

KEY INFORMATION**Ward** Broughty Ferry**Proposal**

The erection of 1.5 or 2 storey dwellinghouse on ground belonging to 17 Camperdown Street

Address

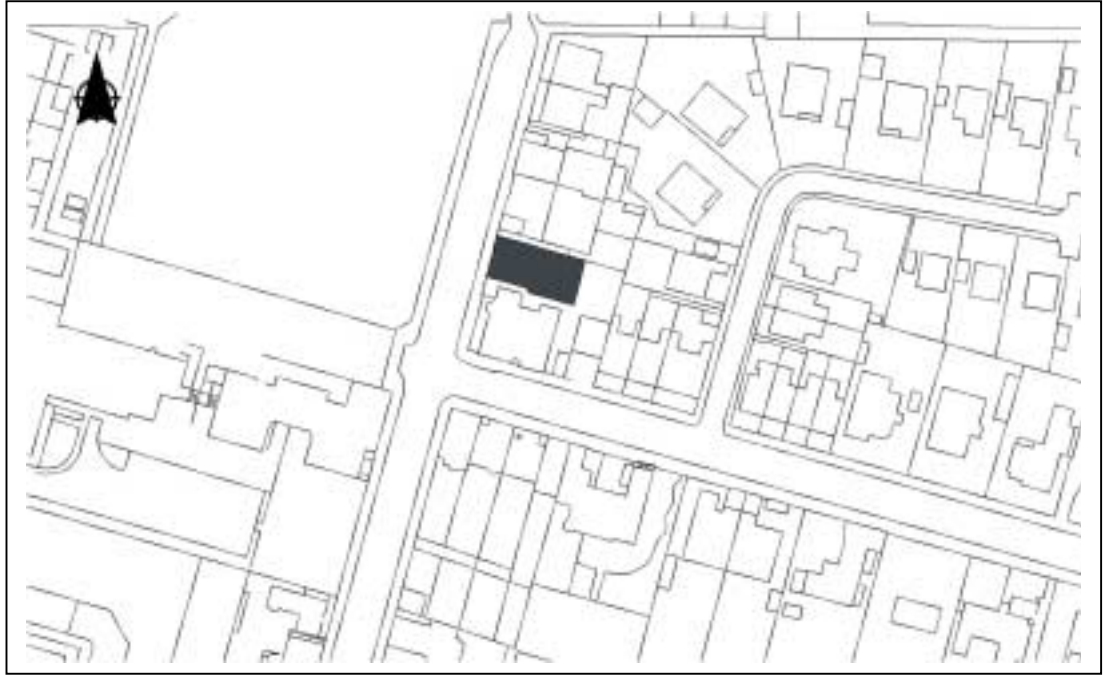
17 Camperdown Street
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Applicant

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Agent

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Registered 26 Mar 2003**Case Officer** G Reid

Proposed New House in Camperdown Street

The erection of a dwellinghouse in the garden ground at 17 Camperdown Street is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered not to be in accordance with the policies of the development plan.

The application is recommended for Refusal.

SUMMARY OF REPORT

- Planning permission is sought, in outline, for the erection of a dwellinghouse in garden ground at 17 Camperdown Street, Broughty Ferry, Dundee.
- The proposal raises issues for consideration in terms of the Built Environment and Housing Policies of the Dundee Local Plan 1998 and Policies 4, 15 and 61 of the Finalised Dundee Local Plan Review.
- Three letters of objection were received from residents in the surrounding area. The main grounds of objection were that the proposal was contrary to the Housing and Built Environment Policies of the Dundee Local Plan 1998 and Policies 4, 15 and 61 of the Finalised Dundee Local Plan Review.
- Broughty Ferry Community Council also objected to the proposal on the grounds that it would be deleterious to the conservation area in that it would result in two houses being left with an inappropriate amount of garden ground, the loss of a mature tree and a partially demolished stone wall.
- It is considered that the application is not in accordance with the Built Environment and Housing Policies of the Dundee Local Plan 1998 and Policies 4, 15 and 61 of the Finalised Dundee Local Plan Review. In addition it is considered that insufficient weight can be attached to the material considerations such as to justify the granting of planning permission contrary to the provisions of the development plan.

