

KEY INFORMATION

Ward West End

Proposal

Retrospective Consent for Formation of Play Area and Replacement Window to East Elevation of Dwelling

Address

3 Arnhall Gardens
Dundee
DD2 1PH

Applicant

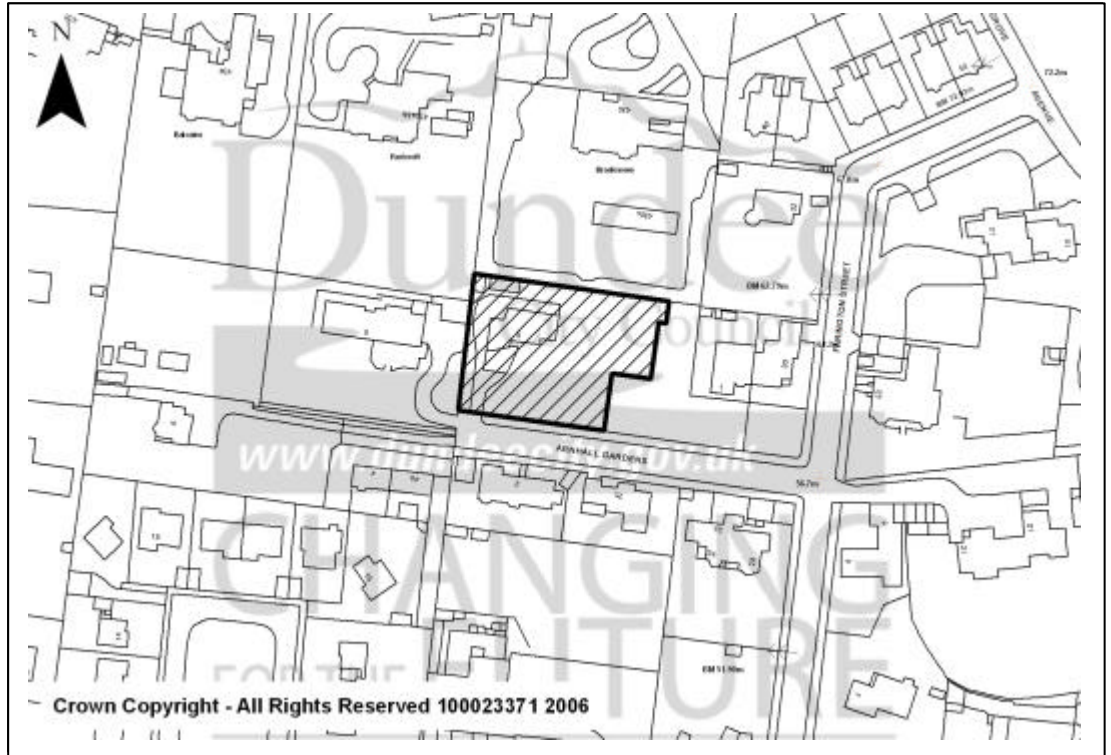
Mrs T Hansard
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Agent

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Registered 10 Mar 2008

Case Officer Wendy Ferry



Consent Sought for Play Area at House in Arnhall Garden

Retrospective consent for the formation of a play area and a replacement window is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the proposed alterations are acceptable. The proposal complies with Policies 1 and 61 of the Dundee Local Plan Review 2005. Therefore the application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Planning permission is sought for the formation of a play area and associated works and the replacement of a window to the east elevation of the dwelling. The development has already been undertaken.
- The proposed play area and replacement window raise issues for consideration in terms of Policies 1 and 61 of the Dundee Local Plan Review 2005.
- One letter of objection was received to the application from the neighbour to the east. The main issues relate to the visual appearance and size of the play area, drainage, infrastructure, uprooting of trees and shrubs having an adverse impact on wildlife, works already having started and damage having occurred to the boundary fence.
- It is considered that the formation of a play area and replacement window is in accordance with Policies 1 and 61 of the Dundee Local Plan Review 2005. There are no material considerations including the submitted objection that would justify refusal of this application in this instance.

DESCRIPTION OF PROPOSAL

Planning permission is sought for retrospective consent to form a play area to the rear of the dwelling with a levelled off rubberised play surface, 1 metre high timber fence to the south elevation and blockwork retaining walls to the north, east and west elevations. The land has been raised by 500mm to the south side of the play area and lowered by 500mm to the north side in order for it to be a level surface. The play area is to be approximately 29 metres by 6.4 metres in size and forms part of a very large garden. There is also to be the replacement of a window to the east elevation of the dwelling. The play area consists of a rubberised play surface with a timber fence to the south elevation. The timber fence is to be screened with planting. It is accessed via a tarmac ramp with a timber fence to the side.

