

KEY INFORMATION

Ward The Ferry

Proposal

Construction of two semi-detached townhouses in garden ground

Address

102 Church Street
Broughty Ferry
Dundee

Applicant

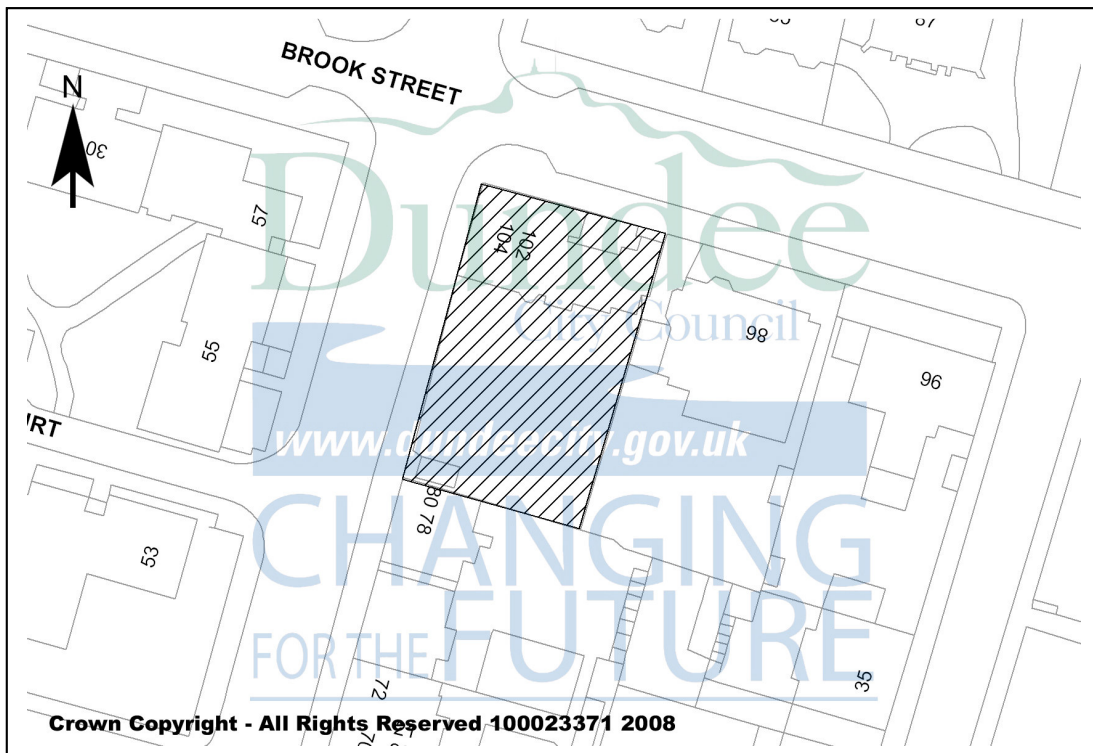
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Registered 20 May 2008

Case Officer Paul Macari



Proposed Housing Development in Church Street

The construction of two semi-detached townhouses in garden ground is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the proposal does not comply with Policies 4 and 15 of the Dundee Local Plan Review 2005. The objections are supported and there are no material considerations to justify approval of the proposal. Therefore the application is recommended for **REFUSAL**

SUMMARY OF REPORT

- Full planning permission is sought for the erection of 2 semi-detached townhouses in the garden ground of 102 Church Street Broughty Ferry.
- Policy 4 (Design of New houses); Policy 15 (Development in Garden Ground) and Policy 55 (Urban Design) of the Dundee Local Plan Review 2005 are relevant to the outcome of this planning application.
- This application was advertised in the Dundee Evening Telegraph as being a departure from Policy 4 and Policy 15 of the Dundee Local Plan Review 2005.
- 9 letters of representation have been received from third parties.

DESCRIPTION OF PROPOSAL

This application seeks full planning permission for the erection of 2 semi-detached townhouses in the garden grounds of 102 Church Street Broughty Ferry. The proposed dwellings will be two and a half storeys in height with the living accommodation split over 3 levels. A car port, WC and living room shall occupy the ground floor while a kitchen/ dining area, 2 bedrooms and a bathroom will occupy the 1st floor. The 2nd floor shall accommodate the master bedroom and a large terrace to the rear.

