

ITEM No. 5 (b)

Report No 914/96

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

24 OCTOBER 1996

SUBJECT: ENFORCEMENT ACTION - 26 FOTHERINGHAM DRIVE, MONIFIETH

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report presents the circumstances relative to a recommendation not to take enforcement action in respect of an aerial erected without the benefit of planning consent at 26 Fotheringham Drive, Monifieth.

1 RECOMMENDATION

It is recommended that the Committee agree not to take enforcement action in respect of an aerial erected without the benefit of planning consent on the rear elevation of the house situated at 26 Fotheringham Drive, Monifieth.

2 INTRODUCTION

- 2.1 A complaint was received regarding the mounting of a telescopic radio aerial on the rear elevation of the bungalow at 26 Fotheringham Drive, Monifieth. As the extended aerial projects above ridge height it requires planning consent. When retracted the aerial does not break the plane of the roof.

3 PLANNING CONSIDERATIONS

- 3.1 The complainer was interviewed and informed that while technically planning consent was required Government guidelines advised that an application should not be sought retrospectively for a development that would receive a recommendation of approval. In responding the complainer intimated that he would withdraw his objection if the developer would move the aerial away from his property.
- 3.2 The developer was interviewed and apprised of the circumstances. He stated that there were problems associated with moving the aerial that precluded his complying. Indeed the alternative location suggested by the objector would almost certainly attract objection from another neighbour. In view of the foregoing the complainer has intimated that he wishes the developer to make a formal application so that his concerns can be taken into account in determining the submission. A letter confirming the need for planning consent was sent to the developer. He has not responded.
- 3.3 The aerial can be retracted when not in use but appears to be left in its extended position except in very windy conditions. Despite this the aerial is not, in my opinion, seriously detrimental to the visual amenity of the area. It would be a matter of concern if such aerials were common place but this is not the case and the development is likely to be considered acceptable.

- 3.4 A letter from the complainer detailing his objections to the development is attached to this report.
- 3.5 As no response has been received from the developer, the Council is left in the position of pursuing enforcement action against a development that is probably acceptable or declining to take such action. Under the circumstances the latter is recommended but slides will be available at the meeting to assist the members in coming to a decision.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no significant financial implications.

5 CONSULTATION

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

6 CONCLUSION

An enforcement action may be the only way of addressing the complainer's concerns as the developer has not complied with a request to submit a planning application. Enforcement action, however, is not recommended as the development is acceptable on planning grounds.

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/IAL
15 October 1996

Alex Anderson
Director of Planning, Transport & Economic Development