

KEY INFORMATION

Ward Broughty Ferry

Proposal

Change of use from garage to dwellinghouse with elevational alterations

Address

2 Maryfield Road
Broughty Ferry
Dundee DD5 2JJ

Applicant

Mr & Mrs R Hush
2 Maryfield Road
Broughty Ferry
Dundee DD5 2JJ

Agent

David Ireland Associates
18 South Tay Street
Dundee DD1 1PD

Registered 26 May 2004

Case Officer G S Reid



Proposed Conversion of a Garage into a House in Maryfield Road

The Change of use from garage to dwellinghouse with elevational alterations is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is not in accordance with the policies of the development plan.

The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for a change of use from garage to house including elevational alterations at 2 Maryfield Road, 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.
- Three letters of objection were received from residents in the surrounding area. The main grounds of objection were that the proposed development would result in the squeezing in of a new house causing congestion in an already congested road and increased parking and congestion problems in Maryfield Road.
- Broughty Ferry Community Council also objected to the proposal on the grounds that the proposal did not meet the guidelines for new housing in terms of garden ground, design, privacy, number of bedrooms and due to the loss of garage and garden ground to the existing house.
- 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 4, 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

Planning permission is sought for a change of use from garage to new house including elevational alterations, at 2 Maryfield Road, Broughty Ferry, Dundee.

The proposed house is to be one and a half storey in height. The accommodation is to include a kitchen/dining room, toilet and lounge on the ground floor and 2 bedrooms and toilet/shower room on the upper floor.

In order to facilitate the accommodation on the upper floor the roof of the garage needs to be increased in height by approximately 0.9 metres. In addition, the hipped roof on the north elevation is to be replaced with a gable and the gable on the south elevation extended. The proposal also includes a dormer extension to the new roof to the west to accommodate the toilet/shower room. Velux windows in the roof are proposed for the bedrooms with various new openings at ground floor level to accommodate doors and windows. The roof is to be finished in slate with render and timber lining to the walls.

An additional opening is to be created in the garage wall onto the street to form a new integral garage with space for a single car is included as part of the house.

Private useable garden ground of approximately 128 sq.metres is provided to the rear (east) of the house.

The proposal results in a significant reduction of the private garden ground to the original house leaving approximately 90 sq. metres of which 29 sq metres are occupied by an existing garage type building.

SITE DESCRIPTION

The application site is located on the east side of Maryfield Road and is to the north of the junction with Camphill Road. The application site is a single storey stone built double garage and attached store. The roof is finished in natural slate. Access to the garage is directly from Maryfield Road. The garage is located in the rear garden of the house at 2 Maryfield Road. The main house is two storey, detached and

finished in natural stone and slate. There is garden ground to the front of the house. In the rear garden is another garage type structure accessed from Maryfield Road. There is also off street parking to the south of the garage. The surrounding uses are all residential.

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 H10 Design of New



Housing is of relevance and sets out the guidelines for the design and layout of new housing.

Built Environment Policy BE1 Design Quality is of relevance and seeks 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. BE1 also advises that infill development should relate closely to the established character of the surrounding area, respecting established building spacing, alignment, orientation and rooflines.

Built Environment Policy BE4 Development in Garden Ground: this policy sets out the criteria for the consideration of proposals within grounds of existing houses and seeks to resist overdevelopment of these areas within the City.

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 4 Design of New Housing is of relevance and sets out the guidelines for the design and layout of new housing.

Policy 15 Development in Garden Ground: this policy sets out the criteria for the consideration of developments in garden ground and highlights that the scope for acceptable new development in garden ground is limited.

Policy 61 Development in Conservation Areas: all development proposals will be expected to preserve or enhance the character of the surrounding area.

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

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

SITE HISTORY

There is no site history of relevance to the consideration of this application.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and the application was advertised in the "Dundee Courier and Advertiser" on the 1st June 2004 as affecting the setting of the conservation area.

In response three letters of objection were received from residents in the surrounding area. The main grounds of objection were that:

- 1 The proposed development would result in the squeezing in of a new house causing congestion in an already congested road.
- 2 The proposed development would exacerbate existing parking and congestion problems in Maryfield Road.

Copies of the letters of objection are available in the Members' Lounges and are addressed in the Observations section of this report.

CONSULTATIONS

Broughty Ferry Community Council objected to the application as 1) the new garden was inappropriately small, 2) the design of the new house is of poor quality and fails to complement the existing house, 3) could result in overlooking between properties, 4) the proposal only has two bedrooms and is contrary to the guidelines for new housing developments in the development plan and 5) the loss of the garage and garden ground from the main house will contribute to the incremental decline in the quality of housing in the conservation area.

