

ANGUS COUNCIL**DEVELOPMENT CONTROL COMMITTEE****15 AUGUST 1996****SUBJECT: PLANNING APPEAL DECISION
DUNCAN ROAD, LETHAM****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 an appeal against the refusal by Angus District Council to grant consent for the erection of a house at Duncan Road, Letham.

1 RECOMMENDATION

It is recommended that the Committee notes the findings of the Secretary of State's Reporter.

2 INTRODUCTION

- 2.1 With reference to Angus District Council minute 60(1)/96 the Planning and Development Committee at their meeting of 22 January 1996 refused consent for the erection of a house at a site off Duncan Road, Letham (01/95/1819).

3 REPORTER'S DECISION

- 3.1 No development plan policies have been referred to in the written submissions. The Rural Angus Local Plan, although published in 1989, is still only in draft. Accordingly, on the basis of the written submissions and the site inspection, I consider that the determining issues in this appeal are whether the proposal would be in accordance with the terms of the draft local plan and the Letham Unadopted Roads Policy; and whether the access to the site is capable of safely and satisfactorily accepting the additional traffic which would be generated by the proposed development.
- 3.2 The appeal site is located in a residential area within the village boundary defined in the draft local plan, and hence there can be no land use objection in principle to the appeal proposal. The unadopted roads policy is attached as an appendix to the draft local plan. The policy was evidently designed to limit new housing developments served by unadopted roads in the village, but it was not intended as an embargo on further development. Accordingly the council has permitted individual houses on plots at the eastern ends of Duncan Road and Park Road close to the appeal site. The council acknowledges that the surface of Duncan Road has been improved since the policy was published in 1985, albeit that the road is still not up to adoption standard. The policy accepted that one additional house could be erected on the north side of the road, but did not identify any chosen location. Although the appeal site lies beyond the eastern extent of the road, it is located on the northern side of the private drive which serves as a continuation of Duncan Road and gives access to

two dwellings. I can find no requirement in the policy that the proposed new houses have direct access to Duncan Road. In the absence of an identified site, therefore, I consider that the appeal proposal is consistent with the Council's unadopted roads policy, which is appended to the draft local plan.

3.3 Nonetheless, the access to the appeal site is far from ideal. This section of Duncan Road is not built to adoption standards, and has no footways for most of its length. The private drive at its eastern end has a loose surface, is narrow, undrained, and unlit, and is shared by two other properties. However, Duncan Road itself has street lighting, is of reasonable width, and has a satisfactory surface at present. The shortcomings of the approach road and the private drive were evidently not regarded as sufficiently serious to merit refusing the development to the west of Duncan House, which was permitted in 1993. I note that the roads authority raised no objection to the appeal proposal, and I am not persuaded that the construction of this one additional house at the east end of Duncan Road would have an appreciable impact on the safety or efficiency of the road access.

3.4 I have taken account of all the other matters raised but none outweighs the considerations leading to my conclusions. Accordingly, in exercise of the authority delegated to me, I hereby sustain the appeal, and grant planning permission for the planning application dated 5 December 1995, subject to the following conditions:-

- 1 This permission is subject to the time limits as specified in section 39(2) of the Act as amended by paragraph 13 of Schedule 2 to the Local Government and Planning (Scotland) Act 1982 (extract attached).
- 2 Approval of the details of the siting, design and external appearance of the dwelling, the means of access thereto and the landscaping of the site (referred to as "reserved matters") shall be obtained from the planning authority.

4 FINANCIAL IMPLICATIONS

4.1 There are no financial implications.

5 CONSULTATION

5.1 The Director of Law and Administration and Director of Finance have been consulted in the preparation of this report.

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