DESCRIPTION OF PROPOSAL

Planning permission is sought, in outline, for the erection of a dwellinghouse in garden ground at 17 Camperdown Street, Broughty Ferry, Dundee.

Although the application is in outline an indicative site layout has been submitted by the applicant. The indicative layout shows the dwellinghouse with access from Seafield Road including a driveway for two cars. Garden ground is indicated to the rear extending to 128sq. metres. The existing house is also included on the plans. The garden ground remaining with the property is reduced to 120 sq.metres. Floor plans of the dwellinghouse are provided showing a 3-bedroom house on 2 levels. No details of the elevations of the dwellinghouse are provided

SITE DESCRIPTION

The application site is located on the east side of Seafield Road and on the north side Camperdown Street. The site is the garden ground of No.17 Camperdown Street and extends to approximately 0.028 hectares. The existing house at No17 is accessed from Camperdown Street and has two off-street car parking spaces. There is an existing mature tree in the garden ground to the rear.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 1998

The following policies are of relevance:

Housing Policy H10 is of relevance and sets out the guidelines for the design and layout of new housing.

Built Environment Policy BE4 Development in Garden Ground: this policy sets out the criteria for the consideration of proposals within grounds of existing houses and seeks to resist overdevelopment of these areas within the City.

Built Environment Policy BE11 Development in Conservation Areas:

this policy advises that within conservation areas all development proposals will be expected to complement and enhance the character of the surrounding area.

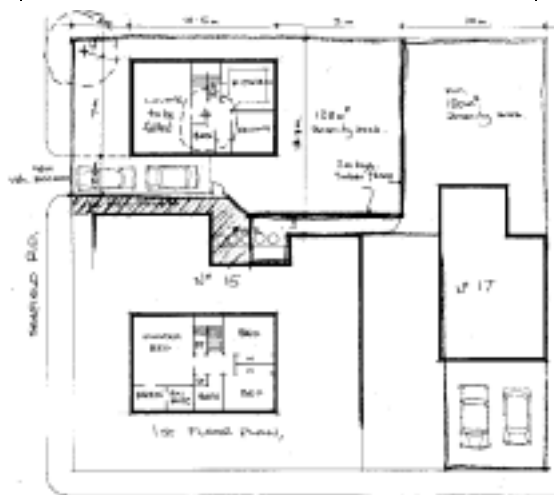
Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 4 Design of New Housing is of relevance and sets out the guidelines for the design and layout of new housing.



Policy 15 Development in Garden Ground: this policy sets out the criteria for the consideration of developments in garden ground and highlights that the scope for acceptable new development in garden ground is limited.

Policy 61 Development in Conservation Areas: all development proposals will be expected to preserve or enhance the character of the surrounding areas.

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

Local Agenda Key Theme 15 is of relevance to the consideration of the application and seeks to ensure that diversity and local distinctiveness are valued and protected. It is considered that given the location and design of the proposed house the aims of Key Theme 15 are not achieved.

SITE HISTORY

There is no site history of relevance to the consideration of the proposals.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and the application was advertised in the "Dundee Courier and Advertiser" on the 8 April 2003 as affecting the setting of the conservation area and on the 14 April 2003 as a potential departure to the development plan.

In response three letters of objection were received from residents in the surrounding area. The main grounds of objection were that:

- 1 The proposed development would result in the overshadowing of an adjacent property.
- 2 The proposed development does not comply with Built Environment Policy BE11 of the Dundee Local Plan 1998 and Policy 61 of the Finalised Dundee Local Plan Review as it does not reflect the design and space standards of surrounding properties.
- 3 The proposed development does not comply with Policy 15 of the Finalised Dundee Local Plan Review as the garden ground of the existing house will be dramatically reduced in area.
- 4 The proposed development is considered to be contrary to Housing Policy H1 of the Dundee Local Plan 1998 as it will reduced the existing amenity of

residents through the construction of an inappropriate house on a very limited site directly in front of their properties.

