Abstract: This report deals with planning application No. 05/00392/FUL for the erection of a conservatory for Mr. Langslow at 12 Blacklaw Drive, Birkhill, Dundee. This application is recommended for refusal.

1 INTRODUCTION

1.1 Full planning permission is sought for the erection of a conservatory for Mr. Langslow at 12 Blacklaw Drive, Birkhill, Dundee.

1.2 The application site is located to the south west of Blacklaw Drive some 50 metres south of its junction with Clinkerheel Drive. The building subject of this application is a single storey, dwellinghouse with a plot measuring some 390 square metres in area. It is of modern construction with roughcast walls and a tiled roof and is unaltered. The property is located within an established residential area and is bound to the north by 10 Blacklaw Drive, to the east by the roadway Blacklaw Drive, to south by the roadway Blacklaw Drive and to the west by 14 Blacklaw Drive. A two-metre high timber fence to form the northern boundary of the property. To the east is a two metre high hedge. The kerbstone adjoining the roadway defines the south, although the hedge that forms the eastern boundary does continue around to the south by approximately 6 metres. The western boundary is defined by a heel kerb that separates the drive of the application property from the garden of the neighbouring property 14 Blacklaw Drive.

1.3 The proposal involves the erection of a conservatory on the southern elevation of the property. The conservatory will sit 3.5 metres in height and have a floor area of approximately 12.5 square metres. The conservatory will be constructed with a harl base course one metre in height, with wood grain PVC frames and the roof will consist of bronze polycarbonate sheeting. Access will be gained through the living room of the property and patio doors will be created on the east elevation of the conservatory to provide access to the front garden of the property.

2 RELEVANT PLANNING HISTORY

2.1 There is no relevant planning history relating to this property.

3 APPLICANT’S CASE

3.1 No supporting information has been submitted by the applicant.

4 CONSULTATIONS

4.1 No adverse comments have been received from statutory consultees.
5 LETTERS OF REPRESENTATION

5.1 No letters of representation have been received.

6 PLANNING CONSIDERATIONS

6.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

6.2 In this case the development comprises:-

- Dundee and Angus Structure Plan (Approved 2002)
- Angus Local Plan (Adopted 2000)

The Development Plan is current and up-to-date and in this respect merits considerable weight in the determination of the proposal.

6.3 There are no policies in the Dundee and Angus Structure Plan that are relevant to the consideration of this application.

6.4 The Finalised Angus Local Plan Review was approved by Council on 15 December 2004. The Finalised Angus Local Plan is not part of the legal Development Plan but given the stage that it has reached is a material consideration to be taken into account in the determination of this planning application. In this report policies of the Finalised Local Plan Review have been referred to when the said policy is materially different to the Adopted Angus Local Plan to the extent that, as a consequence the recommendation contained within this report has been substantially influenced.

6.5 Any proposal for the extension of an existing dwellinghouse should be considered under Policy H24 of the Angus Local Plan. This policy states:-

“Development proposals for extensions to existing dwellings will be permitted except where the development would:-

(a) have a significant and unacceptable detrimental effect on the residential amenity enjoyed by adjoining households;

(b) adversely affect the appearance and character of the dwelling and/or general area by introducing new or incongruous elements to the street scene. Alterations and extensions should respect the design, massing, proportions, materials and visual appearance of the area;

(c) reduce the provision of private garden ground to an unacceptable level;

(d) result in inadequate provision of off-street parking and/or safe access to the site;

(e) detract from the traditional rural character, scale and proportion of the dwelling or group of dwellings in rural areas;

(f) introduce an incongruous element in the countryside by significantly changing the scale and character of the existing house.”
6.6 The Local Plan also indicates that further guidance on house extensions is provided in the Council’s Advice Notes 15 (Front Extensions) and 19 (House Extensions).

6.7 Advice Note 15: Front Extensions, applies to all areas between the forwardmost part of the original house and a public road. It states that, ‘the public front of a house is rarely an appropriate location for the construction of additional accommodation. Very rarely can these large front extensions be assimilated in a visually acceptable manner, invariably appearing out of place when singly implanted onto one house front in streets of uniform architecture. Front extensions (excluding porches) as a general rule will not receive planning permission. The design of a front extension will need to respect the character of the existing building and where required, utilise matching materials, windows in similar styles etc. Where a front porch is proposed it should not exceed 2.7 metres in width by 1.8 metres in depth (projection from the wall).

