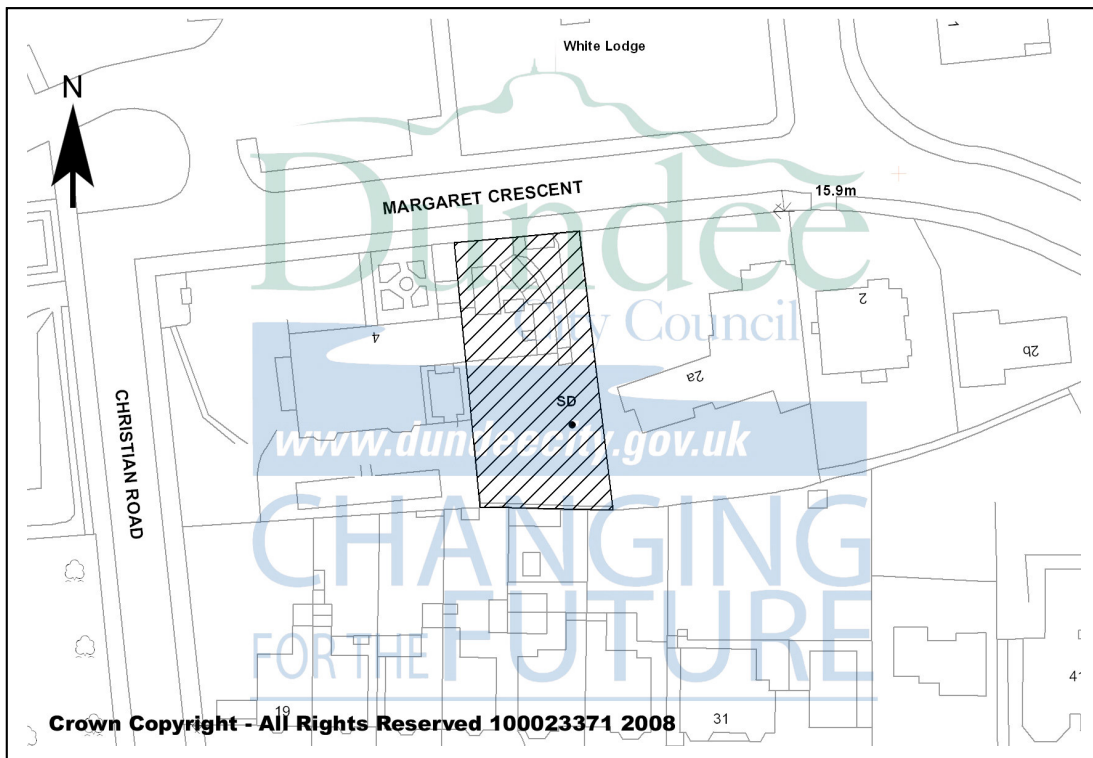


KEY INFORMATION

Ward East End

Proposal

Erection of dwellinghouse in garden ground

AddressLand East of 4 Margaret Crescent
Dundee
DD5 1ND**Applicant**Mr & Mrs R MacDonald
4 Margaret Crescent
Dundee
DD5 1ND**Agent**Jenny Pedersen Design
White Lodge Studio
5 Margaret Crescent
Dundee
DD5 1ND**Registered** 17 April 2008**Case Officer** C Walker

Proposal for New House in Margaret Crescent

The erection of a dwellinghouse in garden ground is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development accords with the Development Plan, is of satisfactory design and will not adversely impact on the amenities of neighbours. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought to erect a two storey house in garden ground to the east of the existing subdivided villa at 4/6 Margaret Crescent. To the south of the site are villas on Dundee Road West which are set approximately 5 metres below the application site.
- Policies 4 and 15 of the Dundee Local Plan Review 2005 are relevant to the determination of this application.
- 3 letters of objection were received from nearby residents who are principally concerned about loss of privacy due to overlooking from the proposed development.
- The development is in accordance with the Development Plan and with appropriate screening will not adversely impact on the amenities of neighbours.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a two storey house in garden ground to the east of the existing subdivided house at 4/6 Margaret Crescent. The proposed house includes a lounge, dining room, kitchen and integral double garage at ground floor and 5 bedrooms on the upper floor level. The design of the house is modern with traditional references and not untypical of a suburban villa. Proposed finishing materials are slate for the roof and natural stone, harl and limited areas of timber cladding for the walls.