SITE DESCRIPTION

The application site is located to the north side of Arnhall Gardens. It is a large detached 2 storey dwelling with a large front and side garden. The garden area to the rear is smaller. The play area to the north east of the dwelling has already been started and is accessed from a ramp to the rear of the dwelling. There are a number of mature trees surrounding the dwelling. There is off street parking for numerous vehicles at the dwelling and on street parking is also available. This is a residential area with various types and styles of dwellings. The dwelling is situated within a cul de sac.

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 1: Vibrant And Sustainable Communities - 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.

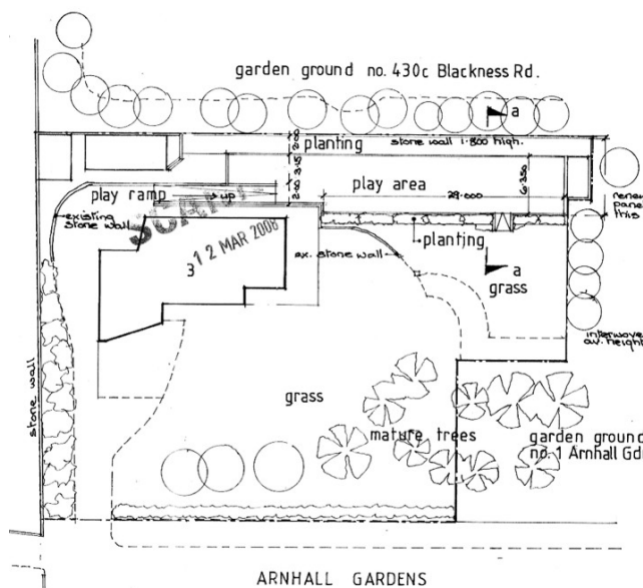
Policy 61 - Development In Conservation Areas - Within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features which contribute to the character and appearance including unlisted buildings 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 relevant site history to the application.

PUBLIC PARTICIPATION

The statutory neighbour notification procedure was carried out and one letter of objection was received from a neighbouring resident.

The grounds of objection are:

- 1 The visual appearance and size of the play area having a negative effect on the Conservation Area
- 2 The wall that has been built is of a substandard quality both in construction and materials used.
- 3 The height of the wall being unsafe and unsightly
- 4 The netting construction is flimsy and gaudy and has a detrimental impact on the natural environment
- 5 Reservations regarding drainage and infrastructure aspects and the impact on mature trees.
- 6 The uprooting of trees and shrubs having an adverse impact on wildlife
- 7 Works already having started
- 8 Damage having occurred to the boundary fence.

CONSULTATIONS

No adverse comments were received from statutory 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.

The proposal under consideration involves the formation of a play area and the replacement of a window in the east elevation of the dwelling. It is considered that the proposed play area is of a design that will not adversely impact on the prominent elevations of the house and will not detract from the character of the surrounding area as the play area is placed to the rear of the dwelling. Therefore the development will not have an adverse impact on the character of the West End Suburbs Conservation Area.

Should members be minded to grant Planning Permission, it is recommended that a condition be attached so that the new block walls surrounding the play area are to be rendered to match the material of the existing dwelling. In their current state the block walls do not compliment the character of the conservation area.

With regard to the impact the development will have on adjacent occupiers it is considered that, due to the location of the site and the scale of the alterations, there will be no significant loss of daylight or sunlight for the neighbouring properties as there are a number of mature trees sheltering the play area from adjacent dwellings. In addition, it is also considered that the privacy of these properties will not be prejudiced by the provision of a play area.

The replacement window is considered to respect the character of the conservation area as it is of the same size and design as the existing windows on the property and is smaller in size to the previous window. Therefore there are no issues of overlooking.

Therefore, it is considered that the development meets the criteria of Policies 1 and 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.

Other Material Considerations

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

Objection

One letter of objection was received in respect of this application. The main issues have been discussed and discharged in the Observations section above. Another issue was raised with regard to drainage of the play area. It is considered that, this is not a planning issue and is not taken into consideration for this application.

Planning (Listed Buildings and Conservation Areas) Scotland) Act 1997

Section 64 of the Act requires planning authorities in considering applications in conservation areas to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

This matter has already been considered in the assessment of the proposed development under Policy 61 of the adopted local plan review. It is concluded that the proposal will not have an adverse impact on the character of the conservation area.

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

It is considered that the design of the proposed extension including the finishing materials is acceptable to the character and appearance of the existing house and that of the area.

CONCLUSION

The proposal complies with Policies 14 and 61 of the Dundee Local Plan Review 2005. The objection does not carry sufficient weight to merit refusal of the application.

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 new block walls shall be finished to match the existing house in a manner to be agreed in writing with the planning authority. For the avoidance of doubt, these works shall be carried out within 3 months of the date of this approval or within a further period of time as agreed with the planning authority.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To protect the amenities of the occupants/owners of nearby adjacent properties in the locality.