

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Housing, Environmental and Economic Development

Planning Committee: 5 June 2013

DC13/087 Erection of rear conservatory and formation of hard surface driveway (retrospective) at 11 Park Avenue, Dumbarton by Mrs Elaine Lawrie

1. REASON FOR REPORT

- 1.1** This application is subject to a significant number of objections, and the recommendation is that it be approved. Under the terms of the approved scheme of delegation the application therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1** **Grant** planning permission subject to conditions in section 9.

3. DEVELOPMENT DETAILS

- 3.1** The application relates to a ground floor flat within a four-in-a-block building. The site is located within an existing residential area and is bounded by similar residential properties on either side, and on the opposite side of the street. A burn runs along the rear boundary of the site, separating it from East End Park.
- 3.2** The conservatory projects approximately 3.1 metres from the back of the property and measures 3 metres wide. It has been built 0.6 metres away from the boundary fence shared with the adjoining ground floor flat. It has a lean-to style roof and measures a maximum of 3.1 metres high. At present all three sides of the conservatory comprise a low base wall with glazing above, however this does not comply with current Building Regulations as due to the conservatory's proximity with the boundary the northern side elevation is required to be a fire wall. It is therefore proposed to alter the side wall of the conservatory closest to the boundary by removing the glazed panels and continuing the existing block work of the base wall up to the roof of the conservatory. The new wall would be roughcast to match the existing material. The height and depth of the conservatory would otherwise remain as built.
- 3.3** The applicant has also formed a driveway in their front garden by removing the grass and laying monoblocks. The monoblocked area measures over 9 metres wide and 5 metres long from the edge of the pavement up to the edge

of the building. A dropped kerb has been formed in front of part of the monoblocked area to provide vehicular access.

- 3.4** These works were carried out without planning permission, and came to light following complaints from neighbours. The applicant was advised that planning permission was required for both the conservatory and driveway, and the current application therefore seeks retrospective consent for these works.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service has no objection to the development.

5. REPRESENTATIONS

- 5.1** A total of 6 representations have been received in connection with the application, all of which object to the development. Their reasons for objecting can be summarised as follows:
- Conservatory is unattractive and out of character for the location;
 - The conservatory is overbearing, and causes overlooking and overshadowing of neighbouring properties;
 - Disturbance to flat above from rain landing on the plastic roof and light being emitted through the roof at night;
 - Conservatory is under the bedroom window of the flat above which restricts its use as a fire escape;
 - Conservatory limits access to gutters and windows for maintenance;
 - Driveway has resulted in the loss of up to 3 parking spaces on the street, which is already congested, and has reduced the parking available for other residents;
 - Inadequate drainage for the driveway means that water runs off onto the communal path and garden of upper flat;
 - Lack of a boundary treatment between the communal footpath and driveway is a safety concern;
 - Driveway is out of character with the street and has had a negative visual impact on the area;
 - Proposal would create a precedent for other driveways in the street and would undermine Council's efforts to minimise the risk of flooding in the area; and
 - Works were carried out without planning permission.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

- 6.1** The site is identified as being within an Existing Residential Area and Policy H5 seeks to safeguard and where possible enhance the character and amenity of existing residential areas. The erection of a conservatory and formation of a hard surface driveway are considered to be appropriate forms of development for a residential area, and it is not considered that the

development has had an unacceptable impact on the amenity of the area. The development is therefore considered to be in compliance with Policy H5.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

Principle and Design

- 7.1** The proposed conservatory is a small structure located at the rear of the building, which is not visible from the street, and it does not result in overdevelopment as the property has a large rear garden measuring over 20 metres long. The frame of the conservatory is constructed from white upvc which matches the windows and doors of the flat, and the firewall would also be finished with roughcast to match the existing materials. It is not out of keeping with the appearance or character of the area. In the vicinity of the site, planning permission has previously been granted for single storey rear extensions at 14 Park Avenue (DC10/141) and 35 Park Avenue (DC09/118) and consent was granted last year for a small rear conservatory at 19 Park Avenue (DC12/239). These are all flatted properties similar to the application property.

