

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 31 AUGUST 2022

1 WOOD ROAD, BIRKHILL

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

The Committee is asked to consider an application for a review seeking a variation of Condition 1 of planning permission ref 21/00978/FULL - relating to retrospective planning permission for erection of south and east boundary wall around front garden at 1 Wood Road, Birkhill.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (**Appendix 1**); and
- (ii) review the case submitted by the Applicant (**Appendix 2**).

2. ALIGNMENT TO THE ANGUS COUNCIL PLAN

This report contributes to the following outcomes contained within the Angus Council Plan:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

3. CURRENT POSITION

The Development Management Review Committee is required to determine if they have sufficient information to determine the Review without further procedure. If members do not determine the review without further procedure, the Review Committee must determine the manner in which the review is to be conducted. The procedures available in terms of the regulations are: written submissions, hearing sessions or inspection of the land to which the review relates.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from the recommendations in the Report.

5. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment is not required.

6. CONSULTATION

In accordance with Standing Order 48(4), this Report falls within an approved category that has been confirmed as exempt from the consultation process.

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.

Report Author: Sarah Forsyth
E-Mail: LEGDEM@angus.gov.uk

List of Appendices:

Appendix 1 – Submission by Planning Authority

Appendix 2 – Submission by Applicant

ANGUS COUNCIL'S SUBMISSION ON APPEAL AGAINST CONDITIONS 1 IMPOSED

APPLICATION NUMBER – 21/00978/FULL

APPLICANT- MR R SHILLITTO

**PROPOSAL & ADDRESS – RETROSPECTIVE ERECTION OF SOUTH AND EAST
BOUNDARY WALL AROUND FRONT GARDEN AT 1 WOOD ROAD BIRKHILL
DUNDEE DD2 5PS**

CONTENTS

AC1	Report of Handling	
	Policy Tests (Angus Local Development Plan 2016)	
	<p>Policy DS4, TC4 & PV8</p> <p>Angus Local Development Plan (2016)</p> <p>https://www.angus.gov.uk/media/angus_local_development_plan_adopted_september_2016</p> <p>Householder Development Planning Advice Note 2016.</p> <p>https://www.angus.gov.uk/media/householder_development_planning_advice_note_september_2016</p>	
	Consultation Responses	
AC2	Roads Traffic – 14.01.22	
AC3	Archaeology – 24.01.22	
	Letters of Representations	
AC4	Anonymous – 31.01.22	

	Application Drawings	
AC5	Approved Drawing	
	Further Information Relevant to Assessment	
AC6	Approved Decision Notice	
AC7	Enforcement letter to Applicant- Breach of Planning	
	Supporting Information	
AC8	Letter of Support from Agent	
AC9	Photos – Boundary Examples 1 - Supports Agent Letter	
AC10	Photos – Boundary Examples 2 - Supports Agent Letter	

Angus Council

Application Number:	21/00978/FULL
Description of Development:	Retrospective Erection of South and East Boundary Wall around Front Garden
Site Address:	1 Wood Road Birkhill Dundee DD2 5PS
Grid Ref:	335339 : 734111
Applicant Name:	Mr R Shillitto

Report of Handling**Amendments**

The application has not been subject of variation.

Publicity

The application was subject to normal neighbour notification procedures.

The nature of the proposal did not require that the application be the subject of press advertisement.

The nature of the proposal did not require a site notice to be posted.

Planning History

17/01022/FULL for Proposed Alterations and Extensions to Existing House, Erection of Double Garage and Erection of Boundary Fence. was determined as "approved subject to conditions" on 31 May 2018.

Enforcement case ref: 21/00076/UNDV relates to the proposed development. The applicant was advised that planning permission would be required for a 1.8-metre-high wall in this location and that the wall as built/proposed would not accord with planning policy or guidance. The applicant was asked to cease works until the matter was resolved. On receipt of the planning application, it was noted that works had continued and the eight feature panels had been inserted but the rendering has not been applied.

Applicant's Case

A supporting statement was submitted alongside the application which details the existing site layout and relevant planning history. It provides a background to the proposal, noting the wall was erected to provide a private garden space forward of the front of the house. The statement indicates the wall improves the applicant's amenity as it reduces headlight glare into the front windows and enhances the applicant's human rights. The statement notes the decorative inserts will break up the massing of the wall and will ensure the 1.8 metre height will not be intimidating. It lists a number of property throughout the area, including Wood Road and nearby streets, which have front boundaries exceeding one metre high and indicates the mix of boundary enclosures in the area do not detract from the visual amenity, but adds to the character of the area. It concludes that once completed the wall as proposed would not detract from the appearance of the area and the proposal is broadly compatible with relevant council guidance.

Consultations

Aberdeenshire Council Archaeology Service - Offered no objection and advised that no archaeological mitigation would be required.

Community Council - There was no response from this consultee at the time of report preparation.

Roads (Traffic) - Offered no objection to the proposal.

Scottish Water - There was no response from this consultee at the time of report preparation.

Representations

A representation has been received, the main points of the objection are summarised as follows and are addressed in the Assessment section below.

- o Out of character
- o Visual appearance
- o Impacts upon traffic and pedestrian safety

Development Plan Policies

Angus Local Development Plan 2016

Policy DS4 : Amenity

Policy TC4 : Householder / Domestic Development

Policy PV8 : Built and Cultural Heritage

TAYplan Strategic Development Plan

The proposal is not of strategic significance and the policies of TAYplan are not referenced in this report.

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

Assessment

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.

Policy TC4 relates to proposals for house and flat alterations/extensions and development within the curtilage of houses and flats. It indicates that development will be supported where the siting, design, scale or massing of the proposal does not:

1. adversely affect the residential amenity enjoyed by the house or surrounding domestic properties including, in the case of microgeneration, through noise or shadow flicker;
2. detrimentally affect the character and/or appearance of the building, site or surrounding area; and
3. result in the overdevelopment of the plot or a loss of garden ground, parking or bin storage.

Policy TC4 indicates that further guidance on these matters is set out in the Householder Development Planning Advice Note (PAN).

The proposal relates to the retrospective erection of a 1.8-metre-high boundary wall with eight rectangular see-through feature panels inset on the south/front and east/side boundary of the semi-detached cottage. The wall is mostly constructed, the feature panels have been inserted but the render has not yet been completed.

In this case the relationship of the proposal with surrounding property has been assessed and it does not give rise to any significant amenity in terms of impacts upon neighbouring privacy, outlook, sunlight, daylight and overshadowing. The proposal does not result in overdevelopment of the plot or unacceptable loss of garden ground, parking or storage. The wall has been angled at the southeast corner of the plot, adjacent to the junction at the eastern end of Wood Road, in order to provide visibility for cars. The Roads Service has reviewed the proposal and offers no objection in terms of road or pedestrian safety.

In considering the impacts of the proposed wall upon the character and visual appearance of the site and the surrounding area, it is noted the site is situated within a street which is predominantly characterised by houses with their principal elevations facing towards Wood Road. The boundaries in these areas are generally low and allow for open views to and from the road and the front gardens. The front boundary treatments are predominantly simple and unassuming, consisting of a mix of low walls, fences and hedging. Prior to the recent works being undertaken the application site had a low stone front boundary.

The supporting information submitted by the applicant notes the proposed 1.8m high wall would provide a private garden space, enhance the applicant's human rights and improve the amenity of the applicant by reducing impacts from headlight glare. The supporting information notes the surrounding area is characterised by a wide range of boundary treatments with no consistency in type, design, materials or height and that it is that mix that defines the character of the area. It also includes photos of a number of higher boundary treatments within the wider vicinity. The supporting information concludes that once completed the wall as proposed would not detract from the appearance of the area.

Having considered the above, the principle of erecting a wall in the location indicated is acceptable. However a 1.8m high wall with feature panels would not be consistent with or respect/complement the existing character of the area. The appearance and scale of the proposed boundary treatment is not appropriate for the surrounding context and the wall as proposed would detract from the street scene; resulting in an unacceptable visual impact. A 1.8m high wall with feature panels would not comply with the relevant tests within the Householder Development Planning Advice Note or Policy TC4

In response to the applicant's supporting information it is noted the plot would retain a private garden area to the rear and human rights implications are discussed in the Human Rights section of this report below. In considering headlight glare, it is noted there is street lighting directly to the south on the opposite side of the road and on the pavement beside the east elevation of the cottage, and whilst headlights may shine towards windows on occasion given the road is not a main thoroughfare and the area is subject to existing light spill, these impacts are not considered to be unacceptable or of a level uncommon within a development boundary. Furthermore the installed feature panels might likely allow headlight glare to still reach windows. Lastly, it is appreciated that there are varying styles of boundaries within the wider area but these are principally low level. Most of the examples of higher boundaries provided by the applicant are outwith the immediate vicinity of the site. The examples given on Wood Road appear to relate to unauthorised development or properties where the rear private garden areas abut the road. Such instances are a minority, and the Planning Service would seek to support good design principles that would be respectful and complementary to the character of area and not further diluting the character of the area by supporting inappropriate development. Furthermore there is no binding precedence in Planning law and the current proposal will be assessed on its own merit whilst taking into account relevant planning policies and advice notes and any other material considerations.

To conclude, the location of the proposed wall is acceptable but the proposed height and finish of the wall is not in keeping with the character or appearance of the area and is contrary to the Householder Development Planning Advice Note and Policy TC4. Therefore, a condition is attached which allows for the retention of a boundary wall in the current location but which seeks to ensure the wall shall be no higher than 1.2m and the feature panels are omitted. A simple 1.2m high wall would be in keeping with the character of the area and would not detract from the visual amenity of the street and would comply with the Householder Development Planning Advice Note and Policy TC4.

Policy PV8 : Built and Cultural Heritage, the site is located within an area of potential archaeological interest, Birkhill Feus. The Council's Archaeological Service has reviewed the proposal, it offers no objection and advises that no archaeological mitigation is required. The proposal would not result in any unacceptable impacts upon the historic environment value of the Birkhill Feus archaeological area.

In terms of material considerations, concerns have been raised in objection to the proposal relating to impacts upon traffic and pedestrian safety; those matters have been discussed above and the proposal would not result in an unacceptable impact vehicle or pedestrian safety. Concerns were also raised in relation to the impact of the proposal upon the character and visual appearance of the area.

These matters have also been discussed above and the proposal would not result in an unacceptable impact upon the character or visual appearance of the area subject to a condition to reduce the height of the wall and remove the feature panels. There are no matters raised in objection to the proposal that are considered to justify refusal of the planning application.

Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In this case TAYplan is less than five years old but the ALDP has recently become more than five years old as it was adopted in September 2016. The policies contained in the ALDP are generally consistent with TAYplan and SPP and are therefore considered to provide an appropriate basis for the determination of this planning application.

In conclusion, subject to the carrying out of the aforementioned alterations in accordance with the attached planning condition, the proposal is consistent with relevant Council guidance contained in published planning advice notes and is compatible with development plan policy.

Human Rights Implications

The decision to grant permission/consent, 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 decision 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.