The proposed dwellings will be served by approximately 101m² and 76m² of private garden ground respectively and will front onto Church Street directly. Paths will be located at either side of the dwellings and will provide access to the rear gardens. The parking areas and rear garden grounds will be separated by timber fencing and gates. The proposed dwellings will have a combined plot area of 320m² with 140m² of private garden ground being afforded to 102 Church Street as well as 1 off street car parking space. Each of the proposed houses will be afforded 1 dedicated off street car parking space with an additional visitor parking space provided.

The proposals will also include the demolition of a substantial part of the western boundary wall that encloses the existing rear garden of 102 Church Street. However, the remaining garden ground will be enclosed by a combination of timber fencing and the existing brick wall.

The houses themselves will be of a contemporary design with a large terrace to the rear and a curved barrel roof finished in standing seam aluminium to reflect the skyline above to the front. The ground floors are narrow finished in red brick with small "portal" windows to give the wide upper floors the appearance of floating. The first floor incorporates several design elements including a timber projecting wall on the front elevation along with timber boxes on the rear elevation. The design of the proposed houses is based on the maritime environment and history of Broughty

Ferry. Indeed the timber boxes reflect the wheelhouse of traditional fishing vessels while the narrow ground floor allows the wider upper floors to "float".

The buildings surrounding the site are of different ages and therefore are finished in a variety of materials. The properties to the north and south of the site are finished in roughcast with natural slate pitched roofs and PVCU window frames and doors. To the east there is a 2.5 storey stone built building with timber framed sliding sash and case windows and natural slate roof. To the west, the 3 storey block of flats is finished in brown concrete roof tiles, light brown facing brick and brown PVCU window frames and doors.



SITE DESCRIPTION

The application site is located on the eastern side of Church Street and is situated in the garden grounds of 102 Church Street. The site is bound to the south by 2.5 storey semi-detached dwellings and associated rear gardens, to the north the site is bound by 102

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

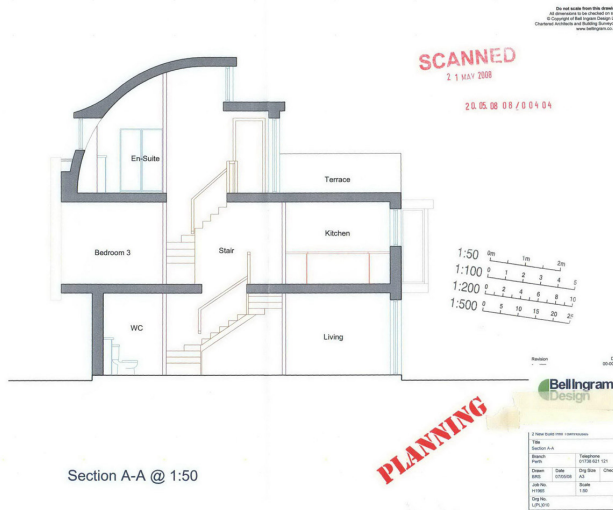
The following policies are of relevance:

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 20 m.p.h. or less.



and 104 Church Street which take the form of single storey semi-detached dwellings with attic conversions. The site itself, is grassed with a garage and area of hard-standing situated in the south western corner of the site. The site is bound to the east and west by 2m high brick built walls and to the south by the blank gable of 80 Church Street and a 2m high privet hedge. On the western side of Church Street opposing the site are 3 storey recently built flats.

New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management.

Policy 15: Development In Garden Ground - developments in garden ground will be required to satisfy the following criteria. Planning applications must contain sufficient detail to enable their consideration under each point:

- a the proposal is of high quality design and uses materials appropriate to its surroundings; and
- 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; and
- 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; and
- d prevailing densities in the area are respected; and
- 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; and
- f prominent frontages and elevations of architectural character on the original house will remain largely intact; and
- g the proposal conforms to the Council's non-statutory guidance on Breaches in Boundary Walls; and
- 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; and

- 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.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 3: Planning for Housing reflects the key planning policies in Scottish Planning Policy 1: The Planning System and addresses them in relation to new housing.

