

## Outbuilding in the Rear Garden

### KEY INFORMATION

**Ward** Lochee

**Address**

21 Whitelawston Drive  
Dundee

**Applicant**

Mr M Ishraq  
21 Whitelawston Drive  
Dundee

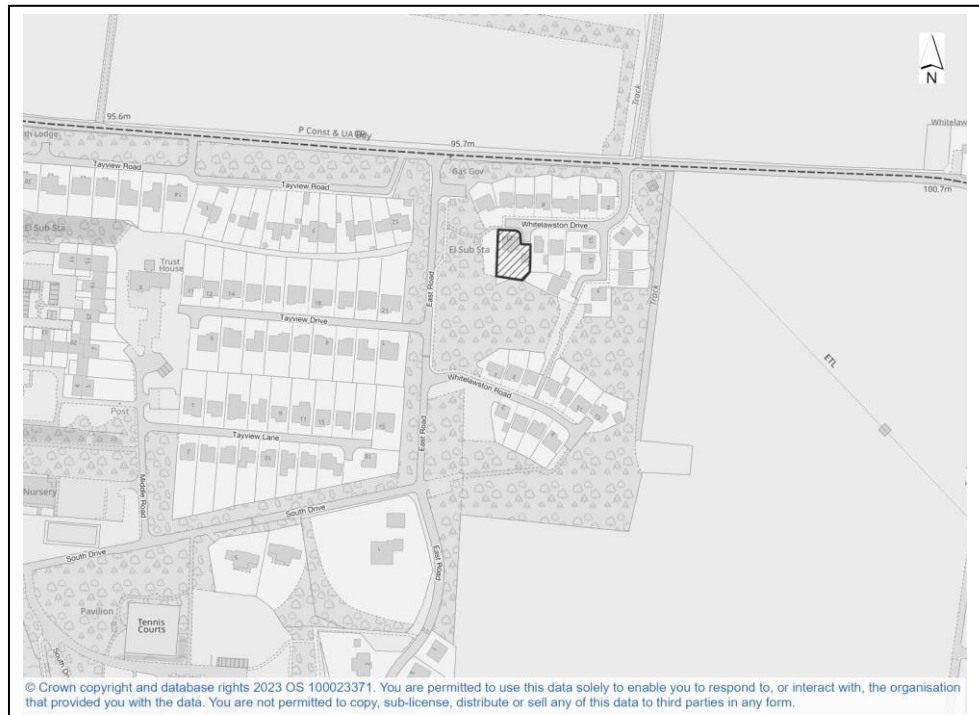
**Agent**

Subhan Saleem Architects

**Registered** 28 March 2023

**Report by Head of Planning  
& Economic Development**

**Contact:** Aimee Smith



### SUMMARY OF REPORT

- Planning permission is sought for the erection of an outbuilding within the rear garden ground of a dwelling house.
- The application is fully in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. Twelve letters of objection have been received raising issues including visual impact, overshadowing and potential use of the outbuilding.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as six or more valid written objections have been received and the recommendation is for approval.
- More details can be found at <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?keyVal=RS7YBBGCITA00&activeTab=summary>

### RECOMMENDATION

The proposal is fully in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of planning permission. It is therefore recommended that planning permission be **APPROVED** subject to conditions.

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 Planning permission is sought for the erection of an outbuilding within the rear garden ground of a dwelling house. The building will contain a games room, an office for homeworking and a toilet.
- 1.2 The proposed outbuilding would have a floor area of 52.8m<sup>2</sup>. The height to eaves would be 2.50 metres and the ridge height would be 3.82 metres. There would be 3 uPVC windows and 1 bifold door on the west elevation (side). The finishing materials of the proposal would be white render, tiled roof and white uPVC windows, all of which would match the existing dwelling house.
- 1.3 The original plans have been amended to move the building 0.3 metres away from the garden boundary and to correct an error on the plans in relation to the materials. These changes are deemed to not be so significant as to have required additional neighbour notification.
- 1.4 The applicant has submitted the following in support of the application:
  - Drainage Scheme.

