

**KEY INFORMATION**

**Ward** Broughty Ferry

**Proposal**

Erection of dwelling house and garage in garden ground

**Address**

5 East Home Street/Garden  
Ground of 8 Douglas Terrace  
Broughty Ferry, Dundee  
DD5 1EA

**Applicant**

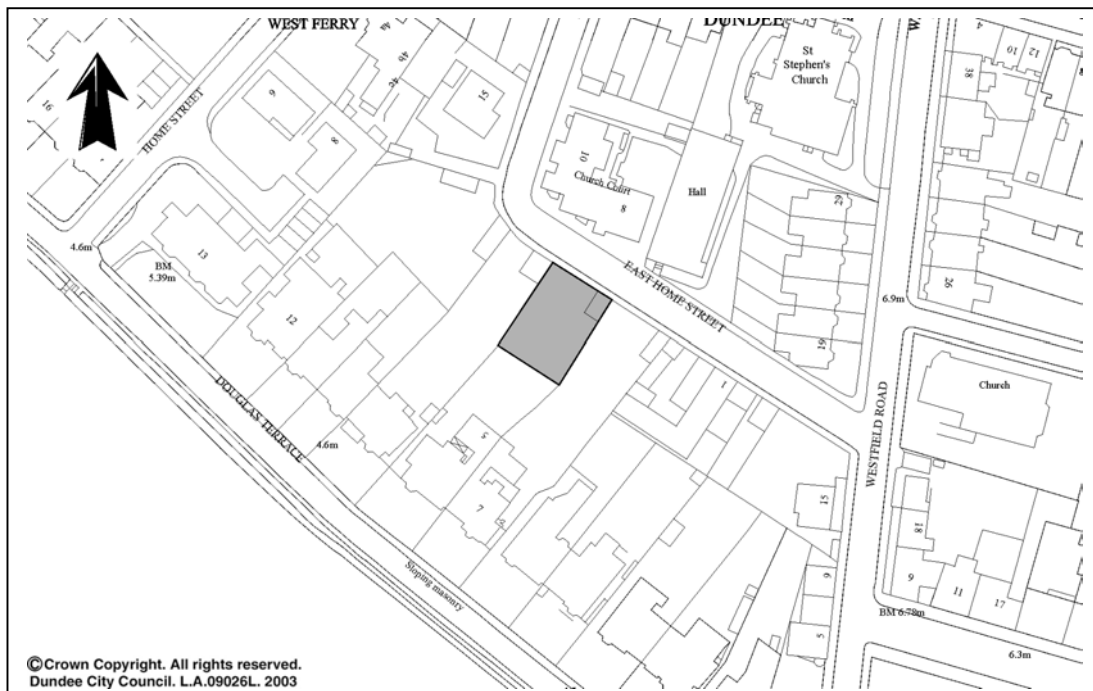
Mr & Mrs R H Barnett  
5 East Home Street/Garden  
Ground of 8 Douglas Terrace  
Broughty Ferry, Dundee  
DD5 1EA

**Agent**

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Broughty Ferry  
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**Registered** 20 June 2003