- 5 The proposed development will result in the loss of a mature tree in the garden ground.

Copies of the letters of objection are available in the Members' Lounges and are addressed in the Observations section of this report.

CONSULTATIONS

The Broughty Ferry Community Council raised objections to the proposed development. The main concerns were that it would be deleterious to the conservation area in that it would result in two houses being left with an inappropriate amount of garden ground, the loss of a mature tree and partially demolish a stone wall.

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.

The planning application submitted is for outline planning permission. The applicant has, however, included layout plans for the proposed house within the garden ground and floor plans. Although no drawings of the elevations have been submitted with the application the proposed finishing materials are set out in the application form. Given the policy concerns with regard to the principle of the proposal no further details were requested.

In terms of Housing Policy H10 the application can only be partially assessed due to the limited details submitted. The site is located outwith Central Broughty Ferry and falls to be considered against the criteria for new

suburban housing under Policy H10 Guidelines. On the basis of the details given the proposal meets the minimum criteria for House Type/Mix, Garden Ground and Parking and Garaging. As there are no elevations it is not possible to properly assess the proposal against the criteria of Privacy and Urban Design. Although the proposal meets the minimum size for Garden Ground the it is small at only 128 sq metres and is overlooked by a 1st floor bay window from the property immediately to the south with other windows overlooking from the north. Given the proximity of the windows overlooking the garden ground would not be private and could not be screened as the window is at 1st floor level. The development of the proposed house would leave the existing house at 17 Camperdown Street with 120 sq.metres of garden ground. This again only meets the minimum size set out in the guidelines.

While the proposal on the basis of the information provided technically meets some of the minimum standards set out in the guidelines it does not result in a high quality development and dramatically reduces the garden ground of the existing house. The proposed site is considered to be of insufficient size to accommodate a new house as proposed.

Policy H10 also sets out guidance with regard to layout and design. While no elevations are provided the finishing materials are set out on the application form. These are Champagne Roughcast, grey concrete roof tiles and white upvc windows and doors. The surrounding properties are all of natural stone and slate and of a traditional styling. The proposed finishing materials are considered to be completely inappropriate and out of character with the area and would detract from the visual appearance of the area.

Built Environment Policy BE4 of the Dundee Local Plan 1998 seeks to ensure that certain areas throughout the City whose unique character is provided by villas set in large garden grounds with mature planting is maintained. Pressure from development has threatened to remove the character of these areas through over-development and the loss of trees. In order to protect the architectural appearance and landscaped features of such areas Policy BE4 sets out a range

of criteria in which to consider applications. The current proposal is somewhat different in that the original house is not a villa set in large garden ground. The house to which the ground relates is a converted outhouse to the original house, which would have been No15 Camperdown Street. The is now an Office with flats above.

Notwithstanding this the proposal was still considered against the criteria in Policy BE4. The proposal lacks detail with regard to the elevations although the applicant has indicated materials to be used of Champagne Roughcast, grey concrete tiles and white Upvc windows/doors. Criteria (A) of BE4 requires proposals to be of a high quality design and use of materials appropriate to the surrounding area. It is considered that the materials proposed are not suitable for this area, as the prevailing materials are natural stone and slate. As there are no details of elevations it is not possible to assess the design of the house. Criteria (D) seeks to ensure that a window to window distance of 25 metres is maintained. As there are no elevations it is not possible to assess the proposal against this criteria. However, there is a large bay window on the property to the south at first floor level that would directly overlook the garden and potentially windows in the rear elevation. Criteria (H) seeks to reduce breaches in existing walls where necessary to enable the achievement of safe vehicular and pedestrian safety. The proposal would affect about 6 metres of the existing stone boundary wall. Approximately 3 metres would be completely removed with the remaining 3 metres being reduced in height to provide site lines. It is considered that this would have a detrimental affect on the character and visual appearance of the area. The proposal generally satisfies the remaining criteria contained within Policy BE4. However, the thrust of this Policy is to maintain the character of these areas and to resist over-development. The proposal would result in a house shoehorned into a small garden area and the erosion of the low-density character of this area.

