of the Act can be discharged.

Other Material Considerations

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

Views of the objector - the proposal is out of character in the conservation area

As discussed above, the existing house is of modern appearance with dry dash finish to the walls and PVC windows and is therefore unrelated in finishing material and design to the general makeup of the surrounding conservation area. The dish will not be visible from prominent view and as such will not detract from the character of the conservation area but rather have a neutral effect.

It is concluded from the foregoing that insufficient weight can be accorded to any material consideration 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 is considered to be acceptable given the existing appearance of the dwelling as exists and will not have a detrimental effect

upon the character of the conservation area.

CONCLUSION

The proposed satellite dish to the south east elevation of the dwelling will not detract from the character of the conservation area or from any of the environmental qualities currently enjoyed by nearby occupiers. It is concluded that the development is in accordance with Policies 14 and 61 of the Dundee Local Plan Review 2005. There are no material considerations, including the views of the objector, which would justify refusal of this application contrary to policy.

RECOMMENDATION

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.

Reason

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