**Case Officer** C Walker



# Proposed New House in East Home Street

The Erection of dwelling house and garage in garden ground is **RECOMMENDED FOR REFUSAL**.  
Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development will detract from the visual amenity and character of the Broughty Ferry Conservation Area, contravening policies in the Adopted Local Plans. It will also adversely impact on the residential amenity enjoyed by the occupants of 8 Douglas Terrace. It is therefore recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought to erect a one and a half storey house in the garden of 8 Douglas Terrace and to erect a detached double garage to serve the existing house. The design of the proposed house is of a fairly typical suburban style. Part of the roadside boundary wall will be demolished to form a vehicular access.
- The site lies within the Broughty Ferry Conservation Area and in an area covered by the Council's garden ground policies. Planning permission was recently refused for a house on this site and the applicants were informed that revised designs on the lines of the current proposals were not acceptable.
- 2 letters of objection were received on behalf of the occupiers of 3 flats to the north of the application site stating concerns about traffic and parking problems at East Home Street, the impact of the development on the conservation area and the precedent the approval of a house on this site would set for further housing in adjoining gardens.
- Broughty Ferry Community Council have objected to the development stating concerns about the adverse impact on the conservation area, the demolition of part of the stone boundary wall, the precedent that the development would set for similar development in adjoining gardens and the erosion of the stock of large family houses.
- The proposed development will detract from the visual amenity and character of the Broughty Ferry Conservation Area and contravenes policies in the adopted Local Plan and the Finalised Draft Local Plan Review. In addition the development will adversely impact on the residential amenity enjoyed by the occupants of the existing house at 8 Douglas Terrace.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a one and a half storey house on the site comprising living accommodation, a study and an integral single garage at ground floor and 2 bedrooms at first floor within the roofspace. It is also proposed to erect a detached double garage to serve the existing house at 8 Douglas Terrace.

The design of the proposed house is modern and of a fairly typical suburban style. It appears as a single storey house from East Home Street with dormers facing south into the garden. The proposed finishes are roughcast walls with limited natural stone facing, natural slates, white upvc windows and hardwood doors. It is set back some 5.4 metres from the roadside boundary wall at East Home Street where it is proposed to form a new vehicular access some 3 metres wide. It is proposed to demolish an existing double garage on East Home Street and replace it with a new larger double garage to serve the existing house at 8 Douglas Terrace by means of a pathway running along the side of the proposed house plot.

The proposed house will sit some 0.7 metres off the western boundary and 4.6 metres off the eastern boundary (and some 3.6 metres from the proposed path leading from the new double garage to 8 Douglas Terrace).

The principal garden area of some 115 sq. metres is proposed to the south of the house and separated from the garden of the original house by a fence. An additional narrower area of garden of some 35 sq. metres is proposed to the side of the house. It is not proposed to fell any trees to accommodate the proposed house.

## SITE DESCRIPTION

The site comprises the northern part of the garden ground of 8 Douglas Terrace, a substantial stone and slate villa. This part of the garden comprises some 380 sq. metres of ground, enclosed to the north, east and west by stone boundary walls. The site includes a brick double garage on East Home Street (the original villa has no vehicular access at Douglas

Terrace). The site is flat and contains no mature trees.

8 Douglas Terrace is an imposing semi detached stone and slate villa and is one of a number of similar properties at this location. It has substantial extensions to the rear, including a modern glazed sun lounge. Most of these houses, including the neighbouring houses to the east and west, have substantial rear gardens extending to East Home Street to the north. Garages for these houses are at East Home Street which is characterised on its southern site by a high stone wall punctured by garages for the houses on Douglas Terrace. The exception to this is the ground behind 5 and 6 Douglas Terrace where there is a coach house which has been converted to houses. On the northern side of East Home Street is a church



hall and a modern block of flats in a 3 storey building. Some of these flats have south facing balconies overlooking the application 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:

The site lies within the Broughty Ferry Conservation Area and Policy BE11 requires development proposals to complement and enhance the character of the surrounding area.

It is also within an area where garden ground policies apply and the criteria that apply are set out in Policy BE4.

Policy BE1 encourages the highest standards of composition and design in all new development and its careful integration with its surroundings. It states that infill development should relate closely to the established character of the surrounding area.

Policy H10 sets out guidelines for new housing development. Policy H4 sets out criteria for infill development.

### 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 and Appendix 1 set out Design Standards for new housing.

Policy 15 sets out guidelines for garden ground development.

Policy 55 promotes good design standards.

Policy 61 requires development in conservation areas to preserve or enhance the character of the surrounding area.

### Scottish Planning Policies, Planning Advice Notes and Circulars

NPPG18 Planning and the Historic Environment sets out Government policy on the historic environment with a view to its protection, conservation and enhancement.