Decision

The application is approved subject to conditions

Reason(s) for Decision:

1. The proposal is in accordance with the development plan as it does not give rise to unacceptable impacts on amenity, the character and appearance of the dwelling or wider area and does not result in overdevelopment of the plot or unacceptable loss of garden ground, parking or storage as assessed in terms of the Householder Development Planning Advice Note, subject to condition. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Conditions:

1. Within 3 months of the date of this permission a scheme for alterations to the south and east boundary walls indicated on drawing no. PL-01 Rev A shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the scheme shall lower the wall to a maximum of 1.2m in height and shall omit the feature panels. Thereafter the wall shall be amended to accord with the approved scheme within 3 months of the approval of that scheme.

Reason: In order to ensure that the south and east front boundary wall is lowered to an appropriate height and finish, in a timely manner, in the interests of safeguarding the character and appearance of the area and to ensure compliance with Householder Development Planning Advice Note and Policy TC4.

Case Officer: Pauline Chalmers
Date: 24 May 2022

Appendix 1 - Development Plan Policies

Angus Local Development Plan 2016

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC4 : Householder / Domestic Development

Proposals for householder development (including alterations/extensions to houses and flats, development within the curtilage of houses and flats, means of enclosure, satellite antenna and domestic scale microgeneration) will be supported where the siting, design, scale or massing of the proposal, does not:

- adversely affect the residential amenity enjoyed by the house or surrounding domestic properties including, in the case of microgeneration, through noise or shadow flicker;
- detrimentally affect the character and/or appearance of the building, site or surrounding area; and
- result in the overdevelopment of the plot or a loss of garden ground, parking or bin storage.

Further guidance on householder development will be set out in a Householder Development Planning Advice Note.

Policy PV8 : Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and

- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

ANGUS COUNCIL

PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

21/00978/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

14	01	22
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PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES WILL BE PROVIDED ON REQUEST

ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX

From: [Claire Herbert](#)
To: [PLNProcessing](#)
Cc: [Pauline E Chalmers](#)
Subject: Consultation 21/00978/FULL - Archaeology response
Date: 24 January 2022 16:37:49

Planning Reference: 21/00978/FULL

Case Officer Name: Pauline Chalmers

Proposal: Retrospective Erection of South and East Boundary Wall around Front Garden

Site Address: 1 Wood Road Birkhill Dundee

Site Post Code: DD2 5PS

Grid Reference: NO 3533 3411

Thank you for consulting us on the above application. I can advise that in this particular instance no archaeological mitigation is required.

Should you have any comments or queries regarding the above, please do not hesitate to contact me.

Kind regards,
Claire

Claire Herbert MA(Hons) MA MCIfA

Archaeologist

Archaeology Service, Planning and Economy, Environment and Infrastructure Services
Aberdeenshire Council

T: 01467 537717

E: Claire.herbert@aberdeenshire.gov.uk

W: <https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/archaeology>

W: <https://online.aberdeenshire.gov.uk/smrpub>

Archaeology Service for Aberdeenshire, Moray, Angus & Aberdeen City Councils

Your feedback is important to us and helps us to improve our service – we value your [comments](#).

Please note office working hours: Monday - Friday, 9.30am – 5.30pm

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Dh'fhaodadh fiosrachadh sochaire, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin. 'S e beachdan an neach a chuir am post-dealain a tha ann an gin sam bith a thèid a chur an cèill agus chan eil e a' ciallachadh gu bheil iad a' riochdachadh beachdan Chomhairle Shiorrachd Obar Dheathain.

www.aberdeenshire.gov.uk

Planning Dept

FERRAR

Your Ref No

21100/1978 Full

DEAR SIR,

I would like to object about the Planning Application
for the following reasons

TOTALY OUT OF CHARACTER

Turns the Junction into a very busy spot
(View for oncoming traffic, restricted)

Visual Appearance

Dangerous for Pedestrians

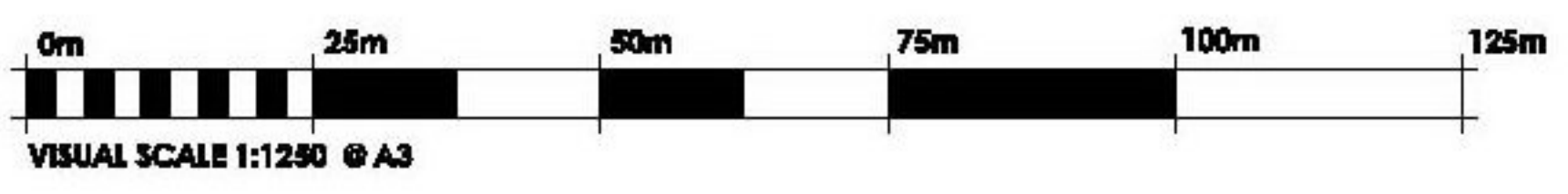
PLEASE NOTE THESE PEOPLE NOW FEEL WELL THAT THEY
OUT OF ORDER WHEN BUILDING THIS

THEY ARE PUTTING UP 2 FENCES TO US
AND YOU THE PLANNERS.

NOTES
 THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS AND SPECIFICATIONS.
 ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION. ANY ERRORS TO BE REPORTED BEFORE COMMENCING WORK.
 ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE STATED - DO NOT SCALE.
 ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH CURRENT BRITISH STANDARDS AND MANUFACTURERS INSTRUCTIONS AND SPECIFICATIONS.
 ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT LOCAL BUILDING AUTHORITY REGULATIONS AND TO THE BUILDING INSPECTORS SATISFACTION.



