

KEY INFORMATION

Ward Barnhill

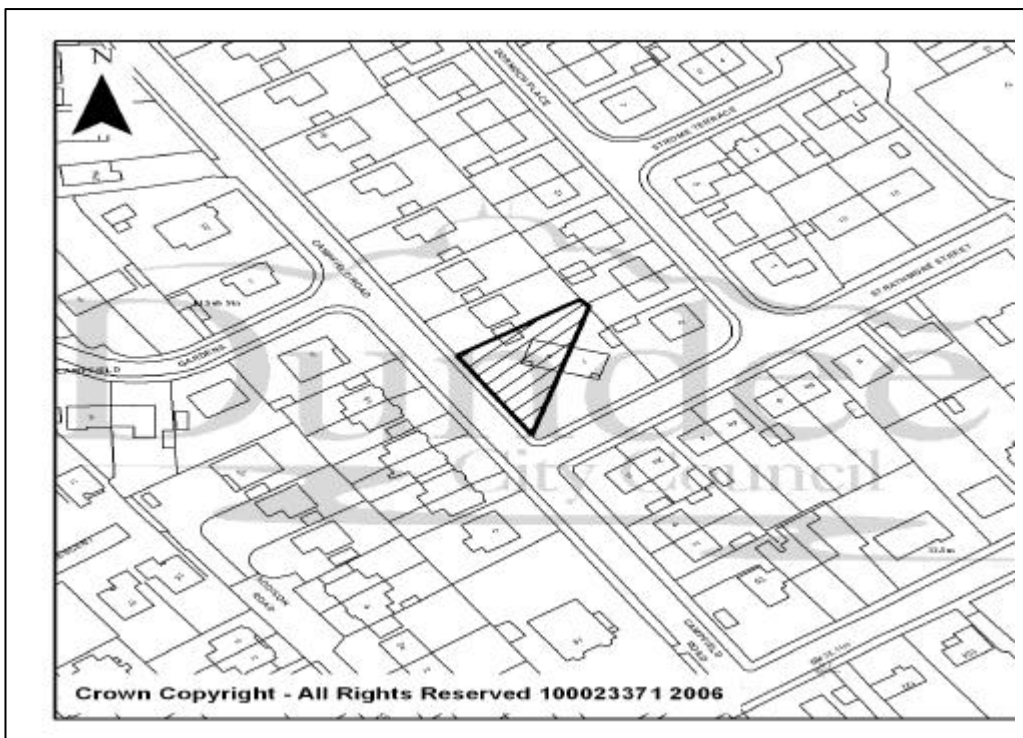
Proposal

Retrospective consent for conservatory to rear of house

Address6 Campfield Road
Broughty Ferry
DUNDEE**Applicant**Bruce Merrilees
6 Campfield Road
Broughty Ferry
DUNDEE**Agent**

Registered 10 Oct 2006

Case Officer S Johnson



Consent Sought For Conservatory in Campfield Road

Retrospective consent for conservatory to rear of house is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed extension complies with Policy 14 of the Dundee Local Plan Review 2005. It is considered that the objections submitted do 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 a conservatory on the north elevation of 6 Campfield Road, Broughty Ferry, Dundee.
- 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.
- Two letters of objection were received from neighbouring residents on the grounds that the proposed extension will lead to a loss of sunlight, overshadowing and privacy, the firewall has a negative impact on the rear of the adjacent property and is unnecessarily high.
- It is considered that the proposal complies with Policy 14 of the Dundee Local Plan Review 2005. The views of the objectors are not supported because it is considered this conservatory extension will have minimal impact on the neighbouring property. There are no material considerations that would justify the refusal of the application.

DESCRIPTION OF PROPOSAL

Retrospective planning permission is sought for the erection of a conservatory on the north elevation of the house at 6 Campfield Square, Broughty Ferry. The conservatory is currently in place.

The conservatory extension measures approximately 7.9 metres in length and 3.9 metres in width. The conservatory has a white pvc pitched roof with white pvc window walls and rendered block walls to match the existing dwelling.

SITE DESCRIPTION

The application site is located on the east side of Campfield Road. It is a one and a half storey semi-detached dwelling with a very large front garden and a smaller garden area to the rear. There is a garage with parking within the curtilage. This is a residential area with a mixture of two storey detached and one and a half semi-detached dwellings. The majority of properties have a garage and parking within the curtilage.