### Non Statutory Statements of Council Policy

The Council adopted non statutory policies entitled "Breaches in Boundary Walls" in December 2000. These policies state that where a wall contributes to the character of a conservation area then proposals which detract from this character will not normally be approved.

The Councils Urban Design Guide 2001 seeks to encourage good urban design.

## LOCAL AGENDA 21

The Council's Local Agenda 21 policies seek to promote diversity and local distinctiveness.

## SITE HISTORY

A planning application for a larger house on this site was refused in June 2002 - application ref. no. 02/00291/FUL. The reasons for refusal were as follows:

- 1 The proposed development would adversely affect the character and appearance of the Broughty Ferry Conservation Area and thereby contravene Policy BE11 of the Local Plan and the statutory duty to have regard to the conservation area because it would involve the insertion of an inappropriate housetype of modern suburban design and finishing materials in a setting of substantial stone villas with high enclosing walls to East Home Street.
- 2 The proposed development would contravene Policy BE4 of the adopted Local Plan by reason of the standard house type and finishing materials, proximity of windows to adjoining houses and lack of information on tree and shrub protection and proposed planting and it is considered that there are no reasons for approving the development contrary to the Plan.
- 3 The proposed development would adversely impact on the residential amenities of the existing house at 8 Douglas Terrace contrary to Policy H4 of the adopted Local Plan by reason of the loss of garden ground and parking spaces and the design and form of the proposed house and it is considered that there are no reasons for approving the proposed development contrary to the Plan.
- 4 The proposed development makes inadequate provision for off street parking and would lead to parking difficulties and traffic

congestion in the vicinity of the site.

Following that decision to refuse planning permission discussions took place with the agent for this development. He was advised that there were overriding concerns about the principle of erecting a house on this site but that the Department was willing to discuss any proposals. Plans were submitted similar to those which now form the current application (the only discernible differences relate to minor modifications to the design of the house). The agent was written to on 19/5/03 informing him that these plans would not be supported because of the additional breaches to the roadside boundary wall, the tight garden area for the new house, the impact of the development and the loss of garden ground on 8 Douglas Terrace, the adverse impact on the conservation area, the quality of the proposed design and the lack of information on landscaping.

Despite this advice, the current proposals were submitted in an almost identical form to those considered to be unacceptable the previous month.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the development was advertised as affecting the conservation area. 2 letters of objection were received on behalf of the owners and occupiers of 3 flats in a building immediately to the north of the application site. The objectors are concerned about traffic and parking problems at East Home Street referring in particular to the narrowness of the road, the presence of a sharp bend and the parking difficulties which occur when there are events at nearby churches. They comment on the previous application and remark that the position would be worsened with the erection of an additional garage with the current proposals. The objectors are also concerned about the impact of the development on the conservation area and the precedent the approval of a house on this site would set for further housing in adjoining gardens. Finally there is a concern about disruption during the construction of the proposed house. Copies of these letters are available for inspection in the Members Lounges and the points raised are considered in

the Observations section of this Report.

## CONSULTATIONS

Broughty Ferry Community Council have objected to the development stating that it would have an adverse impact on the conservation area and would disrupt the established character producing a more suburban style layout with standard garden sizes. They are also concerned about potential parking and traffic problems, the demolition of part of the stone boundary wall (including the loss of the dressed stones and door at the pedestrian entrance), the precedent that the development would set for similar development in adjoining gardens and the lack of a tree survey or planting proposals.

Following deferral of the application by the Committee in September, the Community Council have written again to support the recommendation for refusal and to state that the existing large house with appropriate garden ground at 8 Douglas Terrace is an increasingly rare and desirable part of Dundee's housing stock which would be devalued by putting a modern house in its garden.

## 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 Policies H4, H10, BE1, BE4 and BE11 specified in the Policy background section above.