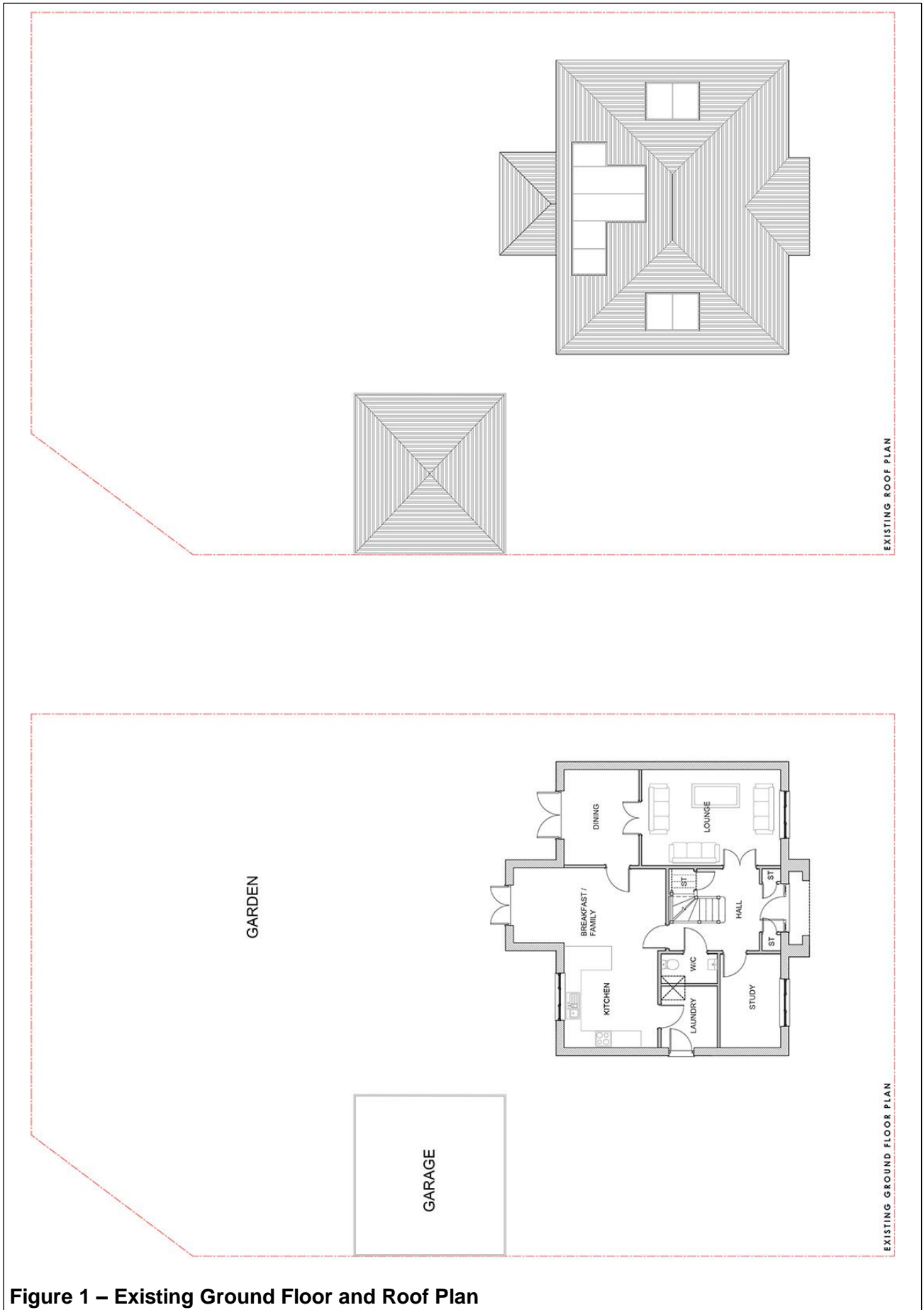


Figure 1 – Existing Ground Floor and Roof Plan

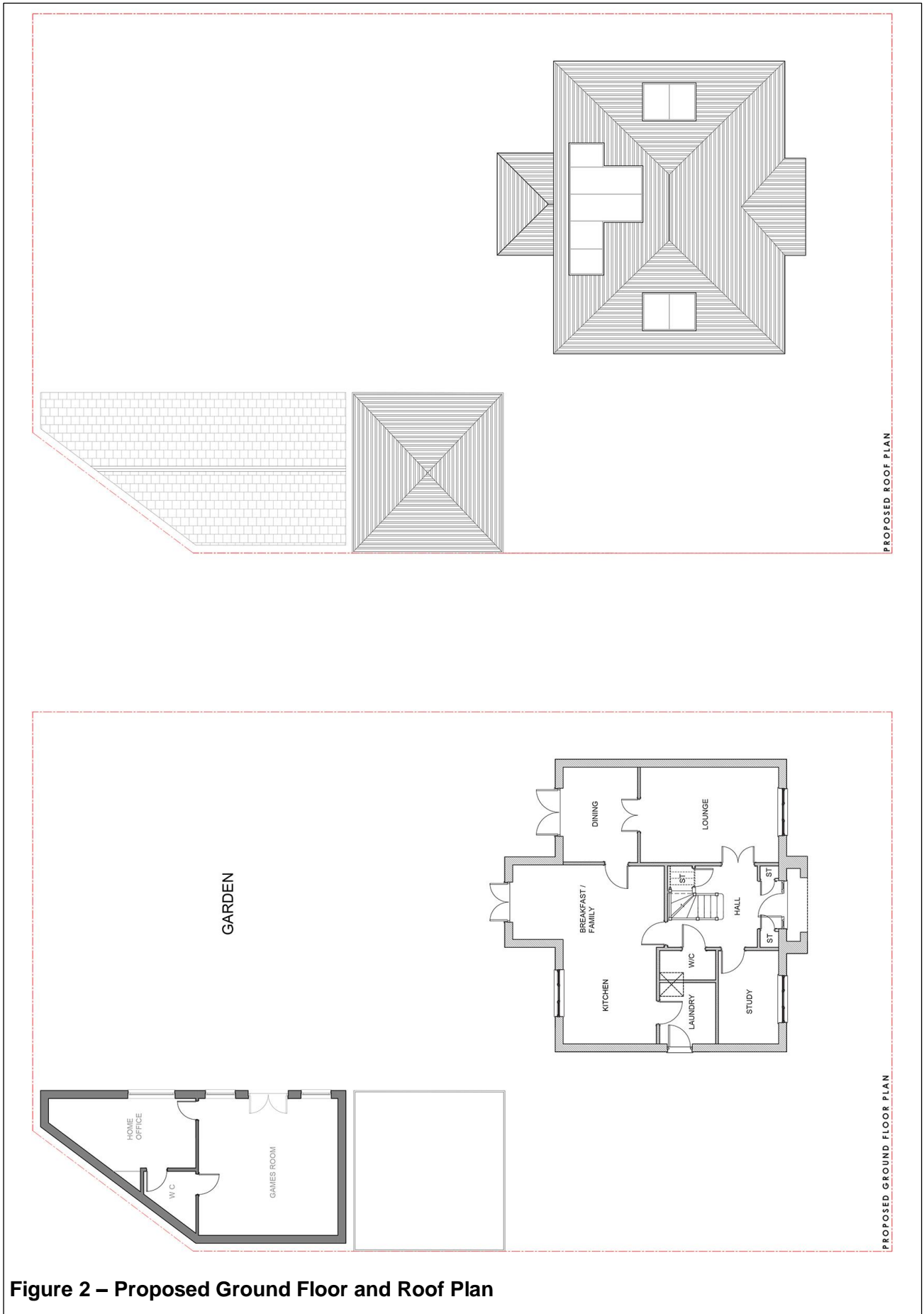


Figure 2 – Proposed Ground Floor and Roof Plan

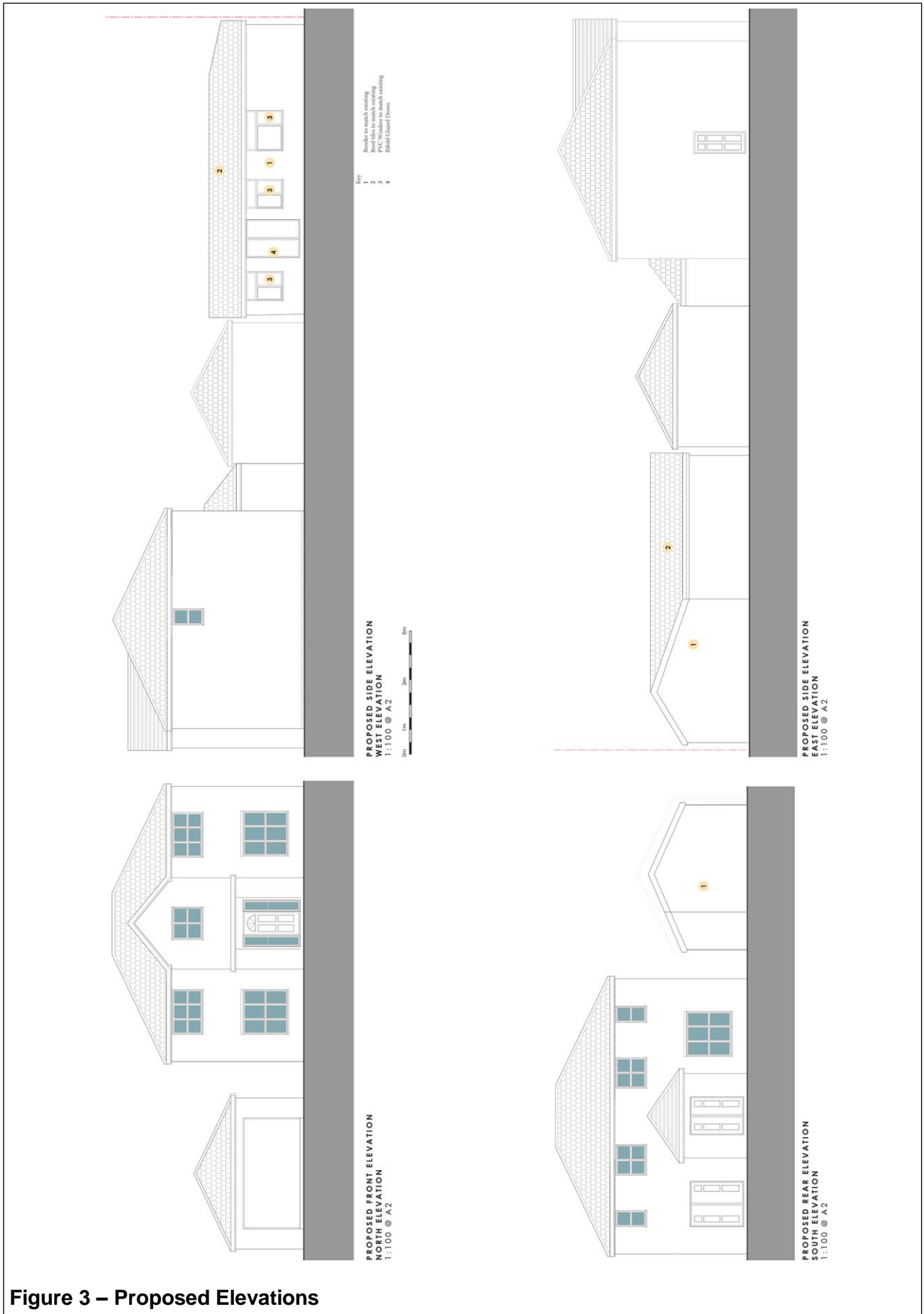


Figure 3 – Proposed Elevations

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## 2 SITE DESCRIPTION

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- 2.1 The application site relates to a two storey, detached dwelling house and its associated front and rear curtilage to the south of Whitelawston Drive. The site is bound by residential properties to the north and east and there is a large wooded area to the south and west of the dwelling. The rear garden ground is generous in comparison to other dwellings in the street and is enclosed by a fence some 2 metres in height. The parking provision for this dwelling comprises a two-car garage and driveway to the east of the property. This is a residential area with similar dwelling styles.



