

**KEY INFORMATION****Ward** The Ferry**Proposal**

Erection of new fence in garden and replacement of existing fence with gates (retrospective)

**Address**

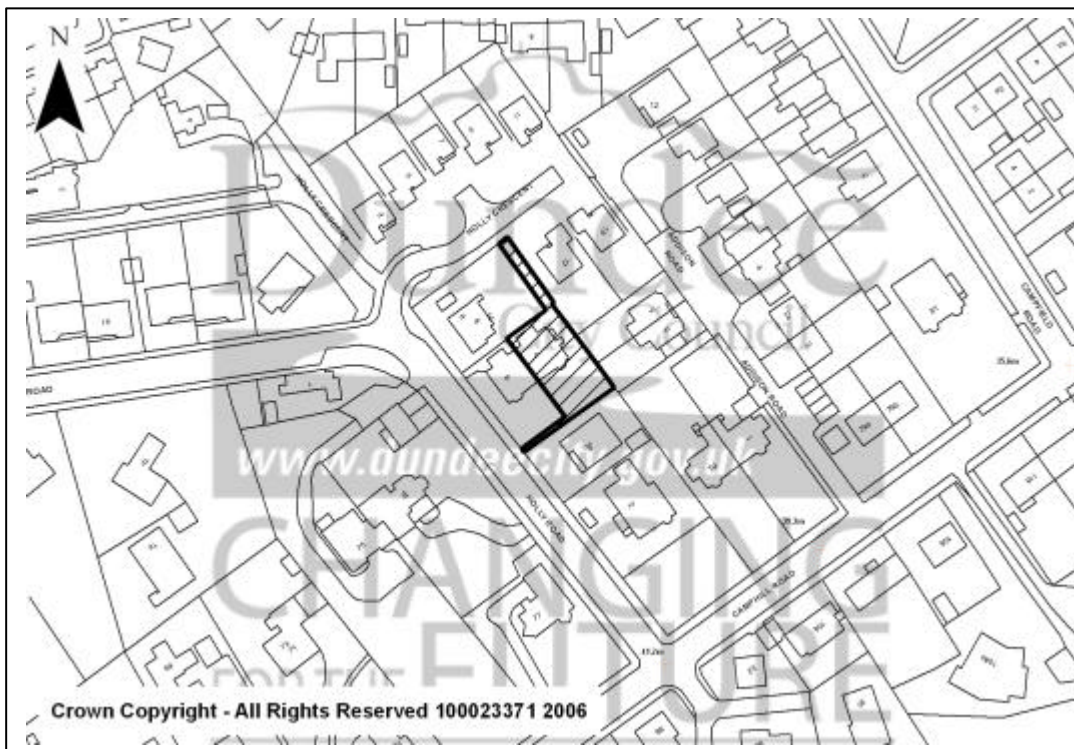
4 Holly Road  
Broughty Ferry  
Dundee

**Applicant**

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**Agent**

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**Registered** 26 June 2007**Case Officer** C Walker

# Permission for Fence and Gates Sought

The erection of a new fence in garden and replacement of existing fence with gates (retrospective) is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal complies with Policy 1 of the Dundee Local Plan Review 2005. The objections do not carry sufficient weight to merit refusal of the application. The development is therefore recommended for **APPROVAL**.

**SUMMARY OF REPORT**

- Planning permission is sought to retain a close boarded timber fence of 1.8 metres in height and to erect new 1.8 metres high gates of a similar design at 4 Holly Road adjacent to Holly Crescent.
- Policy 1 of the adopted Dundee Local Plan Review 2005 seeks to ensure that the design of new development should minimise any affect on the environmental quality enjoyed by local residents by virtue of its design.
- 7 letters of objection were received from the occupiers of each of the 7 houses in Holly Crescent, who are primarily concerned about the formation of a vehicular access which did not need permission and which is not the subject of this application. The relevant concerns relate to fears of crime as a result of the erection of the fence and gates and the visual appearance of the fence and gates.
- The design of the fence and gates is satisfactory and in compliance with Policy 1 of the Local Plan. It is not considered that the erection of the fence and gates will result in any significant increase in crime in this area.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to retain a close boarded timber fence of 1.8 metres in height and to erect new 1.8 metres high gates of a similar design. The fence separates a new driveway which was formed onto Holly Crescent from 4 Holly Road from the garden ground of the house at 8/10 Holly Road and the gates are intended to be placed across the new access. The fence and proposed gates are similar in design to the existing fence between 8/10 Holly Road and Holly Crescent.

