

KEY INFORMATION

Ward Bowbridge

Proposal

Change of house type and position of house

Address

Constable Works
31-33 Constitution Street
Dundee DD3 6NL

Applicant

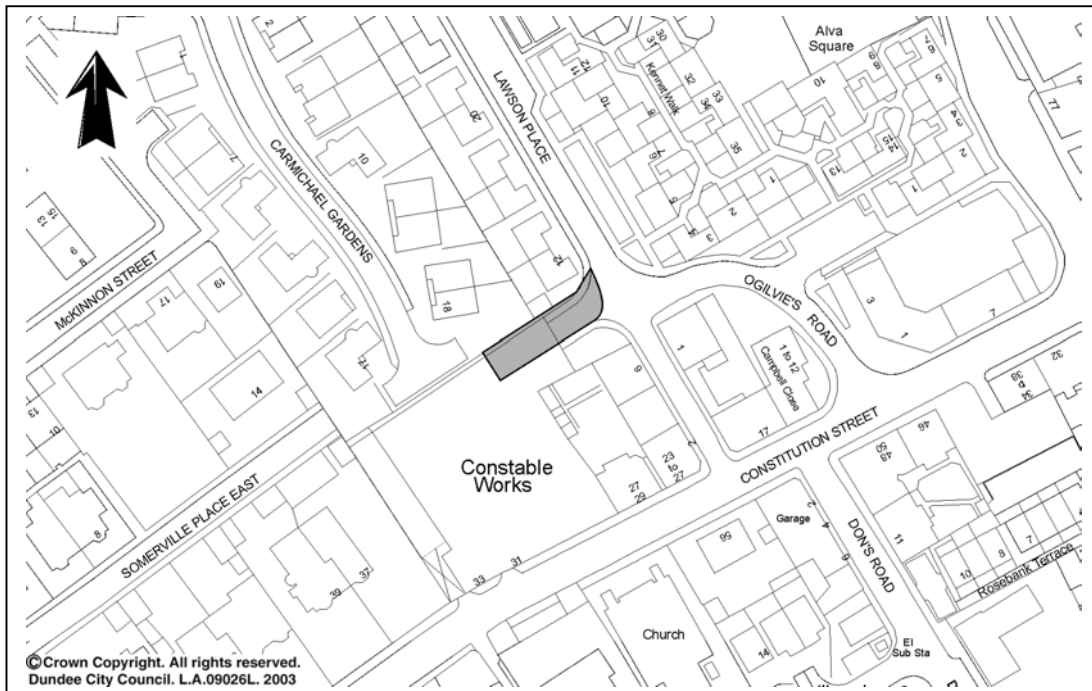
George Martin Builders
5-9 Fairfield Road
Dundee DD5 3AA

Agent

KDM Architects
15 Camperdown Street
Broughty Ferry
Dundee DD5 3AA

Registered 8 June 2004

Case Officer D Gordon



Proposed Alterations to a Housing Consent in Constitution Street

The Change of house type and position is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the proposed residential development is in accordance with the policies and proposals of the Dundee Local Plan. The site is identified in the Finalised Dundee Local Plan Review as a brownfield housing site. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought to reposition an access into a housing development site and to relocate and change the design of a detached house
- Two objections to the proposals have been submitted that raise issues relating to a reduction in privacy and the provision of boundary enclosures.
- It is considered that the proposed development is acceptable in design and accordance with the relevant policies of the development plan. The development is also considered to be in accordance with the policy requirements of the Finalised Dundee Local Plan Review. The site is identified in this Review as an inner city brownfield housing site.
- There are no material considerations of sufficient weight, including the issues raised by the objectors, that would justify the refusal of this application.

DESCRIPTION OF PROPOSAL

The proposal under consideration involves the repositioning of an access road and a detached dwelling house on a development site that was originally granted planning permission for the erection of 11 houses by this Council on 1 July 2003. The proposal also involves a change in the design of this dwelling. As part of the approved details for the development of the site, a new dwelling was to be located on the south side of the existing access road that led into the scheme from Lawson Place to the east. This building was to be attached to the adjacent tenement building to the south and was to be a 3-storey town house.

This existing access road has now been removed and a new access formed approximately 5.5m. to the south. This road will serve the new residential development. This has resulted in a proposed repositioning of the above house to a site on the north side of this new access road. This will place the new house adjacent to the existing residential properties at 12 Lawson Place and 18 Carmichael Gardens.

The new house will be 2 storeys in height and will accommodate an integral garage, a kitchen and lounge at ground floor level with 3 / 4 bedrooms and a bathroom at first floor level. The finishing materials will be facing brick and grey roof tiles to match the remainder of the approved housing on the site.

