

KEY INFORMATION

Ward Broughty Ferry

Proposal

Outline consent for one detached dwelling house

Address

Land to West of
7 Reresmount Place
Broughty Ferry
Dundee DD5 2SN

Applicant

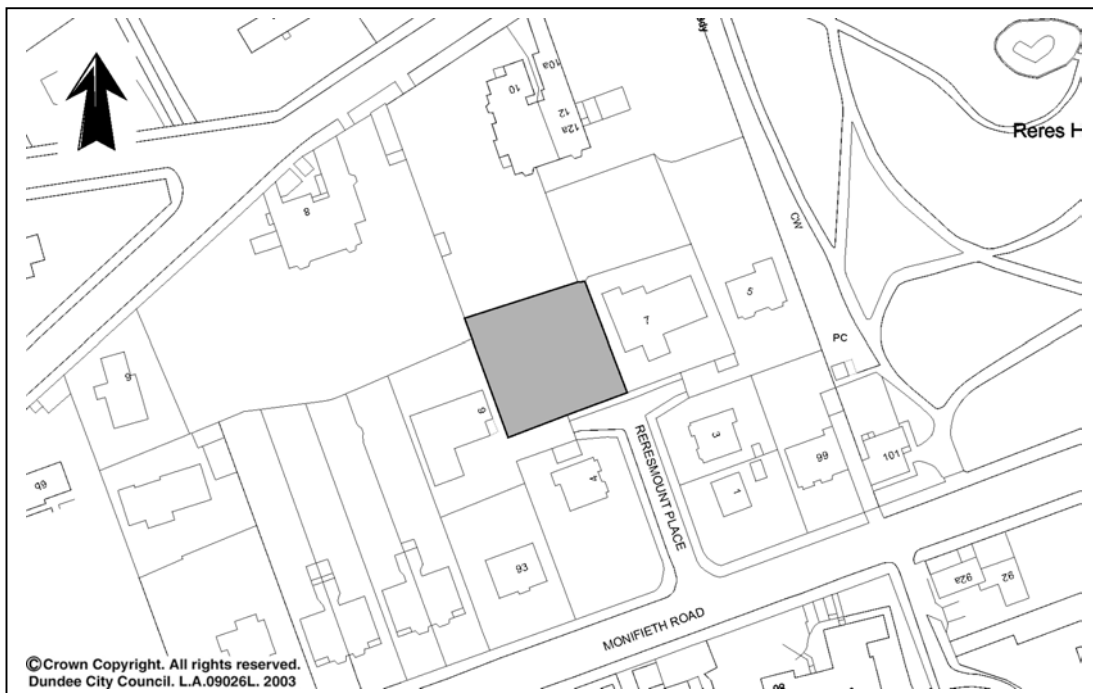
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Registered 11 May 2004

Case Officer J Finlay



Detached House Proposed in Reresmount Place

The Outline Consent for one detached dwelling house is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed outline application is considered to be contrary to the policies of the development plan. There are no material considerations that would justify approval of the application in these circumstances.

The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Outline planning permission is sought for the erection of a two storey detached house at Reresmount Place, Broughty Ferry, Dundee.
- The proposed house 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.
- Broughty Ferry Community Council object to the application on the grounds of loss of protected trees, adverse effect on conservation area and wildlife, setting of a precedent and insufficient useable garden ground provided with the proposed dwelling.
- One letter of objection was received from Broughty Ferry Environmental Project on the grounds of loss of trees, adverse effect on the visual and amenity value of the conservation area and setting a precedent.
- 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 15 and 61 of the Finalised Dundee Local Plan Review. In addition, it is considered that sufficient weight can be attached to the grounds of objection to warrant refusal of the application.

DESCRIPTION OF PROPOSAL

Outline planning permission is sought for the erection of a two storey house in garden ground on land to the west of Reresmount Place, Broughty Ferry, Dundee.

The applicant has provided some details of the house and layout of the site, which will be built into the slope of the site. The details set out a proposal for a detached, two storey house with three bedrooms, a double garage and one car parking space. The proposed materials are indicated as an off white wet dash harling for the walls, terracotta roof tiles and timber framed windows and doors.