SITE LOCATION PLAN
 scale 1:1250

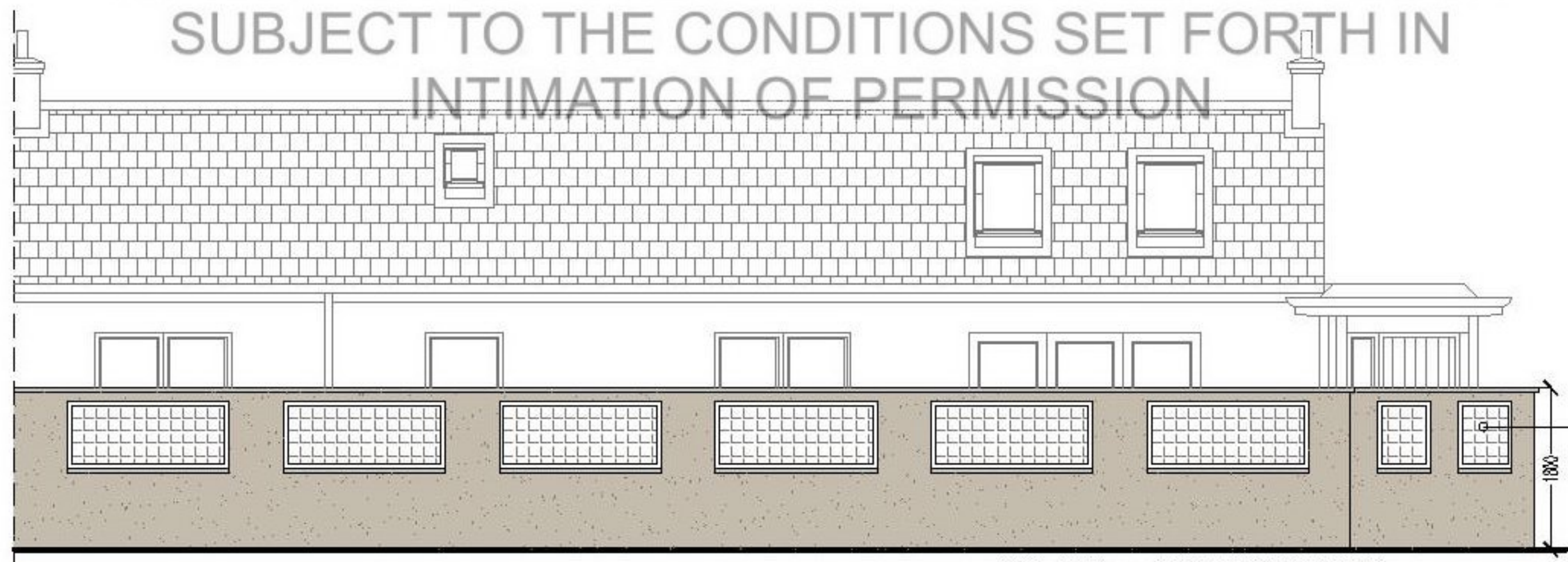


PROPOSED SITE PLAN
 scale 1:200

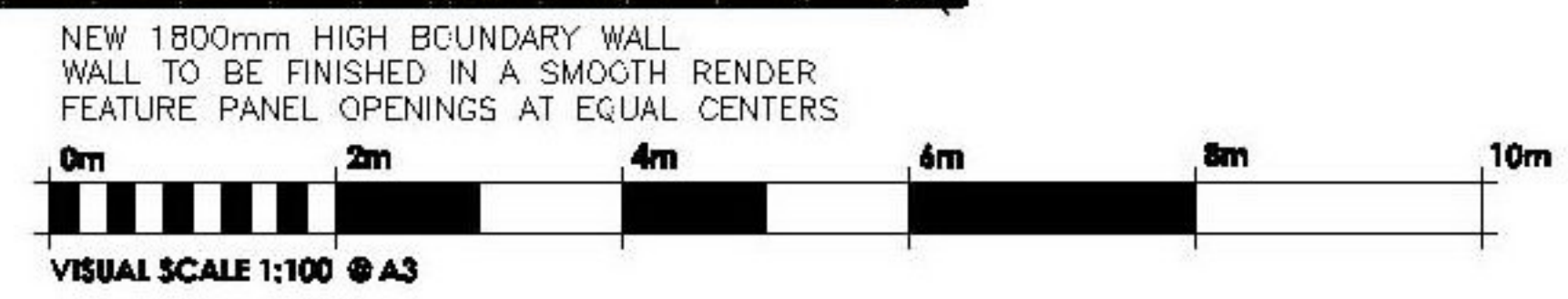


Town & Country Planning (Scotland) Act 1997 As Amended

APPROVED ON BEHALF OF THE ANGUS COUNCIL
 SUBJECT TO THE CONDITIONS SET FORTH IN
 INTIMATION OF PERMISSION



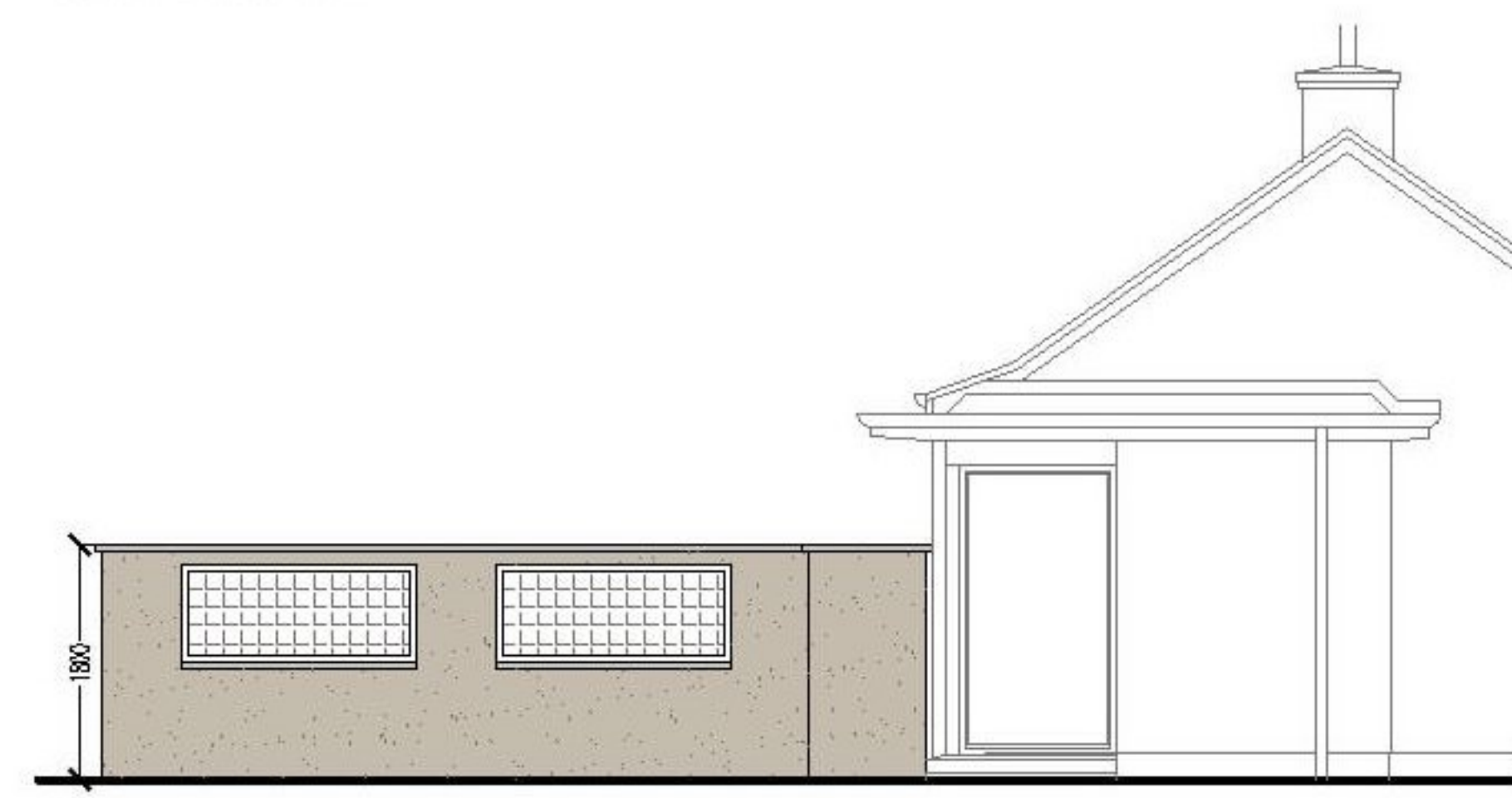
PROPOSED SOUTH ELEVATION
 scale 1:100



NEW 1800mm HIGH BOUNDARY WALL.
 WALL TO BE FINISHED IN A SMOOTH RENDER.
 FEATURE PANEL OPENINGS AT EQUAL CENTERS



FEATURE PANELS



PROPOSED EAST ELEVATION
 scale 1:100

A	04.01.2022	Scale bars added.
REV	DATE	REMARKS
DSB DESIGN CHARTERED ARCHITECTURAL TECHNOLOGISTS		
DRAWING TITLE		JOB: 0156
SITE LOCATION PLAN, EXISTING SITE PLAN AND PROPOSED SITE PLAN		SCALE: Noted-A3
		DR No: PL-01
PROJECT		DATE: 04.12.2021
Proposed Erection of Garden Wall 1 Wood Road, Birkhill, Angus		



ANGUS COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (SCOTLAND) REGULATIONS 2013

PLANNING PERMISSION - CONDITIONAL APPROVAL

REFERENCE : 21/00978/FULL



To: **Mr R Shillitto**
c/o Suller & Clark
Karen Clark
Scoutbog Steading
Oldmeldrum
AB51 0BH

With reference to your application dated **7 January 2022** for planning permission under the above mentioned Acts and Regulations for the following development viz:-

Retrospective Erection of South and East Boundary Wall around Front Garden at 1 Wood Road Birkhill Dundee DD2 5PS for Mr R Shillitto

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docketed as relative hereto in paper or identified as approved on the Public Access portal.

The permission is subject to the following conditions, namely:-

1. Within 3 months of the date of this permission a scheme for alterations to the south and east boundary walls indicated on drawing no. PL-01 Rev A shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the scheme shall lower the wall to a maximum of 1.2m in height and shall omit the feature panels. Thereafter the wall shall be amended to accord with the approved scheme within 3 months of the approval of that scheme.

The foregoing conditions are imposed by the Council for the following reasons :-

1. In order to ensure that the south and east front boundary wall is lowered to an appropriate height and finish, in a timely manner, in the interests of safeguarding the character and appearance of the area and to ensure compliance with Householder Development Planning Advice Note and Policy TC4.

The reason(s) for the foregoing decision by the Council are as follows:-

1. The proposal is in accordance with the development plan as it does not give rise to unacceptable impacts on amenity, the character and appearance of the dwelling or wider area and does not result in overdevelopment of the plot or unacceptable loss of garden ground, parking or storage as assessed in terms of the Householder Development Planning Advice Note, subject to condition. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Dated this **30 May 2022**

Jill Paterson

Service Lead

Planning and Sustainable Growth

Angus Council

Angus House

Orchardbank Business Park

Forfar

DD8 1AN

The decision was based on the following amendment(s):-

Amendments:

The application has not been subject of variation.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the Building (Scotland) Act 2003 and the Building (Scotland) Regulations 2004 as amended.

WARNING ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED CONDITIONS WITHOUT THE PRIOR CONSENT OF THE LOCAL PLANNING AUTHORITY COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN TO REMEDY OR REINSTATE THE UNAUTHORISED ALTERATIONS



WARNING

NON-COMPLIANCE WITH ANY OF THE CONDITIONS TO THIS PLANNING CONSENT COULD LEAD TO ENFORCEMENT ACTION BEING PURSUED BY THE COUNCIL.

NOTE: CONDITIONS ATTACHED BY THE COUNCIL TAKE PRECEDENCE OVER THE SUBMITTED/ APPROVED PLANS.

NO ALTERATIONS OR DEVIATIONS FROM THE APPROVED PLANS SHOULD BE UNDERTAKEN WITHOUT THE PRIOR APPROVAL OF THE PLANNING AUTHORITY. FAILURE TO OBTAIN APPROVAL COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN.

Produced by:

Angus Council
Planning Service
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

Please read the notes carefully to ensure effective compliance with the new regulations.

DURATION

This permission will lapse 3 years from the date of this decision, unless there is a specific condition relating to the duration of the permission or development has commenced by that date.

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

Notification of initiation of development (NID)

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

Notification of completion of development (NCD)

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

Display of Notice while development is carried out

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

Angus Council
Planning Service
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Telephone 01307 492076 / 472533
E-mail: planning@angus.gov.uk
Website: www.angus.gov.uk



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this Notice. The notice of appeal should be addressed to The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <https://eplanning.scotland.gov.uk>
2. If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 2

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided through
Angus Council's Scheme of Delegation*

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the Planning Authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this Notice. The notice of review should be addressed to Sarah Forsyth, Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN. A Notice of Review Form and guidance can be found on the national e-planning web site <https://eplanning.scotland.gov.uk> . Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

NOTIFICATION OF INITIATION OF DEVELOPMENT

AC6

This notice must be fully completed by the person intending to carry out the development as approved in application reference **21/00978/FULL** for **Retrospective Erection of South and East Boundary Wall around Front Garden** at **1 Wood Road Birkhill Dundee DD2 5PS** for **Mr R Shillitto** dated **30 May 2022** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Angus House, Orchardbank Business Park, Forfar, DD8 1AN

Full Name:

Address:

Do you own the land subject to the above permission?

If not, please provide the full name and address of the land owner:

Is there a person appointed to oversee the development? If so, please provide their full name and contact details:

Date you intend to commence the above development:

NOTIFICATION OF COMPLETION OF DEVELOPMENT (NCD)

AC6

This notice should be fully completed by the person who completed the development approved in application reference **21/00978/FULL** for **Retrospective Erection of South and East Boundary Wall around Front Garden** at **1 Wood Road Birkhill Dundee DD2 5PS** for **Mr R Shillitto** dated **30 May 2022** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Angus House, Orchardbank Business Park, Forfar, DD8 1AN

Full Name:

Address:

Date of completion of the above development:

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013

SCHEDULE 7

Development at **1 Wood Road Birkhill Dundee DD2 5PS**

Notice is hereby given that planning permission has been granted subject to conditions to **Mr R Shillitto** on **30 May 2022**.

Application reference **21/00978/FULL**

The development comprises **Retrospective Erection of South and East Boundary Wall around Front Garden**

Further Information regarding the planning permission including the conditions, if any, on which it has been granted can be obtained at all reasonable hours at:

Angus Council
Planning Service
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Enquiries should be directed to the Service Leader at the above address or to planning@angus.gov.uk

SGN Overbuild Advisory Note

There are a number of risks created by built over gas mains and services; these are:

- *Pipework loading – pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.*
- *Gas entry into buildings – pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.*
- *Occupier safety – lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.*

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. *Check your proposals against the information held at <https://www.linerearchbeforeudig.co.uk/> to assess any risk associated with your development **and***
2. *Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:*

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- *Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work <https://www.sgn.co.uk/damage-prevention>*
- *Further information can also be found here <https://www.sgn.co.uk/help-and-advice/diggingsafely>*

PLANNING

Your experience with Planning

Please indicate whether you agree or disagree with the following statements about your most recent experience of the Council's handling of the planning application in which you had an interest.

Q.1 I was given the advice and help I needed to submit my application/representation:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.2 The Council kept me informed about the progress of the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.3 The Council dealt promptly with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.4 The Council dealt helpfully with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.5 I understand the reasons for the decision made on the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.6 I feel that I was treated fairly and that my view point was listened to:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OVERALL SATISFACTION: Overall satisfaction with the service:

Q.7 Setting aside whether your application was successful or not, and taking everything into account, how satisfied or dissatisfied are you with the service provided by the council in processing your application?

Very satisfied	Fairly satisfied	Neither Satisfied nor Dissatisfied	Fairly Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OUTCOME: Outcome of the application:

Q.8 Was the application that you had an interest in:-

Granted Permission/Consent	<input type="checkbox"/>	Refused Permission/Consent	<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>
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Q.9 Were you the:- Applicant Agent Third Party objector who made a representation

Please complete the form and return in the pre-paid envelope provided.
Thank you for taking the time to complete this form.

Our Ref 21/00076/UNDV

22/10/21

Mr and Mrs Shillitto
1 Wood Road
Birkhill
DD2 5PS

Chief Executive
Margo Williamson

Dear Mr and Mrs Shillitto,

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, AS AMENDED – PLANNING ENFORCEMENT CASE REFERENCE 21/00076/UNDV

I am the Planning Enforcement Officer for Angus South. I have recently received observations in respect of a potential breach of planning control at your premises.