The new access driveway and vehicular access to Holly Crescent did not need planning permission as Holly Crescent is not a classified road. The vehicular access is not therefore the subject of this planning application.

## SITE DESCRIPTION

4 Holly Road is a semi detached one and a half storey house of stone and slate construction. Originally this house had pedestrian access only taken from Holly Road to the west but more recently a vehicular access was formed onto Holly Crescent to the north. Holly Crescent is a modern cul de sac of 7 houses whose access road is a shared surface road (no separate footways) formed in pavements. The houses are large and have private garages and extensive driveways.

## 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

Policy 1 Vibrant and Sustainable communities is relevant to the determination of this application and states that the City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

## Scottish Planning Policies, Planning Advice Notes and Circulars

PAN 77 Designing Safer Places contains Government advice on how to create attractive well managed environments which help to discourage anti social and criminal behaviour.

## 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 7 letters of objection were received from the occupiers of each of the 7 houses in Holly Crescent.

The grounds of objection largely relate to the formation of the vehicular access and concerns about traffic safety, parking, loss of a grass area and shrubs and the legal entitlement to form the access. This access did not need planning permission and none of these concerns are relevant to the determination of this planning application to retain a fence and to erect new gates.

The relevant concerns, which were raised by some of the objectors, relate to fears of crime as a result of the erection of the fence and gates and the

visual appearance of the fence and gates.

Copies of the objection letters are available for inspection in the Members Lounges and the valid concerns raised 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 1, the relevant section of this policy (which is largely focussed on introducing new commercial developments into residential areas) seeks to minimise any affect on the environmental quality enjoyed by local residents by virtue of design.

In this case there are no design concerns relating to the fence which has been erected and the gates that are proposed. The fence and gates are typical of those found in most suburban areas such as this and are visually similar to the existing fence between 8/10 Holly Road and Holly Crescent. Indeed when the proposed gates were closed it would be difficult to spot the difference between the gates and the fence they replaced.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

## Other Material Considerations

The other material consideration to be taken into account is the concerns of the objectors. The concerns of the objectors about the visual appearance

of the fence and gates have already been considered in the assessment of the development against Policy 1 of the Local Plan and it has been concluded that the appearance of the structures is satisfactory.

The concerns about crime relate to the view that the new driveway could form an escape route for criminals and with fences on either side of it could be used by criminals to conceal themselves. Reference is made by objectors to PAN 77 Designing Safer Places.

It is not considered that the erection of the fence and gates will result in any significant increase in crime in this area. When the gates are open although in theory this could be used as an escape route, it is overlooked by the houses on the opposite side of Holly Crescent. In addition it could be argued that when the gates are open an extra element of surveillance onto Holly Crescent is provided. If the gates are closed and locked then the situation would not be much different from the situation which prevailed before the fence and gates were erected.

PAN 77 contains Government advice on how to create attractive well managed environments which help to discourage anti social and criminal behaviour. It is focussed on a much bigger picture of designing new housing and commercial layouts that deter crime. It is not considered that it is particularly applicable to the current situation and in any event it is not considered that the proposed development would lead to any significant increase in crime.

It is concluded from the foregoing that insufficient weight can be accorded to the concerns of the objectors 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 fence and gates is satisfactory in the context of the character and appearance of the surrounding area.

## CONCLUSION

The proposal complies with Policy 1 of the Dundee Local Plan Review

2005. The objections do not carry sufficient weight to merit refusal of the application .

## 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.