Policy BE1 encourages the highest standards of composition and design in all new development and its careful integration with its surroundings. It states that infill development should relate closely to the established character of the surrounding area. It is considered that the proposed development will disrupt the

established character of the area by inserting a new house into the rear garden of 8 Douglas Terrace.

In assessing the proposed development in the context of Policy BE11 of the Plan, it is noted that the character of the surrounding area is typified by large villas in substantial garden ground. The proposed development would disrupt this character and tend to produce a more suburban style layout with standard garden sizes. It is considered that to alter the pattern of development in the manner proposed would adversely affect the character of the conservation area contrary to Policy BE11 of the Plan. A further concern is that the houses to the east and west have similar gardens and a consequence of approving the current application would be that development proposals in these garden areas would be difficult to resist.

In addition the southern side of East Home Street is characterised by its high stone walls and the stone and slate former coach house. The principal immediate impact of the proposed development will be the formation of a 3 metres wide opening in the stone wall (where there is an existing 1 metre wide pedestrian access with stone lintel over) and the insertion of a new house behind the wall. The design of the proposed house is modern and of a fairly typical suburban style, although it does use some traditional finishing materials on the roof (slate) and elements of the walls (natural stone). It will be quite visible from East Home Street when the entrance is opened and it is likely that this will be a reasonably frequent occurrence in order to get vehicular and pedestrian access to the proposed house. The replacement of the existing double garage will have a neutral impact on the conservation area. It is considered that the removal of a section of the boundary wall and the insertion of the proposed house would detract from the visual amenity of the area contrary to Policy BE11 of the Plan and the statutory duty to have regard to the setting of the conservation area.

In terms of Policy BE4 on garden ground development, it is considered that the development fails to meet the following criteria:

(A) "The proposal must be of a high quality design and use materials

appropriate to its surroundings". In this case the design of the house is fairly standard and typical of many suburban houses.

(D) "A window to window distance of 25 metres shall be maintained". In this case the lounge window in the proposed house is within 25 metres of the sun lounge of the existing house.

(I) and (J) require the submission of a full tree survey and landscaping proposals. In this case no details of existing and proposed planting have been submitted. Although the application states that no trees will be felled to accommodate the development it appears that some felling took place before the submission of this application. In addition details of the impact on the development on existing trees and proposed planting need to be provided. This matter has not been pursued with the applicants in view of the recommendation of refusal of their development.

It is considered that there is no justification for the failure to comply with Policy BE4. Although adjustments to the development and the provision of additional information could rectify the position with regard to some sub sections of the policy, there is a fundamental concern with regard to the design of the house.

With regard to residential amenity, it is considered that the proposed development will adversely affect the villa at 8 Douglas Terrace. In terms of Policy H4 it will lose a substantial amount of its garden ground. Although it will retain a double garage a narrow (1 metre) path will now access this garage over a distance of some 18 metres. In addition the style and form of development is alien to the character of existing buildings in the area. The impact on the houses to the east and west will not be so substantial. There will be a visual impact with the erection of a house so close to the western site boundary. This matter has already been considered in the context of the assessment of the impact of the development on the conservation area. It is not considered that the development will lead to traffic or parking problems and this matter is considered more fully in the section dealing with the view of objectors to the development.

Finally in terms of Policy H10 of the Plan the proposal meets the basic housing standards in suburban areas.

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:

- a Finalised Dundee Local Plan Review
- b The statutory duty to have regard to the setting of the conservation area set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
- c The Councils Urban Design Guide 2001 and non statutory policies entitled "Breaches in Boundary Walls" in December 2000
- d The views of the Community Council and the objectors

The policies in the Finalised Dundee Local Plan Review are similar to those in the adopted Local Plan and it is therefore considered that the proposed development fails to comply with Policies 15, 55 and 61 of the Finalised Plan for the same reasons as it fails to comply with Policies BE4, BE1 and BE11 of the adopted Local Plan.

The statutory duty set out in Section 64 of the Act is broadly similar to Policy BE11 of the adopted Local Plan and identical to Policy 61 of the Finalised Dundee Local Plan Review. Again it is considered that the proposed development fails to meet the statutory requirements for the same reasons as it fails to comply with the relevant development plan policies.