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 planning application submitted is for a change of use including alterations to form a new house from an existing garage.

The site is located outwith Central Broughty Ferry and falls to be considered against the criteria for new suburban housing under Policy H10 Guidelines. On the basis of the details given the proposal meets the minimum criteria for House Type/Mix, Garden Ground, Outdoor Drying Facilities, Privacy and Parking and Garaging.

In terms of urban design the house is not considered to be of an acceptable quality. There is to be a dormer on the west elevation facing onto the street. This would result in a cumbersome and incongruent feature on the building and in terms of the streetscape. The increasing of the height of the roof and the changes to the design and extent of the roof will increase the mass of the building in the site and street. It is considered that this would detract from the visual appearance of the area.

The proposal meets the minimum size for garden ground being made up of a flat area of 128 sq. metres. The development of the proposed house would significantly reduce the private garden ground to the rear of the existing house leaving it with less than 100 sq. metres of which 29 is occupied by another garage structure. While there is garden ground to front it is visible from the street and not particularly private. It is considered that the proposal only meets the minimum criteria for new housing in terms of House Type/Mix, Garden Ground, Outdoor Drying Facilities, Privacy and Parking and Garaging and

raises issues of concern in terms of urban design/layout.

While the proposal technically meets the minimum standards set out in Policy H10 guidelines it does not result in a high quality development and dramatically reduces the garden ground of the existing house.

Built Environment Policy BE4 of the Dundee Local Plan 1998 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 in which to consider applications.

Criteria (A) of BE4 requires proposals to be of a high quality design and use of materials appropriate to the surrounding area. As indicated above the design of the new house is not considered to be of an acceptable quality and in particular the main west elevation that faces into the street. The proposal is for the conversion of an existing garage into a relatively small one and a half storey house. This would not be in keeping with the main house to the east, which is a large two storey stone built villa and the properties in the surrounding area. The applicant has indicated materials that would be acceptable.

Criteria (D) seeks to ensure that a window to window distance of 25 metres is maintained. The distance between the windows of the proposed lounge and the main house would only be 7 metres. Therefore, the proposals do not meet criteria (D).

The proposal generally satisfies the remaining criteria contained within Policy BE4. The thrust of this Policy is to maintain the character of these areas and to resist over-development. The proposal would result in a house shoehorned into a small garden area and the erosion of the low-density character of this area in particular, the private garden ground of the existing house.

The proposal is considered to be contrary to criteria (A) and (D) of Policy BE4.

Built Environment Policy BE1 seeks to encourage the highest standards of composition and design in all new developments and stresses that infill developments should relate closely to the established character of the surrounding area, respecting established building spacing, alignment, orientation and roof lines. As already indicated above it is considered that the design of the house is not of an acceptable quality and does not relate closely to the established character of the surrounding area. It would also detract from the character of the existing house. It is considered that the proposed house is not of the highest standard of composition or design.

The proposed development is located within the Forthill 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. This part of the Forthill Conservation Area is generally characterised by large traditional houses within large garden grounds. The current proposal is for a small one and a half storey house shoehorned in to the rear garden of an existing large traditional house. The design of the house, as outlined above is considered to be poor. It is considered that to approve a house on this small site would detrimentally affect the character of this part of the conservation area due to the design of the house and by virtue of increasing the prevailing density and the loss of the garden ground and garage to the main house.

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:

Does the proposal comply with the following policies of the Finalised Dundee Local Plan Review:

- a Policy 4 Design of New Housing is of relevance and sets out the guidelines for the design and layout of new housing. The proposal does not meet the criteria for house type as it has only two bedrooms and has a floor area less than 100 sq. metres. The proposal does meet the minimum criteria for

Car/Cycle Parking, Privacy and Garden Ground although the garden ground. While the proposal on the basis of the information provided meets the minimum standards set out in the guidelines for Car/Cycle Parking, Privacy and Garden Ground it does not meet the criteria for House Type. In addition, the proposal does not result in a high quality development and dramatically reduces the garden ground of the existing house.

- b Policy 15 Development in Garden Ground sets out the criteria for the consideration of developments in garden ground and highlights that the scope for acceptable new development in garden ground is limited. This policy sets out similar criteria to Built Environment Policy BE4 of the Dundee Local Plan 1998. It does however include additional criteria covering prevailing densities in the area. While the proposal is acceptable in terms of Criteria (b), (c), (e), (f), (g), (h) and (I) it does raise issues in terms of Criteria (a) and (d).

