

KEY INFORMATION

Ward Balgillo

Proposal

Retrospective Erection of fencing and construction of timber decking

Address

5 Nevis Place
Broughty Ferry

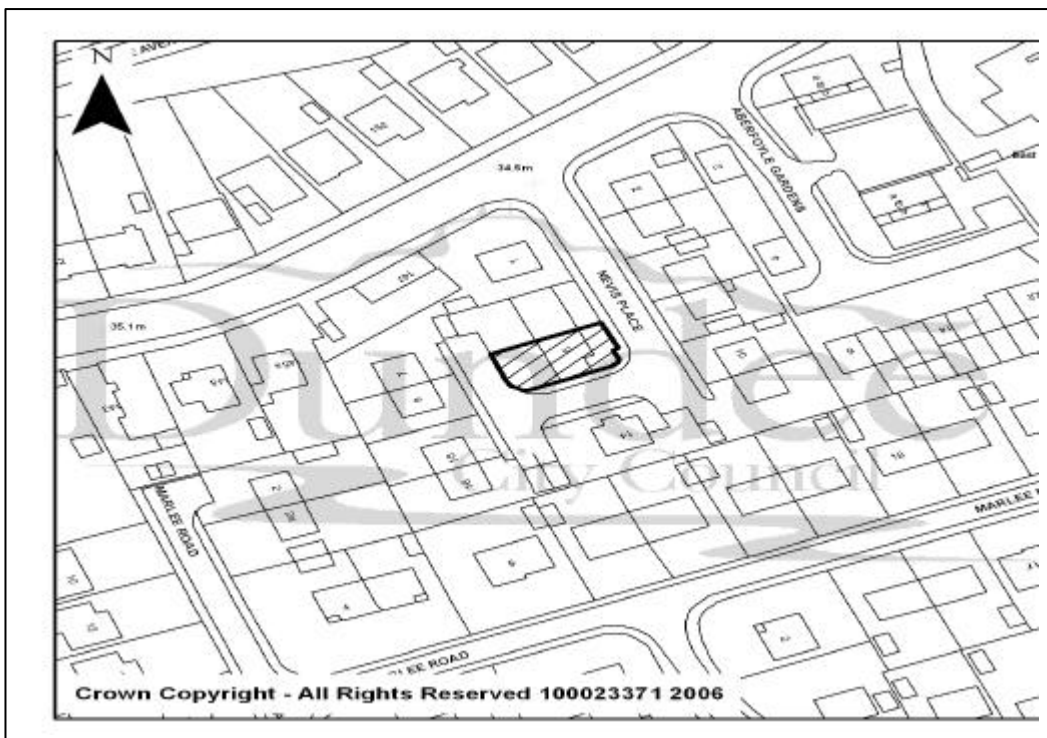
Applicant

Mr & Mrs D B Robertson
5 Nevis Place
Broughty Ferry

Agent

Registered 29 Sept 2006

Case Officer S Johnson



Consent Sought for Fencing and Decking in Nevis Place

Retrospective Consent for fencing and timber decking is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal 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 refusal of the application. Therefore the application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Retrospective planning permission is sought for the erection of fencing and the construction of timber decking on the south and west boundaries of 5 Nevis Place, Broughty Ferry. The fencing and decking are already constructed.
- Policy 14 of the Dundee Local Plan Review 2005 is relevant to the determination of the application as it seeks to protect the amenity of neighbouring residents and the amenity of the area.
- One letter of objection was received from a surrounding neighbour on the grounds that the height of the fence exceeds normal requirements and it is unsightly. Two letters of support were received from neighbouring residents on the grounds that the fence provides privacy to the applicant and neighbours and has improved the appearance of the street.
- 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 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

Planning permission is sought for the erection of fencing and the construction of timber decking to the west and south of the property at 5 Nevis Place, Broughty Ferry, Dundee.

The fencing and decking are currently in place. The horizontal slat hit and miss larch fencing is located along the boundary to the west and south of the property. It measures approximately 2.5metres in height at the highest point and approximately 2.1metres at the lowest point. The decking is in the south corner to the rear of the property. It is approximately 600mm above ground level and measures approximately 6.4metres in length.