I understand that you had planning permission 17/01022/FULL granted in 2017. The approved "proposed site and garage plan" (enclosed for ease of reference) said that existing stone wall will be retained on the south boundary and extended round to the east boundary. I understand from photographs provided to me that this is not the case, with the existing stone boundary wall having been removed in its entirety and a concrete block wall has been erected in its place. This is contrary to the planning permission that was granted in 2017, which would have likely not been granted had it been contained in the original plans.

Furthermore, I would bring your attention to Class 3E of the General Permitted Development (Scotland) Order 1992, as amended, which reads:

The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

(2) Development is not permitted by this class if—

(a) any part of the resulting gate, fence, wall or other means of enclosure would exceed 2 metres in height;

(b) any part of the resulting gate, fence, wall or other means of enclosure would exceed one metre in height where it—

(i) fronts a road; or

(ii) extends beyond the line of the wall of the principal elevation or side elevation that is nearest a road;

As the structure is greater than 1m, fronts a road and extends beyond your principal elevation, the structure does not enjoy "deemed consent" as outlined in the General Permitted Development (Scotland) Order 1992, as amended.

As the structure complies with neither the granted planning permission nor the General Permitted Development (Scotland) Order as outlined above, to resolve this planning breach, in terms of the part that extends on to your property **only**, I see one of three solutions:

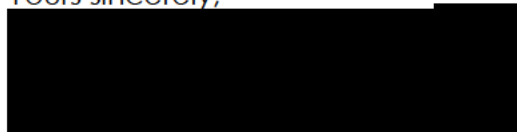
- 1) The structure is removed
- 2) You apply for planning permission
- 3) It is reduced to one metre in height to comply with the legislation cited above

In terms of point two, after consultation with the area Development Standards Technician, such an application **would not be** supported by this department as the wall in its current state is a boundary of height and appearance forward of the front of the house that does not in keep with the character of the front of the house and street scene. In addition, it goes against policy TC4 of the Angus Local Plan and the Householder Development Planning Advice Note.

From photographs provided, it would also appear this wall extends onto your neighbour's property and I am writing to them separately about this.

With that in mind, can I ask that works are **ceased** on this wall until such time this case is closed and I would be grateful if you could please outline your intentions to rectify this breach of planning control to me by return at either ColemanD@angus.gov.uk or on 01307 491763 by **Friday 5th November**.

Yours sincerely,

A large black rectangular redaction box covering the signature of Daniel J. Coleman.

Daniel J. Coleman
Planning Enforcement Officer
Angus Council

Enc.



Planning Service
Angus Council
Angus House
Orchardbank Business Park
Forfar
Submitted by E Planning
17th December 2021

Dear Sir/Madam,

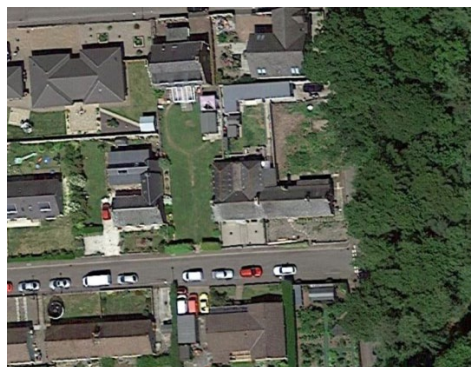
Town and County Planning (Scotland) Act 1997, as amended
Retrospective Planning Permission for Erection of Wall, 1 Wood Road, Birkhill

We refer to the enclosed application which seeks Retrospective Planning Permission for erection of a wall at 1 Wood Road, Birkhill. The application package comprises the following: -

- Completed electronic application forms
- Location plan
- Proposed plan and elevations
- Photographs of boundary enclosures within the immediate vicinity
- Planning fee of £202.00 to be provided by applicant

In support of the application we would submit the following:

Location – The application site is located on the north side of Wood Road at the junction with Blairfield Road. The house comprises the eastern half of a cottage which in recent years has been extended to the side and rear. The recently consented alterations and extensions to the existing house included the erection of double garage and erection of boundary fence, application Ref 17/01022/FULL and have now been substantially completed, however at the request of the enforcement officer works have halted, in order for the current application to be considered.

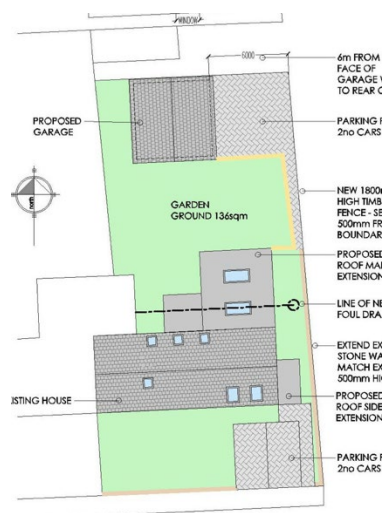


Ariel view of application site

Background The applicants purchased the property at 1 Wood Road, Birkhil in 2016. At that time the cottage was semi derelict and in need of substantial repairs in order to make the property habitable. At all time the applicant has worked with the Planning Service to ensure the alterations and extensions meet with current planning guidance.

The approved plans indicate an area of parking to the front/south of the cottage with a private garden to the rear/north. As the house site on a corner plot with Blairfield Road to the east, a narrow road and Wood Road to the south, which the house is located at the corner. Off street parking was consider essential to ensure the flow of traffic was not impeded and to ensure adequate visibility. Initially, the plans included off street parking to the south, within the front garden area however, on consideration it was deemed more sensible to use the front, south facing garden for the private garden area with the north facing rear garden used for off street parking. This would further ensure cars were not reversing onto Wood Road at this difficult junction. Further, with the house located on the corner of Hill Road and Blairfield Road, with the frontage of the house only 6.3 metres from the heel of the pavement, the rooms with front elevation experience considerable loss of amenity due to headlight glare, particularly as this part of Birkhill is poorly lit and as such drivers tend to use the full beam within this area.

As a result, in order to provide an attractive private south facing garden and to protect the front elevation from headlight glare, a wall was considered appropriate. The applicants were not aware this work required the benefit of express planning consent and therefore mistakenly undertook the work without the benefit of planning consent for which they are apologise.



Original approved plan Ref 197/01022/FUL indicates parking within the front garden area

Proposed development - The application seeks retrospective planning permission for the erection of a wall with decorative inserts measuring 1.8m in height on the south and eastern boundaries of the site. The proposed wall will be smooth rendered to match the previously approved finishing materials on the existing house. The wall incorporates decorative feature panels to add interest to the wall and to provide interest.



Current proposals which indicated private south facing garden, parking to the rear boundary wall to south and east which maintain the required visibility.

The position of the wall has been carefully considered to follow the previously approved scheme, thereby maintaining the required visibility splay north on Blairfield Road.



Existing unfinished wall

Surrounding Area - The surrounding area to the north, south and west is residential with a mix of house types in evidence. To the east is the open countryside bounded by a treed area. Birkhill has developed organically over time and there are a variety of boundary treatments in evidence which include low walls, high wall, fencing, hedging, all of which provide a sense of enclosure to the narrow streets and lanes.

Examples of similar high walls/fences can be seen at the following addresses, please refer to attached photographs.

7 Edward Place Muirhead Dundee, recently approved 1.26m wall and fence - Ref 20/00797/FULL

2 Dronley Road- wall

9 Dronley Road -wall and railing with hedge

10 Wood Road- fence

12 Highfield Place -rendered high wall

12 Wood Road -fence

14 Wood Road -hedge

16 Highfield Place- wall

16 Sidlaw Terrace- fence and hedge

18 Wood Road -wall

24 Highfield Place -fence

134 Coupar Angus Road -fence with artificial ivy

It is recognised that not all of these boundary treatments required the benefit of express planning consent and that many have now been in situ for a number of years and therefore have the benefit of established use however, the evidence clearly demonstrates the existing mix of boundary treatments found in the area, many of which are in excess of 1 metre which, and which from our research, suggests only one of which has the benefit of planning consent. In our view the existing mix of boundary enclosures do not detract from the visual amenity of the area but rather adds to the character of this mixed area, an area which is essentially residential and not protected in any form.

The Development Plan

Angus Local Development Plan 2016

Policy DS4: Amenity

Policy TC4: Householder / Domestic Development

Householder Development Planning Advice Note 2016

Policy DS4 Amenity -requires all proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

In the current circumstances it is clear that the wall will not have any impact on the neighbouring properties. In terms of the application site, the wall will significantly reduce light pollution from headlight glare and allow the use of the front, south-facing garden to be used as private garden space, providing a net environmental improvement for the residents.

Policy TC4 Householder/Domestic Development - Proposals for householder development (including alterations/ extensions to houses and flats, development within the curtilage of houses and flats, means of enclosure, satellite antenna and domestic scale microgeneration) will be supported where the siting, design, scale or massing of the proposal, does not:

- adversely affect the residential amenity enjoyed by the house or surrounding domestic properties including, in the case of microgeneration, through noise or shadow flicker;
- detrimentally affect the character and/or appearance of the building, site or surrounding area; and
- result in the overdevelopment of the plot or a loss of garden ground, parking or bin storage.

In the current circumstances the proposed wall will provide an attractive south-facing private garden area for the residents, while improving their amenity by reducing significant headlight glare. As demonstrated by the attached photographs, the immediate area is characterised by a wide range of boundary treatments with no consistency in type, design, materials or height of boundary treatment in evidence. In our view all are functional and reflect personal choice. Indeed, within the immediate area there are many examples of boundary treatment over 1 metre in height, many of which did not have the benefit of express planning permission. However, it is this very variety and mix which contributes to the character of this residential area.

Householder Development Planning Advice Note 2016 The PAN provides general advice and best practice in relation to boundary treatment it recommends

- Respect and complement the character of the existing residential property and surrounding area.
- Be developed to ensure that the scale and form of the boundary treatment is appropriate to the surrounding context and should not detract from the street scene as a result of inappropriate visual impact.

- Not be of a height which would ensure that it is intimidating or would reduce security overlooking from the existing residential property or other residential properties within the surrounding area.
- Not cause any adverse overlooking or overbearing impacts upon adjacent neighbouring properties.

In the current circumstances, and as demonstrated by the photographs lodged in support of the application, the immediate surrounding area includes a wide range of boundary treatments including walls, fences, hedging and a mix of differing treatments, indeed it is this mix that defines the character of the area. The wall includes decorative features which breaks up the massing of the wall ensuring the height of the wall at 1.8 m is in no way intimidating nor will it reduce security in the area. The wall is not overlooked by any residents, the house opposite having a 1.8 m fence opposite.

It is submitted that the wall, once completed and rendered to match the house, will not have a significant adverse impact on the character and appearance the immediate area. In the current circumstances the wall significantly improves the amenity of the residents of the property providing an attractive south facing private garden, while reducing significant headlight glare.

Therefore, it is submitted that the wall is broadly compatible with relevant Council guidance as set out Angus Council's Householder Development Planning Advice Note and will have a significantly positive impact on the amenity of the householder.

Further, the proposed wall will enhance the applicants human rights in terms or resulting in an significant improvement to their privacy, home and family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1).