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 14: Alterations And Extensions To Houses

This policy states that proposals to alter or extend existing dwellinghouses will be only be permitted where:

- there is no adverse impact on the appearance of prominent elevations of the house; and
- there is no significant loss of sunlight, daylight or privacy to the occupants of neighbouring properties; and
- more than 50% of the original useable garden area will be retained; and

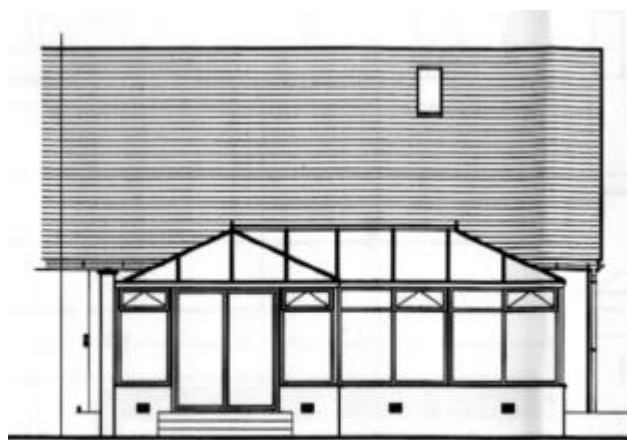
- the design and materials respect the character of the existing building.

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.



proposed north elevation 1/100

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

An application for the formation of dormers on the north and south elevations was refused for this property. (Planning reference 01/30293/FUL).

PUBLIC PARTICIPATION

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

As the development is on higher ground this has resulted in overlooking to ground floor windows.

The planning procedures have been disregarded by the builder and the applicant.

The firewall overshadows the rear garden and reduces the natural light into the rear bedroom.

The firewall is unsightly in terms of its size.

The firewall has a negative impact on the rear of the house.

The firewall is unnecessarily high.

The building has had an effect on trees. Branches were cut back to a level which may result in permanent damage. This was done without appropriate consultation.

One of the objectors is concerned about errors of notification by pointing out that date of notice to neighbours was dated 10/10/06 and the date the map was reproduced was 6/06/06.

Copies of the objections 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.

In terms of Policy 14 as the conservatory extension is to the rear of the property it is not considered that there will be an adverse impact on the prominent elevations of the dwelling.

The main issue for consideration is whether as a result of this extension

there will be loss of privacy to the dwelling located to the north east of the application site. The objector has stated that as the application site is on higher ground level the development of the conservatory has lead to overlooking. From a site visit to the objector's property, standing at the highest part of the garden, the only evidence of the conservatory is the roof. There are a number of neighbouring timber fences approximately 2metres in height obscuring the view of the conservatory from this property. Therefore, it is not considered that there is any unacceptable overlooking or loss of privacy as a result of this development.

In terms of loss of natural light and overshadowing to the adjoining neighbouring property to the east, there is an existing hedge in place which measures approximately 2metres in height. It is possible that the proposed extension may result in a loss of sunlight at certain times of the day to the garden area of the neighbouring property. However, it is considered that due to the factors previously mentioned that this is not sufficient to justify the refusal of this application.

The conservatory is an L-shaped structure which it is considered will have minimum impact on the total amount of useable garden ground associated with this property.

The conservatory has a white pvc pitched roof with white pvc window walls and rendered block dado walls to match the existing dwelling. It is considered that the conservatory has been designed to complement the design of the existing house. The proposed finishing materials are acceptable for this dwelling. It is therefore considered that the proposed extension, by virtue of its size, scale, architectural form and finishing materials, would not be detrimental to the character and appearance of the house and the area. It is considered that the extension would not have an unacceptable appearance in terms of Policy 14.

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:

Objections

Two letters of objection were received in respect of this application. The main issues relating to privacy and loss of light have been covered in the development plan section above. The other issues raised by the objectors are:

One of the objector's is concerned about the presence of the firewall and the overall effect this has on their property. It should be noted that a firewall is required by Building Standards in order that a completion certificate for this conservatory is issued regardless if planning permission is required or not. The height of the firewall is based on the amount of glass and the proximity to the boundary. One layer of breeze blocks has been removed to try to elevate the objector's issues. This has reduced the height from 3.2 metres to 3metres. The agent has submitted amended drawings 9 November 2006 illustrating this change. The objector had stated that if the firewall was reduced in height this may overcome some of the issues. The objector has not responded to this change.

The adjoining neighbour has stated this development has resulted in possible damage to the trees on the boundary. This is a civil matter between the applicant and the neighbour and is not a material consideration for this application.

The objectors are concerned that the applicant has shown disregard of the planning procedures and there is a difference between the dates of neighbour notification compared to the date on the location map. This is not a material consideration as a planning application has now been submitted. This planning application has been judged on its individual merits regardless of the fact the conservatory is in place. Originally, this application was permitted development. However, once building work commenced the size of the conservatory increased in size from 24sqm to approximately 31 sqm which resulted in the need for planning permission.

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 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 Policy 14 of the Dundee Local Plan Review. The objections do 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 firewall on the east elevation is finished in render.

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 firewall on the east elevation shall be finished in a rendered finish.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To provide a satisfactory finish to the development.