

**ANGUS COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**23 May 1996**

**SUBJECT: PLANNING APPEAL DECISION  
45 KEMSLEY PLACE, FORFAR**

**REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT**

**Abstract: This report presents the findings of the Report appointed by the Secretary of State to determine an appeal against the refusal by Angus District to grant consent for the erection of a conservatory at 45 Kemsley Place, Forfar.**

**1 RECOMMENDATION**

It is recommended that the Committee notes the successful outcome of the above appeal.

**2 INTRODUCTION**

- 2.1 With reference to Angus District Council minute 788(2)/95 the Planning and Development Committee at their meeting of 11 September 1995 refused Planning Consent for the erection of a conservatory on the front elevation of a terraced property at 45 Kemsley Place, Forfar. Application No 01/95/1460 refers.
- 2.2 The applicant, D Campbell, appealed against the refusal and the Inquiry Reporter's conclusion and decision are presented below.

**3 REPORTER'S DECISION**

- 3.1 Although both main doors are on the opposite side of the house, I consider that the elevation on which the conservatory is proposed is the public face of the property, as it faces traffic entering the street and contains the windows of the main rooms of the houses. I am therefore satisfied that the proposed development would constitute a front extension to the house, and that its merits should be considered in the context of the council's advice No 15: 'Front Extensions'.
- 3.2 In determining any planning application or appeal, regard should be had to relevant provisions of the development plan, and to any other material considerations. In this case, none of the parties have suggested that the proposal either accords, or does not accord, with any of the policies in either the structure plan or the local plan. On the basis of the written submissions and the site inspection, I therefore consider that the determining issues in this appeal are:-
- 1 whether the proposed development would accord with the terms of the council's Advice Note 15: 'Front Extensions'; and,

- 2 if not, whether granting planning permission would still be justified on the basis that its visual impact would be acceptable due to the particular design of the house and its relationship to the others in the block.
- 3.3 The advice note states that the public front of a house is rarely an appropriate location for the construction of additional accommodation. Such extensions can rarely be assimilated in a visually acceptable manner, invariably appearing out of place when singly implanted onto one house front in streets of uniform architecture. Accordingly, except in the case of individually designed houses, the advice note states that planning permission will not be granted for front extensions, except where it is proposed that all the houses in the block will be similarly treated, or where one has already been constructed on a neighbouring property.
- 3.4 In this case, it is not proposed to treat all the houses similarly, and the neighbouring property does not already have a front extension. Accordingly, I find that the proposed development would not be considered as an acceptable front extension within the terms of the advice note.
- 3.5 Due to the unusual design and layout of all the houses in this terrace, the opportunity to use a conservatory to form a house extension is effectively limited to the south-western elevation. I note that the appeal property stands a little lower than, and forward from the other houses in the terrace, and is separated at ground floor level by the footpath which passes through the pend. However, due to the uniform appearance of the terrace, the positioning of the main rooms, and their outlook onto the main area of private garden, the problems which would normally be associated with a conservatory extension on front elevations would also be experienced here.
- 3.6 I accept that the conifer hedging provides a degree of screening and privacy at present, but I agree with the council that its retention cannot be assured in future. The conservatory would be on the public face of the terrace and, although the appearance of the terrace is not of particular architectural merit or attraction, I do not consider that this justifies granting planning permission for a development which would appear out of place and destroy its cohesive appearance.
- 3.7 I conclude that the proposed development would not accord with the terms of the council's Advice Note 15: 'Front Extensions', and that it would have a significant adverse visual impact on the appearance of the terrace as a whole.
- 3.8 I have considered the other matters raised in the written submissions, including the previous appeal decision, but they do not lead me to alter my conclusions. Accordingly, in exercise of the authority delegated to me, I hereby dismiss this appeal and refuse to grant planning permission.

#### **4 COMMENT**

- 4.1 Design issues such as this can so often be regarded as a subjective matter of individual taste but the council has adopted the guidance contained in Advice Note 15: 'Front Extensions' as policy in order to ensure a consistent approach and it is gratifying that in dismissing this appeal, the Secretary of State's Reporter accepts and supports the Council's stated design policies.

**5 FINANCIAL IMPLICATIONS**

5.1 There are no financial implications.

**NOTE**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/JJ/SP

Alex Anderson  
Director of Planning, Transport & Economic Development

