

KEY INFORMATION

Ward The Ferry

Proposal

Erection of 3 Houses

Address

Land North of
Falkland Crescent
Broughty Ferry

Applicant

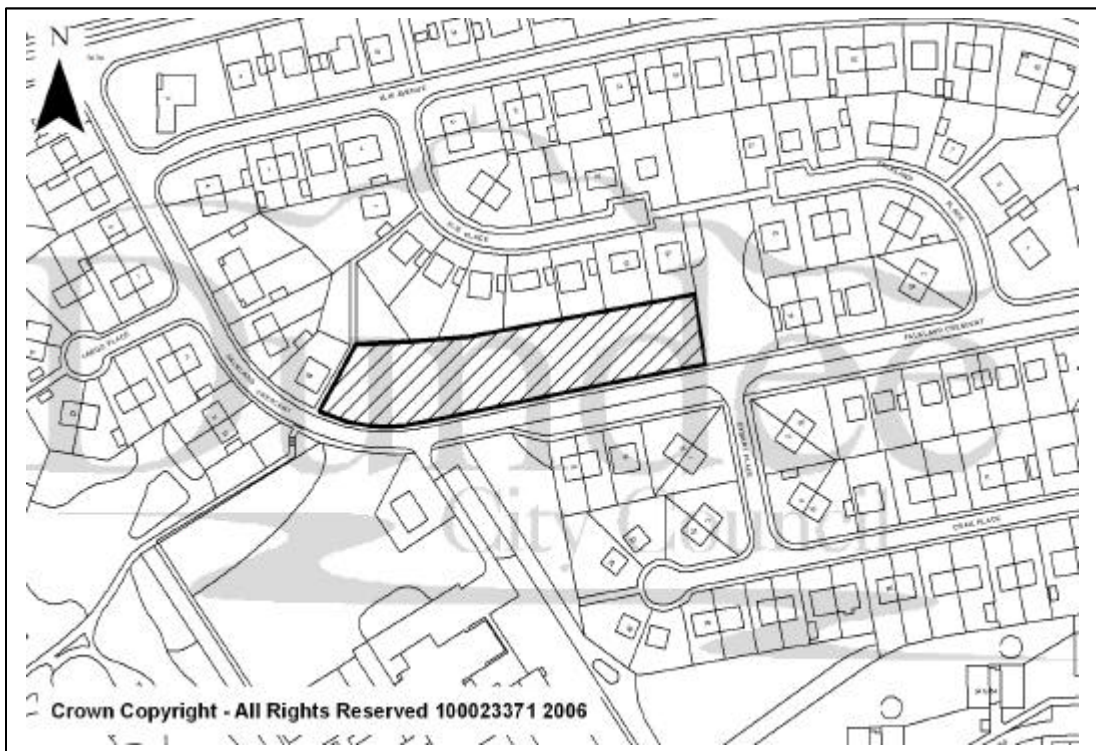
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Case Officer C Walker



Proposal for Three New Houses in Falkland Crescent

The erection of three houses is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with Local Plan policy, is designed to minimise any impact on residential amenity and will not lead to traffic safety problems. The application is recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought to erect 3 large houses of modern design on a steeply sloping site on the north side of Falkland Crescent.
- The site is allocated as part of an existing housing area and relevant polices in the adopted Local Plan are Policy 1 and Policy 4.
- 34 letters of objection were received from neighbours whose principal concerns relate to traffic and pedestrian safety, overlooking, overshadowing, loss of open space and inappropriate design.
- The proposed development complies with Local Plan policy, is designed to minimise any impact on residential amenity and will not lead to traffic safety problems. Despite the large number of objections, there are no grounds for refusing the proposed development.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect 3 large houses of modern design on the site. The houses are single storey flat roofed split level structures, taking advantage of the site contours to step downwards to the north. The proposed houses on the central and west most plots are identical in design (1 being a handed version of the other) with the house on the east most plot being similar but with a less elongated layout.

