

KEY INFORMATION

Ward Tay Bridges

Proposal
Erection of two storey home

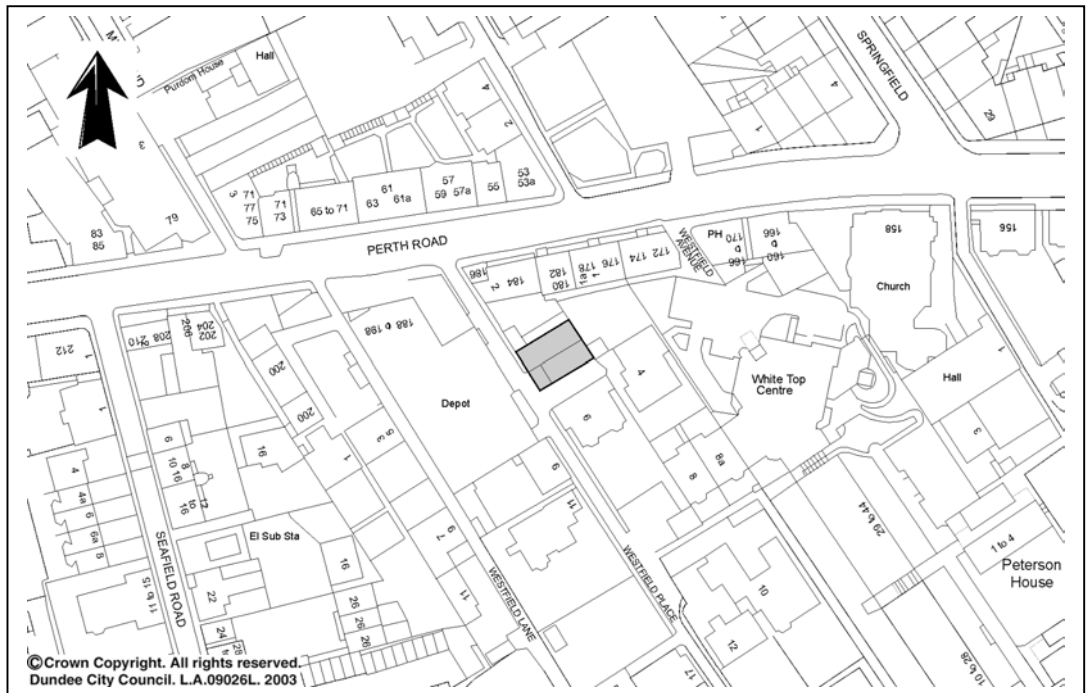
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Registered 20 Sep 2004

Case Officer Eve Jones



The erection of a two storey house is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal complies with the relevant policies in both the Dundee Local Plan 1998 and the Finalise Dundee Local Plan Review 2003 other than the provision of garden ground which is 45 rather than 50 square metres. The material considerations including a previous planning permission are strong and an objection cannot be supported. Accordingly the application is Recommended for APPROVAL subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a detached house with parking and an enclosed garden on a site on the east side of Westfield Place, close to its junction with Perth Road. The site was formerly occupied by a traditional stone built coach house and a lock-up. The coach house was virtually demolished following a fire in the lock up.
- The proposed house presents a blank wall to the properties to the north and has its principal windows facing southwards into the enclosed garden. The remnants of the coach house walls will be increased in height to form the south and east boundaries of the garden. The house is two storey with an asymmetrical roof to reduce its height. The materials are white wet dash roughcast, coloured panels, timber cladding at the door and metal mesh gates to the car ports. The roof is aluminium with a raised profile seam.
- The proposal complies with the relevant policies in both the Dundee Local Plan and the Finalised Dundee Local Plan Review other than the garden size which is 45 rather than 50 square metres. The garden is south facing and enclosed. The former coach house had planning permission for conversion to a house with only one car space and no garden. This proposal is a significant improvement in the quality of the accommodation provided.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a two storey detached house with two car parking spaces and an enclosed walled garden. The house is modern in design with an asymmetrical roof, a solid wall to the north elevation with most of the rooms facing southwards into the garden ground. The parking area is enclosed by sliding gates. It has two en-suite bedrooms on the upper floor. The original stone wall, which formed part of the coach house previously on the site, is retained and re-used as the garden wall.

