

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

13 MARCH 1997

**SUBJECT: PLANNING APPEAL DECISION
2 LOWSON AVENUE, CARNOUSTIE**

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 of Angus Council to grant consent for the erection of a conservatory at 2 Lawson Avenue, Carnoustie.

1 RECOMMENDATION

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

2 INTRODUCTION

- 2.1 Angus District Council's Planning and Development Committee at the meeting on 4 December 1995 refused Planning Permission for the erection of a conservatory on the front elevation of 2 Lawson Avenue, Carnoustie (application No. 01/95/1726).
- 2.2 The applicants, Mr. and Mrs. I. Robertson appealed against the refusal and the Reporter's conclusion and decision are presented below.

3 REPORTER'S DECISION

- 3.1 Section 18A of the Act requires this appeal to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. In this case no part of the Development Plan has been drawn to my attention by the parties as being relevant to the determination of the appeal. I accept that the terms of the Development Plan are not germane to this appeal.
- 3.2 The matters before me relate to the impact of the proposal on the residential environment and I believe that in this context the Council's policy, as set out in Advice Note 15 on front extensions, is a material consideration. Thus, on the basis of the written submissions and the site inspection, I consider that the determining issues in this appeal are whether the proposal is contrary to the Council's policy on front extensions; and whether it would detract from the amenity of the area.

- 3.3 On the first issue, your clients' planning application form and the associated drawings clearly indicate that permission is being sought for the erection of a conservatory. The scale and nature of this structure are in my opinion quite different to those of a porch. A porch provides protection from the elements and a limited amount of storage for coats and footwear. While a conservatory also offers protection from the weather, it is primarily designed to provide additional living accommodation for the house. The Council's policy on front extensions allows the building of small porches provided that they are below a certain size. Your clients' proposals are, in my view, significantly in excess of the maximum dimensions for porches contained in the policy.
- 3.4 I consider that in these circumstances the development has to be regarded as a front extension. I share the Council's concern about providing additional accommodation at the front of residential property and the difficulty this creates in assimilating such structures in a visually acceptable manner. The policy states that front extensions will not generally receive Planning Permission unless certain specified situations exist. The Advice Note indicates that the exceptions to the policy apply in the following circumstances; when there is already a front extension on a neighbouring property; an individually designed house is involved; or all the houses in a block are to be identically treated. In this case I do not believe that the proposal meets any of the criteria which permit exceptions to be made to the policy. I therefore find that the development would be contrary to the Council's policy on front extensions.
- 3.5 Turning to the second issue, any proposal to erect a structure between the front elevation of a house and the public road has to be considered in the context of the effect it would have on the character of the existing building and the appearance of the wider area. In my opinion the development of a conservatory of the scale proposed, at the front of a semi detached property, would be out of keeping with the surroundings. It would not respect the architecture of the two existing houses or the unified overall design of the estate. Consequently, I consider that the proposal would be unduly prominent and intrusive and would be detrimental to the appearance of the area. On the second determining issue I find that the development would have an adverse effect on the amenity of the area.
- 3.6 I therefore conclude that the proposed erection of a conservatory would be contrary to the Council's policy on front extensions and would have an adverse effect on the appearance and amenity of the area. I have taken account of all the other matters raised, but none outweighs the considerations which lead to my conclusions. Accordingly, in exercise of the authority delegated to me, I hereby dismiss this appeal and refuse to grant Planning Permission for the development.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications.

5 CONSULTATION

- 5.1 The Chief Executive, 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/KW
27 February 1997

Alex Anderson
Director of Planning, Transport & Economic Development

