

**KEY INFORMATION**

Ward The Ferry

**Proposal**

Proposed decking to rear  
Elevation of house

**Address**

8 Tircarra Place  
Broughty Ferry  
Dundee

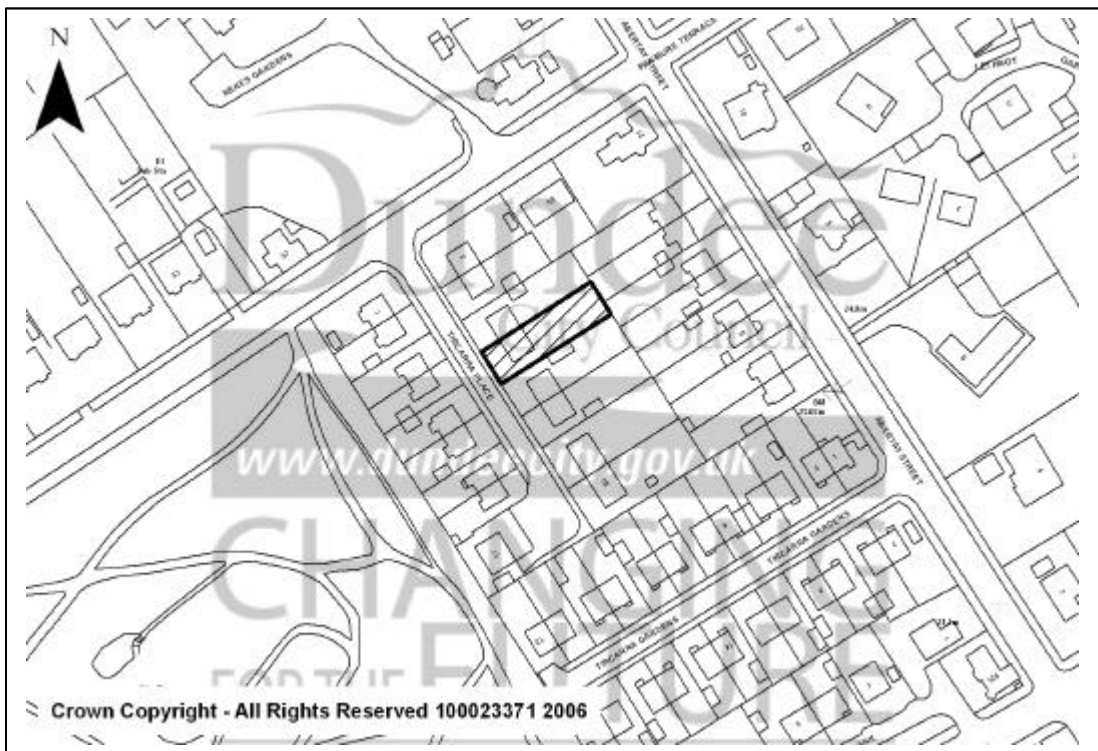
**Applicant**

Mr D Penman  
8 Tircarra Place  
Broughty Ferry  
Dundee  
DD5 2QE

**Agent**

Registered 1 June 2007

Case Officer S Johnson



## Consent Sought for Garden Decking in Tircarra Place

The proposed decking to the rear elevation of a house is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The retrospective decking complies with Policy 14 of the Dundee Local Plan Review 2005. It is considered that the objection submitted does not carry sufficient weight to justify the refusal of the application. Therefore the application is recommended for **APPROVAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the retrospective erection of decking on the rear elevation of 8 Tiracarra Place, Broughty Ferry, Dundee.
- One letter of objection was received from a neighbouring resident on the grounds of incorrect plans, overlooking, work carried out without planning permission, maintenance of fence, removal of boundary fence and appearance of rear of property.
- 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 this proposal will have minimal impact on the neighbouring property. There are no material considerations that would justify the refusal of the application.

**DESCRIPTION OF PROPOSAL**

Retrospective planning permission is sought for the erection of timber decking to the rear of the dwelling at 8 Tircarra Place, Broughty Ferry, Dundee. The timber decking will measure approximately 5metres in width and 3.7metres in length. Privacy screening is in place between the timber posts at the point closest to the adjoining property. The screening measures approximately 2.2metres in height. Away from this area there will be a timber handrail and balusters measuring approximately 0.9metres in height. The deck will be raised approximately 1metre above the ground.

**SITE DESCRIPTION**

The dwelling is located on the west side of Tircarra Road. It is a semi-detached one and a half storey dwelling. There is a reasonable front garden with a much larger sloping garden to the rear of the dwelling. There is a separate garage and parking within the curtilage. This is a residential area with a mixture of two storey and one and a half storey semi-detached properties. Some have parking and garages others only have on-street parking.

**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:

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

- c more than 50% of the original useable garden area will be retained; and
- d 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**

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

**PUBLIC PARTICIPATION**

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

The plans show Reres Road named as Panmure Terrace.

