

**KEY INFORMATION**

**Ward** Baxter Park

**Proposal**  
Erection of 2 dwellings

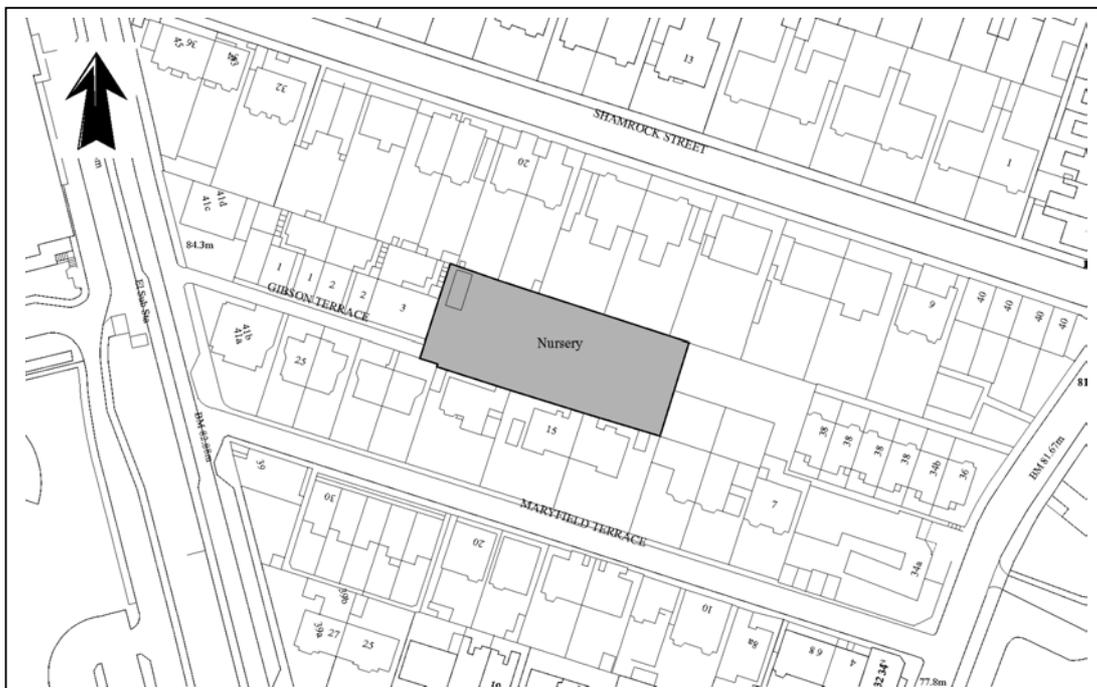
**Address**  
Land to the east of  
3 Gibson Terrace  
Dundee  
DD4 7AG

**Applicant**  
Pask & Pask Architects  
18 High Street  
Newport  
DD6 8AD

**Agent**

**Registered** 14 May 2003

**Case Officer** J Finlay



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

**RECOMMENDATION**

The proposed development is considered to be contrary to the policies of the development plan and the draft policies of the Finalised Dundee Local Plan Review. There are no material considerations that would justify approval of the application in these circumstances. Therefore the application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- The application seeks planning permission for the development of two, 2 storey houses on land to the east of 3 Gibson Terrace, Dundee.
- Ten letters of objection have been received and two petitions (one with 12 signatures and one with 5 signatures) with the main concerns relating to access and traffic problems, effect on trees, residential amenity issues, effect on Conservation Area and appearance of houses.
- The proposal raises issues for consideration in terms of the Housing and Conservation Area policies of the Dundee Local Plan 1998 and the draft policies of the Finalised Dundee Local Plan Review.
- It is considered that the access to the application site will impede both traffic and pedestrian safety. The development will also adversely affect the character and appearance of the Conservation Area due to the loss of trees and the inappropriate design and materials proposed for the houses.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of two no. 2 storey houses on land to the east of 3 Gibson Terrace, Dundee. The total site area is 0.135 hectares. The houses will be finished in a white render with stone quoin detail around openings, grey interlocking roof tiles and Upvc windows with a timber appearance. The agent has indicated in a letter received on 20th June 2003 that natural slate roofs, rendered walls with pre-cast cill and lintel margins, timber windows and doors can all be provided as an alternative. Each house has a living room, dining room, kitchen, study, TV/family room and sun room on the ground floor and 3 bedrooms (one en suite) and a bathroom on the upper floor. There are integral garages and two car parking spaces are provided with each dwelling.