All the houses have 4 bedrooms (or 3 bedrooms and a study), a kitchen, lounge and dining area and an integral double garage. Floor areas (including garages) are between 190 and 200m². Proposed finishing materials are walls of white render and natural stone with limited areas of timber cladding. Due to the steeply sloping nature of the site the houses are cut into the slope and useable garden ground is provided to the east and west of the houses in the form of patios, timber decking and terraced gardens.

The applicants have produced a sunlight study which indicates that the houses on Elie Place currently experience shadowing during the winter months from the existing contours of the landscape, built environment and landscaping and that the introduction of the proposed development makes little difference to the extent of overshadowing.

SITE DESCRIPTION

The site comprises some 3,300m² of steeply sloping ground on the north side of Falkland Crescent. The difference between the highest and lowest part of the site is almost 9 metres and the site slopes down to the north. It is currently maintained as an open grassed area. To the north, at the lower ground level, are detached one and a half and two storey houses at Elie Place. To the rear gardens of these houses adjoin the site and most are screened by hedges. To east and north west of the site are small areas of public open space which are not separated from the site by any formal boundary. To the west is more housing. To the south west, on the

opposite side of Falkland Crescent, is the entrance to Barnhill Primary School. Directly to the south of the site are houses on Falkland Crescent which sit on higher ground.



Falkland Crescent is a residential road serving a number of houses as well as Barnhill Primary School. It is used heavily for on street parking particularly when parents are dropping off or collecting children from the school. The road at Falkland Crescent rises from the east towards the school entrance and then drops down to the west beyond the entrance.



POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan Review 2005

The following policies are of relevance:

The site is allocated as part of an existing housing area and relevant policies are Policy 1 and Policy 4.

Policy 1: Vibrant and Sustainable Communities - the City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Policy 4: Design of New Housing - the design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or
- b the proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

New housing development should also have regard to the principles of the City Council's Urban Design Guide.

In addition, new housing development should meet "Secured by Design" standards.

New residential streets should be designed to promote low vehicle speeds of 20mph or less. New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management.

Where conversion of a listed building or other building worthy of retention is proposed, there may be limited flexibility in applying parking and garden ground requirements where compliance is impractical. The development of flats through conversions of buildings of merit may

also be acceptable where conversion to flats is the only appropriate action.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

In 1969 planning permission was granted to develop a housing estate at this location including houses on the site of the current application. In the event no houses were built on the application site.

In August 1985 an application for outline planning permission to erect 9 houses on this site was refused by the Council (contrary to the Directors recommendation) on grounds of loss of open space and traffic and pedestrian safety - application D10723 refers.

In January 1989 an application to erect 7 houses on the site was refused by the Council on grounds of adverse impact on residential amenity and pedestrian and traffic safety - application D14710 refers.

This decision was appealed and following a public inquiry the appeal was dismissed by the Scottish Executive in March 1991 on the grounds that the width and height of the proposed houses would present a forbidding and overbearing aspect to Elie Place and that the development would result in a traffic and pedestrian hazard close to a school entrance due to the inadequacy of the sightlines at the 2 west most plots.

In reaching this decision the Reporter concluded that there was insufficient reason to oppose the principle of housing on the site on the grounds that it should remain as open space and that

7 houses would not significantly increase traffic on Falkland Place.

Following that decision the Council proposed to allocate the site as public open space in the Dundee Local Plan 1998. The site owners (Betts) objected to this allocation and the Reporter who conducted the inquiry on the Local Plan agreed with the objectors and as a result the site was allocated in the plan as part of an existing residential area. The site is similarly allocated in the current Local Plan.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the application was advertised as potentially contravening Policy 4 of the Local Plan.

34 letters of objection were received from neighbouring properties and residents of the wider area including people whose children attend Barnhill Primary School. The issues referred to are as follows:

- 1 The proposal will lead to traffic and pedestrian safety and congestion issues particularly due to the proximity of the site to the primary school.
- 2 The proposal will result in overlooking, overshadowing and a loss of security to nearby houses.
- 3 The design of the development is inappropriate.
- 4 Open space, used by children, dog walker, sledgers etc will be lost.
- 5 The development will lead to noise and disturbance particularly during construction.
- 6 Drainage difficulties may be encountered and run off may adversely affect neighbours.
- 7 New tree planting may overshadow existing houses and gardens.
- 8 The density of development is too high.
- 9 Previous proposals to develop this site have been dismissed.