Designing Places - Policy Statement for Scotland (Scottish Executive 2000). This document sets out the policy context for raising the standards of urban development in Scotland.

Planning Advice Note 67: Housing Quality explains how "Designing Places" should be applied to new housing. It identifies the qualities found in successful places and provides examples of successful development in order to promote good design.

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 Application Ref: 08/00038/FUL sought full planning permission for the erection of 2 semi-detached town houses. This proposal was considered contrary to Policy 4 Appendix 1 in terms of off street car parking provision. This application was withdrawn before it could be reported to the Development Quality Committee for deliberation.

PUBLIC PARTICIPATION

The applicant has carried out the statutory neighbour notification procedure in accordance with the Town and Country Planning (General Development Procedure)(Scotland) Order 1992. This application has also been advertised in the Dundee Evening Telegraph as a Departure to Policy 4 and Policy 15 of the Dundee Local Plan Review 2005.

9 letters of representation have been received from 3rd parties concerned about:

- Loss of parking spaces on Church Street;
- Loss of sunlight;
- Impact the proposed finishing materials will have on the existing streetscape;
- Loss of garden ground;
- Development within a conservation area;
- Loss of privacy;
- Design is visually intrusive;
- Loss of property value; and
- Development noise will impact upon residential amenity.

Copies of the letters of objection are available to view in the Member's Lounge. The objections are considered in the Observations section below.

CONSULTATIONS

Broughty Ferry Community Council has raised concerns over loss of parking and inappropriate design. These concerns are addressed in the Observations section of this report.

Scottish Water has no objections to the proposed development while the Council's Environmental Health and Trading Standards Department have raised concern that the application site may potentially be contaminated. However, they are satisfied that this matter can be addressed by way of condition should planning permission be granted.

No other adverse comments were received 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

Policy 4 of the Dundee Local Plan Review 2005 seeks to ensure that the design of all new housing should be of a high quality. It is appropriate that the City Council sets general standards to which new development must achieve, these quantitative standards are set out in Appendix 1. It is recognised that where site specific circumstances permit, it is not always suitable to meet the criteria of Appendix 1.

As well as satisfying the needs and aspirations of prospective occupiers, new housing should make a positive contribution to the urban environment. Compliance with the quantitative standards of Appendix 1 alone is not a guarantee of quality in new housing developments. The Dundee Urban Design Guide compliments the Local Plan's quantitative standards and sets out the Council's urban design principles as a framework within which a qualitative assessment of development proposals can be made.

The proposed development is considered to meet the quantitative requirements of Appendix 1 with regard to car parking, house type and garden ground. However there are significant design issues such as the practicality of the proposed car parking layout, the relationship between the proposed development and the existing streetscape as well as overshadowing that render the proposals contrary to the provisions of Policy 4.

The proposed houses benefit from a large 2nd floor open terrace to the rear with a 1.2m high glass balustrade between the 2 properties. The terraces are bound by 1.2m high walls to the north and south and a 1.2m high toughened glass balustrade to the east. The distance between the proposed terraces and the windows of neighbouring properties is

considerably less than 18m. By virtue of design and layout, the proposed 2nd floor terraces will therefore significantly impact upon neighbour's privacy.

The existing garden ground of 102 Church Street is wholly private with no properties overlooking the high boundary walls and hedging. The low balustrade enclosures of the proposed 2nd floor terraces will give rise to issues of overlooking whereby the revised garden ground layout of 102 Church Street will be entirely in view of anyone using the proposed terraces.

The proposed 1m high toughened glass balustrade splitting the terrace is not of an adequate design to prevent issues of overlooking into each of the proposed houses whereby the 2nd floor rear elevations benefit from floor to ceiling glazing.

While issues of overlooking can be designed out by increasing the height of the northern and southern walls and replacing the central toughened glass balustrade splitting the terrace with an obscure screen 1.8m high, such measures would significantly increase the bulk and massing of the proposed building to the detriment of visual amenity.