The Council adopted non statutory policies entitled "Breaches in Boundary Walls" in December 2000. These policies state that where a wall contributes to the character of a conservation area then proposals which detract from this character will not normally be approved. In this case it is considered that the wall does contribute to the character of the conservation area and that the breach to from a vehicular access will detract from the character and appearance of the conservation area.

The Councils Urban Design Guide 2001 seeks to encourage good urban design. It is considered that the proposed development fails to meet the aspirations for good design by reason of its disruptive impact on the established character of this part of the conservation area.

The views of the Community Council and the objectors in so far as they relate to design matters have already been considered in this report. The Community Council have submitted additional concerns about the impact on the existing house and this matter has been considered in the context of Policy H4 where it is noted that 8 Douglas Terrace will lose much of its garden ground and will have less satisfactory arrangements for the garaging of vehicles. The concerns of the Community Council about the erosion of the stock of large family houses in appropriate grounds are considered to be valid.

The residents of the flats to the north of the site have also raised concerns about traffic and parking problems at East Home Street. It is a narrow street with poor visibility and on street parking should not be encouraged. However the proposed garage is set back some 5.5 metres from the road and there is a paved area in front of the house available for parking. In these circumstances it is considered that the proposed development is unlikely to give rise to on street parking. The concerns of the objectors relating to disruption during the construction period are not considered to be valid as the level of disruption would be no different from any development proposal in this area.

It is concluded from the foregoing that the material considerations all weigh against the proposed development. It is therefore recommended that planning permission be refused.

## Design

The design of the proposed house is modern and of a fairly typical suburban style with finishes of roughcast walls with limited stone facing, slate, white upvc windows and hardwood doors. It is not considered that the insertion of the proposed house in the rear garden of the villa at 8 Douglas Terrace and the breach to the boundary wall are appropriate for

this sensitive site within the Broughty Ferry Conservation Area.

## CONCLUSION

The proposed development will detract from the visual amenity and character of the Broughty Ferry Conservation Area, contravening Policies BE1, BE4 and BE11 of the adopted Local Plan, Policies 15, 55 and 61 of the Finalised Local Plan Review and the statutory duty to have regard to the preservation or enhancement of the character or appearance of the conservation area. In addition the development will adversely impact on the residential amenity enjoyed by the occupants of the existing house at 8 Douglas Terrace.

## RECOMMENDATION

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

### Reason

- 1 The proposed development would adversely affect the character and appearance of the Broughty Ferry Conservation Area and thereby contravene Policy BE11 of the adopted Dundee Local Plan 1998 and the statutory duty under Section 64 of the Planning (Listed Buildings and Conservation Areas) Act to have regard to the conservation area because it would involve the insertion of a house of modern suburban design in a setting of substantial stone villas with high enclosing walls to East Home Street and would breach the roadside boundary wall to form a vehicular access and it is considered that there are no reasons for approving the proposed development contrary to the Plan.
- 2 The proposed development would contravene Policies BE1 and BE4 of the adopted Dundee Local Plan 1998 by reason of the disruption for the established character of the area, the standard house type, proximity of windows to the house at 8 Douglas Terrace and lack of information on tree and shrub protection and proposed planting and it is considered that there are

no reasons for approving the development contrary to the Plan.

- 3 The proposed development would adversely impact on the residential amenities of the existing house at 8 Douglas Terrace contrary to Policy H4 of the adopted Local Plan by reason of the loss of garden ground, the arrangements for accessing the proposed new garage and the design and form of the proposed house and it is considered that there are no reasons for approving the proposed development contrary to the Plan.
- 4 The proposed development would contravene Policies 15, 55 and 61 of the Finalised Dundee Local Plan Review because of the insertion of a housetype of standard design, the breach to the boundary wall and the lack of provision for landscaping.