

KEY INFORMATION

Ward Riverside

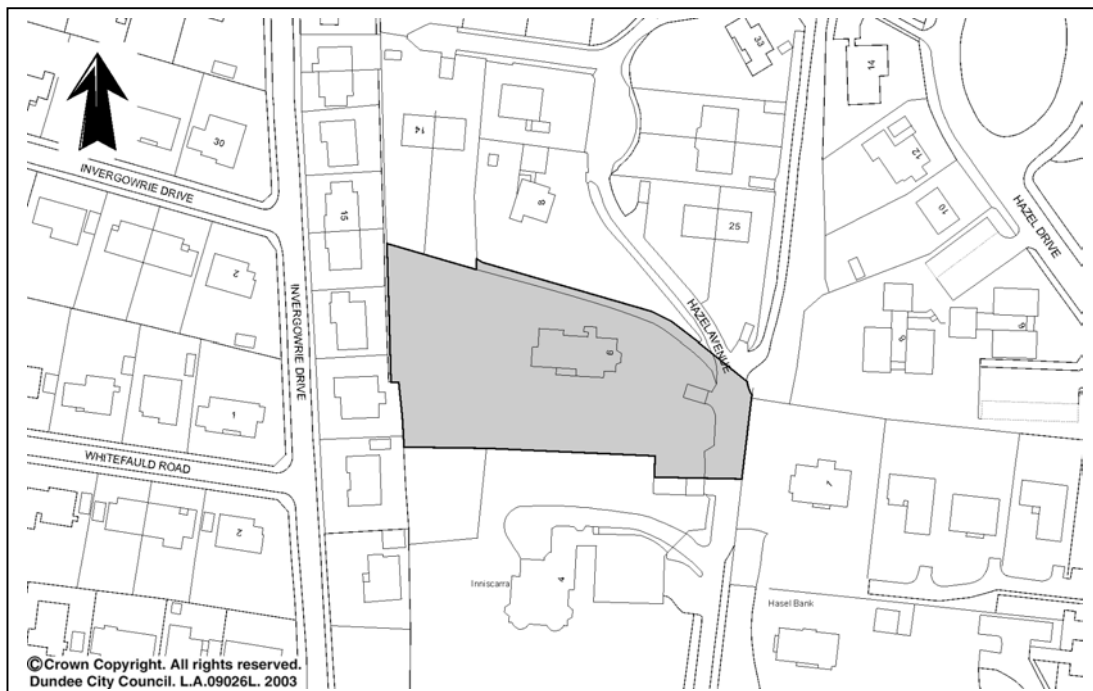
Proposal

Erection of wall and gates

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Registered 9 April 2004

Case Officer R Anderson



Proposed New Wall and Gates in Hazel Avenue

The erection of a wall and gates are is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed new gates, piers, walls and fencing are all of materials and design, which are supported by the council. The proposal conforms to local plan policy and there are no material considerations sufficient to overturn policy in this case. Accordingly approval of the application is recommended.

SUMMARY OF REPORT

- It is proposed that a new gate, wall and adjacent fence be erected towards the eastern boundary of the above property. The fence and gates are made from steel, whilst the wall and piers are made from natural and reconstituted stone. An area to the east of this new boundary is to be tidied and finished in granite setts, providing up to four new parking spaces.
- The property in question is a category C listed building. The site is also covered by part of a wider Tree Preservation Order.
- Two letters of objection have been received relating to the felling of a mature tree and the provision of off street parking.
- The proposal will result in development of quality materials and a formal boundary onto Hazel Avenue. In addition up to four off street parking spaces will be provided, benefiting the local residents. The application conforms to local plan policy and there are no material considerations, which warrant overturning policy in this case. Accordingly approval of the application is recommended.

DESCRIPTION OF PROPOSAL

It is proposed to erect a new gate, fence and walls on the eastern boundary of the above property. The gate will be made from black painted steel, as will the fence, while the piers will be formed from reconstituted stone. The new walls to be erected on top of existing dwarf walls will be made from natural stone as the existing walls. All of the structures are two metres in height. The new boundary will allow the area to the east to be tidied and laid with circular granite setts to allow up to four new parking spaces to be developed. The proposal will necessitate the removal of one mature tree and the replanting of several others in its place.