**Figure 4 – View East from Within Application Site to Boundary**

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## 3 POLICY BACKGROUND

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3.1 The following plans and policies are considered to be of direct relevance:

### **NATIONAL PLANNING FRAMEWORK 4**

Policy 16g: Quality Homes

Policy 22c: Flood Risk and Water Management

Policy 26: Business and industry

### **DUNDEE LOCAL DEVELOPMENT PLAN 2019**

Policy 11: Householder Development

Policy 37: Sustainable Drainage Systems

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

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## 4 SITE HISTORY

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4.1 No relevant planning applications.

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## 5 PUBLIC PARTICIPATION

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5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.

5.2 Twelve objections have been received raising the following valid material grounds:

- the proposal would have a visual impact on the neighbourhood in terms of design;
- the proposal would cause overshadowing into neighbouring properties;
- the location of the proposal would be situated out with the boundary and would impose on neighbouring land and/or land that is not legally associated with the dwelling;
- concerns of the use of the building being used as a taxi business which would increase traffic, noise and cause safety concerns for children in the neighbourhood;
- concerns regarding surface run off and drainage issues; and
- the scale of the proposal is too large within its setting.

5.3 The valid grounds of representation are taken into account in the material considerations section of this report.

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## 6 CONSULTATIONS

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6.1 No consultation responses were received.

## 7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission (other than for a national development) shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.**

### THE DEVELOPMENT PLAN

- 7.2 The provisions of the Development Plan relevant to the determination of this application are specified in the Policy Background section above.

### NATIONAL PLANNING FRAMEWORK 4

- 7.3 **Policy 16g: Quality Homes-** sets out that householder development proposal will be supported where they:

- i do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- ii do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

- 7.4 With regard to Criterion i.), the proposed outbuilding is of a typical design for a garden outbuilding. Although it would have a large floor area of 52.8m<sup>2</sup>, the rear garden ground associated with the dwelling is very generous in size at 355 m<sup>2</sup>. The outbuilding would not appear incongruous in its setting. The proposed materials are white render, tiled roof and white uPVC windows to match the existing dwelling and garage. These would also be in keeping with the materials used on the surrounding properties. The proposal would be built behind the existing garage and would be situated within the rear private garden ground of the property meaning it would not be generally visible from the street. The extension would not have a detrimental impact on the character or environmental quality of the house and the surrounding area.

- 7.5 With regard to Criterion ii), there would be a slight increase in overshadowing to areas of the rear garden grounds of numbers 9 and 19 Whitelawston Drive. The existing garage associated with the dwelling house has a ridge height of 4.5 metres and the existing boundary fence measures 2 metres in height. Due to their position there is already some existing overshadowing to both properties.

- 7.6 The proposed outbuilding has a ridge height of 3.82 metres. Although less than the ridge height of the existing garage, it would result in some overshadowing to both neighbouring gardens. Given the size of those gardens, and the existing overshadowing from boundary fences, this would not be significant enough to cause a significant detrimental impact. Both 9 and 19 Whitelawston Drive also have south facing gardens in which the sun would rise throughout the day creating a sufficient amount of daylight being provided to both gardens. Therefore, it is not considered that the addition of the outbuilding would have a significant adverse effect on the level of daylight or sunlight reaching the neighbouring properties or their garden ground or result in a significant overbearing impact.

- 7.7 Three windows and one set of bifold doors are proposed on the west elevation (side) of the proposed outbuilding, all of which overlook the private garden ground of the application property. There is no overlooking of neighbouring property or garden ground.



- 7.8 Overall, the proposal would not result in a significant detrimental effect on neighbouring properties in terms of physical impact, overshadowing or overlooking.
- 7.9 **The proposal is in accordance with Policy 16 g.**
- 7.10 **Policy 22 c: Flood Risk and Water Management** - supports development where it will:
- i not increase the risk of surface water flooding to others, or itself be at risk;
  - ii manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer; and
  - iii seek to minimise the area of impermeable surface.
- 7.11 In regard to criterion i, ii and iii, a condition has been added that requires detailed drainage drawings to be submitted and approved prior to the commencement of any works on the site. Appropriate management of surface water would ensure the development would not increase the risk of surface water flooding to others.
- 7.12 **With the addition of this condition the proposal would comply with Policy 22 c.**
- 7.13 **Policy 26 b: Business and industry** - supports development under criterion b) which states that:
- “Development proposals for home working, live-work units and micro-businesses will be supported where it is demonstrated that the scale and nature of the proposed business and building will be compatible with the surrounding area and there will be no unacceptable impacts on amenity or neighbouring uses.”
- 7.14 In regard to criterion b), the proposed home office would be one room within the proposed outbuilding. The applicant’s agent has advised that this would be used for home working. As has been discussed earlier in this report the scale of the building is not dissimilar to that of other domestic outbuildings and it is compatible with the surrounding area. There are no concerns that the proposal would cause an unacceptable impact on amenity.
- 7.15 **The proposal would comply with Policy 26 b.**