The preamble to Policy 4 indicates that a high quality development is achieved when the quantitative criteria of Appendix 1 and the qualitative design principles of the Dundee Urban Design Guide are incorporated together. However, to meet the quantitative criteria of Appendix 1, the applicant has compromised on the qualitative design principles detailed in the Dundee Urban Design Guide. This is evident from the car parking layout and shape of the proposed houses.

Although the proposals provide 4 off street car parking spaces in accordance with the provisions of Appendix 1, the layout of the parking area coupled with the design of the proposed houses is not practical and therefore to a large extent not wholly usable. This is because the car parking spaces are located under the proposed houses and visually have the appearance of 2 car parking spaces per house rather than 1 car parking space for each house and 1 visitor car parking space. The rear garden of 102 Church Street will be enclosed by a 1.8m high timber screen fence with a gate opening off the car parking space attributed to this property. Therefore, if a car is parked

in the car parking space belonging to 102 Church Street, access from/ to the rear of the property will be blocked. Similarly, the proposed visitor parking space is situated on the southern side of the development. Visitors to the north most house, would therefore park their car in a shared driveway with the south most house and then walk around to the north most house. Furthermore, the point of access from the car parking areas to the rear gardens of the proposed houses will not be usable when cars are parked in the spaces provided given their proximity to the car parking spaces and the lack of space between the car parking bays.

Modern architecture and contemporary design are welcomed by the Council and are considered the driving force behind urban renewal and the regeneration of rundown areas. However, modern architecture and contemporary design is very site specific and cannot be incorporated into any space or place but rather must blend with the existing properties and surrounding streetscape. The proposed houses are very modern in terms of design but are also very complicated as they incorporate many features that overdevelop the appearance and rhythm of the building, to the extent that it does not blend with the surrounding streetscape. This is because the ground floor front elevation of the proposed houses will have porthole feature windows while the first floor will have a projecting bay window with vertical windows as well as horizontally proportioned windows on either side of the bay window. The house will also incorporate modern art work into its design through the projection of the front elevation in a northern direction. On the 2nd floor, the proposed house will have a barrelled roof with a box dormer extension. Although the surrounding buildings vary in scale and design, they all display uniform symmetry in terms of window and door openings, dormer extensions and roof pitches and types. The front elevation of the proposed houses has an unconventional shape that appears unbalanced by the top heavy appearance created by the narrow ground floor, lack of symmetry in window openings and projections from the front elevation. The top heavy and unbalanced appearance referred to above is further illustrated by the support poles positioned at either side

of the car parking areas which appear to prevent the building from falling over while also further intensifying the industrial appearance brought about by the barrelled roof and disjointed front elevation. The surrounding streetscape is characterised by traditional cottages, tenement flats, townhouse flats and terraced housing. Due to the industrial and unorthodox appearance of the front elevation, the proposed houses do not appear to blend with any of the predominant house-types which characterise Church Street and surrounding environs.

The applicant has attempted to blend the proposed houses into the existing streetscape through mirroring the ridge heights of the two and a half storey flats to the south of the application site. However, the proximity of the proposed houses at a height of 9m above ground level within 8m of the existing single storey houses at 102 and 104 Church Street will negatively impact upon the outlook of the south facing windows and revised private garden ground arrangement with regard to overshadowing.

The proposed development is considered contrary to the provisions of Policy 4 due to the failure to provide practical and usable car parking space in compliance with the criteria of Appendix 1. Further, the proposed houses do not compliment the surrounding streetscape by virtue of design but rather impact upon the outlook and privacy of neighbouring properties.

Policy 15 of the Dundee Local Plan Review 2005 sets out specific criteria to be met for new development within garden ground. Although this Policy refers more specifically to development within the garden ground of villas throughout the City, it is considered that the Policy is relevant to the determination of this application. The proposal complies with criteria B, C, E, F, G and H of Policy 15. However, the proposals raise issues for consideration in terms of Criteria A, D and I. These are considered in turn.