SITE DESCRIPTION

The site is located on the west side of Hazel Avenue some 150m north of its junction with Perth Road. The property is a one and a half storey detached bungalow set in substantially landscaped grounds. It is finished in a wet dash render with red concrete roof tiles and surrounded on all sides by similar residential properties. Hazel Avenue is an unadopted road and is not made up with suitable formal parking spaces. The property is a category c listed building.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 1998

The following policies are of relevance:

BE4 - Development in Garden Ground

ENV12 - Existing Trees on Development Sites

MV16 - New Car Parks in Housing Areas

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 15: Development in Garden Ground

Policy 72: Trees and Urban Woodland

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of

Non - Statutory Statements of Council Policy

There are no non - statutory Council policies relevant to the determination of this application.



LOCAL AGENDA 21

Key Theme 13 supports places, spaces and objects combining beauty with utility. Key Theme 15 indicates that diversity and local distinctiveness should be protected. The proposal meets the aims of these key themes.

SITE HISTORY

91/16884/D & 91/00700/DLB - extension to house on north elevation and erection of replacement garage - Approved - 19.02.1992

PUBLIC PARTICIPATION

Two letters of objection have been received. The main issues arising relate to the felling of a mature tree and the increase in parking provision. These points will be addressed in the "Observations" section of this report.

CONSULTATIONS

The Leisure and Arts Department have indicated they have no objection to the removal of the tree and subsequent replanting of replacements.

No other adverse comments have been received

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.

BE4 - Development in Garden Ground - This policy seeks to ensure that appropriate development is undertaken in garden ground associated with bigger historic houses across the city. In this particular case the development proposed does not affect the house in question being some 40m to the east of the dwelling. However it will have an effect on the existing boundary and appearance from the road. At present the access to the site is rather informal and untidy and the proposed gate, fence and wall will add attractive features, in quality materials, which will provide a more formal entrance to the property and improve the setting. The new wall being set back will also allow an area to be used for off street parking - another aspect supported by the council - which will be tidied and finished in stone setts to match the existing driveway. In terms of the visual and spatial aspects of the proposal it represents substantial improvements for both. In this respect the development meets the relevant criteria of BE4, namely A), H) and J).

ENV12 - Existing Trees on Development Sites - Although one mature tree (subject of a TPO) is to be removed, it is to be replanted with a similar species. It is considered that the tree in question is part of a blanket TPO and although it makes a

contribution to the tree coverage, it's growth is stunted on one side because of the encroachment of other trees. Its removal and replacement with a similar mature species will benefit the area greater in the longer term and ensure better tree coverage. This course of action, in principle, is acceptable to the council and will be controlled in detail by a condition. In addition to this a dead mature beech tree is to be removed and planted with an appropriate species, again to the authority's satisfaction and to the longer term benefit of the overall area. The applicants have also agreed to submit methodology statements of how the trees will be protected during construction, prior to the commencement of development on site. In this respect the proposal conforms to policy ENV12.

MV16 - New Car Parks in Housing Areas - The provision of up to four new parking spaces in the applicants ground will alleviate any pressure to park directly onto Hazel Avenue, which is unadopted and in poor condition. Such facility will benefit the users of this avenue and conform to the intentions of this policy.

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:

Policy 15: Development in Garden Ground - similar considerations are given to this policy as to policy BE4 above.

Policy 72: Trees and Urban Woodland - similar considerations are given to this policy as to policy ENV12 above.

The points raised by the objectors - The issue regarding the felling of a mature tree on site has been the subject of consultation with the council. As indicated above the trees in question are in poorer health and their removal and replanting, although regrettable, will benefit the overall area in the longer term and is therefore acceptable in principle. The issue has also been covered by the addition of conditions. The issue regarding increased provision of off street parking is one which is supported by the council and will benefit the residents of the area and users of Hazel Avenue.

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.

Design

The design of the gates, piers and fence is of a style and in materials, which are of quality and will visually enhance the area. The stone setts, which will extend the existing driveway and provide formal parking areas, are also of benefit and will tidy up the area which at present is overgrown and unsightly. The proposed design is supported by this department.

CONCLUSION

The development will bring visual and spatial benefits to the area and is of no detriment to surrounding residential amenity. It conforms to local plan policy and there are no material considerations, which warrant overturning policy in this case. Accordingly approval of the application is recommended.

RECOMMENDATION

It is recommended that planning permission 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 That prior to the commencement of development on site a full methodology statement covering the felling and protection of trees in accordance with BS 5837 and BS 4043 shall be submitted in writing and agreed to the satisfaction of the director of planning.
- 3 That no trees be felled prior to the methodology statement referred to in condition 2 being agreed in writing to the satisfaction of the planning authority.

Reasons

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

- 2 In the interests of the appearance and health of the mature trees on site.
- 3 To ensure that no tree felling occurs prior to suitable protection and replacements being agreed.