

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

18 OCTOBER 2001

PLANNING APPLICATION – LAND AT ST ALBANS, DALHOUSIE STREET, EDZELL

REPORT BY THE DIRECTOR OF PLANNING AND TRANSPORT

**Abstract:** This report deals with planning application No. 01/00903/OUT for the erection of a house on land at St Albans, Dalhousie Street, Edzell for Ian A Norrie. This application is recommended for conditional approval.

## 1 INTRODUCTION

- 1.1 Outline planning permission is sought for the erection of a house on an area of land at St Albans, Dalhousie Street, Edzell.
- 1.2 The application site, which measures approximately 700 square metres in area, is located to the east of Dalhousie Street some 50 metres north of its junction with Dunlappie Road. The site presently accommodates two sizeable garage blocks which appear to have been used in the past as lock-ups. The eastern most garage block forms the boundary to the properties to the rear. An evergreen hedge which sits some three metres from the heel of the pavement currently screens the site from the public road. The area is residential in character.
- 1.3 No details of siting or design have been submitted at this outline stage.

## 2 APPLICANT'S CASE

- 2.1 No supporting information has been submitted.

## 3 CONSULTATIONS

- 3.1 No adverse comments have been received from consultees.

## 4 LETTERS OF REPRESENTATION

- 4.1 One letter of objection has been received and is attached to this report. The main areas of concern relate to:-
  - **Loss of privacy from demolition of existing building** – I will address this matter under Planning Considerations.
  - **Accuracy of submitted plans** – the plans have been checked on site and are considered to accurately identify the application site. The demolition of the existing buildings does not require planning permission therefore the accuracy of the plans in-so-far as they relate to those buildings is irrelevant. However, the plans have been checked both on-site and against the Ordnance Survey plans and appear reasonably accurate.

- **Lack of information regarding position and height of the proposed house** – this is an outline planning application which seeks only to establish whether the principle of a house on the site is acceptable. Information on the position of the house on the site or its height is not required at this stage. If permission is granted a further planning application providing details regarding matters such as siting, height, design etc will be required. The objector would be notified if such an application is submitted and would have opportunity to comment on those aspects of the proposal.

## 5 PLANNING CONSIDERATIONS

5.1 The determining issues in this case are whether the proposal will:-

- comply with development plan policy;
- significantly adversely affect the amenity of neighbours.

5.2 This proposal is outwith the scope of the Tayside Structure Plan 1993.

5.3 The Angus Local Plan 2000 is the primary consideration in the determination of this application. Policy H5 of the Local Plan states that:-

Development proposals for residential development on small infill, backland or redevelopment sites will be assessed on their individual merits taking into account:-

- (a) compatibility with surrounding land uses;
- (b) provision of a satisfactory residential amenity;
- (c) plot size should be compatible with those in the general area with a minimum plot size of 400m<sup>2</sup>;
- (d) provision of at least 100m<sup>2</sup> private garden ground;
- (e) provision of satisfactory and safe access and parking arrangements;
- (f) maintain residential amenity and privacy of adjoining housing;
- (g) development designed to respect the scale, form and use of materials of adjacent housing;
- (h) provision of acceptable means of foul effluent and surface water disposal.

5.4 In this case the proposal lies within an established residential area and is capable of providing a satisfactory living environment. The site is significantly larger than the minimum plot size required, is capable of providing sufficient private amenity ground, safe access and adequate off-street car parking and can be connected to the public sewerage system. At this stage the application is in outline only however there is no reason to believe that an acceptable design solution cannot be achieved.

5.5 The remaining issue relates to the privacy and amenity of neighbouring properties. Again as the application is in outline only no information has been provided in respect of the siting or design of the proposed house. However, the size of the plot and the juxtaposition of the surrounding properties is such that there is no reason to doubt that a house can be accommodated on the site without adversely affecting the amenity or privacy of neighbouring occupiers. I note the objectors' concerns regarding the removal of the existing shed which forms the boundary however this is a civil matter and not a material planning consideration. As indicated above the

demolition of the shed does not require planning permission and even if this application were to be refused the shed could still be removed. The issue of subsequent boundary enclosure/treatment can appropriately be considered when a reserved matters or full application is submitted.

- 5.6 In conclusion, the proposal is broadly compliant with development plan policy and there are no significant issues that would justify refusal of the application. A further application will be required to be submitted prior to the commencement of any construction work and at that stage neighbours will have opportunity to comment on issues such as design and siting of the building.

## **6 HUMAN RIGHTS IMPLICATIONS**

- 6.1 The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any actual or alleged infringement of neighbours' rights to peaceful enjoyment of their property and/or interference with their privacy/home/family life arising from grant of this application is in accordance with the Council's legal duties under the Planning Acts to determine planning applications such as the present one and the grant of planning permission is justified and necessary in the public interest on the basis that any such actual or alleged infringement is not significant or material as balanced against the applicant's freedom to carry out reasonable development and/or activities over his property as supported by the Development Plan, and other material considerations which, as referred to in the report, are supportive of the proposed development. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

## **7 RECOMMENDATION**

- 7.1 It is recommended that the application be approved subject to conditions.
1. That the approval of the details of the siting, size, height, design, drainage and external appearance of the building(s) and the means of access thereto, shall be obtained from the Planning Authority before development is commenced.
  2. That provision be made within the site for the parking of two private cars per dwelling.
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  4. That the ridgeline of the roof be parallel with the centre line of Dalhousie Street ex adverso the site.

5. That the reserved matters of detailed application clearly indicates the proposed boundary treatments.

**Reasons:**

1. In order to comply with the requirements of the Town and Country Planning (Scotland) Act 1997.
2. In order that adequate parking provision is made in the interests of road safety and convenience.
3. In the interests of road traffic and/or pedestrian safety.
4. In order to maintain the architectural and/or visual amenity of the area.
5. In order that the amenity of nearby occupied premises shall be adequately safeguarded.

**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/AH/SC  
9 October 2001

Alex Anderson  
Director of Planning and Transport