## SITE DESCRIPTION

The site is located to the east of 3 Gibson Terrace and it is a land-locked site which is accessed by a private access from Mains Loan. The last known use of the site was a landscape nursery with various greenhouses and portacabin buildings within the site. There are 3 storey tenement flats to the west of the site with stone finish and slate roof. A mixture of single and two storey traditional style houses with slate roofs and stone finish are located to the south at Maryfield Terrace and 1.5 storey traditional style houses to the north at Shamrock Street. The back gardens of the houses to the north immediately adjoin the site and the houses at Maryfield Terrace adjoin the site as their garden areas are to the south (front) of their properties. There are two mature trees on the north boundary and other trees within the site.

## 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:

H1: Existing Residential Areas - Developments will be permitted within residential areas 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 other policies and proposals in the Local Plan.

H4: Protection of Amenity - Infill development will normally be approved provided the surrounding area is not adversely affected. Approval is, however, unlikely to be granted where the siting and scale of the development affects the degree of sunlight, daylight and/or privacy enjoyed by the occupants of adjoining property and where the materials, style and form are alien to the surroundings.

H10: Design of New Housing - The



design and layout of any new housing will generally conform to the guidelines. Architecture and scale of buildings must respect the surroundings, and new development should address surrounding streets and most buildings should front onto streets.

BE1: The Council will expect the highest standards of composition and design in all new development and its careful integration with its surroundings as regards scale, form, siting, alignment, materials and landscaping. Infill development should relate closely to the established character of the surrounding area, respecting established building spacing, alignment, orientation and rooflines.

BE11: 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 1: Vibrant and Sustainable Communities

The City 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 effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Policy 4: Design of New Housing

The design and layout of all new housing in Dundee should be of a high quality. New development will be required to conform to the attached guidelines. These include the requirement for 120sqm of garden ground (40% to have 160sqm); 18m between facing windows of habitable rooms; 75% of houses to have 3 bedrooms or more; at least two car parking spaces and 50% of houses should have a garage or space for one.

Policy 61: Development in Conservation Areas

Within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic pattern of streets and spaces, as identified in the Conservation Area management plans to be advanced in the near future.

Policy 72: Trees and Urban Woodland

New developments must have regard to existing healthy mature trees, the survival and retention of which will be

strongly encouraged through sensitive site layouts and both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscaping scheme which includes a supporting justification and sufficient map based material to document existing planting within the application site, as well as new planting and maintenance arrangements.

## 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

Key Theme 13 is relevant to the determination of the application and seeks to ensure that places, spaces and objects combine meaning and beauty with utility. Key Theme 15 of Local Agenda 21 is relevant which seeks to ensure that diversity and local distinctiveness are valued and protected.

## SITE HISTORY

Planning permission was refused on 8th February 1983 for the erection of 18 flats on the grounds that a development of this nature would further intensify vehicular use of a substandard access to the detriment of road traffic and pedestrian safety.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and ten letters of objection were received including two petitions (one with 12 signatures and one with 5 signatures). The main points of objection are:

- 1 Traffic/access problems for existing and future residents and for construction traffic;
- 2 Appearance of houses;

- 3 Impact on residential amenity due to overshadowing, overlooking, noise and loss of privacy;
- 4 Impact on trees and the environment;
- 5 Detrimental effect on Conservation Area;
- 6 Contrary to Local Plan.

Other invalid points of objection were also raised by neighbouring residents

## CONSULTATIONS

The relevant Council Departments and outside bodies have been consulted with regard to the proposals.

The Architectural Liaison Officer from Tayside Police has concerns about access to the site for traffic, pedestrians and emergency vehicles. It is understood that there is an existing problem with the narrow access at Gibson Terrace but the proposed development will exacerbate these problems.

The Director of Contract Services (Forestry Officer) has indicated concerns about how the proposed development will affect trees on the site.

## 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 proposal involves the erection of two no. 2 storey houses on a landlocked site to the east of 3 Gibson Terrace. The site is located within Maryfield Conservation Area. The houses and flats surrounding the application site are mainly traditional in style with stone walls, slate roofs and timber sash and case windows and range from single to three storey in height. The site is accessed from Gibson Terrace, which is a very narrow, private, unadopted road leading off Mains Loan. The access is

narrower at the entrance and cars tend to park along the south side.

The applicant has indicated that the proposed materials can be changed from that on the submitted plans, in order to blend in more appropriately with the surrounding buildings in this Conservation area. The materials proposed are a render finish to the walls, slate roof, pre-cast cill and lintel margins and timber windows and doors. The front of the houses will face south, with the house and integral garage both entered from this side. A sun room with a floor area of slightly over 8sq metres will be located on the front elevation. There will be one small dormer on the front elevation, two on the rear and a chimney on the west elevation.

