

KEY INFORMATION**Ward** Lochee East**Proposal**

A proposed change of house types, deletion of two flats and substitution with one detached house, amendment to access and raising ground level

Address

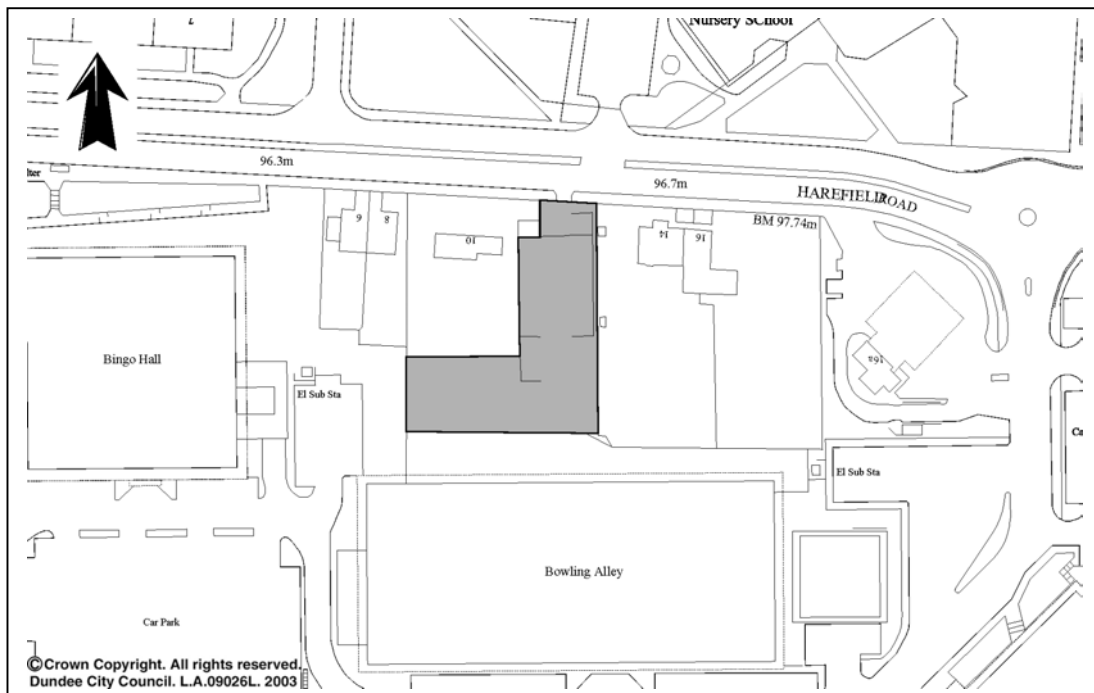
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Applicant

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Agent

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Registered 20 Feb 2003**Case Officer** D Gordon

The proposed change of house types, deletion of two flats and substitution with one detached house, amendment to access and raising ground level is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the proposal is acceptable and in accordance with the relevant land use policies of the development plan. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- This application was reported to the Development Quality Meeting on 29 September 2003. The application was deferred at that time to allow Committee Members the opportunity of visiting the site.
- Planning permission is sought to change the design of 2 houses and replace a block of 2 flats with a detached dwellinghouse on a residential development site located on the south side of Harefield Road, Dundee. The proposal also involves an amendment to the access arrangements and raising the ground levels of the site. Construction works on the site have commenced and are nearing completion.
- Planning permission was originally granted for the erection of 4 houses and 2 flats on this site in September 2000.
- Three objections to the proposal have been submitted by local residents that relate to the scale of the development, overlooking issues and land levels. In light of these objections, amendments to the design and additional details relating to land levels have been submitted for consideration.
- The proposals are considered to be in accordance with the requirements of the relevant land use policies of the Dundee Local Plan 1998 and the Finalised Dundee Local Plan Review. Further, it is considered that the concerns raised by the local residents are not sufficient in this instance to warrant refusal of the application.

DESCRIPTION OF PROPOSAL

The proposal involves a change of house types on Plots 1 and 3 of an approved small housing development of 5 plots. It is also proposed to substitute 2 flats with 1 detached dwelling on Plot 2. The design of the houses on Plots 4 and 5 remain unchanged. The provision of new boundary enclosures and raising the ground level of the site are also proposed.