SITE DESCRIPTION

The larger residential development site is located on the north side of Constitution Street and to the west of Lawson Place. The site formerly accommodated a stone built factory building that has now been partially demolished. New housing is currently being erected within the site. The frontage onto Constitution Street remains and this is terminated at the south west corner of the site by a 3 storey former office building that was associated with the former Works. Adjacent to the south east corner there are 4 storey, stone built tenemental flats.

The application site currently under consideration forms the eastern section of this larger development site. The existing access road that previously serviced the site from Lawson Place

has now been removed and a new access route has been constructed. The site of the proposed new house is on the north side of the site adjacent to the 2 storey residential properties on Lawson Place and Carmichael Gardens. The application site currently sits at a higher level than the newly formed access route to the south.

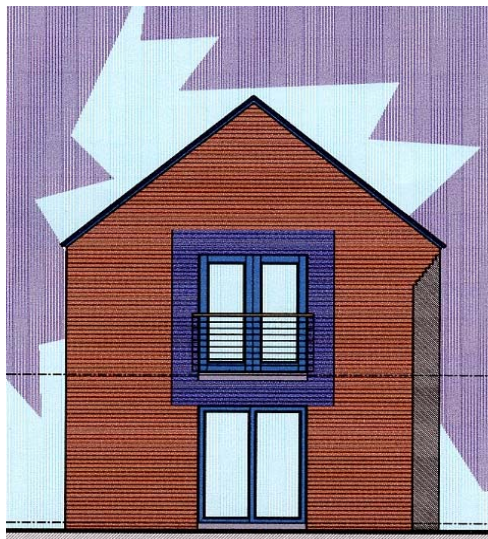
The surrounding area is residential in character.

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:

Policy H1 - Safeguarding the environmental quality enjoyed by local residents

Policy H4 - Infill developments and the protection of residential amenity

Policy H10 - Design of New Housing

Policy BE30 - Contaminated Land.

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 1: Vibrant and Sustainable Communities

Policy 4: Design of New Housing

Policy 79: Contaminated Land

Brownfield Housing Proposal - Proposal H26 (Constable Works).

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

The following policy statements are of relevance:

Dundee - The Urban Design Guide

LOCAL AGENDA 21

It is considered that the proposal is in conformity with the Council's Local Agenda Policies as it re-uses a brownfield site for appropriate development purposes

SITE HISTORY

03/00269/FUL - Partial Demolition of Existing Factory Building and the Redevelopment of the Site to Provide 11 Houses - Approved 01/07/2003.

PUBLIC PARTICIPATION

The statutory neighbour notification procedure has been completed by the applicants. Objections to the proposal have been received from 2 residents of Carmichael Gardens to the north. The main issues raised by the objectors relate to

- 1 The overlooking of the adjacent properties by the new house, particularly from the proposed first floor French doors located on the west elevation of the building.
- 2 The provision of an appropriate boundary enclosure along the north side of the development site.

Comments on these above issues are offered on 'Observations' below. Copies of the objections are available for inspection in the Members Lounges.

CONSULTATIONS

The relevant Council Departments and outside bodies have been consulted with regard to the proposals. The following comments have been received:

The Head of Environmental Health and Trading Standards has advised that, as with the rest of the site, there may be contamination issues and a condition regarding appropriate remediation measures to be carried out should be attached to any permission granted.

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 involves the repositioning of an access into an approved housing development, the relocation of a detached dwelling to the north side of this new line of the access road and a change in the design of the repositioned dwelling.

The new dwelling will be 2 storeys's in height (compared to the 3 storey's previously approved) and will be finished in facing brick and grey roof tiles to match the remaining houses for the site to the west. The house will accommodate an integral garage, kitchen and lounge at ground floor level and 3 / 4 bedrooms at first floor. A garden area of approx. 62 sq.m. is to be provided on the west side of the dwelling. The house has the ability to provide 2 off street car parking spaces.

Policy H1 - In predominantly residential areas, developments will be permitted where they do not adversely

affect the local environmental quality, including in terms of design, layout, parking and traffic movement issues and where they are in accordance with other policies and proposals of the Local Plan. The residential character of the surrounding local area confirms that this policy is of relevance in this instance.

It is considered that the design, layout, style, form and appearance of the new building are appropriate and acceptable in this location and will not detract from the visual quality of the surrounding area.

The use of the existing access that serviced the former industrial site from Lawson Place was considered suitable for the amount of new dwellings to be provided within the development site ie a total of 11. The repositioning of this access 5m. to the south is also considered acceptable as it will not significantly impact on the road traffic and pedestrian safety of the area.