#### **DUNDEE LOCAL DEVELOPMENT PLAN 2019**

- 7.16 **Policy 11: Householder Development-** supports development where it:
- 1 does not have a detrimental impact on the character or environmental quality of the house and the surrounding area by virtue of size, design and materials;
  - 2 does not result in a significant loss of private/usable garden ground;
  - 3 does not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking; and
  - 4 does not have a detrimental impact on the existing level of parking provision.
- 7.17 The preamble to Policy 11 also states the Dundee Local Development Plan Householder Development Supplementary Guidance provides guidance on the design, scale and location

of householder development. The householder guidance advises that outbuildings should be smaller in scale to the main dwelling house and of a scale appropriate to a domestic garden setting. They should not normally be situated in front of domestic properties and should not be over dominant in relation to the existing and surrounding properties.

7.18 Criteria 1) and 3) of Policy 11 substantively reiterate Policy 16 g of the National Planning Framework 4 and therefore the proposal is acceptable in terms of criteria 1) and 3) for the reasons previously given. The proposal is assessed against the remaining two criteria as follows:

- i In terms of criterion 2), although the scale of the outbuilding would use 52.8m<sup>2</sup> of existing rear garden ground, the property has a very generous amount of rear garden ground of 355m<sup>2</sup>. As such, the proposal would leave a large amount of private garden ground remaining and would not result in a significant loss of private/useable garden ground; and
- ii In regard to criterion 4), the proposal would not alter the existing parking arrangement and therefore, would not have a detrimental impact on the existing level of parking provision.

7.19 **The proposal would comply with Policy 11.**

7.20 **Policy 37: Sustainable Drainage Systems** – the policy states that Surface water discharging to the water environment from new development must be treated by a Sustainable Drainage System (SuDS) except for single houses or where discharge is to coastal waters. SuDS should be designed so that the water level during a 1:200 year rainstorm event plus allowances for climate change and future urban expansion is at least 600mm below finished floor levels. This incorporates an allowance for the effect of climate change. In addition, proposals will be encouraged to adopt an ecological approach to surface water management, ensure an appropriate level of treatment and exploit opportunities for the system to form an integral part of the Dundee Green Network through habitat creation or enhancement through measures such as the formulation of wetlands or ponds. Proposals should have no detrimental impact on the ecological quality of the water environment.

7.21 Policy 37 substantively reiterates Policy 22c of the National Planning Framework 4 and therefore subject to the addition of a planning condition the proposal is acceptable.

7.22 **The proposal would comply with Policy 37 subject to condition.**

## **MATERIAL CONSIDERATIONS**

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

### **A - REPRESENTATIONS**

7.24 In total, twelve letters were received objecting to the proposal. The objections raised the following valid material grounds:

- the proposal would have a visual impact on the neighbourhood in terms of design;
- the proposal would cause overshadowing into neighbouring properties;
- the location of the proposal would be situated out with the boundary and would impose on neighbouring land and/or land that is not legally associated with the dwelling;
- concerns of the use of the building being used as a taxi business which would increase traffic, noise and cause safety concerns for children in the neighbourhood;

- concerns regarding surface run off and drainage issues; and
- the scale of the proposal is too large within its setting.