The application includes the removal of 34 trees from the site and the applicant submitted a tree survey report with the planning application.

SITE DESCRIPTION

The application site is located on the north side of Reresmount Place and it is a tree covered site with an area of approximately 840sqm. The site slopes upwards from south to north.

There is a single storey house to the east with an integral garage on the front elevation and a single storey house to the west. The entrance to the house to the west is at the south west corner of the application site

Most of the trees on the site are protected by a Tree Preservation Order which has been effective from 7th May 2004.

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:

H2: Garden Ground Development and Sub-Division

H10: Design of New Housing

BE1: Design Quality

BE4: Development in Garden Ground

BE11: Development in Conservation Areas

ENV12: Existing Trees on Development Sites

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

Policy 15: Development in Garden Ground

Policy 61: Development in Conservation Areas

Policy 72: Trees and Urban Woodland



Scottish Planning Policies, Planning Advice Notes and Circulars

Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 advises that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Non Statutory Statements of Council Policy

The Urban Design Guide advises that new buildings including infill developments should be well designed, flexible and outwardly expressive as to their purpose. In addition, an agenda of imaginative and innovative contemporary architecture is sought to

discourage "off-the-peg" design and debased versions of historical styles.

LOCAL AGENDA 21

Key Theme 15 of Local Agenda 21 is of relevance to the determination of the application. It seeks to ensure that diversity and local distinctiveness are valued and protected. It is considered that given the location of the proposed house these aims are not met.

SITE HISTORY

There is no site history directly relevant to this particular site, however

planning permission was granted in the 1980s for the development of the sites to the east and west. Outline planning permission was granted in 2002 for the development of a single storey dwelling to the east of 10 Reres Road (the original dwelling house).

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one letter of objection was received from Broughty Ferry Environmental Project. The main grounds of objection were that

- 1 Most of the trees are mature and therefore play an important part in the visual and amenity value of the conservation area;
- 2 The trees could be better managed rather than removed;
- 3 The clearing of such a large number of trees could set a precedent in the area and lead to the removal of other mature trees;

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

The application was advertised as contrary to Policies H10 and BE4 of the Dundee Local Plan 1998 on 31st May 2004.

CONSULTATIONS

Broughty Ferry Community Council objected to the application as follows:

- 1 Almost all of the protected trees on the site will be destroyed. A number of these are worthy of retention;

- 2 Although the site is currently overgrown and not well managed it is still of considerable amenity value. Improved management would enhance this value. Its effective defoliation will have an adverse effect on the conservation area;
- 3 Destruction of trees on this scale could set a precedent and encourage removal of protected trees by other developers;
- 4 Wildlife on the site could be adversely affected by development;
- 5 Insufficient useable garden ground provided on this sloping, shaded, greenfield site.

The Council's Forestry Officer cannot support the removal of all the trees from the application site for the following reasons:

- 1 The trees are protected by a Tree Preservation Order and are within a conservation area;
- 2 At no time during pre-application stages did surveys indicate any dangerous or hazardous trees. Therefore further short term protection was not felt necessary
- 3 Although two of the larger trees are showing signs of structural problems, this is mainly due to poor management of the past 30 years and includes some recent pruning that was poorly carried out and this Authority were not notified
- 4 In order for a house of this style and footprint to fit onto the site, it would mean the removal of all trees on the site. It is considered that a management plan could be drawn up to reduce any hazard and/or nuisance value of the existing trees and retain the arboreal amenity of the area ie. the large turkey oak and lime could be retained by re-pollarding and the younger trees thinned out and formatively pruned under best practice guidelines. In particular, the larger yew tree should be retained as it has a very long lifespan and would eventually outgrow the oaks and become the dominant tree.
- 5 Should the proposal proceed, it would mean the removal of 34 significant trees from the local

area together with all the associated wildlife habitats for bird, small mammals and insects. Any replanting would be minimal in terms of this value and its associated wildlife value.