The two houses are 8m from the south boundary of the site and the houses at Maryfield Terrace directly abut the boundary. They are approximately 3m from the north boundary and there is over 14m to the nearest house from this boundary which forms the south boundary of the gardens for the houses at Shamrock Street. There is over 13m from both the east and west boundaries of the site. Each house will have an integral garage and one car parking space.

There are some trees within the site which may be affected by the proposed development. At this stage the applicant has failed to produce a detailed landscaping plan to indicate which trees will be removed and affected by the proposed houses. There are two mature lime trees in the north west corner of the site, which it is considered will have to be removed to allow the development to proceed as indicated on the submitted plans. It is considered that this would have a detrimental effect on the appearance and character of the conservation area.

## 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: Developments will generally be permitted where they do not adversely affect the environmental quality enjoyed by neighbouring residents including parking and traffic movement issues. It is considered that the access to Gibson Terrace is not appropriate. The existing situation

where Gibson Terrace is used for access and parking for the flats and access for the former market gardening use is unacceptable in terms of safe traffic and pedestrian movement. It is considered that the proposed development will exacerbate this problem. Gibson Terrace is a narrow lane, approximately 65 metres long with a road surface less than 3m wide and a footway serving the tenement properties on the north side, measuring less than 2m. It narrows considerably at the junction with Mains Loan, where there is no footway for several metres and double gates which provide access to a guest house at 41 Mains Loan. On visiting the site, it was evident that a number of cars park on the south side of Gibson Terrace. Due to this parking situation, any other cars entering or leaving the lane have to drive over the footway, to the danger of pedestrians using the footway and/or emerging from the tenement properties. The end of Gibson Terrace leading onto Mains Loan is offset and narrow which may cause sightline difficulties for drivers and pose an additional danger to pedestrians on Mains Loan. It is concluded that the proposal is contrary to Policy H1 on traffic and pedestrian safety grounds.

Policy H4: Infill development will normally be approved provided the appearance of the surrounding area is not adversely affected. The houses to the south of the site at Maryfield Terrace directly adjoin the south boundary. It is considered there will be an unacceptable degree of overlooking and loss of privacy for these residents and also for the future occupants. It is appreciated that there is a certain loss of privacy for the residents to the south from users of the nursery, however this loss of privacy will be increased with residential development on the site.

Policy H10: The design of the houses is considered acceptable at this location, with rendered walls, pre-cast cills and lintels, slate roof and timber doors and windows and each dwelling provides 4 bedrooms. Sufficient car parking spaces and garden ground are provided with each dwelling. There will not be 18m between facing windows as the house to the south is only 9m approximately from the sunroom of the house at the west end of the site. Therefore the proposal fails to comply with Policy H10.

Policy BE1: Infill development should relate closely to the established character of the surrounding area respecting established building spacing, alignment, orientation and roof lines. It is considered that the buildings blend in appropriately with the surrounding properties in terms of scale, design and materials proposed. Therefore it is considered the proposal complies with this Policy.

Policy BE11: The site is located within Maryfield Conservation Area and as discussed above it is considered the design, materials and scale of the proposed dwellings blends in appropriately with the surrounding area. However, there are a number of trees of landscape value and significance on the site and these will be directly affected by the development. The applicant has not submitted a detailed tree planting and landscaping plan and it is considered that the loss of trees will have an adverse impact on the appearance of the conservation area. Therefore the proposal is contrary to this policy.

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:

#### **Finalised Draft Local Plan Review**

Policy 1: Vibrant and Sustainable Communities. The terms of this policy are reflected in Policy H1 of the Dundee Local Plan as discussed above. It is concluded that the proposal is also contrary to this draft policy.

Policy 4: Design of New Housing. The terms of this policy are generally reflected in Policy H4 of the Dundee Local Plan as discussed above. It is concluded that the proposal is contrary to this draft policy for the same reasons as discussed above under Policy H4.

Policy 61: Development in Conservation Areas. The terms of this policy are reflected in Policy BE11 of the Dundee Local Plan. It is concluded that the proposal is contrary to this draft policy due to the potential impact on trees and subsequent adverse impact on the character of the surrounding area.

Policy 72: Trees and Urban Woodland

New developments must have regard to existing trees both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscaping scheme which includes a supporting justification and sufficient map based material to document existing planting within the application site, as well as new planting and maintenance arrangements. At this stage the applicant has failed to submit a detailed tree planting and landscaping plan to indicate which trees will be removed and/or affected by the proposed development. Therefore the proposal is contrary to this draft policy.

