

# ITEM No. 6 (c)

Report No 514/97

## ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

6 MAY 1997

SUBJECT: PLANNING APPEAL DECISION  
46 PRIOR ROAD, FORFAR

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 double garage at 46 Prior Road, Forfar.

### 1 RECOMMENDATION

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

### 2 INTRODUCTION

- 2.1 The Development Control Committee at the meeting on 26 September 1996 refused Planning Permission for the erection of double garage in the front garden of 46 Prior Road, Forfar (01/96/1340).
- 2.2 The applicant Mr I A Gaul appealed against the refusal and the Reporter's conclusions 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 development plan unless material considerations indicate otherwise. I have not been made aware of any of the terms of the development plan which might be relevant to this appeal. Accordingly, on the basis of the written submissions and the site inspection, I consider that the determining issues are whether the proposal would be detrimental to the safety of pedestrian and vehicular traffic; and whether the proposal would harm the appearance of the appeal property and the streetscene.
- 3.2 With reference to the first issue, because the proposed garage would be located close to the heel of the footway, there would be no space in front of the garage for a car to wait whilst the garage doors were opened. This can lead to cars being temporarily positioned across the footway and projecting into the carriageway whilst the doors are opened, a circumstance clearly detrimental to the safety of both pedestrians and vehicular traffic. As the proposal is for a double garage, there would be increased possibility of that situation occurring. The same problem is less likely to occur with an off-road parking bay in a similar location, either because no gates may be erected, or because owners are more likely to leave open the gates to parking spaces than they are to leave garage doors open. I am aware that garages in similar positions have been allowed on the opposite side of the road, but this does not persuade me that the same approach should be repeated here, as safety considerations are at stake on a reasonably busy thoroughfare.

- 3.3 The loss of on-street parking spaces in front of the proposed garage does not give me cause for concern, as the plot has a wide frontage, and some 6.5 metres of road frontage would remain available for on-street parking to the south-west of the proposed garage.
- 3.4 Turning to the visual impact of the proposal, the garage would be shielded to some degree by the slope of the ground and, from the certain angles, by the tenement block adjoining. Nevertheless (whichever of the width dimensions referred to in paragraph 4 is correct), it would be a bulky building of rather utilitarian appearance, which, in this forward position, would, in my opinion, detract from the pleasant appearance of the dwellings on this side of the road.
- 3.5 In summary, I conclude the proposal would be detrimental to the safety of pedestrian and vehicular traffic; and that it would harm the appearance of the appeal property and the streetscene.
- 3.6 I have taken account of all the other matters raised, but none outweighs the considerations leading to my decision. Accordingly, in exercise of the authority delegated to me, I hereby dismiss your appeal.

#### **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/SP/IAL

24 April 1997

Alex Anderson  
Director of Planning, Transport & Economic Development