

KEY INFORMATION

Ward Claverhouse

Proposal

Erection of two detached houses

Address

Land to east of
1 Claverhouse Old Road
Dundee

Applicant

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Broughty Ferry
Dundee

Agent

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Registered 10 Dec 2001

Case Officer C Walker



Two New Houses Proposed at Claverhouse

The erection of two houses is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation.

RECOMMENDATION

The proposed development contravenes Policy H10 of the Local Plan by reason of the inadequacy of the private garden areas and the poor design of the houses. In addition, the development contravenes Policy BE11 and statutory requirements because it would adversely affect the setting of the adjoining listed building and the Trottick Conservation Area. The application is therefore recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought to erect 2 houses of modern design on this site. The site lies within the Trottick Conservation Area and adjacent listed buildings include the Mains of Claverhouse public house, Dighty Bridge and bleachfield buildings to the north.
- Policy H10 of the Local Plan sets out a requirement to provide adequate garden ground for new houses, Policy BE11 requires conservation area development to be of high standards and there are general statutory duties on the Council to have regard to the impact of development on the setting of listed buildings and on the conservation area.
- A letter of objection was received stating concerns about the impact of the development on the listed buildings and the conservation area and about traffic matters.
- It is considered that the development should be refused because it contravenes Local Plan policy on the provision of adequate private garden ground and both Local Plan policy and statutory requirements to ensure that development does not adversely affect the setting of listed buildings and the character and appearance of the conservation area.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect 2 houses on the site. The larger of the 2 proposed houses would occupy the eastmost plot. It has four bedrooms and an integral garage. It has a somewhat unusual modern design with a monopitch roof sweeping up to a glazed corner feature on the south east corner of the building. This treatment is not continued on the other elevations. Proposed finishing materials are brick to the basecourse, smooth cement render at ground floor level with cedar boarding at the upper level. It is proposed to finish the roof in flat profiled tiles.

The proposed house on the westmost plot has 3 bedrooms and an integral garage. Its design is more modest and more typical of a suburban house style. Proposed finishing materials are similar to those for the larger house.

Each house will take vehicular access from Claverhouse Old Road. A strip of ground some 3.5 metres in width will be maintained along the Dighty as a wildlife corridor and planted with a beech hedge. Garden ground will be provided to the rear and sides of the houses.

SITE DESCRIPTION

The site comprises some 0.09 ha of ground on the south bank of the Dighty, bounded to the east by Barns of Claverhouse Road and bridge, to the south by Old Claverhouse Road and to the west by a public house and car park. It includes a strip of ground some 5 metres in width currently within the pub car park area. To the north, on the opposite side of the Dighty, is a housing development at Heron Rise. The site contains no significant features or landscaping and sits above the Dighty where a stone retaining wall forms the boundary. The public house, bridge over the Dighty and original bleachfield buildings at Herons Rise are listed buildings and all lie within the Trottick Conservation Area. This site, in common with all ground adjacent to the Dighty, is in a flood risk area.

POLICY BACKGROUND

In the adopted Local Plan, the site forms part of a residential area and Policies H4 and H10 set out standards for new housing developments. Policies ENV4 and 5 of the Local Plan and Policies SP1 and WC01 of the Urban Nature Conservation Subject Local Plan allocate the Dighty and 15 metres of ground on either side of it as Category A wildlife site and wildlife corridor where there will be a presumption against adverse development. The proposed development has been advertised as potentially contravening all these policies.

In addition, Policy BE11 states that development within conservation areas should complement and enhance the character of the surrounding area. The proposed development has also been advertised as affecting the setting of listed buildings and the conservation area.



LOCAL AGENDA 21

The Council's Agenda 21 policies seek to value and protect the diversity of nature.

SITE HISTORY

In 1988 outline planning permission for 6 flats on this site was refused due to drainage constraints (application ref. no D13170).

In 1991 planning permission for 4 houses was granted, the drainage constraints having been overcome (application ref. no D16805). This consent was not implemented.

In 1994 planning permission was granted for the erection of a shop on

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the site (application ref. no D19168). This consent was not implemented.

In 1998 a proposal to build 4 houses on the site was deemed to be invalid due to the failure to submit information which was requested (application ref. no D23179 refers).

In September 1999 a proposal to build 4 flats on the site was withdrawn (application ref. no D24022 refers).

In August 2000 a proposal to build 3 houses on the site was withdrawn (application ref. no D24444 refers).

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the development was advertised as potentially contravening the Local Plan and affecting the setting of listed buildings and the conservation area. A letter of objection was received from a resident of the housing development to the north of the site (copy available for inspection in the Members Lounge). The concerns relate to adverse impact on the listed buildings and conservation area and increased traffic congestion. These concerns will be addressed in the "Observations" section of this Report.

CONSULTATIONS

No adverse comment on the proposal was received from Statutory Consultees.

OBSERVATIONS

The determining issues for the Committee in this instance are:

- 1 Does the development of the site accord with Policies H4 and H10 of the Local Plan?
- 2 Is the design of the development appropriate for this conservation area setting adjacent to listed buildings?

Policy H4 relates to infill development and contains no prescriptive standards. It states that infill development should not adversely affect the appearance of the surrounding area. Policy H10 contains measurable standards which new housing developments ought to meet. It also contains an exception for listed buildings and for difficult and visually important sites which might

need a more dominant building and where a very imaginative proposal of quality is put forward.

