Abstract: This report deals with planning application No. 05/00773/FUL for the extension to dwellinghouse for Mr. & Mrs. Low at 25 Lomond Drive, Carnoustie. This application is recommended for approval.

1 INTRODUCTION

1.1 Full planning permission is sought for the extension to dwellinghouse for Mr. & Mrs. Low at 25 Lomond Drive.

1.2 The application site is located to the southeast of Lomond Drive some 25 metres south of its junction with Lownie Road. The building subject of this application is a 1½ storey semi-detached dwelling with a plot measuring some 445 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 development area and is bound to the north, south and east by the gardens of neighbouring properties and to the west by the road which forms Lomond Drive. The boundaries of the property are open to the north up to the building line and are formed to the rear by a mix of fences and block walls. The shared boundary to the west is formed from a large 2.5 metre fire wall and a 1.5 metre block wall.

1.3 The proposal involves the erection of a box dormer to the rear elevation of the building. The proposed dormer will occupy the roof space between an existing dormer and the dormer of the neighbouring building. The proposal is to have a similar width and projection as the existing dormer, materials and window configuration will also match that of the existing dormer. Internally the proposal will result in the formation of an extra bedroom with storage space.

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 One letter of representation has been received and is attached to this report. The main issues raised relate to: -

- **Technical issues relating to the construction of the proposal** – the Committee will be aware that these issues would be dealt with as part of a building warrant application.

- **Concern that the proposal will cross the shared boundary** – this point will be addressed under planning considerations.

- **Visual appearance of the proposal** – this point will be addressed under planning considerations.

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.

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

6.3 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 which 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.

6.4 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."

6.5 The Local Plan also indicates that further guidance on house extensions is provided in the Council's Advice Notes 3 (Roof Space Extensions) and 19 (House Extensions).

Advice Note 19 identifies a number of criteria against which planning applications will be considered. These include:—

Roof – The height of an extension should not exceed the existing ridge height of the house.

Materials – These should match the existing building. Where contrasting materials are proposed a design justification will be required.

6.6 The overall objectives of Advice Note 19 are:

- The retention of the existing character of an area.
- Allowing a reasonable freedom of choice for owners.
- Protection of the amenity of neighbours.

6.7 In terms of design and appearance both advice notes focus on developments which take place on the public side of buildings, or visually prominent elevations. In this instance the proposal is to be located to the rear of the building out of public view.

6.8 Advice Note 3, states that ‘a more lenient approach will be adopted in the case of extensions which are not visible to the general public’ for example, the private side of a building.

6.9 In this case the proposal is located on the roof space of a semi-detached property and will be built to the boundary line, the proposed dormer will not project further than the existing neighbouring dormer and therefore will not have a significantly effect on the residential amenity enjoyed by adjoining households and is compatible with criterion (a) of Policy H24.

6.10 The proposal is to be located to the rear of the property and is not readily visible from the public road and would not dominate neighbouring properties or the streetscene. Although an objection has been received from a neighbour stating that the proposed materials would not be visually suited to the existing buildings, the materials proposed would match those of the existing dormer of 25 Lomond Drive in terms of colour and configuration and I am satisfied that the erection of a roof space dormer
extension on the south facing elevation of the property would not adversely affect the appearance and character of the dwelling and/or general area by introducing new or incongruous elements to the street scene and as such is compatible with Policy H24, criterion (b) of the Local Plan.

6.11 The area of garden ground available for private use will be retained subsequent to this proposal which is for the extension of the roof space of the property. I am satisfied that the proposal would not affect the provision of private garden ground and is compatible with criterion (c) of Policy H24.

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

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

6.14 In summary, the proposal does not give rise to any significant issues in terms of the development plan and complies with Angus Council supplementary planning guidance on roof space extensions and house extensions as provided by Advice Notes 3 and 19. There are no material considerations that would justify refusal of the application.

7 HUMAN RIGHTS IMPLICATIONS

7.1 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. 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.

8 RECOMMENDATION

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

Conditions:

1. That the development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2. That no alterations or amendments be made to the details contained in the approved and docqueted plans unless so indicated by conditions attached to this consent or agreed in writing with the planning authority.
Reasons:

1. In order to comply with the requirements of the Town and Country Planning (Scotland) Act 1997.

2. For clarification purposes and for the avoidance of any possible misunderstanding.

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/DD/IAL
21 June 2005

Alex Anderson
Director of Planning and Transport