6.8 Advice Note 19: House Extensions, cannot cover all possible situations or solutions but sets out the general principles which Angus Council consider important when assessing proposals for house extensions, the overall objectives of which are:-

(i) the retention of the existing character of an area;

(ii) allowing a reasonable freedom of choice for owners; and

(iii) protection of the amenity of neighbours.

It is worth bearing in mind that some houses were never designed to be extended at all or have already been extended to their limit. In such circumstances, if additional accommodation is essential, you may not be able to achieve it in your present house.

6.9 Advice Note 19: House Extensions, provides guidance in relation to corner plots and states that extensions on the road frontage of a corner plot require particularly careful handling if they are to be successful and attract a planning permission. It is very easy to produce an extension that not only dominates the house, but the junction and immediate neighbourhood. Extensions to properties on normal sized corner plots should ideally be to the rear. Side extensions are only likely to be acceptable where the scale is sub-servient to the original, involves a relatively small floor area and remains a respectful distance from the roadway.

6.12 In this case the proposal is located on the south elevation of the property 4 metres from the southern boundary. The properties located to the east 15 and 17 Blacklaw Drive are screened by a two metre high hedge and the proposal complies with the window-to-window distances in Advice Note 19 in respect of these properties. To the south are Nos. 24, 26 and 33 Blacklaw Drive, Nos. 26 and 33 are screened by the two metre high hedge and the distance to No. 24 complies with the window-to-window distances in Advice Note 19. The proposed conservatory does not have a significant effect on the residential amenity enjoyed by adjoining households and is compatible with criterion (a) of Policy H24.

6.13 Unfortunately, I do have concerns regarding the proposals compatibility with criterion (b) of Policy H24. Both Advice Notes 15 and 19 indicate that special consideration requires to be given to extensions that lie between the house and the public road. In this case the proposed conservatory fronts onto Blacklaw Drive projecting some 3.6 metres from the south elevation and measuring some 3.4 metres in width. It is approximately 150% larger than permitted by Advice Note 15 and in this respect
alone is contrary to the Advice Note. In addition to this I have serious concerns regarding the design of the conservatory. It is designed with an apex or pyramid style roof and as such has a ‘stuck-on’ appearance. Given the prominent location of the proposed conservatory, its failure to comply with Advice Note 15 and its design, I consider that it would represent an incongruous feature in the street scene and as such is not consistent with criterion (b) of Policy H24. It is relevant to note that a front extension was granted for a property to the east of the current application site in 1998. That extension exceeds the size threshold provided by Advice Note 15 but this departure from design guidance was permitted in order to facilitate disabled access. The design of that extension integrates well with the building and does not establish a precedent that would justify approval of the current proposal.

6.14 The plot measures some 390 square metres in area and the existing house has a floor area of approximately 12.5 square metres. The proposed extension has a floor area of approximately 13 square metres and accordingly 297.5 square metres of the plot will remain undeveloped. The extension is to the front of the property and the rear garden area will be largely unaffected by this proposal and, on this basis, I am satisfied that it will not reduce the provision of private garden ground to an unacceptable level and is compatible with criterion (c) of Policy H24.

6.15 The proposal will not affect off-street car parking provision and is consistent with criterion (d) of Policy H24.

6.16 The application site is not in a rural area and therefore criteria (e) and (f) are not applicable.

6.17 I consider that the current proposal would, by virtue of its design and prominent location, adversely affect the appearance and character of the dwelling and general area by introducing an incongruous element in the street scene and as such does not comply with Policy H24, criterion (b) of the Angus Local Plan and Advice Note 15. There are no material considerations that justify a departure from policy and the application should be refused accordingly.

7 HUMAN RIGHTS IMPLICATIONS

7.1 The recommendation in this report for refusal of this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the present recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant’s right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council’s legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.
8  RECOMMENDATION

8.1 It is recommended that the application be approved subject to the following refused.

Reason:

1. The proposed extension, by virtue of its design, and prominent location between the building and the public road would have a detrimental impact on the street scene and as such fails to comply with Policy H24, criterion (b) of the Angus Local Plan.

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/RK/IAL
28 April 2005

Alex Anderson
Director of Planning and Transport