

**Ward** Barnhill

**Proposal**  
Erection of six houses and garages

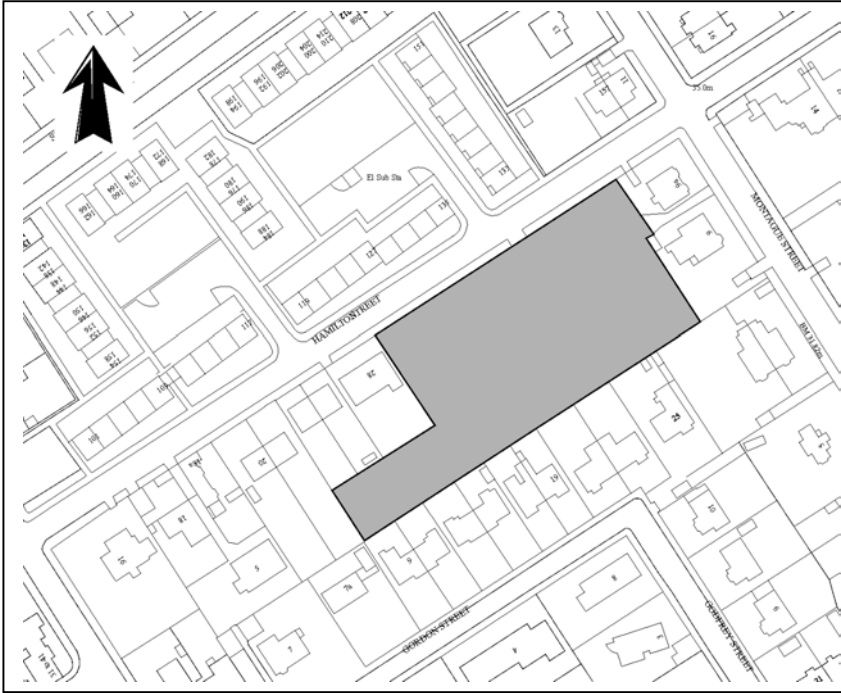
**Address**  
Land to East of 28 Hamilton Street  
Broughty Ferry  
Dundee

**Applicant**  
West Residential Ltd  
Castlecroft Business Park  
West Pitkerro  
Dundee DD4 8XD

**Agent**  
KDM Architects  
15 Camperdown Street  
Broughty Ferry  
Dundee DD5 3AA

**Registered** 16 Sept 2003

**Case Officer** C Walker



# New Houses Proposed for Barnhill

The Erection of six houses and garages is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development complies with the policies in the adopted and the Finalised Local Plan Review and will not adversely impact on the residential amenities enjoyed by adjoining occupiers. It is recommended for **APPROVAL** with conditions.

**SUMMARY OF REPORT**

- Planning permission is sought to erect 6 houses on the site, comprising 5 large detached houses with accommodation on 2 levels on the Hamilton Street frontage and a bungalow to the rear of the site accessed from a private drive at the western end of the site.
- The site is allocated for housing in the adopted Local Plan under Proposal HS43 and in the Finalised Dundee Local Plan Review under Proposal H63.
- 4 letters were received stating concerns about overlooking and loss of privacy and about the design of the proposed houses.
- The proposed development complies with the policies in the adopted Dundee Local Plan 1998 and the Finalised Dundee Local Plan Review and will not adversely impact on the residential amenities enjoyed by adjoining occupiers. The design of the proposed development is also considered to be satisfactory.

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## DESCRIPTION OF PROPOSAL

Planning permission is sought to erect 6 houses on the site, comprising 5 large detached houses with accommodation on 2 levels on the Hamilton Street frontage and a bungalow to the rear of the site accessed from a private drive at the western end of the site.

The houses on Hamilton Street comprise 2 different house types. The 2 houses at either end of the row have detached double garages set in front of them and the 3 houses in the middle have integral double garages. All the houses have 4 bedrooms and lounges both upstairs as well as downstairs. The bungalow to the rear has 4 bedrooms and a detached double garage.

The house designs have a one and a half storey appearance to Hamilton Street and are of typical suburban style with finishes of drydash render and reconstituted stone on the walls and concrete roof tiles. Garden sizes vary with private areas ranging from 178 to 343 sq. metres.

The houses on Hamilton Street have deep plans and are set back approximately 11 metres from the street (the end houses have garages in front of them). The spacing between the houses is approximately 4 metres. The distance to the rear boundary ranges between 19 and 21 metres.

The bungalow to the rear is set back some 2 to 3 metres from the northern boundary and 3 metres from the southern boundary at the nearest point.

## SITE DESCRIPTION

The site comprises some 0.46 ha of disused ground on the south side of Hamilton Street. The ground is level and contains no significant features or trees. It is surrounded to the east, west and south by low density housing, with bungalows to the east and west and a mixture of house types from bungalows to 2 storey houses to the south. To the north, on the opposite side of Hamilton Street, is a higher density development of terraced villas and cottages.