The proposed development is located within the Grove Conservation Area and as such Built Environment Policy BE11 applies. This Policy seeks to ensure that all developments complement and enhance the character

of the surrounding area. There are no details with regard to the design of the house although finishing materials are included in the details on the application form. The site would be in a highly visible location within the Conservation Area. The prevailing materials are natural stone and slates. Given this it is considered that the finishing materials are not acceptable for this location.

This part of the Grove Conservation Area is generally characterised by large traditional houses within large garden grounds. The current proposal is for a house finished in modern materials on a small site shoehorned in between existing large traditional houses. It is considered that to approve a house on a small site would detrimentally affect the character of this part of the conservation area by virtue of increasing the prevailing density.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

Other Material Considerations

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

Does the proposal comply with the following policies of the Finalised Dundee Local Plan Review:

- a Policy 4 Design of New Housing is of relevance and sets out the guidelines for the design and layout of new housing. The proposal meets the criteria for House Type and Car Parking. In terms of Garden Ground the proposal seeks to achieve an average of 150 sq. metres on greenfield sites. The proposal does not meet this average although it does achieve the minimum of 120 sq. metres. The garden ground left to the existing house also raises the same issues. Again as no elevations are provided it is not possible to establish whether the criteria for privacy is achieved. While the proposal on the basis of the information provided meets the minimum standards set out in the guidelines they do not result in a high quality development and they dramatically reduce the garden ground of the existing house.

- b Policy 15 Development in Garden Ground: this policy sets out the criteria for the consideration of developments in garden ground and highlights that the scope for acceptable new development in garden ground is limited. This policy sets out similar criteria to Built Environment Policy BE4 of the Dundee Local Plan 1998. It does however include additional criteria covering Prevailing densities in the area. While the proposal is acceptable in terms of Criteria (b), (c), (e), (f), (h) and (I) it does raise issues in terms of Criteria (a), (d) and (g). Criteria (a) expects proposals to be of a high quality of design and uses materials appropriate to its surroundings. No details of the design are provided but materials are included in the submission. The materials proposed are not considered to be acceptable, as they do not complement the surrounding area. Criteria (d) seeks to ensure that prevailing densities in the area are respected. As already indicated above it is considered that the proposal does not respect those of the surrounding area. The proposal is being shoehorned into a small site and will result in the overdevelopment of the site. Finally criteria (g) refers to compliance with the Council's non-statutory guidance on Breaches in Boundary Walls. The proposal would affect about 6 metres of the existing stone boundary wall. Approximately 3 metres would be completely removed with the remaining 3 metres being reduced in height to provide site lines. It is considered that this would have a detrimental affect on the character of the area and would destroy the sense of enclosure to the garden ground.
- c Policy 61 Development in Conservation Areas: all development proposals will be expected to preserve or enhance the character of the surrounding areas. This policy sets out similar criteria to Built Environment Policy BE11 of the Dundee Local Plan 1998. It is considered for the reasons already set out in the consideration against Policy BE11 that the proposals is not in accordance with Policy 61 of the

Finalised Dundee Local Plan Review.

Objections from Broughty Ferry Community Council

The Broughty Ferry Community Council raised objections to the proposed development. The main concerns were that it would be deleterious to the conservation area in that it would result in two houses being left with an inappropriate amount of garden ground, the loss of a mature tree and partially demolish a stone wall. It is considered that proposal would be deleterious to the conservation area for the reasons set out by the Community Council.