Copies of these letters are available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

There were no adverse comments from consultees.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

Policy 1 seeks to minimise any affect of new development on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell. Policy 4 and Appendix 1 set out standards for new housing development including requirements for good design, house sizes, parking, garden ground and privacy.

In terms of Policy 1, the design of the proposed houses is of a very good quality. To a large extent the form of the houses is dictated by the constraints of the site and the need to minimise the intrusiveness of the development in relation to the houses to the north on Elie Place. The use of the split levels reflecting the contours of the site as well as flat roofs and walls predominantly of smooth white render all contribute to minimising the predominance of the houses. The appearance of the proposed houses and the choice of finishing materials are attractive and although completely different from surrounding houses, are wholly appropriate for this site.

The layout of the proposed houses seeks to minimise overlooking of nearby properties to the north and west. At the nearest point the proposed house on Plot 3 is some 18 metres from the house at 13 Elie Place but there are no windows on that part of the proposed house. Windows on the north elevation of the houses on Plots 1 and 2 are between 22 and 30

metres from windows on houses to the north at Elie Place.

Garden areas are developed principally to the sides of the houses to minimise overlooking. There are small areas of timber decking on the proposed houses at Plot 3 some 7.5 metres from the northern site boundary but at the closest point this area is some 17 metres from windows on the nearest house at 15 Elie Place. Similarly there is a small area of decking to the west of the house on Plot 1 within 4 metres of the western boundary but this faces the blank wall of an extension on the house to the west.

In terms of traffic and parking issues, the proposed development is for 3 houses accessing from what is classified as a residential side road. Each house has an integral double garage and driveway parking for at least 2 cars. It is considered that this is ample provision for this development. In terms of traffic safety, visibility sightlines of 20 metres are required in this case and are met by the proposed development.

There are no noise or smell issues associated with the proposed development.

The proposed development meets all the standards set out in Policy 4 and Appendix 1 of the Plan. The development was advertised as potentially contravening this policy so that an assessment could be made of the extent and usability of garden ground provision. The plot sizes are very large (approximately two and a half times the size of the plots at Elie Place to the north of the site) but the sloping nature of the site means that not all areas can contribute to useable garden ground. However the proposed development indicates the formation of extensive useable patios, decking and garden areas principally to the sides of the houses which easily meet the Policy 4 standards. Requirements on house sizes, parking and privacy distances are met by the proposed development.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

The other material consideration to be taken into account is the views of objectors. 34 letters represents a substantial body of objection and it is

clear that the proposed development of this site has been a matter of controversy for many years. The concerns of objectors can be taken in turn as follows:

- 1 The proposal will lead to traffic and pedestrian safety and congestion issues particularly due to the proximity of the site to the primary school. Concerns about these issues have been submitted by the Head Teacher of Barnhill Primary School. The scale of the proposed development is very modest and will not lead to any significant traffic generation taking into account existing housing and the school at this location. Adequate off street parking is provided for all the houses and visibility in accordance with the Councils roads standards is provided at each entrance driveway. Previous proposals for development at this location were rejected on traffic safety grounds but involved more extensive development (7 and 9 houses) and did not meet the required visibility sight distances. Whilst the concerns of parents about safety are appreciated, it is clear that the difficulties with traffic congestion at the school relate to the large number of parents and carers who drive their children to school and 3 additional houses at this location will not have any significant impact on this situation. Concerns about traffic safety issues during the construction period can be addressed by a planning condition should Members be minded to approve the application.
- 2 The proposal will result in overlooking and overshadowing and a loss of security to nearby houses. The matters of overlooking and overshadowing have been considered in the assessment of the development against Policy 1 of the Plan and it has been concluded that there will be no unacceptable adverse impact on amenity. It is appreciated that due to the significant difference in ground levels, any development on this site will appear to be overbearing to the residents of the houses to the north, particularly since the