Criteria (a) expects proposals to be of a high quality of design and use materials appropriate to its surroundings. This criteria is the same as for Criteria (A) of Built Environment Policy BE4 of the adopted Local Plan. It is considered that the proposal does not meet this criteria for the reasons set out in terms of Policy BE4.

Criteria (d) seeks to ensure that prevailing densities in the area are respected. As already indicated above it is considered that the proposal does not respect those of the surrounding area. The proposal is being shoehorned into a small site and will result in the overdevelopment of the site and the reduction of garden ground to an existing house. The proposal does not satisfy all of the criteria of Policy 15.

- c Policy 61 Development in Conservation Areas advises that all development proposals will be expected to preserve or enhance the character of the surrounding areas. This policy sets out similar criteria to Built Environment Policy BE11 of the Dundee Local Plan 1998. It is considered for the reasons

already set out in the consideration against Policy BE11 that the proposal is not in accordance with Policy 61 of the Finalised Dundee Local Plan Review.

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. For the reasons outlined above it is considered that the proposed development does not pay due regard to the preserving or enhancing the character or appearance of conservation area.

The Council's 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. For the reasons outlined in the report it is considered that the proposals do not achieve the aims of the Council's Urban Design Guide.

Objections from Residents

Three letters of objection were received from residents in the surrounding area. The main grounds of objection were that:

- 1 "The proposed development would result in the squeezing in of a new house causing congestion in an already congested road". In the consideration of the proposal against the policies of the local plan it is concluded that the proposal would result in the squeezing in of a new house to the detriment of the surrounding area.
- 2 "The proposed development would exacerbate existing parking and congestion problems in Maryfield Road". It is considered that the increase in vehicle movements as a result of the proposed development would not be so significant as to warrant refusal of the application.

Broughty Ferry Community Council objected to the proposed development on the grounds that 1) the new garden

was inappropriately small, 2) the design of the new house is of poor quality and fails to complement the existing house, 3) could result in overlooking between properties, 4) the proposals only has two bedrooms and is contrary to the guidelines for new housing developments in the development plan and 5) the loss of the garage and garden ground from the main house will contribute to the incremental decline in the quality of housing in the conservation area. These points have been addressed in the above considerations.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the refusal of planning permission.

Design

As outlined in the "Description of Proposal" section the proposal will result in significant changes to the existing garage. The roof is to be altered and increased in height and is to accommodate a dormer on the west (street facing) roof elevation. A new opening for the integral garage is to be formed. The proposed dormer is of a design that does not integrate with the character of the building and would result in an incongruent feature on the roof and the surrounding area. The increased height and size of the roof would result in an over heavy feature. The garage at present is of a scale that relates to the house and the street. It is considered that the proposed changes would result in an over dominant feature in the street. The proposal is not of a design that would be acceptable.

CONCLUSION

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 4, 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 objections to warrant refusal of the application.

RECOMMENDATION

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

Reason

- 1 The proposed development is not in accordance with Housing Policy H10 of the Dundee Local Plan 1998 as it fails to meet the criteria for new housing in terms of layout/urban design and the reduced garden ground of the existing house. There are no material considerations that would justify a departure to the policies of the development plan in this instance.
- 2 The proposed development is not in accordance with Built Environment Policy BE4 of the Dundee Local Plan 1998 as it fails to meet all of the criteria and in particular criteria (A) as it is of an inappropriate design, (D) there is a window to window distance of less than 25 metres and it would result in the over-development of the application site to the detriment of the existing house and established character of the surrounding area. There are no material considerations that would justify a departure to the policies of the development plan in this instance.
- 3 The proposed development is not in accordance with Built Environment Policy BE11 of the Dundee Local Plan 1998 and Policy 61 of the Finalised Dundee Local Plan Review as it would neither complement nor enhance the appearance of the area given its design and location and by virtue of increasing the prevailing density of housing in the area. There are no material considerations that would justify departing from the policies of the development plan in this instance.
- 4 The proposed development is considered to be contrary to Built Environment Policy BE1 of the Dundee Local Plan 1998 as the design fails to relate closely to the established character of the surrounding area and would significantly reduce the garden area of the existing house. 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 Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 as is neither preserves nor enhances the character of the surrounding conservation area given the design of the proposed house and the impact on the existing house in terms of reduction in garden ground.
- 6 The proposed development is contrary to Policy 4 of the Finalised Dundee Local Plan Review as it fails to meet all of the criteria and in particular the criteria relating to House Type.
- 7 The proposed development is contrary to Policy 15 of the Finalised Dundee Local Plan Review as it fails to meet all of the criteria and in particular criteria (a) given the design of the new house, and (d) as it does not respect the prevailing densities in the area.