Summary

In summary, the applicant seeks retrospective planning consent for a wall to the front garden of their property. The wall will significantly improve the quality and amenity of the property by providing a south-facing private garden area and reducing the head light glare. From a review of the area there is no consistency in boundary treatment, indeed it is submitted that it is the variety of treatments that contribute to the character of the area. The wall, when completed, will not detract from the appearance of the area and will not result in any loss of road traffic safety in the area. The proposal is compliant with Angus Council policy and therefore the application should be APPROVED.

If you require any further information during the consideration of the application please contact Karen Clark at Karen@sullerandclark.com or on [REDACTED]

Your Faithfully
Suller & Clark



16 Highfield Place



16 Sidlaw Terrace (hedge with fence)



18 Wood Road



24 Highfield Place



134 Coupar Angus Road



2 Dronley Road



9 Dronley Road



10 Wood Road



12 Highfield Place



12 and 14 Wood Road

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE
APPLICATION FOR REVIEW – 1 WOOD ROAD, BIRKHILL
APPLICATION NO 21/00978/FULL
APPLICANT'S SUBMISSION

Page No

ITEM 1 Notice of Review

ITEM 2 Appeal Statement including:

- Appendix 1 Application Forms
- Appendix 2 Plans and Location Plan
- Appendix 3 Photographs
- Appendix 4 Consent Notice
- Appendix 5 Report of Handling



Angus House Orchardbank Business Park Forfar DD8 1AN Tel: 01307 473360 Fax: 01307 461 895 Email: plnprocessing@angus.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100571229-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Suller & Clark"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Karen"/>	Building Name:	<input type="text" value="Scoutbog Steading"/>
Last Name: *	<input type="text" value="Clark"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Address 1 (Street): *	<input type="text" value="Oldmeldrum"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Oldmeldrum"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="AB51 0BH"/>
Email Address: *	<input type="text" value="karen@sullerandclark.com"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="1"/>
First Name: *	<input type="text" value="Ricky"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Shillitto"/>	Address 1 (Street): *	<input type="text" value="Wood Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Birkhill"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD2 5PS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="karen@sullerandclark.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Angus Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="1 WOOD ROAD"/>
Address 2:	<input type="text" value="BIRKHILL"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DUNDEE"/>
Post Code:	<input type="text" value="DD2 5PS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="734110"/>	Easting	<input type="text" value="335333"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Removal /Variation of condition 1

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to attached statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Appeal Statement • Appendix 1 Application Forms • Appendix 2 Plans and Location Plan • Appendix 3 Photographs • Appendix 4 Consent Notice • Appendix 5 Report of Handling

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/00978/FULL

What date was the application submitted to the planning authority? *

07/01/2022

What date was the decision issued by the planning authority? *

30/05/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Site inspection will assist in understanding the context of the proposal

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Karine Suller

Declaration Date: 07/06/2022



Planning Department
Angus Council
Angus House
Orchardbank Business Park
Forfar
June 2022

Lodged via E Planning

Dear Sir/Madam,

Town and County Planning (Scotland) Act 1997, as amended
Review Variation of Condition 1 consent Ref: 21/00978/FULL, Retrospective Planning Permission
for Erection of Wall, 1 Wood Road, Birkhill to allow wall to be constructed at 1.8 metres

We refer to the aforementioned proposal which was granted retrospective planning permission for the erection of a wall at 1 Wood Road, Birkhill. The planning consent was granted subject to Condition 1 which restricts the height of the wall to 1.2metres. The submitted application for review seeks a variation to the condition to allow the wall to be constructed at 1.8 metres.

The appeal package comprises: -

- Completed application form.
- Location and site plan
- Appeal Statement and appendixes

If you require any further information during the consideration of the Review please contact Karen Clark on [REDACTED] or karen@sullerandclark.com

Yours Sincerely
Suller & Clark

■ **Karine Suller B.Sc, M.Sc, MRTPI**
Scoutbog Steading, Oldmeldrum
Aberdeenshire AB51 0BH

Telephone: 07742 613 598
karine@sullerandclark.com

■ **Karen Clark B.Sc (Hons), MRTPI**
Mayriggs, 69 Brechin Road
Kirriemuir DD8 4DE

Mob: [REDACTED]
karen@sullerandclark.com



Town and County Planning (Scotland) Act 1997, as amended

**Review seeks the Variation of Condition 1 of consent Ref 21/00978/FULL
Retrospective Planning Permission for Erection of Wall, 1 Wood Road, Birkhill
to allow wall to be constructed at 1.8 metres**

For Mr and Mrs Shillitto (“appellant”)

By Angus Council (“the Council”)

■ **Karine Suller B.Sc, M.Sc, MRTPI**
Scoutbog Steading, Oldmeldrum
Aberdeenshire AB51 0BH

Telephone: 07742 613 598
karine@sullerandclark.com

■ **Karen Clark B.Sc (Hons), MRTPI**
Mayriggs, 69 Brechin Road
Kirriemuir DD8 4DE

Mob: [REDACTED]
karen@sullerandclark.com

1. Executive Summary
2. Location
3. Proposed Development
4. Background to Proposal
5. Surrounding Area
6. Grounds of Appeal
7. Development Plan
8. Summary

Appendices

- Appendix 1 Application Forms
- Appendix 2 Plans and Location Plan
- Appendix 3 Photographs
- Appendix 4 Consent Notice
- Appendix 5 Report of Handling

1. Executive Summary

This appeal statement has been prepared on behalf of Mr and Mrs Shillitto, the appellant, in respect of the decision of Angus Council.

The application was determined under delegated powers and granted subject to one condition. This Review is lodged on the basis that Condition 1 fails to meet the six tests set out by Circular 4/1998- Use of Conditions in Planning Permissions, as the condition is not reasonable.

The Local Review Board is respectfully requested to uphold the review and either delete Condition 1 or vary the condition to limit the height of the wall to 1.8 metres.

2. Location

The application site is located on the north side of Wood Road at the junction with Blairfield Road. The house comprises the eastern half of a cottage which in recent years has been extended to the side and rear. The recently consented alterations and extensions to the existing house included the erection of double garage and erection of boundary fence, application Ref 17/01022/FULL. These works have now been substantially completed, however at the request of the enforcement officer works have halted, in order for an application for a wall to be to be considered.



Ariel view of application site

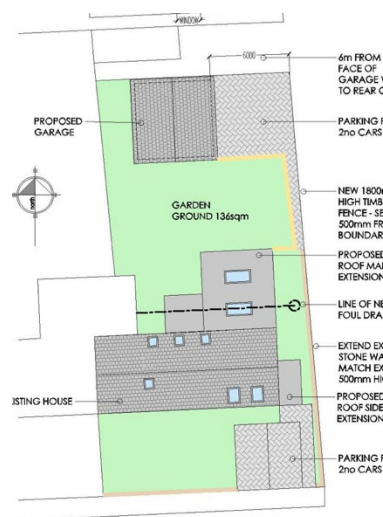
3. Background

The applicants purchased the property at 1 Wood Road, Birkhil in 2016. At that time the cottage was semi derelict and in need of substantial repairs in order to make the property habitable. At all times the appellant has worked with the Planning Service to ensure the alterations and extensions meet with current planning guidance.

The approved plans indicate an area of parking to the front/south of the cottage with a private garden to the rear/north. As the house site on a corner plot with Blairfield Road to the east, a

narrow road and Wood Road to the south, where the house is located at the corner. Off street parking was considered essential to ensure the flow of traffic was not impeded and to ensure adequate visibility. Initially, the plans included off street parking to the south, within the front garden area however, on consideration it was deemed more sensible to use the front, south facing, garden for the private garden area with the north facing rear garden used for off street parking. This would ensure cars were not reversing onto Wood Road at its tight junction. Further, with the house located on the corner of Wood Road and Blairfield Road, with the frontage of the house only 6.3 metres from the heel of the pavement, the rooms with front elevation experience considerable loss of amenity due to headlight glare, particularly as this part of Birkhill is poorly lit and as such drivers tend to use the full beam within this area. The proposed wall will further enhance the privacy and security of the house.

As a result, in order to provide an attractive private south facing garden and to protect the front elevation from headlight glare, a wall was considered appropriate. The applicants were not aware this work required the benefit of express planning consent and therefore mistakenly started work without the benefit of planning consent, for which they apologise. As soon as directed by the enforcement officer, work stopped on site.



Original approved plan Ref 197/01022/FUL indicates parking within the front garden area

4. Proposed development

The application sought retrospective planning permission for the erection of a wall with decorative inserts measuring 1.8m in height on the south and eastern boundaries of the site. Under permitted development rights a wall can be built in this location to a height of 1 metre without the benefit of planning permission, therefore, the submitted proposal relates only to the section of wall of 0.8 metre beyond that 1 metre.

It is proposed that the wall will be finished in a smooth rendered to match the previously approved finishing materials on the existing house. The wall incorporates decorative feature panels to add interest to the wall allowing glimpses through the wall ensuring the wall is not a blank frontage.



Current proposals which indicated private south facing garden, parking to the rear boundary wall to south and east which maintain the required visibility.

The position of the wall has been carefully considered to follow the previously approved scheme, thereby maintaining the required visibility splay north on Blairfield Road.



Existing unfinished wall

5. Surrounding Area

The surrounding area to the north, south and west is residential with a mix of house types in evidence. To the east is the open countryside bounded by a treed area. Birkhill has developed organically over time and there are a variety of boundary treatments in evidence which include low walls, high wall, fencing, hedging, all of which provide a sense of enclosure to the narrow streets and lanes.

Examples of similar high walls/fences can be seen at the following addresses, please refer to attached photographs.

7 Edward Place Muirhead Dundee, recently approved 1.26m wall and fence - Ref 20/00797/FULL
2 Dronley Road- wall
9 Dronley Road -wall and railing with hedge
10 Wood Road- fence
12 Highfield Place -rendered high wall
12 Wood Road -fence
14 Wood Road -hedge
16 Highfield Place- wall
16 Sidlaw Terrace- fence and hedge
18 Wood Road -wall
24 Highfield Place -fence
134 Coupar Angus Road -fence with artificial ivy

It is recognised that not all of these boundary treatments required the benefit of express planning consent and that many have now been in situ for a number of years and therefore have the benefit of established use, however, the evidence clearly demonstrates the existing mix of boundary treatments found in the area, many of which are in excess of 1 metre which, from our research, suggests only one of which has the benefit of planning consent. It is submitted that the existing mix of boundary enclosures do not detract from the visual amenity of the area but rather adds to the character of this mixed area, an area which is essentially residential and not protected in any form.

6. Grounds of Appeal

The appeal is lodged against the terms of Condition 1 of planning permission 21/00978/FULL as it is submitted that the condition fails to meet the six tests set out in Circular 4/1998- The Use of Conditions in Planning Permissions and for this reason the condition should be deleted or amended to allow a wall of 1.8 metres as originally sought.

Condition 1 states:

“1. Within 3 months of the date of this permission a scheme for alterations to the south and east boundary walls indicated on drawing no. PL-01 Rev A shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the scheme shall lower the wall to a maximum of 1.2m in height and shall omit the feature panels. Thereafter the wall shall be amended to accord with the approved scheme within 3 months of the approval of that scheme.