SITE DESCRIPTION

The site lies on the east side of Westfield Place, 30 metres south from its junction with Perth Road. Westfield Place is a typical narrow lane bounded by high walls along much of its length. It is one way down from Perth Road to Roseangle. The site is currently vacant, cleared ground with a partial stone wall on the southern boundary. The surrounding properties to the north, east and south are all residential. There is a garage complex to the west comprising Kwikfit and a car repair business on the lower floor. There are residential properties to the south of the garage.

The site was formerly occupied by a stone and slate traditional style coach house and a timber garage on its northern boundary. The timber garage was destroyed in a fire and the coach house was demolished, without permission, at the same time the fire damaged garage was cleared. The site is currently being used for informal car parking, by the adjacent businesses, without planning permission.

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 H4 Protection of Amenity.

Policy H10 Design of New Housing.

Policy BE11 Development in Conservation 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

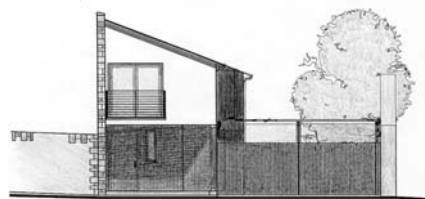
The following policies are of relevance:

Policy 4 Design of New Housing

Policy 61 Development in Conservation Areas.

Scottish Planning Policies, Planning Advice Notes and Circulars

The Memorandum of Guidance on Listed Buildings and Conservation Areas is 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

Theme 1 as the development involves re-use of a brownfield site, and Key Theme 13, Places, spaces and objects combine meaning and beauty with utility.

SITE HISTORY

D23497 Change of use of existing coach house to form house, permission granted subject to conditions 26/10/1998.

As noted in the Site Description above, the site was the subject of a fire in June 2002 following which the stone coach house was partially demolished. The high south wall was reduced in height

in the interests of public safety in June 2003.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and one objection was received from an adjoining neighbour to the north. The objection is on the grounds of overdevelopment and loss of parking, disruption of access during construction, overshadowing of garden, overlooking and loss of privacy. A copy is in the Members' Lounges and the issues will be considered in the Observations below.

CONSULTATIONS

The Head of Environmental Health and Trading Standards advises that due to the previous use of the site for vehicle uses, a site investigation report in accordance with PAN 33 Contaminated Land is required. This can be the subject of appropriate conditions.

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 Dundee Local Plan 1998 relevant to the determination of this application are specified in the Policy background section above.

Policy H4 Protection of Amenity refers to both extensions and infill development. Proposals will normally be approved but approval is unlikely to be granted where the siting and scale of the development significantly affects the sunlight, daylight and/or privacy enjoyed by the occupants of adjoining property and where the materials, style and form are alien to the existing building. The building presents a solid 5 metre high wall to the north elevation, and lies between 10 and 12 metres from the tenemental property to the north. The tenement lies at a higher level and whilst the

proposed house will shade the garden, it is unlikely to significantly affect the daylight and sunlight to the flats. Until June 2002 there was a large timber lock up on this site with a 61/2 metre high coach house immediately to the south of that. There is no loss of privacy as there are no windows on the north elevation of the proposed house.

The surrounding buildings are varied in size, design and materials ranging from two storey with attic flats, stone and rendered villas some of which have been divided into flats and a large commercial garage building on two levels. The scale, design and materials of the building are acceptable in this context.

It is considered that the proposal complies with Policy H4.

Policy H10 Design of New Housing identifies guidelines for new development. The site lies within the Inner City and the following criteria apply:

House size: the 2 bedrooms proposed complies with the policy.

