

**ANGUS COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**18 OCTOBER 2001**

**PLANNING APPLICATION – 17 BEN HOGAN PLACE, CARNOUSTIE**

**REPORT BY THE DIRECTOR OF PLANNING AND TRANSPORT**

<p><b>Abstract: This report deals with planning application No. 01/00586/FUL for the extension to dwellinghouse for Mr. &amp; Mrs. Reid at 17 Ben Hogan Place, Carnoustie. This application is recommended for refusal.</b></p>
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**1 INTRODUCTION**

- 1.1 Full planning permission is sought for the extension of the dwellinghouse to the rear of 17 Ben Hogan Place, Carnoustie.
- 1.2 The property is a one and a half storey modern semi-detached house. The exterior is finished in buff dry dash roughcast and the roof is tiled with grey concrete interlocking roof tiles. The house is set in an off shoot of the cul-de-sac off the main street of Ben Hogan Place. Ben Hogan Place runs north to south, the off shoot projecting to the east. The semi-detached properties, Nos. 17 and 19 are south facing. The front garden areas are open to the street with no boundary treatments. The boundary to the west of the property extends for 35 metres from the pavement to the rear boundary and is marked by a two metre wooden fence. The rear boundary runs west to east for 17 metres and is marked by a two metre Spruce hedge. The east boundary which adjoins the property of No. 19 for 16 metres to the rear of the properties is marked by a one metre high fence for 11 metres of the boundary and a two metre high trellis fence for the five metres closest to the rear of the property. There is a garage to the rear of the property at No. 17 Ben Hogan Place situated in the north-west corner of the garden measuring 2.7 x 5.6 metres built in materials to match the dwellinghouse. Adjacent to the garage is a small wooden shed measuring 2 x 3 metres.
- 1.3 The application property is situated in part of a modern residential development on the outskirts of the south-west corner of Carnoustie. Ben Hogan Place is a cul-de-sac and is a off shoot of Macdonald Smith Drive which is accessed from the A930, Carnoustie to Monifieth road.

**2 APPLICANT'S CASE**

- 2.1 The applicants proposal to extend the property to the rear along the boundary with No. 19 Ben Hogan Place was considered the most appropriate extension of the property and the impact upon the neighbouring property would be de minimis in that they understand that their neighbour may wish to carry out a similar extension in the future.

**3 CONSULTATIONS**

- 3.1 No adverse comments have been received from statutory consultees.

#### **4 LETTERS OF REPRESENTATION**

4.1 No letters of representation have been received.

#### **5 PLANNING CONSIDERATIONS**

5.1 The determining issues in terms of this application are whether the proposal:-

- is consistent with Local Plan policy;
- complies with Advice Note 19 : House Extensions;
- would have an unacceptable impact on surrounding occupiers;
- would detract from the character or amenity of the area.

5.2 Policy H24 of the adopted Angus Local Plan 2000 identifies a number of criteria against which proposals for house extensions will be considered. In particular the policy indicates that development proposals for extensions to existing houses will be permitted where 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.

5.3 The Local Plan also indicates that further guidance on house extensions is provided in the Council's range of Advice Notes. In this case Advice Note 19 : House Extensions is applicable.

5.4 This application proposes to extend the existing property to the rear. The proposed extension extends some 6.1 metres from the rear wall of the property in a northerly direction at a distance of 10 centimetres from the boundary between the semi-detached properties of 17 and 19 Ben Hogan Place and measuring 3.05 metres in width.

5.5 The proposed extension projects across the existing patio door entrance into the dining room. The patio doors are to be removed and replaced by double doors. The design of the extension indicates a sun lounge type of room with a large proportion of glass on the west elevation, giving no cause for concern in terms of neighbour overlooking as these windows are sufficiently far from the boundary with No. 9 Ben Hogan Place being over five metres away. The north end of the extension reuses the

original patio doors from the house and opens into the remainder of the garden. The east elevation of the extension which bounds with No. 19 Ben Hogan Place has no windows or openings and presents no possible overlooking of the neighbouring property. The walls and roof are to be finished to match the existing buff dry dash roughcast and grey concrete tiles.

- 5.6 The attached property, No. 19 Ben Hogan Place reflects exactly the same layout as that at 17 Ben Hogan Place and therefore the patio entrance into the dining room is also adjacent to the boundary with No. 17 Ben Hogan Place. This requires the application of the 45 degree rule which endeavours to protect the daylight entering neighbouring windows when a property is being extended. The 45 degree line is taken from the centre of the patio doors toward the proposed extension and in this instance the line intersects the proposed wall at a distance of 1.9 metres away. This point of intersection is only 1.25 metres from the existing rear wall of 17 Mall Park Road and the extension is proposed to project a further 4.85 metres past this point thereby grossly exceeding the permitted extent of development in close proximity to a neighbouring window.
- 5.7 Had the neighbour given written notice that their intention in the near future was to carry out a similar extension I may have agreed to the proposal. Upon request the neighbour declined to do so understandably not wishing to tie himself to such a commitment.
- 5.8 There have been various communications relating to this application since its registration on 29 June 2001. These have in summary related to the contravention of the 45 degree rule, the proposed design of the roof on the extension and its ability to blend in with the existing roof line, and a reduced and less useable area of private garden ground as a result of the extension. In an effort to achieve a satisfactory extension to the property it was suggested to the agent that the extension be rotated and made to meet the 45 degree rule criteria, allowing a more fluent extension of the roof line and retaining a more useable layout of the private garden.
- 5.9 There has been no subsequent amendment to the original plans submitted and I consider this proposal to be an inappropriate development in its present form and which considerably breaches policy to the detriment of the adjoining proprietors.

## **6 HUMAN RIGHTS IMPLICATIONS**

- 6.1 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.

## **7 RECOMMENDATION**

7.1 It is recommended that the application be refused.

1. That the mass and scale of the extension would over-shadow and dominate the adjoining properties to an unacceptable degree.
2. That the scale and design of the proposal would be out of character with the existing building and other buildings in the locality.
3. That the proposal is contrary to Local Plan Policy H24 and its associated Advice Note 19 : House Extensions.

### **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/IH/IAL  
10 October 2001

Alex Anderson  
Director of Planning and Transport