

3 PLANNING APPEAL DECISION, 22 WEST SCHOOL ROAD - REPLACEMENT OF LOUNGE AND WINDOW WITH FRENCH DOORS AND ERECTION OF STEPS AND DECKING TO FLAT (AN175-2007)

Reference is made to Article II of the Minutes of the Development Quality Committee of 28 August 2006 wherein the above proposal was refused planning permission because the Council considered that the proposal was contrary to Policy 1 of the Dundee Local Plan Review 2005 due to its impact on the appearance of the building and the privacy enjoyed by adjoining residents. Also, the Council considered that to approve the proposal would create an undesirable precedent for similar developments in the adjacent and similar buildings.

The decision was appealed by the applicant under the provisions of Section 47 and Schedule 4 of the Town and Country Planning (Scotland) Act 1997.

The appeal was determined by written representations and the decision was received by the Council on 24 May 2007. Copies of the decision notice have already been circulated to Members by Email.

The Reporter considered the determining issues to be whether:

- i the proposal accorded with the provisions of the development plan (in this case the relevant provisions were considered to be Policy 1 of the Dundee Local Plan Review 2005); and
- ii whether an exceptional approval was warranted by other material considerations. In this case the other material considerations were the difficulty which the applicant was experiencing in accessing her property due to a medical condition.

In summary the Reporter concluded that the installation of the decking would detract from the design of the block and would adversely affect the overall appearance of the elevation fronting the public road. The Reporter also found that the neighbouring property's privacy would be reduced. The proposal was considered to be contrary to the terms of Policy 1 of the Local Plan Review.

The Reporter was not persuaded by the appellants arguments concerning the difficulties of accessing her property even taking into account the medical condition raised in the appellant's evidence. The Reporter also agreed with the Council that an undesirable precedent would be set if approval was granted.

Accordingly the appeal was DISMISSED.