The grounds of objection are considered and assessed as follows:

- 7.25 **Objection** - the proposal would have a visual impact on the neighbourhood in terms of design.
- 7.26 **Response** - the design of the proposed outbuilding has been assessed under Policy 16g of the National Planning Framework 4 and Policy 11 of the Dundee Local Development Plan. It is noted that the materials proposed would match the existing dwelling and other dwelling styles within the neighbourhood, and the outbuilding would be built within the rear garden ground behind the existing garage with limited visibility from public viewpoints. Overall, the proposed outbuilding would be acceptable within the neighbourhood in terms of design.
- 7.27 **Objection** - the proposal would cause overshadowing into neighbouring properties.
- 7.28 **Response** - the impact of the proposed outbuilding on overshadowing neighbouring garden grounds has been assessed under Policy 16 g of the National Planning Framework 4 and Policy 11 of the Dundee Local Development Plan. The gardens of 9 and 19 Whitelawston Drive are already overshadowed by the existing boundary fence. The maximum height of the proposed roof is 1.82 metres above the fence. However, as this slopes up and away from the boundary, it would not significantly worsen the existing situation. Both gardens are also south facing which would still allow a sufficient amount of light to be received.
- 7.29 **Objection** - the location of the proposal would be situated out with the boundary and would impose on neighbouring land and/or land that is not legally associated with the dwelling.
- 7.30 **Response** – this matter was raised with the applicant and an amended drawing was submitted. This moved the proposed building 0.3m away from the garden boundary. The building is wholly within the existing garden area.
- 7.31 **Objection** – concern that the building will be used as a taxi business which would increase traffic, noise and cause safety concerns for children in the neighbourhood.
- 7.32 **Response** - the proposals floor plans show that part of the outbuilding would contain a home office and the applicant's agent has advised that it is to be used for home working. As has been discussed under NPF Policy 26, the home office use is of a nature and scale that is acceptable under planning policy. However, if the scale and nature of this home office used were to substantially increase then it may require planning permission. As the plans show a home office, toilet and games room there are no concerns that it would cause an increase in traffic, unacceptable noise or safety concerns for children in the neighbourhood.
- 7.33 **Objection** - concerns regarding surface run-off and drainage issues.
- 7.34 **Response** - a condition has been added requiring detailed drainage drawings to be submitted and approved prior to the commencement of any works on the site. Appropriate management of surface water would ensure the development would not increase the risk of surface water flooding to others.
- 7.35 **Objection** - the scale of the proposal is too large within its setting
- 7.36 **Response** - the scale of the proposal has been assessed under Policy 16 g of the National Planning Framework 4 and Policy 11 of the Dundee Local Development Plan. It is recognised

that the proposed scale of the outbuilding would be suitable given the large amount of rear garden ground available, meaning it would not look out of place in its setting.

- 7.37 The issues raised in the representations have been considered and addressed in the report and the grounds raised are not of sufficient weight to justify refusal of planning permission.
- 7.38 **It is concluded that there are no material considerations of sufficient weight in the case to justify refusal of planning permission.**

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## 8 CONCLUSION

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- 8.1 The application for an outbuilding is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

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## 9 RECOMMENDATION

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- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions:

- 1 **Condition** - the development hereby permitted shall be commenced within three years from the date of this permission.

**Reason** - to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 **Condition** - prior to the commencement of any works on site, a detailed surface water drainage/SUDS design including appropriate drawings, calculations, full modelling, simulation results, design risk assessment, signed Dundee City Council Design Compliance and Independent Check Certification, evidence of compliance with the Simple Index Approach as described in section 26.7.1 of the CIRIA SUDS Manual (C753), and where appropriate SEPA comments shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first use of the development hereby approved.

**Reason** – to ensure proper management of surface water in the interests of flood prevention.

### Informative

It is advised that care is taken during site redevelopment, and that consideration is given to the disposal of any made ground (soils with brick, concrete, ash etc) excavated. Made ground disturbed during the course of works should be replaced at the relevant depth and not remain at surface. The site history suggests there may be ground gas present and installations should be designed to prevent the build-up and potential ignition of explosive gases.

The Council shall be immediately notified in writing if any ground contamination is found during redevelopment works, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council Planning Authority. The scheme shall include a full timetable for the remediation measures proposed. Verification shall be provided by the applicant or their agent, on completion, that remediation has been undertaken in accordance with, and to the standard specified in, the agreed remediation scheme.