Amenity space/garden area: the proposal provides 45 square metres of sunny enclosed south facing garden. The policy seeks 50 square metres with additional drying space.

Parking: 1 space is required plus 30% visitor parking where parking is at a premium. This development is on a one way lane where there is no on street parking. The development provides two spaces below a pergola thus providing one space as required and one optional space for visitors.

Layout/urban design: the development seeks to replicate the style and scale of the former coach house but transfers the accommodation to the northern part of the site with the garden to the south. This ensures that all of the properties, the flats, the proposed new house and the existing property to the south all have their main rooms facing south to take advantage of the aspect whilst retaining and protecting the privacy of each unit. The proposed sliding mesh door to the car port will retain the sense of enclosure to the street whilst providing security to the garden ground.

Privacy: the windows of the rooms all face south but there is a high stone wall, up to eaves level, which blocks direct views between the proposed house and the adjacent property which

is approximately 10 metres to the south.

The proposed development fails to provide the full 50 square metres of garden ground and drying area but complies in all other respects and represents a modern and imaginative use of this site.

Policy BE11 Development in Conservation Areas. All developments are expected to complement and enhance the character of the area. As noted above, the surrounding buildings are varied, the proposed house retains existing boundary walls and uses wet dash render and stone quoins but also uses complementary new materials such as a rolled aluminium roof and coloured cement fibre cladding to the walls facing into the garden. The use of timber cladding to the entrance and metal mesh gates complete an acceptable palette of materials. The design is simple and combines traditional and modern materials in a house design which is appropriate to the site. It is considered that the proposal complies with the policy.

It is concluded from the foregoing that the proposal fails to achieve the full 50 square metres of garden ground and drying area but otherwise complies 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 Design of New Housing seeks good quality new housing and identifies standards in Appendix 1 which new development is expected to achieve. However it is recognised that in certain very small scale development proposals, compliance with Appendix 1 is not practical and in such instances, some flexibility will exist where the proposal is of exceptional quality.

Size: minimum 2 bedrooms, the proposal complies.

Car parking: at least 1 space within curtilage and where on street parking is a problem, 30% visitor parking should be provided. As noted above, there are 2 car spaces within the curtilage and this complies.

Amenity/garden space: a minimum private, usable garden of 50 square

metres should be provided. The proposal provides 45 square metres of sunny enclosed south facing garden and does not fully comply.

Privacy: 18 metres between facing windows. As noted above, the garden wall blocks direct views.

The proposal complies other than in the provision of 50 square metres of amenity space. However the policy permits flexibility in small scale developments and it is considered that the quality of the development and the south facing sheltered garden are acceptable considerations in supporting this proposal.

Policy 61 Development in Conservation Areas.

As noted above, the development is considered to be in accordance with this policy.

The Memorandum of Guidance on Listed Buildings and Conservation Areas states that new development in Conservation Areas which is well design, respects the character of the area and contributes to its enhancement will be welcomed. The first priority in the consideration of an application should be to have regard to those special architectural and visual qualities which gave rise to the designation of the area as a Conservation Area. In particular, regard should be paid to scale, bulk, height, materials, colour, vertical or horizontal emphasis and detailed design. As noted, it is considered that the design and materials are acceptable in this location.

Objection: The objection is on the grounds of overdevelopment and loss of parking, disruption of access during construction, overshadowing of garden, overlooking and loss of privacy.

Overdevelopment - the site previously accommodated a traditional coach house and a large lock up garage, the proposal is smaller in height and proposes half of the site be retained as garden ground. This does not constitute overdevelopment.

Loss of parking - the site was previously developed, the use of the site for parking is currently unauthorised, the Council has to consider the application as submitted which is acceptable. The new development has off street parking and will not add to the current deficit.

Overshadowing of garden - as noted above, a larger building used to be on this site, the development will not significantly overshadow the living accommodation in the property to the north.

Overlooking and loss of privacy - there are no windows to the north to overlook the objector's property and the garden wall screens the house to the south. Disruption during construction is not a planning issue, it is a matter for the police. Loss of view is not a planning issue.