## 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 is allocated for housing under Proposal HS43. This states that to improve choice the development may be a mixture of larger houses and some flats.

Policy H1 promotes development in existing residential areas where they do not adversely affect the environmental quality enjoyed by local residents.



Policy H4 sets out standards for infill development.

Policy H10 sets out standards for new housing development.

Policies BE1 and BE3 encourage high standards of design and appropriate and imaginative finishing materials.

Policy BE4 relates to development within garden ground areas.

### 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:

The site is allocated for housing under Proposal H63 of this Plan.

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.

## Scottish Planning Policies, Planning Advice Notes and Circulars

The Government's Policy on Architecture 2001 and Designing Places 2001 emphasise the importance of design in the planning process. PAN67 Housing Quality is also of relevance.

## Non Statutory Statements of Council Policy

The Council's Urban Design Guide is of relevance.

## LOCAL AGENDA 21

The proposed development of this urban site served by existing facilities is considered to be sustainable.

## SITE HISTORY

The site was once a market garden but has been disused for many years. The disused nature of the site has been the subject of previous complaints from local residents and Wasteland Notices have been served to have the site tidied up.

In May 2003 an application to erect 8 houses on the site was submitted (ref no 03/00396/FUL). That application was similar in some respects to the current proposals but included an extra house on the Hamilton Street frontage and an extra bungalow to the rear of the site. A report was drafted on the application recommending it for refusal at the August Development Quality Committee meeting but the application was withdrawn prior to its determination.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 4 letters were received from the occupiers of surrounding houses (copies available for inspection in the Members Lounges). The concerns of 3 of the objectors relate to the possibility of overlooking of their houses and gardens from the upper floor full length windows of the proposed houses on Hamilton Street. The objectors note that the windows serve a lounge area and form a type of balcony when opened. They state that the proposed houses will be higher than their houses and that they would be closer to them than those proposed in the previous application for 8 houses. They are also concerned about the design of the proposed houses which they consider will be out of keeping with the surrounding houses. The fourth objector is concerned about the proximity of the proposed bungalow to his boundary and the consequent loss of privacy and amenity particularly if boundary trees and shrubs are damaged or removed. These concerns are considered in the Observations Section of this Report.

## CONSULTATIONS

No adverse comment on the development was received from 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 proposal is wholly compliant with the allocation of the site for housing under Proposal HS43.

Policies H1 and H4 are concerned with the residential amenities of adjoining occupiers. In this context the objectors

have concerns about overlooking and privacy. However the layout and spacing of the houses is considered to be satisfactory. Of the 5 houses proposed on Hamilton Street, 4 will be almost 21 metres from the southern site boundary and the 5th will be just over 19 metres distant. The houses on Gordon Street to the south are of course set back from this boundary and do not have significant upper floor windows on their northern elevation. The closest building to building distance (window to window distances are further) is 25 metres. Even taking into account a difference in level and the fact that the upper floor windows on the proposed houses are full length inward opening windows serving lounge areas, the considerable window to window distances involved means that there will be no unacceptable overlooking of adjoining properties.

The 5 houses on Hamilton Street are set back from the existing building line. The 2 end houses are close to the existing houses at 28 Hamilton Street and 9 and 9a Montague Street (7 metres at the nearest point) but contain no upper floor windows on their side elevations.

The proposed bungalow to the rear of the site is much closer to the rear gardens of houses at 9-13 Gordon Street and 24- 28 Hamilton Street (it varies from 3 to 7 metres from the Gordon Street properties and 2 and 3 metres from the Hamilton Street properties). However the existing boundaries are formed by high hedges and fences. It is considered that this distance is sufficient to ensure the retention of these boundaries. Subject to their retention and upgrading (if necessary) there will be no unacceptable loss of privacy to the adjoining houses.

The design and layout of the development is considered satisfactory in terms of the requirements of Policy H4. In these circumstances it is considered that the development complies with Policies H1 and H4 of the adopted Local Plan.

In terms of Policy H10 the proposed development is generous in terms of its layout and meets all the requirements on house and garden size, privacy and parking. It is considered that the design of the proposed development is satisfactory and meets the aspirations

set out in Policy H10 of the Local Plan.

Policies BE1 and BE3 also deal with design quality. Policy BE1 refers in particular to the requirement for development to be carefully integrated into its surroundings as regards scale, form, siting, alignment, materials and landscaping. It refers to the need for infill development to respect, amongst other matters, established building spacing. Policy BE3 encourages the use of appropriate and imaginative finishing materials. It is considered that the layout of the proposed development and the finishing materials proposed are appropriate, that the development respects the prevailing densities in the area and that it satisfies the requirements of Policy BE1 of the Local Plan.