The new dwellings will each accommodate 3 bedrooms and the finishing materials proposed are cream roughcast walls with grey roof tiles. Off street car parking (170%) is to be provided within the curtilage of the houses with a further 2 off street spaces being provided on the east side of the site. All the properties the subject of this application will achieve the required 50sq. m. minimum of usable rear garden ground.

Access into the site is taken from Harefield Road to the north. The development of this site has commenced including works on the buildings the subject of this application.

SITE DESCRIPTION

The site is located on the south side of Harefield Road approximately 100 metres to the west of the access leading into the Stack Leisure Park. The site slopes in a north to south direction and previously accommodated lock up garages (now demolished). Construction works on new dwellings are currently on-going within the site.

The surrounding area is of a mixed use character with the Stack Leisure Park located to the south and residential properties to the east, west and north. Community facilities are located to the north.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-201

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

Dundee Local Plan 1998

The following policies are of relevance:

Policy H1 - Within areas where residential use predominates, developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell and they are in accordance with the policies and proposals found elsewhere in the Plan.

Policy H4 - Infill developments and alterations and extensions to houses will normally be approved provided that the appearance of the house and the surrounding area is not adversely affected. Approval is unlikely to be granted where the siting and the scale of the development significantly affects the degree of sunlight, daylight and/or privacy enjoyed by the



occupants of adjoining property and where materials, style and form are alien to the existing building.

Policy H10 - Offers design guidelines for new build residential developments in residential areas including car parking and garden ground provision.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities. The 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 and 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 the Finalised Dundee Local Plan Review unless certain stated criteria dictate otherwise.

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

LOCAL AGENDA 21

The development will result in the redevelopment of a brown field inner city site and is therefore considered to be sustainable and consequently consistent with the aims of Local Agenda 21.

SITE HISTORY

D14649 - Clearance of the site and the Erection of 3 Industrial Units - Approved 04/07/90. The construction of the industrial units has not been implemented.

D24659 - Erection of 4 Dwellings and 2 Flats - Approved 25/09/2000.

PUBLIC PARTICIPATION

The statutory neighbour notification procedure was carried out by the applicants at the time of submission of the application. Re-notification of the neighbouring properties took place following the submission of amended layout plans. The proposals have attracted 3 objections from local

residents. The main relevant issues raised by the objectors relate to:-

- 1 Works have commenced, without planning permission, on the construction of dwelling houses that by virtue of their design will adversely impact on the environmental quality of the adjoining residents by overlooking and a reduction in privacy.
- 2 The scale of the development is inappropriate for the area.
- 3 The land level of the site has been raised to the detriment of the environmental quality of the adjoining occupiers.

Comments on the various issues raised above can be found in 'Observations' below. Copies of the letters are available for inspection in the Members Lounges

CONSULTATIONS

The relevant Council Departments and outside bodies have been consulted with regard to the proposals and no adverse comments have been received.

OBSERVATIONS

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

- 1 whether the proposals are consistent with the provisions of the development plan; and if not
- 2 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 H1 - This policy includes a presumption against development that would have a detrimental impact on the existing residential amenity by virtue of design, layout, parking and traffic movement issues, noise or smell.

The application involves consideration of a change of house types on two of the plots and the substitution of a block of 2 flats with a detached two

storey dwelling. The principle of the development of the site for residential purposes has been established by the approval of a previous planning application for 4 houses and 2 flats. The scale and design of the new house types are considered acceptable in this location and in keeping with a house design previously approved for this site. The new houses also generally fit in with the heights of the properties located to the east and west on the Harefield Road frontage. The new houses meet the requirements of the development plan with regard to internal accommodation, garden ground space standards and off street parking provision. In addition, the deletion of the flatted development and its replacement with a new detached dwelling is to be welcomed in this area of the City where there is already an overprovision of flatted accommodation. In this respect, it is considered that the proposal the subject of this application complies with the requirements of Policy H1

Policy H4 - Presumes against infill development where the appearance of the surrounding area is adversely affected and where the siting and scale of the development significantly affects the degree of sunlight, daylight and/or privacy enjoyed by the occupants of adjoining property. The new house types proposed will not have any further significant impact on the surrounding occupiers, by virtue of a reduction in daylight and sunlight, when compared to the house types previously approved for this site. With regard to the privacy aspects of the proposal, amendments have been submitted to the new house on Plot 1 that includes inter alia the relocation of a first floor bedroom from the east elevation to the north elevation of the building. This reduces the overlooking of the garden ground of the existing dwelling located to the east side of the site. The proposed development is considered to comply with the terms of Policy H4.