Reason: In order to ensure that the south and east front boundary wall is lowered to an appropriate height and finish, in a timely manner, in the interests of safeguarding the character and appearance of the area and to ensure compliance with Householder Development Planning Advice Note and Policy TC4.”

Circular 4/1998 set out six tests which all conditions must meet, one of these is the test of “reasonableness”. Para 34 confirms that in considering the test of reasonableness

“34. A condition may be unreasonable because it is unduly restrictive. Although a condition may in principle impose a continuing restriction on the use of land (provided that there are good planning reasons for that restriction), such a condition should not be imposed if the restriction effectively nullifies the benefit of the permission”

In the current circumstances permitted development rights allow the construction of a wall of up to 1 metre without the benefit of planning permission, it is the additional 0.8 metres which requires express planning permission. Therefore, by limiting the proposed wall to 1.2metres the condition effectively negates the permission which was sought in the first place, as such the condition is consider unreasonable.

The Report of Handling confirms that the relationship of the proposal with surrounding property has been assessed and the proposed wall does not give rise to any significant amenity in terms of impacts upon neighbouring privacy, outlook, sunlight, daylight and overshadowing. Further it was confirmed that the proposed wall did not result in overdevelopment of the plot or unacceptable loss of garden ground, parking or storage. The wall has been angled at the southeast corner of the plot, adjacent to the junction at the eastern end of Wood Road, in order to provide visibility for cars and the Roads Service had reviewed the proposal and offered no objection in terms of road or pedestrian safety. As such it was confirmed that a wall in this location was acceptable.

Therefore, the only issue is with the height and finish of the wall which was considered not to be in keeping with the surrounding areas.

Considering these matters in turn,

Height- as has been demonstrated though the submission of photographs and will be self-evident on a site visit the surrounding area includes a wide variety of boundary treatments, with fences, wall, hedges at varying heights and finishes all in evidence within the immediate area.

Finishing- as stated in the original submission, at present work has stopped. It is intended to render the wall to match the surroundings. The appellant is happy to be guided by the Planning Serviced on the finishing preferred and if considered appropriate a replacement condition can be imposed to ensure a suitable finishing can be agreed.

7. The Development Plan

Angus Local Development Plan 2016

Policy DS4: Amenity

Policy TC4: Householder / Domestic Development

Householder Development Planning Advice Note 2016

Policy DS4 Amenity -requires all proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

In the current circumstances, and as confirmed in the Report of Handling, it is clear that the wall will not have any impact on the neighbouring properties. However, the wall will significantly improve the amenity of the appellants, the wall will significantly reduce light pollution from headlight glare and allow the use of the front, south-facing garden to be used as private garden space as well as improving privacy for the front south facing garden and the rooms in the front elevation which are very close to the road/pavement.

Policy TC4 Householder/Domestic Development - Proposals for householder development (including alterations/ extensions to houses and flats, development within the curtilage of houses and flats, means of enclosure, satellite antenna and domestic scale microgeneration) will be supported where the siting, design, scale or massing of the proposal, does not:

- adversely affect the residential amenity enjoyed by the house or surrounding domestic properties including, in the case of microgeneration, through noise or shadow flicker;
- detrimentally affect the character and/or appearance of the building, site or surrounding area; and
- result in the overdevelopment of the plot or a loss of garden ground, parking or bin storage.

In the current circumstances the proposed wall will provide an attractive south-facing private garden area for the householder, while improving their amenity by reducing significant headlight glare and improving privacy for the front garden and the windows in the front elevation. The Report of Handling confirms that the proposed 1.8 metre wall will not have a detrimental impact on the amenity of the surrounding residents. Further, no consultee has made any objection to the proposal. As demonstrated by the attached photographs, the immediate area is characterised by a wide range of boundary treatments with no consistency in type, design, materials or height of boundary treatment in evidence. In our view all of the various boundary features found within the area, including the wall subject of the current appeal, are entirely functional and reflect personal choice. Indeed, within the immediate area there are many examples of boundary treatment over 1

metre in height, many of which did not have the benefit of express planning permission. However, it is this very variety and mix which contributes to the character of this residential area.

Householder Development Planning Advice Note 2016 The PAN provides general advice and best practice in relation to boundary treatment it recommends

- Respect and complement the character of the existing residential property and surrounding area.
- Be developed to ensure that the scale and form of the boundary treatment is appropriate to the surrounding context and should not detract from the street scene as a result of inappropriate visual impact.
- Not be of a height which would ensure that it is intimidating or would reduce security overlooking from the existing residential property or other residential properties within the surrounding area.
- Not cause any adverse overlooking or overbearing impacts upon adjacent neighbouring properties.

In the current circumstances, and as demonstrated by the photographs lodged in support of the application, the immediate surrounding area includes a wide range of boundary treatments including walls, fences, hedging and a mix of differing treatments, indeed it is this mix that defines the character of the area. The wall includes decorative features which breaks up the massing of the wall, ensuring the height of the wall at 1.8 m is in no way intimidating, nor will it reduce security in the area. The wall is not overlooked by any residents, the house opposite having a 1.8 m fence itself.

It is submitted that the wall, once completed and rendered to match the house, will not have a significant adverse impact on the character and appearance in the immediate area. In the current circumstances the wall significantly improves the amenity of the residents of the property providing an attractive south facing private garden improving privacy, while reducing significant headlight glare.

Therefore, it is submitted that the wall is broadly compatible with relevant Council guidance as set out Angus Council's Householder Development Planning Advice Note and will have a significantly positive impact on the amenity of the householder.

Further, the proposed wall will protect the appellant's human rights in terms of resulting in a significant improvement to their privacy, home and family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). The Report of Handling indicates that the infringement of Human Rights of the homeowners is justified, as the increased height of the wall will impact on the human rights of the neighbours. This contradicts earlier statements in the Report of Handling which confirm that the wall will "not give rise to any significant amenity in terms of impacts on neighbouring privacy, outlook, sunlight, daylight and overshadowing."

Therefore, the Report of Handling agrees that the imposition of Condition 1 which restricts the height of the wall will impact on the Human Rights of the homeowners to enjoy their property.

8. Summary

This application for Review is submitted against the imposition of Condition 1 of planning consent ref 21/00978/FULL. The condition does not meet the six tests as required by Circular 4/1998 as Condition 1, which restricts the height of the wall, has the effect of nullifying the element of the proposal which requires the benefit of express planning permission and therefore is clearly not reasonable.

The wall will significantly improve the amenity and privacy of the property by providing a south-facing private garden area and reducing the head light glare. From a review of the area there is no consistency in boundary treatment, indeed it is submitted that it is the variety of treatments that contribute to the character of the area. The wall, when completed, will not detract from the appearance of the area and will not result in any loss of road traffic safety in the area.

Therefore, it is respectfully requested that the Local Review Board either delete Condition 1 or amend the wording to limit the height of the wall to 1.8 metres and allow the decorative features to remain.



Angus House Orchardbank Business Park Forfar DD8 1AN Tel: 01307 473360 Fax: 01307 461 895 Email: plnprocessing@angus.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100515997-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Retrospective consent for erection of wall

Has the work already been started and/ or completed? *

No Yes - Started Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

18/08/2021

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

Started as applicants did not realise planning consent was required

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Suller & Clark"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Karen"/>	Building Name:	<input type="text" value="Scoutbog Steading"/>
Last Name: *	<input type="text" value="Clark"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Address 1 (Street): *	<input type="text" value="Oldmeldrum"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Oldmeldrum"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="AB51 0BH"/>
Email Address: *	<input type="text" value="karen@sullerandclark.com"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="R"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Shillitto"/>	Address 1 (Street): *	<input type="text" value="Wood Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Birkhill"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD2 5PS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="████████████████████"/>		

Site Address Details

Planning Authority:

Angus Council

Full postal address of the site (including postcode where available):

Address 1:

1 WOOD ROAD

Address 2:

BIRKHILL

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

DUNDEE

Post Code:

DD2 5PS

Please identify/describe the location of the site or sites

Northing

734110

Easting

335333

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

E mail correspondence

Title:

Mr

Other title:

First Name:

Daniel

Last Name:

Coleman

Correspondence Reference Number:

Date (dd/mm/yyyy):

06/12/2021

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Karen Clark

On behalf of: Mr R Shillitto

Date: 17/12/2021

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mrs Karine Suller

Declaration Date: 17/12/2021

Payment Details

Pay Direct

Created: 17/12/2021 12:19

NOTES

THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS AND SPECIFICATIONS.

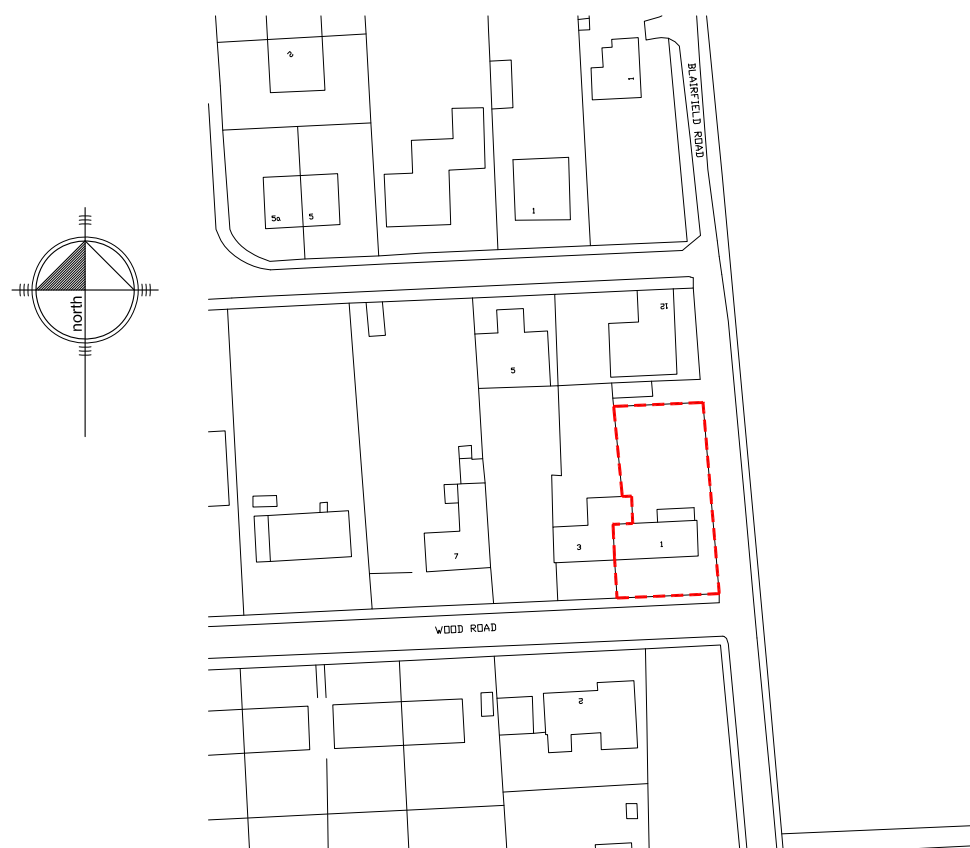
ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION. ANY ERRORS TO BE REPORTED BEFORE COMMENCING WORK.

ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE STATED - DO NOT SCALE.

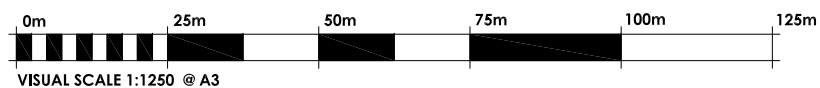
ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH CURRENT BRITISH STANDARDS AND MANUFACTURERS INSTRUCTIONS AND SPECIFICATIONS.

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT LOCAL BUILDING AUTHORITY REGULATIONS AND TO THE BUILDING INSPECTORS SATISFACTION.

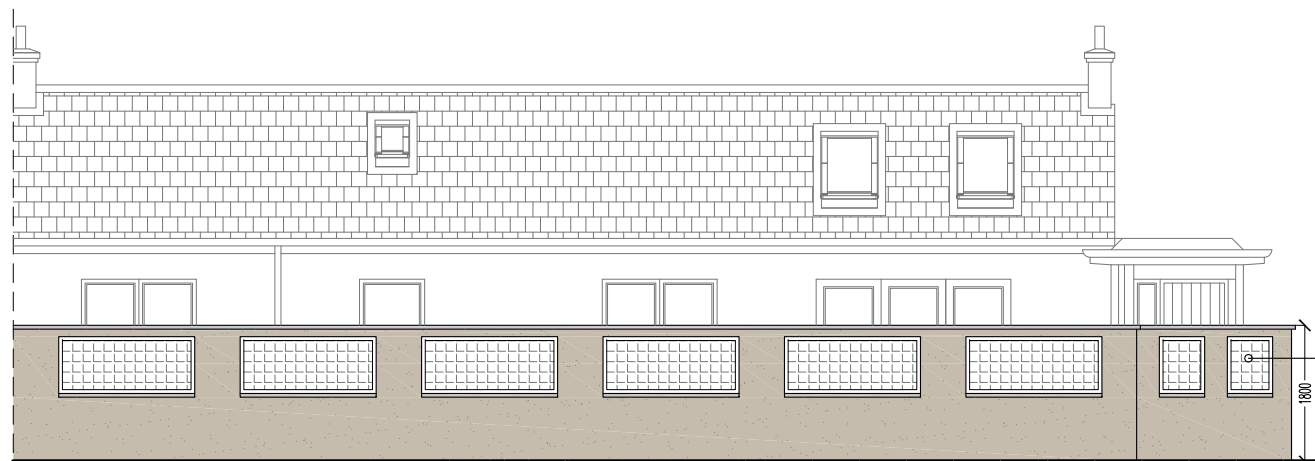
**ITEM 2
APPENDIX 2**



SITE LOCATION PLAN
scale 1:1250



PROPOSED SITE PLAN
scale 1:200

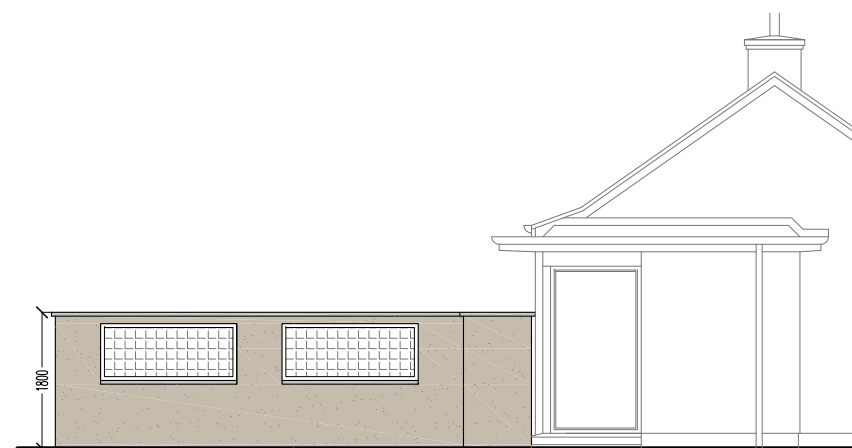


PROPOSED SOUTH ELEVATION
scale 1:100


NEW 1800mm HIGH BOUNDARY WALL
WALL TO BE FINISHED IN A SMOOTH RENDER
FEATURE PANEL OPENINGS AT EQUAL CENTERS



FEATURE PANELS



PROPOSED EAST ELEVATION
scale 1:100

REV	DATE	REMARKS
DSB DESIGN CHARTERED ARCHITECTURAL TECHNOLOGISTS		
DRAWING TITLE		JOB: 0156
SITE LOCATION PLAN, EXISTING SITE PLAN AND PROPOSED SITE PLAN		SCALE: Noted-A3
		DR No: PL-01
PROJECT		DATE: 06.12.2021
		Proposed Erection of Garden Wall 1 Wood Road, Birkhill, Angus

ITEM 2
APPENDIX 3



16 Highfield Place



16 Sidlaw Terrace (hedge with fence)



18 Wood Road



24 Highfield Place



134 Coupar Angus Road



2 Dronley Road



9 Dronley Road



10 Wood Road



12 Highfield Place



12 and 14 Wood Road

ANGUS COUNCIL



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**PLANNING PERMISSION - CONDITIONAL APPROVAL
REFERENCE : 21/00978/FULL**

To: **Mr R Shillitto
c/o Suller & Clark
Karen Clark
Scoutbog Steading
Oldmeldrum
AB51 0BH**

With reference to your application dated **7 January 2022** for planning permission under the above mentioned Acts and Regulations for the following development viz:-

Retrospective Erection of South and East Boundary Wall around Front Garden at 1 Wood Road Birkhill Dundee DD2 5PS for Mr R Shillitto

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docquetted as relative hereto in paper or identified as approved on the Public Access portal.

The permission is subject to the following conditions, namely:-

1. Within 3 months of the date of this permission a scheme for alterations to the south and east boundary walls indicated on drawing no. PL-01 Rev A shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the scheme shall lower the wall to a maximum of 1.2m in height and shall omit the feature panels. Thereafter the wall shall be amended to accord with the approved scheme within 3 months of the approval of that scheme.

The foregoing conditions are imposed by the Council for the following reasons :-

1. In order to ensure that the south and east front boundary wall is lowered to an appropriate height and finish, in a timely manner, in the interests of safeguarding the character and appearance of the area and to ensure compliance with Householder Development Planning Advice Note and Policy TC4.

The reason(s) for the foregoing decision by the Council are as follows:-

1. The proposal is in accordance with the development plan as it does not give rise to unacceptable impacts on amenity, the character and appearance of the dwelling or wider area and does not result in overdevelopment of the plot or unacceptable loss of garden ground, parking or storage as assessed in terms of the Householder Development Planning Advice Note, subject to condition. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Dated this **30 May 2022**

Jill Paterson

Service Lead

Planning and Sustainable Growth

Angus Council

Angus House

Orchardbank Business Park

Forfar

DD8 1AN

The decision was based on the following amendment(s):-

Amendments:

The application has not been subject of variation.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the Building (Scotland) Act 2003 and the Building (Scotland) Regulations 2004 as amended.

WARNING ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED CONDITIONS WITHOUT THE PRIOR CONSENT OF THE LOCAL PLANNING AUTHORITY COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN TO REMEDY OR REINSTATE THE UNAUTHORISED ALTERATIONS



WARNING

NON-COMPLIANCE WITH ANY OF THE CONDITIONS TO THIS PLANNING CONSENT COULD LEAD TO ENFORCEMENT ACTION BEING PURSUED BY THE COUNCIL.

NOTE: CONDITIONS ATTACHED BY THE COUNCIL TAKE PRECEDENCE OVER THE SUBMITTED/ APPROVED PLANS.

NO ALTERATIONS OR DEVIATIONS FROM THE APPROVED PLANS SHOULD BE UNDERTAKEN WITHOUT THE PRIOR APPROVAL OF THE PLANNING AUTHORITY. FAILURE TO OBTAIN APPROVAL COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN.

Produced by:

**Angus Council
Planning Service
Angus House
Orchardbank Business Park
Forfar
DD8 1AN**

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

Please read the notes carefully to ensure effective compliance with the new regulations.

DURATION

This permission will lapse 3 years from the date of this decision, unless there is a specific condition relating to the duration of the permission or development has commenced by that date.

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

NOTICES

Notification of initiation of development (NID)

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

Notification of completion of development (NCD)

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

Display of Notice while development is carried out

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

Angus Council
Planning Service
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Telephone 01307 492076 / 472533
E-mail: planning@angus.gov.uk
Website: www.angus.gov.uk



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this Notice. The notice of appeal should be addressed to The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <https://eplanning.scotland.gov.uk>
2. If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 2

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided through
Angus Council's Scheme of Delegation*

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the Planning Authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this Notice. The notice of review should be addressed to Sarah Forsyth, Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN. A Notice of Review Form and guidance can be found on the national e-planning web site <https://eplanning.scotland.gov.uk> . Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

NOTIFICATION OF INITIATION OF DEVELOPMENT

This notice must be fully completed by the person intending to carry out the development as approved in application reference **21/00978/FULL** for **Retrospective Erection of South and East Boundary Wall around Front Garden** at **1 Wood Road Birkhill Dundee DD2 5PS** for **Mr R Shillitto** dated **30 May 2022** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Angus House, Orchardbank Business Park, Forfar, DD8 1AN

Full Name:

Address:

Do you own the land subject to the above permission?

If not, please provide the full name and address of the land owner:

Is there a person appointed to oversee the development? If so, please provide their full name and contact details:

Date you intend to commence the above development:

NOTIFICATION OF COMPLETION OF DEVELOPMENT (NCD)

This notice should be fully completed by the person who completed the development approved in application reference **21/00978/FULL** for **Retrospective Erection of South and East Boundary Wall around Front Garden** at **1 Wood Road Birkhill Dundee DD2 5PS** for **Mr R Shillitto** dated **30 May 2022** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Angus House, Orchardbank Business Park, Forfar, DD8 1AN

Full Name:

Address:

Date of completion of the above development:

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013**

SCHEDULE 7

Development at **1 Wood Road Birkhill Dundee DD2 5PS**

Notice is hereby given that planning permission has been granted subject to conditions to **Mr R Shillitto** on **30 May 2022**.

Application reference **21/00978/FULL**

The development comprises **Retrospective Erection of South and East Boundary Wall around Front Garden**

Further Information regarding the planning permission including the conditions, if any, on which it has been granted can be obtained at all reasonable hours at:

Angus Council
Planning Service
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Enquiries should be directed to the Service Leader at the above address or to planning@angus.gov.uk

SGN Overbuild Advisory Note

There are a number of risks created by built over gas mains and services; these are:

- *Pipework loading – pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.*
- *Gas entry into buildings – pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.*
- *Occupier safety – lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.*

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. *Check your proposals against the information held at <https://www.linsearchbeforeudig.co.uk/> to assess any risk associated with your development **and***
2. *Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:*

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- *Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work <https://www.sgn.co.uk/damage-prevention>*
- *Further information can also be found here <https://www.sgn.co.uk/help-and-advice/diggingsafely>*

PLANNING

Your experience with Planning

Please indicate whether you agree or disagree with the following statements about your most recent experience of the Council's handling of the planning application in which you had an interest.