The proposal is considered to be in accordance with Policy H1 of the Plan.

Policy H4 - Infill development will normally be granted providing the appearance of the surrounding area is not adversely affected. Approval is, however, unlikely to be granted where the siting and scale of the development affects the degree of sunlight, daylight and / or privacy enjoyed by the occupants of adjoining property and where the materials, style and form are alien to the surroundings. It was concluded above that the form, design and appearance of the proposed new house are acceptable in this location and indeed the proposal will represent an improvement in the visual quality of the local area.

It is also considered that the environmental quality of the adjacent residential properties will not be significantly affected by the proposals. The applicants have attempted to reduce the amount of habitable room windows overlooking adjacent houses in order to secure the privacy of the surrounding occupiers. It is also considered that any impact on the sunlight and / or daylight of the adjacent occupiers will be minimal.

Consequently, the application is considered to be in accordance with Policy H4.

Policy H10 - The design and layout of new housing will generally conform to guidelines set out within the Plan.

Architecture and scale of buildings must respect the surroundings and new development should address surrounding streets and most buildings should front onto streets. The new dwelling has a minimum of 3 bedrooms, a garden area of approximately 62 sq. m. and 200% off street car parking provision. This, together with the appropriate design and layout of the building (as discharged above), ensures that the proposal is in accordance with Policy H10.

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:

Brownfield Housing Proposals - Proposal H26. The site has been identified in the Review as a housing site.

Policy 1: Vibrant and Sustainable Communities. The terms of this policy are reflected in Policy H1 of the Dundee Local Plan as discussed above. It is concluded that the proposal is in accordance with this policy.

Policy 4: Design of New Housing. The terms of this Policy are generally reflected within Policy H10 above. It is concluded that the proposal is in accordance with this policy.

Objections to the Proposal

The application has been the subject of objections from 2 local residents. The main issues raised relate to the reduction in privacy of the adjoining dwellings and the requirement to erect an appropriate boundary enclosure along the north side of the site.

With regard to the issue relating to privacy, the application originally advised that the west elevation of the new house was to accommodate French doors at first floor level that would serve the master bedroom. The objectors raised concerns about the possible reduction in privacy by virtue of these doors and advised that their preference would be for windows to be provided in this elevation. The applicants were advised of the neighbouring concerns and amended this detail to an offset set of French doors that would look over the internal section of the new housing development to the west and south and

away from the existing neighbouring properties to the north. The objectors were notified of this change and again objected to the proposal on the grounds of a reduction in privacy. The objectors requested that a window be placed at first floor level on the west elevation of the house. The applicants submitted a further amendment indicating that 2 no. windows (measuring 900mm wide x 1.5mm high) were now proposed at first floor level. The objectors were notified of this further amendment and have again objected to the proposal on the grounds of a reduction in privacy. The submitted plans advise that the new house will look over the driveway of the adjacent dwelling in Carmichael Gardens and will be approx. 37.5 metres distant from the habitable room windows of the existing house located on the west side of Carmichael Gardens. It is considered that applicants have made every attempt to resolve the matter of the first floor west facing window. It is also considered that the proposed new windows in this elevation will not significantly impact on the privacy of the adjoining occupiers.

With regard to the issue of the boundary on the north side of the site, this matter has now been resolved by the proposal to erect a 1.8 metre high wall.

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 proposed new dwelling is in line with the design of the previously approved dwellings for this site. The design, scale, massing and layout of the house is appropriate and adds to the continuing improvement of this inner city brownfield site.

CONCLUSION

The proposed development is in accordance with the relevant development plan policies for the area. In addition, the development will not detract from the environmental quality currently enjoyed by the surrounding occupiers. There are no material

considerations that are of sufficient to refuse 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 Development shall not begin until a scheme to deal with any contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:
 - 1 The nature, extent and type(s) of contamination on the site.
 - 2 Measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - 3 Measures to deal with contamination during construction works.
 - 4 Condition of the site on completion of decontamination measures.

Before the residential unit is occupied the measures to decontaminate the site shall be fully implemented to the satisfaction of the planning authority.

- 3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 1992 as amended, no alterations to the west facing first floor window, following its installation, shall be undertaken without the prior written approval of the planning authority.

Reason

- 1 To comply with Section 58 of the Town & Country Planning (Scotland) Act 1997.
- 2 To ensure that the site is fit for the use proposed.
- 3 To protect the occupants of nearby housing from a reduction in privacy by virtue of further alterations to the first floor west facing window.