Access is proposed to the new house using an existing vehicular access from Margaret Crescent. It is proposed to plant a conifer screen along the western site boundary. A private garden area of some 250m² is proposed to the south of the house.

SITE DESCRIPTION

The site comprises some 700m² of garden ground to the east of the existing house at 4 Margaret Crescent. 4 Margaret Crescent is the ground floor level of a substantial two storey stone and slate dwelling, the upper level being accommodated within a mansard roof.

The original house once had a more substantial garden to the east but a modern bungalow has been erected in this area at 2A Margaret Crescent (immediately to the east of the application site).

There is an existing vehicular access to the site leading to a dilapidated timber garage. The roadside boundary is marked by a low stone wall and timber fence. The eastern boundary is a block wall. There is also a low wall on the western site boundary. There are some trees and shrubs on the site, mainly adjacent to the east boundary. A number of trees in the southern part of the site have been felled in recent times and the holly hedge on this boundary has been cut down.

To the south of the site are villas on Dundee Road West which are set approximately 5 metres below the application site with the boundary wall retaining a substantial amount of

ground. To the west is the original house at 4 Margaret Crescent. To the east is a modern bungalow at 2A Margaret Crescent. To the north, on the opposite side of Margaret Crescent, is a subdivided villa known as White Lodge and a large parking area for housing at Craigie Drive and Belsize Road.

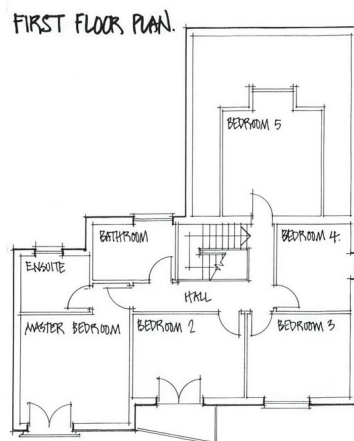
POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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



ELEVATION TO SOUTH.



Dundee Local Plan Review 2005

The site is in an existing housing area and Policy 4 sets out standards for new housing development.

Policy 15 on garden ground development is applicable.

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

Planning permission was granted for a house on this site in 1992 but this consent was not implemented and has since expired - application D17016 refers.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposed development was advertised as contravening Policy 15 of the Local Plan.

3 letters of objection were received from nearby residents who are concerned about loss of privacy due to overlooking from the proposed development as well as possible damage to the retaining wall separating them from the site. Some objectors suggest that there are natural springs which run through this area and one objector states a concern about the cutting of the holly hedge on the southern boundary of the site.

Copies of these letters are available for inspection in the Members' Lounges and the issues are discussed in the "Observations" section below.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has commented that as a precautionary measure a condition should be attached, should

Members be minded to approve the development, that if any ground contamination is found during construction that the Council be contacted and the problem dealt with in an appropriate manner.

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 4 sets out standards for new housing development. The application site is defined as falling within a suburban area and the proposed development easily meets all the Appendix 1 standards.

Policy 15 on Garden Ground Development sets out criteria, and those relevant to the current application are as follows:

- a the proposal is of high quality design and uses materials appropriate to its surroundings. In this case it is considered that the design of the proposed house is satisfactory. The proposed finishing materials will help to integrate the house into its surrounding.
- b the total footprint of new buildings does not exceed one and a half times the footprint of the original main house unless there has already been development within the garden ground exceeding this limit and where further development would not detrimentally affect the appearance and character as now exists.

In this case the footprint of the original house (4 and 6 Margaret Crescent) is some 335m². The applicants state that the land to the east of the application site was sold off in 1947 in which

case the new house at 150m² easily meets the requirement. However even if the house at 2A Margaret Crescent (330m²) which was built within what was once the original garden ground was included, then the total of that house and the proposed house is still just less than one and a half times the size of the original house.