site has been free from development since those houses were built. However the development has been designed to minimise any adverse impact both by cutting the proposed houses into the slope of the ground, using split levels and designing long low houses with flat roofs. The previous appeal proposals which a Reporter found to have an overbearing impact on the houses to the north involved 7 large 2 storey dwellings with pitched roofs presenting a facade of 7.5 metres. In this case no part of the proposed houses is more than 3 metres high although it is accepted that the buildings step up the slope to the south. An issue has been raised about security but the development of this site for housing should increase the security of adjoining neighbours.

- 3 The design of the development is inappropriate. This matter has been considered in the assessment of the development against Policy 1 of the Plan and it has been concluded that the design of the proposed houses is of a high quality and serves to minimise the intrusiveness of the development on the neighbours to the north.
- 4 Open space, used by children, dog walkers, sledgers etc will be lost. The principle of developing this site for housing was established by the allocation of the site as part of an existing residential area in the Local Plan. It is accepted that the site has served as open space for many years but its usefulness is constrained by its steeply sloping nature. There is no shortage of open space in the vicinity of the site and even if the site is developed, 2 small areas of open space will remain on either side of it.
- 5 The development will lead to noise and disturbance particularly during construction. All development proposals lead to temporary noise and disturbance and it is considered that there is nothing in the nature of the proposed development that would lead to particular problems.

6 Drainage difficulties may be encountered and run off may adversely affect neighbours. No adverse comments have been received from Scottish Water and there is no reason why adequate arrangements for drainage cannot be made.

7 New tree planting may overshadow existing houses and gardens. Although planting can protect privacy it can overshadow nearby properties. In this case there are no proposals for planting along the northern site boundary.

8 The density of development is too high. The density of development is much lower than that of the surrounding area and is in conformity with the Development Plan.

9 Previous proposals to develop this site have been dismissed. The principle of developing the site for housing has not been ruled out and the site is allocated as part of an existing residential area. Although specific proposals for 9 and later 7 houses were rejected, the proposed development overcomes the reasons for refusal relating to traffic issues and residential amenity.

It is concluded from the foregoing that insufficient weight can be accorded to the concerns of objectors such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

Design

The design of the proposed houses is of a very good quality. To a large extent the form of the houses is dictated by the constraints of the site and the need to minimise the intrusiveness of the development in relation to the houses to the north on Elie Place. The use of the split levels reflecting the contours of the site as well as flat roofs and walls predominantly of smooth white render all contribute to minimising the predominance of the houses. The appearance of the proposed houses and the choice of finishing materials are attractive and although completely different from surrounding houses, are wholly appropriate for this site.

CONCLUSION

The proposed development complies with Local Plan policy, is designed to minimise any impact on residential amenity and will not lead to traffic safety problems.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 3 Details of the proposed garage doors, including a method of opening that does not sweep over the driveway areas shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 4 No fences, walls, hedges or other obstructions shall be located within 2.4 metres each side of the proposed driveways and that any other walls, fences etc be kept to a maximum height of 600mm above the level of the footway within the visibility splays set out in drawing ref no 477.500.03 submitted on 24 May 2007.
- 5 Details of all proposed boundary enclosures, internal garden walls and fences, balcony and decking enclosures shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 6 Within six months of the first occupation of any of the houses, trees and shrubs shall be planted on the site in accordance with a scheme which has been submitted to and approved by the City Council prior to the commencement of development.

Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

- 7 Details of the arrangements for the construction of the proposed houses including the positioning of site huts, storage of materials and parking shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To ensure that cars can sit within the driveway without encroaching on the public footway whilst the garage doors are opened, in the interests of pedestrian safety.
- 4 In the interests of traffic and pedestrian safety.
- 5 In the interests of visual amenity and to protect the amenities of neighbours.
- 6 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 7 To minimise any adverse impact on pedestrian and traffic safety.