In conclusion, the Forestry Officer recommends the retention of the trees as a wooded plot and does not support this or any proposed development 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 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 permission. However the applicant has provided details including the layout, design and materials of the proposed 2 storey house. The plans illustrate that the house will have 3 bedrooms, a double garage, one car parking space and a garden area of 120sqm.

Policy H10 specifies the criteria to be met by new housing development in suburban areas. This includes the requirement for three bedrooms, a minimum of 120sqm of garden ground, 18m between facing habitable rooms, one parking space, a garage or space for one and each development must form interesting, safe spaces with interesting architecture giving a unique sense of place. On the basis of the details provided, the proposal complies with the criteria for house type/mix, parking and garage. Although the plans indicate that 120sqm of garden ground will be provided, it is arguable whether this will be private and useable as it is adjacent to the neighbouring driveway to the south. In addition, it will be surrounded by a 2m high fence which it is considered would have an adverse visual impact on the appearance of the area.

Policy H2 advises that in delineated areas development in garden ground will only be permitted if the criteria in Policy BE4 can be met. The proposal is assessed against Policy BE4 in the following paragraphs.

Policy BE4 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 to be met.

Criteria (A) of BE4 requires proposals to be of a high quality design and use materials appropriate to the surrounding area. The design of the house appears acceptable and as the application is only for outline permission details of the design and materials can be conditioned as a reserved matter. Criteria (D) seeks to ensure that a window to window distance of 25 metres is maintained. There are four windows on the west elevation of the house to the east and they are less than 25m away. Therefore the proposal does not comply with criteria D. Criteria (E) seeks to resist new buildings in front of the main elevation of the existing house, apart from a single storey lodge-like house. The proposed house is not located in front of the building line of the existing house and so the proposal complies with this criteria. The proposal is contrary to the general ethos of Policy BE4, which is to protect landscaped features of such areas and as such is contrary to section (I). Given that the proposal includes clearing the site of trees, this main aim is not met and the character of the area is not maintained. The proposal would result in a house built on a steep slope with below average useable garden ground and an unacceptable loss of trees which would subsequently erode the character of the area.

The proposal is considered to be contrary to criteria (D) and (I) of Policy BE4 and is therefore also considered to be contrary to Housing Policy H2

Built Environment Policy BE1 seeks to encourage the highest standards of composition and design in all new

developments and emphasises that infill developments 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 proposed house does not pay due regard to the established building spacing, alignment, orientation and roof lines. The majority of houses in this cul-de-sac are single or 1.5 storey and the proposed house is two storey and is set further back on the site. The proposal therefore does not relate closely to the established character of the surrounding area and is therefore not of the highest standard of composition or design.

The proposed development is located within the Reres Hill 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. The current proposal is for a two-storey house on a steeply sloping site between single storey and 1.5 storey houses. The site is currently a wooded plot with a substantial number of mature trees, which contribute to the character of the area. It is considered that the loss of these trees would be to the detriment of the area and decrease its visual amenity value.

Policy ENV12 seeks to protect existing healthy mature trees not only for their visual amenity value but also for their wider environmental significance in giving shelter, combating atmospheric pollution and providing an important habitat for wildlife. The Council's Forestry Officer does not support the felling of all trees on this site due to their significant arboreal amenity value and contribution to the character and appearance of the conservation area. The trees are protected by a Tree Preservation Order and the applicant has submitted a tree survey report outlining their justification for the complete removal of the trees. In summary, some of the trees are found to be diseased but the entire site needs to be cleared to accommodate the proposed development. This is not considered an acceptable reason for complete tree removal from the site. For these reasons, it is considered that the proposal is contrary to Policy ENV12.

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 Dundee Local Plan Review

Policy 4 on the Design of New Housing is similar to Policy H10 of the adopted Local Plan. Instead of requiring a minimum of 120sqm garden ground, it specifies that on greenfield sites an average useable garden ground of 150sqm should be provided. As previously discussed, it is arguable whether the garden ground is private due to its location adjacent to a neighbouring driveway. Furthermore, it is considered that the erection of a 2m high fence around the garden boundary would be unacceptable in appearance. For this reason it is considered that the proposal does not comply with Policy 4.