Policy H10 - The proposal achieves the policy requirements as regards house type/mix (all new houses have 3 bedrooms), car parking (170% provision plus addition off street parking on the east side of the site), usable garden ground provision and layout.

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

Other Material Considerations

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

Finalised Dundee Local Plan

Review

Policy 1: Vibrant and Sustainable Communities. This policy reflects the terms of Policy H1 of the Dundee Local Plan 1998 and consequently the conclusions reached on these land use policies apply.

Policy 4: Design of New Housing. The requirements of this policy reflects the aspirations of Policy H10 of the Dundee Local Plan 1998 and consequently, the conclusions reached on these land use policies apply.

Objections

The proposal has resulted in the submission of 3 objections from local residents. The main issues raised relate to:-

- 1 In addition to works having commenced on site without the requisite planning permission, the design of the new house on Plot 1 will result in the overlooking of the rear garden area of the existing house to the east by a first floor bedroom window. In light of this concern, the applicants have now amended this design detail and relocated the bedroom window on the north elevation of the building. This, it is concluded, will resolve this privacy/overlooking issue and objector has been made aware of this.
- 2 The scale of the development is inappropriate for the area. Approval for the erection of 4 houses and 2 flats on this site was been previously granted permission by the Council in September 2000. This current application relates to a change of house type and the substitution of a flatted block. The scale of the development is being reduced by the removal of the flatted element of the proposal and indeed represents an improvement to the scheme.

- 3 The ground levels across the application site have been raised in order to accommodate drainage requirements for the new housing. It should be noted that spot level details for the proposed new ground levels were submitted for consideration at the time of the approval of the original application for the housing on this site (D24659 - Sept. 2000 refers). The applicants agents have now submitted levels details of the site in support of their application including the original site levels and the proposed new ground and floor levels. This advises of varying increases in levels across the site, particularly in the south east corner where the increase is pronounced. In order to alleviate any perceived loss of privacy to the adjoining occupiers, the boundary enclosure on the south side of the house located to the west of the site has been raised, with the occupiers agreement, to approx. 2.23 metres in height. In addition, a new wall along the southern section of the west boundary of the house on the east side of the site is to be raised to a height, with the agreement of the occupant, to match the height of the existing brick boundary wall that runs along the northern section of the west boundary. It should also be noted that the adjoining properties accommodate mature trees on their common boundaries with the application site which affords considerable visual protection from the development site. The applicants agents have submitted a letter in support of their application that outlines the background to and offers advice on the changes of land levels within the site. A copy is available for inspection in the Members Lounges. It is intended to attach a condition to any permission granted relating to the provision of boundary enclosures.

With regard to the finished levels of the site, it is considered that the impact on the general appearance of the surrounding area and in particular the environmental amenities of the adjoining occupiers will not be so

significantly affected as to justify refusal of the application.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The design of the new buildings are considered to be appropriate in this instance and in accordance with the principles established at the time of the grant of detailed planning permission for a residential use on this site in September 2000.

CONCLUSION

The proposal to change the design of 2 of the previously approved houses on this site is considered acceptable. In addition, the removal of the flatted element from the site and its replacement with a detached house is to be welcomed. The proposals comply with the relevant land use policy considerations of the development plan and there are no material considerations that would justify the refusal of the application contrary to these policies.

RECOMMENDATION

It is recommended that planning permission 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 That details of all boundary enclosures to be provided shall be submitted for the written approval of the planning authority prior to the completion of the houses the subject of this application. For the avoidance of doubt, the agreed boundary enclosures shall be erected, to the satisfaction of the planning authority, within one month of the first occupation of the houses under consideration.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 to protect the amenities of the occupants/owners of nearby adjacent properties in the locality