Q.1 I was given the advice and help I needed to submit my application/representation:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.2 The Council kept me informed about the progress of the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.3 The Council dealt promptly with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.4 The Council dealt helpfully with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.5 I understand the reasons for the decision made on the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.6 I feel that I was treated fairly and that my view point was listened to:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OVERALL SATISFACTION: Overall satisfaction with the service:

Q.7 Setting aside whether your application was successful or not, and taking everything into account, how satisfied or dissatisfied are you with the service provided by the council in processing your application?

Very satisfied	Fairly satisfied	Neither Satisfied nor Dissatisfied	Fairly Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OUTCOME: Outcome of the application:

Q.8 Was the application that you had an interest in:-

Granted Permission/Consent	<input type="checkbox"/>	Refused Permission/Consent	<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>
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Q.9 Were you the:- Applicant Agent Third Party objector who made a representation

Please complete the form and return in the pre-paid envelope provided.
Thank you for taking the time to complete this form.

Angus Council

Application Number:	21/00978/FULL
Description of Development:	Retrospective Erection of South and East Boundary Wall around Front Garden
Site Address:	1 Wood Road Birkhill Dundee DD2 5PS
Grid Ref:	335339 : 734111
Applicant Name:	Mr R Shillitto

Report of Handling

Amendments

The application has not been subject of variation.

Publicity

The application was subject to normal neighbour notification procedures.

The nature of the proposal did not require that the application be the subject of press advertisement.

The nature of the proposal did not require a site notice to be posted.

Planning History

17/01022/FULL for Proposed Alterations and Extensions to Existing House, Erection of Double Garage and Erection of Boundary Fence. was determined as "approved subject to conditions" on 31 May 2018.

Enforcement case ref: 21/00076/UNDV relates to the proposed development. The applicant was advised that planning permission would be required for a 1.8-metre-high wall in this location and that the wall as built/proposed would not accord with planning policy or guidance. The applicant was asked to cease works until the matter was resolved. On receipt of the planning application, it was noted that works had continued and the eight feature panels had been inserted but the rendering has not been applied.

Applicant's Case

A supporting statement was submitted alongside the application which details the existing site layout and relevant planning history. It provides a background to the proposal, noting the wall was erected to provide a private garden space forward of the front of the house. The statement indicates the wall improves the applicant's amenity as it reduces headlight glare into the front windows and enhances the applicant's human rights. The statement notes the decorative inserts will break up the massing of the wall and will ensure the 1.8 metre height will not be intimidating. It lists a number of property throughout the area, including Wood Road and nearby streets, which have front boundaries exceeding one metre high and indicates the mix of boundary enclosures in the area do not detract from the visual amenity, but adds to the character of the area. It concludes that once completed the wall as proposed would not detract from the appearance of the area and the proposal is broadly compatible with relevant council guidance.

Consultations

Aberdeenshire Council Archaeology Service - Offered no objection and advised that no archaeological mitigation would be required.

Community Council - There was no response from this consultee at the time of report preparation.

Roads (Traffic) - Offered no objection to the proposal.

Scottish Water - There was no response from this consultee at the time of report preparation.

Representations

A representation has been received, the main points of the objection are summarised as follows and are addressed in the Assessment section below.

- o Out of character
- o Visual appearance
- o Impacts upon traffic and pedestrian safety

Development Plan Policies

Angus Local Development Plan 2016

Policy DS4 : Amenity

Policy TC4 : Householder / Domestic Development

Policy PV8 : Built and Cultural Heritage

TAYplan Strategic Development Plan

The proposal is not of strategic significance and the policies of TAYplan are not referenced in this report.

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

Assessment

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.

Policy TC4 relates to proposals for house and flat alterations/extensions and development within the curtilage of houses and flats. It indicates that development will be supported where the siting, design, scale or massing of the proposal does not:

1. adversely affect the residential amenity enjoyed by the house or surrounding domestic properties including, in the case of microgeneration, through noise or shadow flicker;
2. detrimentally affect the character and/or appearance of the building, site or surrounding area; and
3. result in the overdevelopment of the plot or a loss of garden ground, parking or bin storage.

Policy TC4 indicates that further guidance on these matters is set out in the Householder Development Planning Advice Note (PAN).

The proposal relates to the retrospective erection of a 1.8-metre-high boundary wall with eight rectangular see-through feature panels inset on the south/front and east/side boundary of the semi-detached cottage. The wall is mostly constructed, the feature panels have been inserted but the render has not yet been completed.

In this case the relationship of the proposal with surrounding property has been assessed and it does not give rise to any significant amenity in terms of impacts upon neighbouring privacy, outlook, sunlight, daylight and overshadowing. The proposal does not result in overdevelopment of the plot or unacceptable loss of garden ground, parking or storage. The wall has been angled at the southeast corner of the plot, adjacent to the junction at the eastern end of Wood Road, in order to provide visibility for cars. The Roads Service has reviewed the proposal and offers no objection in terms of road or pedestrian safety.

In considering the impacts of the proposed wall upon the character and visual appearance of the site and the surrounding area, it is noted the site is situated within a street which is predominantly characterised by houses with their principal elevations facing towards Wood Road. The boundaries in these areas are generally low and allow for open views to and from the road and the front gardens. The front boundary treatments are predominantly simple and unassuming, consisting of a mix of low walls, fences and hedging. Prior to the recent works being undertaken the application site had a low stone front boundary.

The supporting information submitted by the applicant notes the proposed 1.8m high wall would provide a private garden space, enhance the applicant's human rights and improve the amenity of the applicant by reducing impacts from headlight glare. The supporting information notes the surrounding area is characterised by a wide range of boundary treatments with no consistency in type, design, materials or height and that it is that mix that defines the character of the area. It also includes photos of a number of higher boundary treatments within the wider vicinity. The supporting information concludes that once completed the wall as proposed would not detract from the appearance of the area.

Having considered the above, the principle of erecting a wall in the location indicated is acceptable. However a 1.8m high wall with feature panels would not be consistent with or respect/complement the existing character of the area. The appearance and scale of the proposed boundary treatment is not appropriate for the surrounding context and the wall as proposed would detract from the street scene; resulting in an unacceptable visual impact. A 1.8m high wall with feature panels would not comply with the relevant tests within the Householder Development Planning Advice Note or Policy TC4

In response to the applicant's supporting information it is noted the plot would retain a private garden area to the rear and human rights implications are discussed in the Human Rights section of this report below. In considering headlight glare, it is noted there is street lighting directly to the south on the opposite side of the road and on the pavement beside the east elevation of the cottage, and whilst headlights may shine towards windows on occasion given the road is not a main thoroughfare and the area is subject to existing light spill, these impacts are not considered to be unacceptable or of a level uncommon within a development boundary. Furthermore the installed feature panels might likely allow headlight glare to still reach windows. Lastly, it is appreciated that there are varying styles of boundaries within the wider area but these are principally low level. Most of the examples of higher boundaries provided by the applicant are outwith the immediate vicinity of the site. The examples given on Wood Road appear to relate to unauthorised development or properties where the rear private garden areas abut the road. Such instances are a minority, and the Planning Service would seek to support good design principles that would be respectful and complementary to the character of area and not further diluting the character of the area by supporting inappropriate development. Furthermore there is no binding precedence in Planning law and the current proposal will be assessed on its own merit whilst taking into account relevant planning policies and advice notes and any other material considerations.

To conclude, the location of the proposed wall is acceptable but the proposed height and finish of the wall is not in keeping with the character or appearance of the area and is contrary to the Householder Development Planning Advice Note and Policy TC4. Therefore, a condition is attached which allows for the retention of a boundary wall in the current location but which seeks to ensure the wall shall be no higher than 1.2m and the feature panels are omitted. A simple 1.2m high wall would be in keeping with the character of the area and would not detract from the visual amenity of the street and would comply with the Householder Development Planning Advice Note and Policy TC4.

Policy PV8 : Built and Cultural Heritage, the site is located within an area of potential archaeological interest, Birkhill Feus. The Council's Archaeological Service has reviewed the proposal, it offers no objection and advises that no archaeological mitigation is required. The proposal would not result in any unacceptable impacts upon the historic environment value of the Birkhill Feus archaeological area.

In terms of material considerations, concerns have been raised in objection to the proposal relating to impacts upon traffic and pedestrian safety; those matters have been discussed above and the proposal would not result in an unacceptable impact vehicle or pedestrian safety. Concerns were also raised in relation to the impact of the proposal upon the character and visual appearance of the area.

These matters have also been discussed above and the proposal would not result in an unacceptable impact upon the character or visual appearance of the area subject to a condition to reduce the height of the wall and remove the feature panels. There are no matters raised in objection to the proposal that are considered to justify refusal of the planning application.

Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In this case TAYplan is less than five years old but the ALDP has recently become more than five years old as it was adopted in September 2016. The policies contained in the ALDP are generally consistent with TAYplan and SPP and are therefore considered to provide an appropriate basis for the determination of this planning application.

In conclusion, subject to the carrying out of the aforementioned alterations in accordance with the attached planning condition, the proposal is consistent with relevant Council guidance contained in published planning advice notes and is compatible with development plan policy.

Human Rights Implications

The decision to grant permission/consent, 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 decision 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.

Decision

The application is approved subject to conditions

Reason(s) for Decision:

1. The proposal is in accordance with the development plan as it does not give rise to unacceptable impacts on amenity, the character and appearance of the dwelling or wider area and does not result in overdevelopment of the plot or unacceptable loss of garden ground, parking or storage as assessed in terms of the Householder Development Planning Advice Note, subject to condition. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Conditions:

1. Within 3 months of the date of this permission a scheme for alterations to the south and east boundary walls indicated on drawing no. PL-01 Rev A shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the scheme shall lower the wall to a maximum of 1.2m in height and shall omit the feature panels. Thereafter the wall shall be amended to accord with the approved scheme within 3 months of the approval of that scheme.

Reason: In order to ensure that the south and east front boundary wall is lowered to an appropriate height and finish, in a timely manner, in the interests of safeguarding the character and appearance of the area and to ensure compliance with Householder Development Planning Advice Note and Policy TC4.

Case Officer: Pauline Chalmers
Date: 24 May 2022

Appendix 1 - Development Plan Policies

Angus Local Development Plan 2016

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC4 : Householder / Domestic Development

Proposals for householder development (including alterations/extensions to houses and flats, development within the curtilage of houses and flats, means of enclosure, satellite antenna and domestic scale microgeneration) will be supported where the siting, design, scale or massing of the proposal, does not:

- adversely affect the residential amenity enjoyed by the house or surrounding domestic properties including, in the case of microgeneration, through noise or shadow flicker;
- detrimentally affect the character and/or appearance of the building, site or surrounding area; and
- result in the overdevelopment of the plot or a loss of garden ground, parking or bin storage.

Further guidance on householder development will be set out in a Householder Development Planning Advice Note.

Policy PV8 : Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and

- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.