Objections from Residents

Three letters of objection were received from residents in the surrounding area. The main grounds of objection were that:

"The proposed development would result in the overshadowing of an adjacent property". Although no elevations have been provided the applicant has indicated that the house would be either a one and a half or a two storey house. There are windows in the north elevation of the properties at No15 Camperdown Street that could be overshadowed given the proximity of the proposed house. While overshadowing might occur the degree cannot be assessed at this stage. If permission is granted a further application containing such details would be submitted and the issues of overshadowing addressed.

"The proposed development does not comply with Built Environment Policy BE11 of the Dundee Local Plan 1998 and Policy 61 of the Finalised Dundee Local Plan Review as it does not reflect the design and space standards of surrounding properties". An assessment of the proposal against these policies is set out above. It is concluded that the proposal is not in accordance with both of these policies.

"The proposed development does not comply with Policy 15 of the Finalised Dundee Local Plan Review as the garden ground of the existing house will be dramatically reduced in area". An assessment of the proposal against Policy 15 is set out above. It is concluded that the proposal is not in accordance with this policy.

"The proposed development is considered to be contrary to Housing Policy H1 of the Dundee Local Plan 1998 as it will reduced the existing amenity of residents through the construction of an inappropriate house on a very limited site directly in front of their properties". Given the lack of detail it is difficult to assess the proposals against this policy at this stage. If permission is granted a further application containing such details would be submitted and the issues of overshadowing considered.

"The proposed development will result in the loss of a mature tree in the garden ground". The proposal does result in the loss of a mature tree. The Forestry Officer has advised that the proposal to remove the tree would be acceptable.

It is concluded from the foregoing that in-sufficient weight can be accorded to the material considerations such as to justify the granting of planning permission contrary to the provisions of the development plan.

DESIGN

No details have been provided with regard to the elevations of the proposed house. Finishing materials have been included on the application form. These are Champagne roughcast, grey concrete roof tiles and white upvc doors and windows. As already outlined above it is considered that these materials are not appropriate in the context of the surrounding area.

CONCLUSION

It is considered that the application is not in accordance with the Built Environment and Housing Policies of the Dundee Local Plan 1998 and Policies 4, 15 and 61 of the Finalised Dundee Local Plan Review. In addition it is considered that sufficient weight can be attached to the ground of objection to warrant refusal of the application.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:

Reasons

1 It is considered that the proposal is not in accordance with

Housing Policy H10 of the Dundee Local Plan 1998, as it would result in a house with a poor level of amenity, inappropriate finishing materials and limited private useable garden ground. There are no material considerations that would justify departing from the policies of the development plan in this instance.

- 2 It is considered that the proposed development is not in accordance with Built Environment Policy BE11 of the Dundee Local Plan 1998 as it would neither complement nor enhance the appearance of the area given the finishing materials proposed, the breach of the boundary wall and by virtue of increasing the prevailing density of housing in the area. There are no material considerations that would justify departing from the policies of the development plan in this instance.
- 3 It is considered that the proposed development is not in accordance with Built Environment Policy BE4 of the Dundee Local Plan 1998 as it fails to meet criteria (A) and (D) and (H) and would result in the over-development of the application site to the detriment of the character of the surrounding area. There are no materials considerations that would justify a departure to the policies of the development plan in this instance.
- 4 It is considered that the proposal is not in accordance with Policy 4 of the Finalised Dundee Local Plan Review as it fails to meet all of the criteria set out in the design standards and in particular with regards to the provision for private garden ground.
- 5 It is considered that the proposed development is contrary to Policy 15 of the Finalised Dundee Local Plan Review as it fails to meet all of the criteria and in particular criteria (a) as the finishing materials are out of keeping with the area, (d) as it does not respect the prevailing densities in the area and (g) as it would result in a breach of the boundary wall.
- 6 It is considered that the proposed development is contrary to Policy

61 of the Finalised Dundee Local Plan Review as is neither preserves nor enhances the character of the surrounding conservation area given the finishing materials proposed, the breaching of the boundary wall and by virtue of increasing the prevailing density of housing in the area.