The objection cannot be supported.

Previous history

As noted, there was a traditional stone and slate coach house on half of this site. It had planning permission to change into a house and that approved development had only one car space and no garden provision. Following the fire, the Enforcement Officer investigated the unauthorised demolition of the coach house. It was considered that there was insufficient evidence to proceed with a case to the Procurator Fiscal. The remaining wall was also lowered in the interests of public safety. It is considered that any replacement building should include reclaimed demolition stone on its principal external elevations in order to replicate the lost coach house. However, the opportunity has arisen to provide a better standard of parking, accommodation and garden ground in the new development rather than simply rebuild the coach house as it was. The current unauthorised use of the site is being monitored by the Enforcement Officers and has caused some impact on the amenity enjoyed by neighbours. It is proposed that if Members are minded to approve this application, the permission be restricted to a 3 year duration in order to encourage the site to be redeveloped within that period rather than the standard time condition of 5 years.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations in respect of the policies and the previous history. The objection cannot be supported.

Design

As noted above, the design of the proposed house is simple, takes account of the site characteristics and the surrounding properties and

combines traditional and modern materials.

CONCLUSION

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations in respect of the policies of the Finalised plan and the previous history such as to justify the grant of planning permission in accordance with the provisions of the development plan. The objection cannot be supported. It is therefore recommended that planning permission be granted with conditions.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:-

- 1 The development to which this permission relates must be begun not later than the expiration of 3 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 that not fewer than two off-street car parking spaces shall be provided in association with the proposed development prior to the occupation of the proposed dwellinghouse.
- 4 The south boundary wall and the east boundary wall to the garden shall be rebuilt to a finished height of 4.5 metres using reclaimed stone, lime mortar pointing and suitable capping stones prior to the occupation of the house hereby approved.
- 5 Details of the proposed sliding mesh doors to the car ports shall be submitted to the Council for approval prior to their installation and if approved, the works shall be carried out only in accordance with such approved details.
- 6 The sliding mesh doors to the car ports shall be provided prior to the occupation of the house hereby approved.
- 7 within six months of the first use of the building, 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.

- 8 Prior to the commencement of development a comprehensive Site Investigation Report in accordance with PAN 33 Development of Contaminated Land shall be submitted to and approved by the City Council.
- 9 Prior to the commencement of development any required remediation measures identified in the Site Investigation Report to be approved in accordance with Condition 8 shall be carried out and the completion of the works shall be notified in writing to the City Council for verification. No construction of dwellings can commence until the verification process has been completed in writing.
- 10 The footway ex a verso the site shall be formed and made good in accordance with details which have been submitted to and approved by the City Council prior to the first occupation of the house hereby approved.
- 11 The new development shall be tied into the existing stone boundary wall on the east side of Westfield Place with the re-use of existing materials and traditional lime mortar pointing.
- 12 Gates shall be provided to the entrance porch of design and materials to match the gates detailed in condition 06 prior to the occupation of the dwelling hereby approved.

Reasons

- 1 The site, which is currently vacant open ground, is being used for car related uses without the benefit of planning permission and the use is currently being monitored for appropriate enforcement action. It is in the interests of the amenities of neighbours that redevelopment of

- the site is carried out within a short time scale.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
 - 3 In the interests of highway safety and the amenities of the occupiers of nearby properties.
 - 4 In the interests of the amenities of the occupiers of nearby properties.
 - 5 In order to safeguard the visual amenity of the Conservation Area.
 - 6 In order to safeguard the visual amenity of the Conservation Area.
 - 7 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
 - 8 In the interests of the amenities of the future occupants of the residential accommodation.
 - 9 In the interests of the amenities of the future occupants of the residential accommodation.
 - 10 In the interests of highway safety and the amenities of the occupiers of nearby properties.
 - 11 In order to safeguard the visual amenity of the Conservation Area.
 - 12 In order to safeguard the visual amenity of the Conservation Area.