SITE DESCRIPTION

The application site is located on the west side of Nevis Place. It is a one and a half storey semi-detached dwelling with an integral garage and parking within the curtilage. There is a small garden to the front of the property and a larger garden area to the rear. This is a residential area where the majority of properties are one and a half storey semi-detached dwellings. The property at No.16 has a similar fence in place to the rear of their property which can be seen from Nevis Place.

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 policy is of relevance:

Policy 14: Alterations and Extensions - Proposals will only be permitted where they do not adversely affect the prominent elevations of the house, there is no significant loss of sunlight, daylight or privacy to the occupants of neighbouring properties, more than 50% of the original useable garden ground will be retained and the design and materials respect the character of the existing building.

Scottish Planning Policies, Planning Advice Notes and Circulars

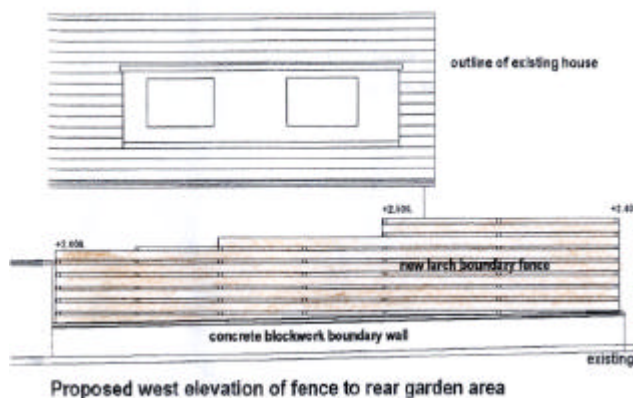
There are no statements of Government policy relevant to the determination of this application.

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

A single storey extension to the east elevation was approved in 1993. (Planning reference 93/18564/D). This was not implemented.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one letter of objection and two letters of support were received from neighbouring residents. The grounds of objection are:

The height of the fence far exceeds the normal building requirements for privacy. Although the height of the fence has been reduced the objectors believe there is now decking in place.

The fence is unsightly for neighbouring houses which look directly into the fence.

The grounds of support are:

The height of the fence has been reduced.

The fence allows privacy to both the applicant and neighbours.

The fence has improved the street's appearance.

The fence provides increased security.

The previous low wall and trees were unsightly.

Copies of the objection and the letters of support are available for inspection in the Members' Lounge and the issues 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.

This fence is replacing a damaged woven panel fence which was lower in height on the west and south boundaries of the dwelling. In terms of Policy 14 it is considered that there is no adverse impact on the appearance of the prominent elevations.

As the dwelling is located on a corner site adjacent to the main access for both vehicles and pedestrians to Nevis Place, it is considered without this fence the property would be quite exposed. This fence measures 2.5metres at the highest point. Due to the proximity of the road planning permission is required for any fence or wall over 1metre in height. It is considered 2.5metres is an appropriate height in order to provide a certain

amount of privacy to the rear garden area.

As there are no dwellings immediately to the south of the site, it is not considered that this fence or the decking has an unacceptable impact on neighbouring property in terms of loss of sunlight, daylight or privacy.

It is considered the installation of this decked area utilises the southern corner of the garden area. As there are no dwellings to the south it is considered that the impact of this decking will be minimal.

The fence and decking are currently stained light oak, it is considered if consent is granted that a condition will be put in place to ensure the fence is painted a darker brown colour to complement the existing colours of wood in the immediate area. For example; the dormer extension on this property and the neighbouring 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. The concerns of the objector related to the height of the fence and that it is unsightly. These concerns have been addressed above and it is considered that the views of the objector are not supported on this occasion.

It should be noted that there is a similar fence in place to the south west of the application site.

Two letters of support were received from surrounding neighbours. It is considered the reasons stated in support of this development are supported on this occasion.

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 fence and decking is acceptable to the character

and appearance of the existing house and that of the area.

CONCLUSION

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. Should Members be minded to grant approval it is suggested that a condition be imposed to ensure that the external finish of the fence is painted to reflect the existing wood work in the immediate area.

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 Within six months of receiving the decision notice the fencing on the south and west elevations shall be painted a dark brown colour. A sample of this colour shall be submitted to Dundee City Council for approval prior to being painted and if approved shall be carried out only in full accordance with such approved details.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 In the interests of visual amenity and the appearance of the development.