Policy BE4 relates to garden ground development. The preamble to this policy states that the unique character of these areas is typified by villas set in large garden grounds with mature planting. The position here is slightly different in that there are no existing buildings or trees worthy of protection on the site. Most of the requirements of Policy BE4 do not therefore apply. Policy BE4(A) states that proposals must be of high quality design and use appropriate materials. It is considered that the design of the development, with particular regard to its layout and form, complies with Policy BE4 of the Local Plan.

It is concluded from the foregoing that the proposal does not comply with Policies H1, H4, H10, BE1 and BE4 of the adopted Local Plan.

### Other Material Considerations

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

- a The Finalised Dundee Local Plan Review.
- b Government Guidance on architecture and design.
- c The Dundee Urban Design Guide 2001.
- d The views of objectors to this application.

The policies of the Finalised Dundee Local Plan Review are broadly similar to those in the adopted Local Plan. Housing Proposal 63 allocates the site for housing and the development is in

accordance with this proposal. Housing Policy 4 sets out standards for the design of new housing. The preamble to the policy stresses the importance of making a positive contribution to the urban environment and the Policy itself makes reference to the Council's Urban Design Guide. It also states that in low density areas the density of new development should reflect this. The proposed development complies with the qualitative standards on house type, parking, garden space and privacy set out in Appendix 1.

Policy 15 relates to garden ground development and as with Policy BE4 of the adopted Local Plan contains a requirement that proposals are of high quality design and use materials appropriate to the surroundings. For the same reasons as with Policy BE4 it is considered that the proposed development complies with Housing Policy 15(a) of the Finalised Draft Plan.

Policy 55 states that for all new development the emphasis will be on design quality. The preamble to this policy refers to Government policy on design and the Council's Urban Design Guide. It is considered that the proposed development meets the requirements for good quality design in Policy 55 of the Finalised Local Plan.

Government advice on design in the "Policy on Architecture" 2001 and "Designing Places" 2001 together with PAN67 "Housing Quality" emphasises the importance of design in the planning process.

The Dundee Urban Design Guide 2001 also emphasises the importance of good design. It is considered that layout and form of the proposed development meets the aspirations of the Urban Design Guide.

The concerns of the objectors relate to the possibility of overlooking of their houses and gardens from the upper floor full length windows of the proposed houses on Hamilton Street and from the bungalow to the rear of the site. These matters have already been considered in the context of Policies H1 and H4 of the adopted Local Plan and it is considered that there will be no unacceptable loss of privacy or overlooking.

Some of the objectors are also concerned about the design of the proposed houses which they consider will be out of keeping with the surrounding houses. Again this matter is considered in the context of Policies H10, BE1, BE3 and BE4 of the adopted Local Plan and it is concluded that the design and siting of the proposed houses is satisfactory.

It is concluded from the foregoing that the only material consideration that weighs against the granting of planning permission for this development relates to the views of objectors. In this case it is considered that the concerns of the objectors ought not to result in the refusal of planning permission given the distance between the houses, the screening around the proposed bungalow and the acceptable design and layout of the development. It is therefore recommended that planning permission be granted with conditions.

### Design

The design of the proposed development is considered to be satisfactory. The proposed layout replicates the design of the existing houses in the area and continues the existing street pattern. The design and proposed finishing materials for the proposed houses are also considered to be satisfactory.

### CONCLUSION

The proposed development complies with the policies in the adopted Dundee Local Plan 1998 and the Finalised Dundee Local Plan Review and will not adversely impact on the residential amenities enjoyed by adjoining occupiers.

### 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 the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out

only in accordance with such approved samples

- 3 Prior to the commencement of development a report on contamination within the site and measures to deal with contamination (if present) shall be submitted for the written approval of the Council. The development shall only be carried out in full accordance with the approved scheme.
- 4 The existing boundary hedges shall be retained and shall not be cut down, grubbed out or otherwise removed or topped or lopped so that the height of the hedge falls below 2 metres at any point without the written consent of the Council. In addition measures for the protection and augmentation of the existing hedges shall be submitted to the Council for approval prior to the commencement of development and the development shall only be carried out in accordance with such approved measures.

Any hedge removed without consent or severely damaged shall be replaced with trees and shrubs of such size and species as may be directed by the Council. Any hedge dying or becoming seriously diseased within five years from the completion of development shall be replaced with hedging, trees or shrubs of such size and species as may be approved by the City Council

- 5 within six months of the first occupation of any of the dwellings, trees and shrubs shall be planted on the site in accordance with a scheme which has been submitted to and approved by the City Council. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition
- 6 the existing footway ex adverso the site on Hamilton Street shall be made up to adoptable standards at the developers expense prior to the occupation of any of the houses

- 7 details of the finished floor level of the proposed houses relative to existing ground levels shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details

**Reason**

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To ensure that any potential contamination within the site is adequately dealt with.
- 4 in order to protect the privacy of adjoining occupiers
- 5 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 6 in order to provide an adequate footway in the interests of pedestrian safety and amenity
- 7 In order to ensure that the houses do not dominate the neighbouring dwellings.