The plan shows no extension to the application property. There was a kitchen extension built during the winter.

The plan shows the decking stopping short of the neighbouring extension. This is totally incorrect.

The plan does not show the garage in the application property.

Part of the kitchen extension is in neighbouring property. The kitchen extension has large patio doors, the neighbours can see into the kitchen extension.

The decking is an intrusion of privacy. The neighbouring garden is completely overlooked.

All construction work has been carried out without planning permission.

The fencing overshadows the neighbouring kitchen window.

Due to the height of the decking there is no access to maintain the neighbouring fence panel.

The removal of the boundary fencing. Originally there was a wire and mesh fence, this has been removed. The neighbouring resident wants this to be re-instated as originally built.

The appearance of the rear has completely changed. There were rear steps leading down to the garden which was lower than the neighbouring garden area.

Copies of the objection letter are available for inspection in the Member's Lounge and the issues area 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 decking is located to the rear of the dwelling as such it is considered that there will be no adverse impact on the appearance of the prominent elevations of the house.

The main issue for consideration is whether as a result of this decking there will be overlooking to the neighbouring property. The site is a sloping site with a drop in level as you progress away from the dwelling. The decking is adjacent to a blank wall on the neighbouring property to the north. There is approximately 0.5metres between the decking and the adjoining property. The applicant has erected timber privacy screening between the posts at this area of the decking to prevent any overlooking issues. At the time of the site visit, 13 June 2007, the applicant had plants in place to climb over this screening. It should be noted that without the decking in place it would be possible to stand at the applicant's back door and to see into the neighbour's garden. However, with the screening in place on the decking this provides a degree of privacy to both the applicant and the adjoining neighbour. Consequently, it is considered that the potential for overlooking from the decking is limited as a result of the screening. There are a number of reasonable sized shrubs along the adjoining boundary against the timber panel fencing which is approximately 2metres in height. The neighbouring property also has a small dormer extension on the rear elevation. From this dormer extension it is possible for the neighbour to overlook the applicant's garden. The applicant also has a small dormer extension where it is possible to look into the objector's garden. Consequently, as a result of this proposal it is considered that there will be no significant loss of privacy for neighbours to the north of the property to warrant refusal of this application.

In terms of overshadowing, as mentioned previously the decking is adjacent to a blank wall where there is a hanging basket between the fence and the neighbour's kitchen window. At certain times of the day there may be a certain amount of loss of light. However, it is considered that this is not enough to warrant refusal of this application.

The decking does not impinge on the private garden ground to the rear of the house.

The finishing materials are timber which it is considered is complementary to the existing dwelling.

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:

One letter of objection was received in respect of this application. The main concerns relating to overlooking and overshadowing have been considered in the development plan section above. The other issues that the objector has raised are considered below:

The objector has stated that the plans are incorrect. In the submission of a planning application the function of a location plan is to outline the boundaries of the site and inform surrounding neighbours that a planning application has been made for development within that site. It is then at the neighbour's discretion to seek clarification regarding the proposed development by either coming into Dundee City Council's Planning and Transportation Department to view the full application or by looking at the application on Dundee City Council's Planning and Transportation website.

It is recognised that very often Ordnance Survey Maps are out of date (in this case neither the neighbouring extension nor the proposal are correct). Consequently, the application drawings are used to scale the actual development and a site visit is carried out.

The objector has mentioned the neighbour's kitchen extension. This application is to consider the erection of decking and not to discuss an existing kitchen extension. However, it should be noted that the kitchen extension was built under the permitted development powers as the floorspace including the garage was less than 24sqm and the extension does not break into the existing roofline. There is correspondence from the Planning and Transportation Department dated 25 October 2006 relating to this issue being a permitted development.

The objector is concerned that the work has been carried out without planning permission. This is not a material consideration as an application has been submitted.

In relation to the objector's concerns regarding the kitchen extension encroaching onto the neighbouring property, the ability of the neighbour to maintain the fence panel and the removal of the original boundary fence, these are civil matters rather than planning matters.

The objector is concerned about the change of appearance to rear of premises. Previously there was a step from the back door of the dwelling leading to the garden. The applicant has stated that the ground level has not been raised to accommodate the decking. The decking has been erected on top of supports so that it is at the required height to be used directly from the back door. There will be timber steps leading from the deck to the lower garden area to overcome the change in levels. If this area was to be used as a patio area this would require the levels of the garden area to be greatly changed. Due to the fact the decking is supported rather than being placed directly on the ground there has been no requirement to alter the ground levels to the same extent.

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 decking is acceptable to the character and appearance of the existing house and that of the area.

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#### **CONCLUSION**

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The proposal complies with Policy 14 of the Dundee Local Plan Review 2005. The objection does not carry sufficient weight to merit refusal of the application.

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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.

**Reason**

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