### **Objections**

#### **Access**

The objections raised by local residents mainly relate to access to the site. This was also raised as a major concern from the Architectural Liaison Officer. It has been discussed above that the current access along Gibson Terrace is not an ideal situation as cars park along the south side of the road and this requires other vehicles entering or leaving the road to drive along the footway on the north side. It is considered that this is an unsafe situation for pedestrians and vehicles alike. It is also a problem for emergency vehicles if and when they are required at Gibson Terrace. It is considered that the proposed development will exacerbate this already existing problem for traffic, pedestrians and emergency vehicles. The additional two houses and extra distance involved in moving personnel and equipment to the application site would not be acceptable in an emergency situation. It is considered that the application cannot be supported on traffic and pedestrian safety grounds.

**Other objections raised by neighbouring residents are as follows:**

#### **Appearance of houses**

It is considered that the design, materials and scale of the houses blends in appropriately with the surrounding properties and are acceptable at this location which is within a conservation area.

**Residential amenity**

The proposed house at the west end of the site will be some 9m from the nearest house to the south at Maryfield and it is considered that there will be a considerable loss of privacy for existing and future occupants.

**Impact on trees and the environment**

Although full details of tree removal and planting have not been submitted at this stage, it is considered that the proposed siting of the houses will lead to the loss of some significant trees from the site. This will be to the detriment of the character of the immediate and surrounding area.

**Detrimental effect on Conservation Area**

It is agreed that the loss of trees from the site will lead to a detrimental effect on the conservation area.

**Contrary to Local Plan**

It has been discussed above that the proposal is contrary to Policies H1, H4, H10 and BE11 of the Dundee Local Plan 1998. It follows that the proposal is also contrary to Policies 1, 4, 61 and 72 of the Finalised Dundee Local Plan Review.

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

**Design**

The site is located within a residential area and as such is landlocked with access gained from a narrow private road to the west. The materials proposed are a render finish to the walls, slate roof, pre-cast cill and lintel margins and timber windows and doors. Detailing is provided to the development with a sunroom located on the south elevation and a chimney on the west elevation. Although the development complements the surrounding area, it is considered that the siting is too close to the houses to the south to provide an acceptable degree of privacy for both existing and future occupants.

**CONCLUSION**

It is considered that the proposal does not comply with the Dundee Local Plan 1998 or the Finalised Dundee Local Plan Review due to the impact on traffic and pedestrian safety; loss of and adverse impact on trees; impact on residential amenity due to loss of privacy and detrimental impact on the conservation area. There are no material considerations that would overturn this recommendation and therefore the application is recommended for REFUSAL.

**RECOMMENDATION**

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

**Reasons**

- 1 The proposed development is contrary to Policy H1 of the Dundee Local Plan 1998 due to the adverse impact on the environmental quality enjoyed by local residents because of a deterioration in traffic and pedestrian safety. There are no material considerations that would justify the approval of the application contrary to the terms of the development plan.
- 2 The proposed development is contrary to Policy H4 of the Dundee Local Plan 1998 due to the adverse impact on the residential amenity enjoyed by local residents due to overlooking and loss of privacy. There are no material considerations that would justify the approval of the application contrary to the terms of the development plan.
- 3 The proposed development is contrary to Policy H10 of the Dundee Local Plan 1998 due to the loss of privacy by failing to provide 18m between facing windows of habitable rooms. There are no material considerations that would justify the approval of the application contrary to the terms of the development plan.
- 4 The proposed development is contrary to Policy BE11 of the Dundee Local Plan 1998 due to the potential loss of and adverse impact on trees and the

subsequent adverse impact on the appearance and character of the conservation area. There are no material considerations that would justify the approval of the application contrary to the terms of the development plan.

- 5 The proposed development is contrary to Policy 1 of the Finalised Dundee Local Plan Review due to the adverse impact on the environmental quality enjoyed by local residents due to unsafe parking and traffic movements.
- 6 The proposed development is contrary to Policy 4 of the Finalised Dundee Local Plan Review due to the adverse impact on the residential amenity enjoyed by local residents due to overlooking and loss of privacy.
- 7 The proposed development is contrary to Policy 61 of the Finalised Dundee Local Plan Review due to the potential loss of and adverse impact on trees and the subsequent adverse impact on the appearance and character of the conservation area.
- 8 The proposed development is contrary to Policy 72 of the Finalised Dundee Local Plan Review due to the loss of existing mature trees on the site and the subsequent adverse effect on the immediate and surrounding area.
- 9 The proposed development would exacerbate existing traffic movement and parking problems to the detriment of traffic and pedestrian safety on Gibson Terrace and at the junction of Gibson Terrace and Mains Loan.