Impact on adjacent flats

- 7.2** It is not considered that the conservatory has an overbearing impact on the adjoining ground floor flat. The conservatory projects only 3.1 metres from the rear elevation, and as it is set back 0.6 metres from the boundary which also helps to reduce its impact on the neighbouring property. The conservatory does lie to the south of the neighbouring flat and therefore gives rise to some overshadowing at certain times of the day, but due to the small size of the conservatory this is relatively minor. The proposed alterations to the side wall of the conservatory to create a fire wall will not result in any additional overshadowing.
- 7.3** In terms of privacy/overlooking, the conservatory does overlook the surrounding gardens, which are marked by low metal fences only. However, the gardens have an open character and are already overlooked by the surrounding flats, so the conservatory does not cause a significant loss of privacy. Once the firewall is built it will reduce the overlooking of the gardens to the north and to the flat to the north.
- 7.4** In terms of the impact of the conservatory on the upper flat, the conservatory does not conflict with building regulations in terms of fire egress routes, and it is not envisaged that there will be any maintenance difficulties. Whilst there may be light from the conservatory roof this is not likely to be any greater than other forms of outside lighting or street lamps and the impact on neighbouring windows is considered to be acceptable. The noise from rain landing on the roof of the conservatory may well be a source of disturbance and nuisance for the upstairs neighbour. And it is recommended that this be addressed by a condition requiring that noise mitigation measures be provided in the construction of the conservatory roof.

Driveway

- 7.5** Park Avenue comprises 1930s/40s four-in-block flats with open plan front gardens bounded by low edging stones. The flats were built without curtilage parking and as the street is relatively narrow cars park on either side of the street with cars often being parked partially on the pavements. Most of the gardens in the street are planted with grass lawns edged with other plants or low hedges, giving the street a neat and attractive appearance. Only one of the other flats (3 Park Avenue) has a hard surface driveway within its front garden, this having been granted retrospectively in 2001 (DC01/122). Like the driveway at the application site it is the full width of the flat frontage and capable of accommodating three cars. However, the back gardens of nearby flats on Dumbarton Road back onto part of Park Avenue, and these contain multiple driveways and garages.
- 7.6** It is recognised that within streets where there is a high demand for on-street parking the formation of driveways can be a source of tension with neighbours due to the resultant loss of on-street spaces, but overall the net effect is to increase the number of car parking spaces available. In this case the driveway has created three off-street parking spaces at the loss of two on-street spaces and this is considered acceptable. The driveway has been formed using patterned monoblocks and it is a reasonably attractive surface in its own right. The Roads Service has no objection to the proposal, and it is not considered that the run off from the driveway is significant enough to increase the risk of flooding or cause problems to adjacent properties.

8. CONCLUSION

- 8.1** It is considered that the conservatory and driveway are appropriate to the area and do not have a significant impact on the amenity of the area or of neighbours. Although the works were initially carried out without planning permission the applicant has addressed this issue by applying for consent and overall the development is considered to be acceptable.

9. CONDITIONS

- 01. The materials to be used on the development hereby approved shall be roughcast to match the materials on the existing building.**
- 02. Within 1 month of the date of this permission the applicant shall submit for the written approval of the Planning Authority details of noise mitigation measures to reduce the noise arising from rainfall on the conservatory roof. The approved noise mitigation measures shall thereafter be implemented within 3 months of the date of this consent.**

Informatives

- 01. The applicant is advised that under the terms of the Town and Country Planning (Development Management Procedure)***

(Scotland) Regulations 2008, the developer is required to submit to the Planning Authority in writing upon the forms specified for the purpose and attached to this decision notice:

A Notice of Completion of Development as soon as practicable once the development has been completed

- 02.** ***The plans referred to as part of this decision are D2012/12-1, D2012/12-2, D/2012/12-3, D2012/12-4 JJ 2012/3-5, JJ 2012/3-6, JJ2012/3-7***
- 03.** ***A grant of planning permission does not authorise works under the Building (Scotland) Acts. A separate Building Warrant may be required.***

Elaine Melrose
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and Economic Development
Date: 16 May 2013

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Appendix: None.

Background Papers:

1. Application forms and plans;
2. Consultation response;
3. Representations ; and
4. West Dunbartonshire Local Plan 2010.

Wards affected: 3 (Dumbarton)