As the proposed development is considered contrary to the provisions of Policy 4 (Design of New housing) the proposals cannot be considered to comply with Criteria A of Policy 15 (Development in Garden Ground) which requires proposals to be of a high quality design which uses materials appropriate to its

surroundings. This is because it has been demonstrated above that the scale, massing and visual appearance of the proposed houses does not blend with the surrounding streetscape while significantly overlooking neighbouring properties. With regard to the proposed finishing materials, the use of glass, timber, brick and render is considered to be highly appropriate given the finishing materials of surrounding properties. Of concern however, is the aluminium barrelled roof which is alien to the traditional slate or tiled pitched roofs which predominate in Church Street and surrounding environs. The roof of the building adds to the mechanical/industrial appearance of the development which is incongruous to the surrounding built form.

Within the immediate vicinity of the application site, the predominant house type is flats with communal garden grounds averaging 75m² with the existing house at 102 Church Street having a garden ground of 450m². Although the proposals comply with the criteria of Appendix 1 of Policy 4, the existing garden ground serving 102 Church Street will be significantly reduced from 450m² to 125m² with the proposed houses having garden grounds of 105m² and 85m² respectively. It is therefore considered that the proposed houses will significantly intensify the level of development in Church Street as well as reduce the level of amenity currently afforded to 102 Church Street by virtue of the loss of garden ground and resultant impact upon privacy and outlook as discussed above. It is therefore considered due to the spatial constraints of the application site, the level of amenity currently enjoyed by 102 Church Street will be compromised by the erection of 2 houses in the existing garden ground. The applicant has failed to demonstrate that the proposed design solution can accommodate 2 houses, practical and usable off street car parking facilities and access to the rear garden grounds while also safeguarding privacy and outlook. It is considered that this is not solely due to unorthodox contemporary design on the application site but because the site is not big enough to accommodate 2 houses. On this basis the proposals are considered to disrespect the prevailing density of the area and are contrary to the provisions of Criteria D of Policy 15 (Development in Garden Ground).

With regard to Criteria I of Policy 15 (Development in Garden Ground), the proposals include a landscaped boundary to the front of the application site. It should be noted that Church Street is characterised by stone boundary walls with landscaped front gardens. The proposed hedged boundary will appear out of place with the hard landscaping. Although the hedge will soften the appearance of the houses with respect to the surrounding streetscape, the hedge and landscaped area will be situated under the upper floors of the building which will consequently impact upon the growth conditions of any hedges or shrubs planted. Therefore the introduction of hedging and landscaping to the front of the application site is not a practical solution to providing a barrier between private and public space as it will not enhance the appearance of the proposed houses. This matter can be addressed by way of condition should planning permission be granted. The introduction of hedging to the rear of the property as a boundary enclosure and retention of the existing hedging is considered to enhance the character and stature of the existing rear garden while also providing pleasant visually pleasing private amenity space.

It is concluded from the foregoing that the proposals are contrary to the provisions of Policy 4 (Design of New Housing) and Policy 15 (Development in Garden Ground) of the Dundee Local Plan Review 2005.

Other Material Considerations

The other material considerations to be taken into account are as follows:

Objections

The objections raised by local residents are summarised under the section heading Public Participation. The concerns raised relate to:

1 Traffic and parking problems

The proposal has been assessed under Policy 4 of the Dundee Local Plan Review 2005 and it is concluded that the parking requirements are met due to the amount of space provided for two cars to park within the curtilage of the site. However, access to the properties served by the proposed car parking cannot be achieved with ease when cars are parked in the designated spaces. Therefore the proposed car

parking layout will give rise to an increase of on street car parking. These concerns are supported.

2 Loss of sunlight

The applicant has demonstrated that the proposed houses will significantly overshadow 102 and 104 Church Street during the months of March, September, October and February. Although it is the view of the applicants that the level of overshadowing will not block significant levels of daylight or sunlight from neighbouring properties, it is considered that the loss of natural daylight/ sunlight from habitable rooms is significant and will impact upon the level of amenity enjoyed by both 102 and 104 Church Street. These concerns are therefore supported.

3 Impact the proposed finishing materials will have on the existing streetscape

It has been discussed under Policy 15 in the Observations section above, that the proposal appears out of place given the built form and proposed finishing materials. These concerns are supported.

