

KEY INFORMATION

Ward Broughty Ferry

Proposal
Erection of double garage

Address
4A Hill Street
Broughty Ferry
Dundee
DD5 7JL

Applicant
Mr & Mrs I Gibson
4A Hill Street
Broughty Ferry
Dundee
DD5 2JL

Agent

Registered 25 June 2003

Case Officer G Reid



Proposed Double Garage in Hill Street

The erection of a double garage is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the proposed garage is in accordance with the policies of the development plan.

The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a double garage at 4A Hill Street, Broughty Ferry, Dundee.
- The proposed development raises issues for consideration in terms of the Housing and Built Environment Policies of the Dundee Local Plan 1998 and Policy 14 and Policy 61 of the Finalised Dundee Local Plan Review.
- A single letter of objection was received from a neighbour to the west. The main grounds of objection raised were that the proposed garage would be out of keeping with the established character of the conservation area, would have an adverse affect on an established silver birch tree and would have an adverse affect on the amenity by virtue of overshadowing, overlooking and loss of privacy.
- It is considered that the proposed development is in accordance with the Housing and Built Environment Policies of the Dundee Local Plan 1998 and Policy 14 and Policy 61 of the Finalised Dundee Local Plan Review. In addition, it is considered that the concerns raised by the objector are of insufficient weight to warrant refusal of the application.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a double garage at 4A Hill Street, Broughty Ferry, Dundee.

The garage is to be located to the rear (north) of the house and is to be 1 metre from the western boundary of the site. The existing access from Hill Street is to be utilised.

The garage will provide space for two vehicles. It is to be finished in a wet dash render and painted. The roof is to be pitched and finished in slate.

SITE DESCRIPTION

The application site is located on the south side of Hill Street and is to the west of the junction with Hill Road. The application property is a modern, detached, 3-storey house with garden ground to the south and an area of hardstanding to the north. Vehicular and pedestrian access to the house is from Hill Street. There is an existing stone boundary wall to the north. The site is surrounded on all sides by residential properties.

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 H1: advises that within residential areas developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents.

Housing Policy H4: this policy seeks to ensure that alterations and extensions to houses do not adversely affect the appearance of the property or the surrounding area. In addition, the policy advises that approval is unlikely to be granted where 1) the siting and scale of the extension significantly affects the degree of sunlight, daylight and/or privacy enjoyed by the occupants of adjoining property, 2) where the materials style and form are alien to the existing building and 3) where more than 50%

of the original garden ground would be lost and off-street parking reduced.

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 14 Alterations and Extensions to Houses: this policy advises that proposals to alter or extend existing dwellings will only be permitted where:

- there is no adverse impact on the appearance of prominent elevations of the house; and,
- there is no significant loss of sunlight, daylight or privacy to the occupants of neighbouring properties; and,
- more than 50% of the original useable garden area will be retained; and,
- the design and materials respect the character of the existing building.

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

Key Theme 15 is relevant to the consideration of this application. This theme seeks to ensure that diversity and local distinctiveness are valued and protected. The application site is located within the Forthill Conservation Area. It is considered that given the design and finishing materials proposed the development would be in accordance with Key Theme 15.

SITE HISTORY

Planning Application 01/25211/D: Extensions to south elevation of house at 4A Hill Street, Broughty Ferry, Dundee. Approved on the 23 May 2001.

Planning Application 03/00283/FUL: Erection of double garage at 4A Hill Street, Broughty Ferry, Dundee. Withdrawn on 25 June 2003.

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 July 2003 as affecting the setting of the conservation area. A single letter of objection was received from a neighbour to the west. The main grounds of objection raised were that:

- The proposed garage would be out of keeping with the established character of the conservation area.
- The proposed garage would have an adverse affect on an established silver birch tree.

- 3 The proposed garage would have an adverse affect on the amenity of the residents to the west by virtue of overshadowing, overlooking and loss of privacy.

In addition, the objector advised that the relocation of the garage by 1 metre did not resolve any of the above concerns.

A copy of the letter of objection is available in the Members' Lounges and the issues raised are addressed in the Observations section of this report.

CONSULTATIONS

No adverse comments were received from any of the statutory consultees.

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 proposed development is for a double garage with a pitched roof to the rear of the house at 4A Hill Street. The garage is to be finished in materials to match the existing house with a painted wet dash finish to the walls and slates to the roof.

This is the second application made by the applicant for a double garage. The previous application (03/00283/FUL) was submitted on 8 April 2003. An objection was received to the proposal from the neighbour to the west. In response to the objection the applicant withdrew the application and submitted a revised proposal. The revised proposals moved the garage 1 metre from the boundary wall to the west and reduced its length by 0.5metres.

Housing Policy H4 of the Dundee Local Plan 1998 sets out the criteria for the consideration of extensions and

alterations to existing houses. While the garage is not an alteration to the existing house it is considered that it would extend the facilities associated with the house through the provision of garaging of cars for the occupants. It is considered that the criteria of Housing Policy H4 should apply in this circumstance.

Housing Policy H4 seeks to ensure that alterations and extensions to houses do not adversely affect the appearance of the property or the surrounding area. As indicated above the garage has been designed using finishing materials in-keeping with the main house. The design also incorporates a pitched roof finished in slate. It is considered that the proposed garage would not adversely affect the appearance of the property or the surrounding area.

