

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

23 May 1996

**SUBJECT: PLANNING APPEAL DECISION
5 LINROSS FARM, GLAMIS**

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report presents the findings of the Reporter appointed by the Secretary of State to determine the appeal against the refusal by Angus District Council to grant consent for the erection of a conservatory at 5 Linross Farm, Glamis.

1 RECOMMENDATION

It is recommended that the Committee note the successful outcome of the above appeal and following refusal of consent, to commence enforcement proceedings to remove the conservatory which was erected without planning permission.

2 INTRODUCTION

- 2.1 With reference to Angus District Council minute 886(1)/95 the Planning and Development Committee at their meeting of 20 November 1995 refused retrospective Planning Consent for the erection of a conservatory on the front of a semi-detached traditional cottage at 5 Linross Farm, Glamis. Application No 01/95/1661 refers.
- 2.2 The applicant, Mr A Stewart, appealed against the refusal and the Inquiry Reporter's conclusions and decision are presented below.
- 2.3 Members are requested to note that the application also included the erection of a garage to the rear, to which neither the District Council or the Reporter had any objection.

3 REPORTER'S DECISION

- 3.1 No part of the approved development plans has been drawn to my attention, as being relevant to this appeal, in terms of section 18A of the Act. Advice Note 14 does not have the status of development plan but is a material consideration. Accordingly, on the basis of the written submissions and site inspection, I consider that the determining issues in this appeal are whether the proposed development would detract from the character of the house or the appearance of the area.
- 3.2 I am sympathetic to your client's desire to construct a garage and improve the property. The proposals are, I consider, unobjectionable apart from the conservatory. It is not technically competent, however, to refuse retrospective planning permission for the conservatory while granting planning permission for the

remainder of the proposals. I have therefore decided to refuse the proposal, in entirety, and dismiss the appeal.

- 3.3 In considering whether to grant planning permission for the conservatory I noted that the site is particularly prominent. Because of bends on the road it is fully visible from three main directions, north, west and south. This consideration combined with the fact that the overall landscape setting is very beautiful means that special care needed to be taken in designing the development. The conservatory, which is almost totally glazed, is particularly unsympathetic to the design of the existing building and this is all the more unacceptable because the house is one of a pair. I conclude that it seriously detracts from the character of the house and the appearance of the area. I have taken account of all the other matters raised but none outweighs the considerations leading to my conclusions.
- 3.4 Accordingly, in exercise of the authority delegated to me, I hereby dismiss your client's appeal.

4 COMMENT

- 4.1 Again, the Secretary of State's Reporter has supported the Council's design policies as contained in Advice Note 15: 'Front Extensions'.

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