Policy 15 is concerned with development in garden ground and is similar to Policy BE4 of the adopted Local Plan. It is contrary to criteria (h) as discussed before.

Policy 61 advises that all development proposals in conservation areas will be expected to preserve or enhance the character of the surrounding area. This policy sets out similar criteria to Policy BE11 of the adopted Local Plan. It is considered for the same reasons already discussed that the proposal is contrary to this policy.

Policy 72 of the Finalised Plan Review is concerned with the protection of existing mature healthy trees and is similar to Policy ENV12 of the adopted Local Plan. For the same reasons the proposed development is considered to contravene Policy 72.

Objections

One letter of objection was received from Broughty Ferry Environmental Project and their main grounds of objection relate to the loss of mature trees and the subsequent adverse visual impact on the area. The proposal has been assessed against Policies BE4, BE11 and ENV12 of the adopted Local Plan and Policies 15, 61 and 72 of the Finalised Plan Review and it has been concluded that the proposed loss of

trees is not acceptable due to the adverse impact on the character and appearance of the site which is located within Reres Hill Conservation Area.

Broughty Ferry Community Council objected to the proposal due to the loss of trees and its subsequent adverse visual impact on the conservation area and loss of wildlife. As discussed above the proposal has been assessed against the relevant policies and it is considered that the proposal is not acceptable. They also object to the lack of useable garden ground provided and this has been assessed in terms of Policy H10 of the adopted Local Plan and Policy 4 of the Review and it has been concluded that the proposal is contrary to these policies.

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 design of the house appears acceptable, although it is arguable whether a 2 storey house can fit appropriately into the site at this location as there are no neighbouring two storey houses and it may subsequently look out of character. The matters of design were not pursued at this stage as there were overriding concerns about the loss of trees on the site and the general acceptability of development of the site.

CONCLUSION

The proposed development is considered to be contrary to Policies H2, H10, BE4, BE11 and ENV12 of the Dundee Local Plan 1998 and Policies 4, 15, 61 and 72 of the Finalised Dundee Local Plan Review. There are no material considerations that would justify approval of the application contrary to the provisions of the development plan in these circumstances.

RECOMMENDATION

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

Reason

- 1 The proposal is contrary to Policy ENV12 of the Dundee Local Plan 1998 and Policy 72 of the Finalised Dundee Local Plan Review due to the unacceptable loss of mature trees and the subsequent adverse impact on the visual amenity of the area and loss of wildlife. There are no material considerations that would justify departing from the policies of the development plan in these circumstances
- 2 The proposed development is considered to be contrary to Built Environment Policy 4 of the Dundee Local Plan 1998 and Policy 15 of the Finalised Dundee Local Plan Review as it fails to meet all of the criteria. In particular, it fails to comply with criteria (D) and (I) as there will a window to window distance of less than 25m and it will result in the loss of trees and over-development of the site to the detriment of the established character of the surrounding area. There are no material considerations that would justify a departure to the policies of the development plan in these circumstances.
- 3 The proposed development is considered to be contrary to Policy H2 of the Dundee Local Plan 1998 as it fails to meet the criteria set out in BE4. There are no material considerations that would justify departing from the policies of the development plan in these circumstances.
- 4 The proposed development is considered to be contrary to Policy H10 of the Dundee Local Plan 1998 and Policy 4 of the Finalised Dundee Local Plan Review as the proposed garden ground will not be private and useable due to its location adjacent to a neighbouring driveway and the unacceptable appearance of 2m high fences around the garden boundary. There are no material considerations that would justify departing from the policies of the development plan in this instance.
- 5 It is considered that the proposed development is contrary to Policy

BE11 of the Dundee Local Plan 1998 and Policy 61 of the Finalised Dundee Local Plan Review as the proposed loss of trees, which are also protected by a Tree Preservation Order will detract from the character and appearance of the conservation area. There are no material considerations that would justify departing from the policies of the development plan in these circumstances.