

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

22 MAY 1997

SUBJECT: PLANNING APPEAL DECISION
2 GLENCLOVA TERRACE, 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 garage at 2 Glenclova Terrace, 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 24 October 1996 refused Planning Permission for the erection of a garage in the front garden of 2 Glenclova Terrace, Forfar.
- 2.2 The applicant Mr & Mrs McRitchie appealed against the refusal and the Reporter's conclusions and decision are presented below.

3 REPORTER'S DECISION

- 3.1 None of the written submissions has relied on any provisions in a statutory development plan, so that there is no matter to be considered in terms of section 18A of the 1972 Act. On the basis of the written submissions and the site inspection, I consider that the determining issue in this appeal is whether the garage would have an unacceptable impact in the street scene, in this unexceptional but not unpleasant residential area.
- 3.2 In this matter I find the Council's non-statutory guidance leaflet helpful and sensible, in the advice that it gives to householders, and particularly in warning that garages in front gardens will seldom be acceptable. The site in question is particularly prominent, since it faces down Airlie Crescent. A garage with its long side wall hard on the heel of the footway would be conspicuous and incongruous, partly by its own size and shape and partly by displacing the usual front garden adorned with some vegetation. Although the present parking space and retaining walls must already have had a considerable adverse impact by comparison with even a minimally maintained front garden, this is less than would be caused by a significantly higher, roofed structure. Even if it is not practicable to excavate further back into the side garden to form the floor of a garage, I thus find the appeal scheme unacceptable for its impact on the street scene, and not a fitting example for an exception under criterion (d) of the advise note.

- 3.3 It also seems to me that the council's fear of encouraging similar garages in front gardens, if this scheme were approved, is not far-fetched. Despite the absence of any record of an objection from the relevant highway authority, it is also evident that cars being reversed blind out of the garage would be likely to endanger the occasional passing pedestrian, besides having to emerge at a less than desirable point which is at a sharp bend on a bus route and immediately next to a vehicular entrance to an institutional building.
- 3.4 I have taken into account all other matters mentioned in the written submissions, including the existence in the vicinity of rows of lock-up garages, which I do not find at all similar in character or appearance to the proposed garage in a front garden. There is nothing in the submissions that could tend to different conclusions.
- 3.5 For the above reasons, and in exercise of the powers delegated to me, I hereby dismiss this 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

13 May 1997

Alex Anderson
Director of Planning, Transport & Economic Development