In addition, the policy advise that approval is unlikely to be granted where, (a) the siting and scale of the extension significantly affects the degree of sunlight, daylight and/or privacy enjoyed by the occupants of adjoining property, (b) where the materials, style and form are alien to the existing building and (c) where more than 50% of the original garden ground would be lost and off-street parking reduced. The following assesses the proposal against the above criteria:

- a This criteria advises that permission is unlikely to be granted where a proposal significantly affects the degree of sunlight, daylight and/or privacy enjoyed by the occupants of adjoining property. The proposed garage is to be built 1 metre from the boundary on the west side of the site. The applicant has advised that this is the maximum distance the garage can be moved and still allow vehicles to turn in from the street. The property to the west is the only one likely to be affected by the proposal. The property is a large stone built villa and is two storeys in height. There are several windows on the east elevation of this property, which face into the application site. The two windows closest to the development are a kitchen on the ground floor and a bedroom on the 1st floor. There is a difference in height between the two properties with the ground

floor of the adjacent property at a level below the ground level of the proposed location of the garage. The distance between the windows and the proposed garage would be approximately 6/7 metres. There is also a mature silver birch tree between the house and the proposed garage. This tree already affects the sunlight to this elevation of the house. In terms of sunlight the 1st floor window would not be significantly affected. The ground floor kitchen window would be affected but again it is considered that this would not be significant given the distance from the proposed garage and the presence of the Silver Birch tree. In terms of daylight it is considered that for the reasons outlined above there would be no significant detrimental affect on the windows of the house to the west. In terms of the affect on privacy it is considered that the garage will not have a detrimental affect. At present both windows can be looked into from the application property. The erection of the garage will provide a degree of screening for these windows and improve the existing situation. It is considered that the proposed garage would not significantly affect the degree of sunlight, daylight and/or privacy enjoyed by the occupants of adjoining property,.

- b It is considered that the materials style and form of the proposed garage are in keeping with the existing building and would not detract from its appearance or the appearance of the surrounding area.
- c The proposal would not result in the loss of more than 50% of the garden ground. In addition it would not result in the loss of off-street parking.

It is considered that the proposal is in accordance with Housing Policy H4 of the Dundee Local Plan 1998.

The proposed development is located within the Forthill Conservation Area and as such Built Environment Policy BE11 is relevant. As already discussed above it is considered that the garage has been designed to be in-keeping with the main house. The

finishing materials are to match the existing house and are considered to be appropriate for this part of the Forthill Conservation Area. The proposed development is considered to complement and enhance the character of the Forthill Conservation Area. The proposal is considered to be in accordance with Built Environment Policy BE11 of the Dundee Local Plan 1998.

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:

- a Does the proposal comply with Policy 14 and Policy 61 of the Finalised Dundee Local Plan Review.

Policy 14 Alterations and Extensions to Houses advises that proposals to alter or extend existing dwellinghouses will only be permitted where:

- a there is no adverse impact on the appearance of prominent elevations of the house; and,
- b there is no significant loss of sunlight, daylight or privacy to the occupants of neighbouring properties; and,
- c more than 50% of the original useable garden area will be retained; and,
- d the design and materials respect the character of the existing building.

These policies set out similar criteria to Housing Policy 4 of the Dundee Local Plan 1998. It is considered that the proposal does not raise any additional issues over those considered under Housing Policy 4. The proposal is considered to be in accordance with Policy 14 of the Finalised Dundee Local Plan Review.

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 criteria similar to Built Environment Policy BE11 of the Dundee Local Plan 1998. It is considered that the proposal is in accordance with Policy 61 for the same reasons as set out in terms of Built Environment Policy BE11.

A single letter of objection was received from the neighbour to the west of the application site. The concerns raised are considered in the following:

- 1 "the proposed garage would be out of keeping with the established character of the conservation area". This issue has already been addressed in the consideration of the proposal in terms of Built Environment Policy BE11 and Policy 61. Given the design and finishing

materials proposed it is considered that it would not adversely affect the character of the conservation area.

- 2 "the proposed garage would have an adverse affect on an established silver birch tree". The silver birch tree is an established tree on the west side of the boundary wall and at a significantly lower ground level. The construction works associated with the garage would not affect the tree. Although the garage will be close to the tree it is considered that it would not adversely affect the health of the tree.
- 3 "The proposed garage would have an adverse affect on the amenity of the residents to the west by virtue of overshadowing, overlooking and loss of privacy". The issue of overshadowing has been addressed in the consideration of the application in terms of Housing Policy H4 and Policy 14 above. In terms of overlooking and privacy the windows of concern to the objector are clearly overlooked at present from the area of hardstanding and the steps and path to the side of the application property. The garage would result in a degree of screening of these windows from the application property. And particularly vehicles and people entering the property from Hill Street. It is considered that the garage would not have a detrimental affect in terms of overlooking or privacy

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 garage has been designed to be in keeping with the existing house and utilises materials to match. It is considered that the garage is of a good quality design and would not have an adverse affect on the established visual character of the area.

CONCLUSION

It is considered that the proposed development is in accordance with the Housing and Built Environment Policies of the Dundee Local Plan 1998 and Policy 14 and Policy 61 of the Finalised Dundee Local Plan Review. In addition, it is considered that the concerns raised by the objector are of insufficient weight to warrant refusal of the application.

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 Samples of finishing materials shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out using only the approved samples.
- 3 That the applicant notifies the Council of the start of the works for the construction of the double garage and that all works including the painting are completed within a year of the start date.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure that the finishing materials are of an appropriate standard and are in keeping with those of the main house.
- 3 To ensure that all works are completed within a reasonable timescale and that any adverse affect on the visual appearance of the conservation area is avoided.