The proposed development complies with the H10 standards relating to the development being for houses as opposed to flats, providing 130% parking and meeting privacy distances. The issue of the layout and design of the development will be considered in the context of its impact on the conservation area and the adjoining listed buildings. However the garden sizes fail to meet the minimum requirement for 120 sq. metres of private garden ground. The garden of the westmost house has only some 100 sq. metres of private rear garden area. The applicant has included in the total a further 20 sq. metres to the west of the house but this area is less than 3 metres wide and is sandwiched between the house and the public house car park. Again although the garden area for the eastmost house meets the minimum standard of 120 sq. metres in plan area it is of an irregular shape and less than 4 metres wide behind the house. In both cases the garden ground slopes down to the Dighty to the north and due to the difference in level is not easily accessed from the houses. The privacy of the rear garden areas is also compromised by the fact that they are overlooked from the bridge over the Dighty to the north east.

In addition, in order to provide any reasonable size of garden to the rear of the proposed houses it is necessary site them very close to the pavement at Claverhouse Old Road. Thus the westmost house would have a ground floor bedroom window and a first floor lounge window just over 2 metres distant from the pavement that provides access to these houses and the public house as well as other development and recreational areas further to the west. Whilst there are no policies in the Local Plan preventing housing being sited close to public houses (Policy LT8 relates to the reverse situation) it is considered that there would be amenity problems for the occupiers of these proposed houses which would be increased by reason of their siting so close to the road.

It is considered that there is nothing exceptional about the design of the proposed development that might justify a departure from the Policy H10 standards. In addition there is no

justification as to why the size of the garden ground areas should fall below the minimum requirements set out in the Local Plan.

The issue of the impact of the development on the setting of adjoining listed buildings and the Trottick Conservation Area is also relevant in the context of Policies H4 and H10 above (which require new housing developments to have an appropriate layout and design). Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 imposes a statutory duty to have regard to the preservation of the setting of listed buildings and Section 64 contains a similar duty with regard to the preservation or enhancement of the character or appearance of the conservation area. The duty with regard to conservation areas is expressed in Policy BE11 of the Plan. In this case it is considered that the proposed development fails to satisfy these requirements.

This area of open space has a pleasing aspect which contributes positively to the character and amenity of the conservation area. It also provides a setting for the listed buildings on the adjoining site to the north of the Dighty and the bridge to the east of the site. In these circumstances any proposed development on the site would need to meet high standards to preserve and enhance the character or appearance of the area.

There is nothing exceptional about the proposed development in terms of its design or finishing materials that would ensure that it made a positive contribution to the conservation area or that would provide a justification for departing from Policy H10 standards. The design of the westmost house is very ordinary and although the south east corner of the eastmost house has a certain flourish to it, the other elevations are very plain and unexceptional. Of particular concern is the north elevation of the houses which presents a poor elevation and which will be visible from the bridge.

With regards to other issues, the concerns of the objector relating to the impact of the development on the adjoining listed buildings and on the Trottick Conservation Area have already been addressed. The objector is also concerned about traffic, parking

and access. This is a small scale development (2 houses) where adequate provision has been made for off street parking for each house (1 space plus a garage). It is not considered that the development would have any significant affect on traffic, access or parking in the wider area. Although the development will result in the loss of part of the parking area for the public house, the remaining area will be sufficient to provide for the requirements of that use. The existing car park is not laid out and is under utilised.

Residential amenity is protected by Policy H1 of the Local Plan, and it is not considered that the proposed development would have such an impact on nearby properties to the north as to justify refusal of permission. The proposed houses are 2 storeys in height and some 25 metres south of the nearest houses at the Heron Rise development. This distance is well in excess of the 18 metres standard set out in Policy H10. Even though the site of the proposed houses is higher than that of the houses at Heron Rise, it is considered that at a distance of 25 metres coupled with the fact that the proposed development is only 2 storeys high, there will be no unacceptable overlooking or overshadowing of nearby houses.

Provision has been made for nature conservation at this site by retaining a strip of ground free from development. Ideally the nature conservation interests of the area would be best served by not developing the site at all. However taking into account the existing characteristics of the area it is not considered that the proposed development could be refused on grounds that it contravened the nature conservation policies of the Local Plan. The site is in a flood risk area because it adjoins the Dighty but it lies well above the level of the river and subject to no increased run off it should not result in any increased risk of flooding to downstream properties.

Design

There is nothing exceptional about the proposed development in terms of its design or finishing materials that would ensure that it made a positive contribution to the conservation area or that would provide a justification for departing from Policy H10 standards. The design of the westmost house is

very ordinary and although the south east corner of the eastmost house has a certain flourish to it, the other elevations are very plain and unexceptional. Of particular concern is the north elevation of the houses and which presents a poor elevation and which will be visible from the bridge.

CONCLUSION

The proposed development contravenes Policy H10 of the adopted Local Plan by reason of the inadequacy of the private garden areas and the poor design of the houses. In addition the development contravenes Policy BE11 and the statutory requirements to have special regard to preserving the setting of listed buildings and preserving or enhancing the character or appearance of the conservation area because it would adversely affect the setting of the adjoining listed buildings and the Trottick Conservation Area.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason(s):

- 1 The proposed development contravenes Policy H10 of the adopted Dundee Local Plan 1998 by reason of the inadequacy of the private garden areas for the houses and there are no material considerations that would justify the development contrary to the Plan.
- 2 The proposed development by reason of its design would detract from the setting of the adjoining listed buildings and the character and appearance of the Trottick Conservation Area contrary to Policy BE11 of the adopted Dundee Local Plan 1998 and the statutory duties set out in sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.