- c notwithstanding the above, the final proportion of ground covered by buildings, hard-standings, garages etc. must not amount to more than 40% of the original house and garden with at least 60% cultivatable garden ground. In this case site coverage easily meets this standard.



- d prevailing densities in the area are respected. In this case it is considered that taking into account the insertion of modern houses at 2A and 2B Margaret Crescent and the fact that there is a very high density housing development to the north of the site that this proposal for an additional house will respect prevailing densities.
- e no new building is proposed in front of the main elevation of the original house; extensions exceeding 20% of the volume of the original building will only be acceptable if designed in such a way as to appear independent and linked discreetly to the original house.

In section doesn't apply as the proposed new house is to the side of the original house.

- f prominent frontages and elevations of architectural

character on the original house will remain largely intact. This section is not applicable.

- g the proposal conforms to the Council's non-statutory guidance on Breaches in Boundary Walls. In this case the access is existing.
- h a full tree survey is submitted along with the planning application to enable a comprehensive landscape assessment to be undertaken. Ultimately, the need to retain existing trees and landscape features may override the above criteria. In this case there are no trees of substance or particular visual merit on the site. Tree felling has taken place in the recent past (the trees in question were not protected) and the development will have no impact on trees.
- i where development is permitted, new tree planting and landscaping will be required which should reflect, and where appropriate enhance, the character and stature of that already existing. The applicants propose to carry out replacement planting but have not specified the details of such planting. It is considered that this matter could be dealt with by planning condition should Members be minded to approve the application.

It is concluded that the development is in accordance with the Development Plan.

Other Material Considerations

The material consideration to be taken into account in determining this application are the views of the 3 objectors and of Consultees.

The neighbours who objected are concerned about loss of privacy due to overlooking from the proposed development. However their houses are not generally visible from the application site due to the significant difference in ground level (some 5 metres). In addition there is already a degree of overlooking from the existing house at 4/6 Margaret Crescent. There was screening on this

boundary provided mainly provided by a holly hedge but this hedge was recently cut down. The applicants have indicated that they will maintain screen hedging to the southern boundary but it would take many years for an effective screen to form, if indeed the holly hedge could regenerate successfully. It is considered that screening should be provided on this boundary either in the form of a fence or planting and this matter could be dealt with by planning condition should Members be minded to approve the application. Although upper floor windows on the proposed house will be above the level of this screening, the difference in ground levels between the houses means that these windows will look over the tops of neighbouring houses to the south and in any event the distance between windows will be over 30 metres which is well in excess of the minimum distance of 18 metres set out in Policy 4 of the Local Plan.

The neighbours concerns about possible damage to the retaining wall separating them from the site and the possibility of there being natural springs running through this area are not relevant to the determination of this planning application. It is up to the applicants, if the Committee is minded to approve this application, to ensure that they cause no damage to neighbouring property in developing their site and if such damage is caused then this is a civil matter to be addressed ultimately through the courts.

The concerns of the Head of Environmental Health and Trading Standards about potential contamination can be addressed by a Guidance Note attached to any consent, should Members be minded to approve the development.

It is concluded from the foregoing that the material considerations are not of sufficient weight such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted in accordance with the Development Plan.

Design

The design of the house is modern with traditional references and not untypical of a suburban villa. Proposed finishing materials are slate for the roof and natural stone, harl and limited areas of timber cladding for the

walls. It is considered that the design of the proposed house is satisfactory and that the proposed finishing materials will help to integrate the house into its surroundings.

CONCLUSION

The proposed development accords with the Development Plan, is of satisfactory design and will not adversely impact on the amenities of neighbours.

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 Details of the landscaping of the site shall be submitted to the Council for approval before any development is commenced and the development shall be carried out only in full accordance with such approved details. The approved landscaping shall be carried out prior to the occupation of the dwelling. 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.
- 3 Details of the screening of the southern site boundary by means of a boundary enclosure and/or planting shall be submitted to the Council for approval before any development is commenced and 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 a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 3 To protect the privacy of the occupiers of the dwellings to the

south of the site in the interests of residential amenity.