4 Loss of garden ground

These concerns have been discussed under Policy 15 in the Observations section above. Although the proposals meet the criteria of Appendix 1 of Policy 4, it would appear that the site is not big enough to accommodate 2 houses. This is because the design solution proposed fails to prevent significant overshadowing, safeguard privacy and outlook, and, provide practical and usable off street parking facilities. The proposed development is therefore contrary to Criteria D of Policy 15. These concerns are supported.

5 Development within a Conservation Area.

The application site is not located within a Conservation Area and therefore these concerns are unsupported.

6 Loss of privacy

While the concerns raised by the objector relate to a loss of privacy

to the west, the proposed 2nd floor terraces are considered to significantly overlook the south facing windows and revised garden ground of 102 Church Street. These concerns have been discussed in the Observations section above and are supported.

7 Design is visually intrusive

Concerns of design are discussed at length in the Observations section above. These concerns are supported.

8 Loss of property value

These concerns are not considered material to the outcome of this planning application and therefore are not supported.

9 Development noise will impact upon residential amenity

The Council's Environmental Health and Trading Standards have raised no concerns over the proposed development. In the interests of safeguarding residential amenity a condition specifying hours of development can be incorporated into the decision notice should planning permission be granted.

Design Statement

A design statement and model have been submitted in support of the proposed development. The supporting statement has been revised to incorporate detailed overshadowing diagrams and ways of designing out the issues of overlooking that have been highlighted previously in this report.

The applicant asserts that the design ethos of the proposals is Broughty Ferry's location by the Firth of Tay and the town's maritime history. Indeed attention is drawn to traditional sea-side buildings as well as contemporary buildings within the vicinity of the application site and features of boats in the formulation of the proposed development.

While the applicant states that the proposals are not meant to blend with the surrounding streetscape, it is considered that in terms of townscape, the proposals do not enhance the appearance of the street but rather overdevelop the immediate streetscene through the prominence of the

overbearing and overly complicated front elevation.

The design statement does not adequately address the requirements of Policy 4 or Policy 15 of the Dundee Local Plan Review 2005.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to support the refusal of planning permission. It is therefore recommended that planning permission be refused.

Design

The proposed house is fairly contemporary in design, style and the materials proposed. However, the design and layout of the proposed house does not blend with the surrounding streetscape and existing built form. Indeed the proposed houses raise concerns of overdevelopment of the application site through overshadowing and overlooking of neighbouring properties as well as the failure to provide practical and wholly usable off street parking facilities.

CONCLUSION

It is considered that the proposal does not comply with Policies 4 and 15 of the Dundee Local Plan Review 2005. The objections are supported and there are no material considerations to justify approval of the proposal. Therefore the application is recommended for REFUSAL.

RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:

Reasons

- 1 By virtue of design, scale and massing the proposed development will significantly overlook and overshadow the garden ground and south facing windows of 102 Church Street to the detriment of residential amenity. The proposed development is therefore of a poor design quality that is contrary to the provisions of Appendix 1 of Policy 4 and Criteria A Policy 15 of the Dundee Local Plan Review 2005. There are no other material considerations that would justify

laying aside the provisions of Policy 4 or Policy 15 to grant planning permission.

- 2 The proposed development by virtue of scale, massing, design and layout is considered to overdevelop the rear garden ground of 102 Church Street. Consequently this would lead to a development that overlooks and overshadows 102 Church Street but also provides off street car parking facilities of an unorthodox layout that will prevent clear access to the rear gardens of existing properties. Consequently the proposed development would significantly lower the level of amenity currently afforded to the existing properties at 102 and 104 Church Street. The proposed development is therefore contrary to the provisions of Policy 4 and Policy 15 of the Dundee Local Plan Review 2005. There are no other material considerations that would justify laying aside the provisions of Policy 4 and Policy 15 to approve planning permission.
- 3 The proposed development by virtue of scale, design and massing incorporates several design features that give the building an overcomplicated appearance. The building therefore has a very overbearing impact upon existing buildings that is out of character to the existing streetscape. The proposed development is therefore contrary to the provisions of Policy 4 and Policy 15 of the Dundee Local Plan Review 2005.