

**KEY INFORMATION**

**Ward** Tay Bridges

**Proposal**

Demolition of double garage and erection of 2 three storey four bed townhouses and garages

**Address**

Seafield House  
200 Perth Road  
Dundee DD1 4JY

**Applicant**

Mr A Cruickshank & Mr D Sale  
Forthtay Property Centre Ltd  
86 Bell Street  
Dundee DD1 11HN

**Agent**

James Paul Associates  
4 Brook Street  
Broughty Ferry  
Dundee DD5 1DP

**Registered** 28 Sep 2004

**Case Officer** Eve Jones



The demolition of a double garage and erection of 2 three storey townhouses is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development is contrary to Policy H10 and Policy BE11 of the Dundee Local Plan 1998 and Policy 4 and Policy 61 of the Finalised Dundee Local Plan Review.

The objection is supported and the statement of justification is not accepted. The application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of two, 3-storey townhouses each with 4 bedrooms, a single garage and a lounge/dining room. They will have ground floor terraces of 11 and 10.5 square metres and a first floor balcony of 3.7 square metres. The proposed finishing materials are reconstituted stone, coloured roughcast render and slate roofs. The houses are proposed to be built immediately to the rear of the existing footpath. The site lies on the south side of Perth Road, close to the Kwikfit garage.
- The proposal fails to comply with Policy H10 of the Dundee Local Plan in respect of amenity/garden space, drying space, privacy, parking and garaging, layout and urban design. The development fails to complement and enhance the character of the Conservation Area and therefore fails to comply with Policy BE11. The proposal also fails to comply with the relevant policies in the Finalised Dundee Local Plan Review for the same reasons.
- One objection was received on grounds of appearance, traffic and parking, overshadowing and overlooking, effect on trees and loss of light. There are not trees on site but the objection is supported on the other grounds.
- The applicant's agent has submitted a statement of justification which states that the site is an untidy gap which has attracted no interest when advertised and the houses will provide improved choice in the area.
- It is considered that the standard of housing proposed does not comply with Council policy, the design is unacceptable, the site has been the subject of enquiries for commercial uses to the Department of Planning and Transportation, the proposed garages would be unacceptable in the interests of traffic and pedestrian safety.

## DESCRIPTION OF PROPOSAL

The erection of two three storey town houses with 4 bedrooms. Each will have a single garage and a lounge/diner and kitchen on the first floor. There will be a rear ground floor terrace of 11 square metres and 10.5 square metres and each will have a first floor terrace of 3.7 square metres. The proposed finishing materials are reconstituted stone to the ground floor, coloured roughcast render to the upper floors and a reconstituted stone dormer feature to the front elevation. The roof is proposed to be slate. The terraces will be screened by timber slatted fences. The applicant's agent has submitted a statement of justification which is considered in the Observations.

## SITE DESCRIPTION

The site lies on the south side of Perth Road close to the Kwikfit garage. The site is currently occupied by a vacant double garage with a fenced yard to the street. The land to the east is occupied by advertisement hoardings, to the south is a block of flats, to the west is a block with a restaurant on the ground floor and flats above. On the north side of Perth Road is the former Ryehill Church which is now in residential use and a tenemental terrace with shops on the ground floor and flats above. Perth Road is a very busy distributor road carrying traffic to and from the City Centre throughout the day and late into the night. It is a busy pedestrian route and is well served by public transport. The site has double yellow lines along its frontage to Perth Road.

## 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 H10 Design of New Housing.

Policy BE11 Development in Conservation Areas.

Dundee City Council Development Quality Committee

### 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 55 Urban Design

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 of relevance.



### Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application

### LOCAL AGENDA 21

The proposal complies with Key Theme 1 as the site is currently unused.

### SITE HISTORY

02/00794/COU change of use from lock-up garages and hardstanding to garage and forecourt for car sales. This application was declared invalid on 9 January 2003.

## PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as contrary to the development plan and affecting the setting of a Conservation Area. One valid objection was received from a neighbouring property on grounds of appearance, traffic and parking, overshadowing and overlooking, effect on trees and loss of light. The objection will be considered in the Observations below.

## CONSULTATIONS

There were no adverse comments from consultees.

## OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- whether the proposals are consistent with the provisions of the development plan; and if not
- 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 each.

Policy H10 Design of New Housing and its associated Guidelines apply and the site lies within the Inner City.

House size: the houses have 4 bedrooms, this complies with the Guidelines.

Amenity space/Gardens: the Guidelines require at least 50 square metres of private garden. The proposal provides rear terraces of 11 and 10.5 square metres and each house has a first floor terrace of 3.7 metres. This does not comply with the Guidelines. Amenity space should be useable. The ground floor terraces are shaded by the three storey building immediately to the south.

Outdoor drying facilities must be provided in addition to the amenity

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space. The amenity space is inadequate and no drying space is identified.

Privacy: 18 metres is required between facing windows. The tenemental flats to the north are 14 metres away and the flats to the south have facing windows which are 4 metres and 6 metres from the rear elevation of the proposed houses.

Parking/Garaging. Parking of 200% ie a double garage or two spaces per unit is required when a house has more than 3 bedrooms and visitor space of 30% is also required where on street parking is a problem. This would require a total of 5 spaces for these 2 houses. The proposed development has 2 garages. There are parking restrictions on the street frontage of this site from 0800 to 1800 Monday to Saturday. The proposal does not provide sufficient parking to comply with the Guidelines.

Layout/Urban Design. The proposal is for a pair of townhouses, three storeys high to be located immediately on the footway. The building would be prominent and out of character with the lower buildings on either side of the site. The design is a mixture of vernacular styles out of character with the area. The layout has garages fronting directly on to the footway of Perth Road. At this location, Perth Road has a high level of pedestrian movements and the lack of visibility from the proposed garages will cause pedestrian/vehicle conflict. In addition, it is standard practice in the Dundee City Council area that all new driveways formed on to a classified road must have a turning facility within the garden ground to allow cars to enter and leave in a forward gear. This layout does not allow for this and therefore cannot meet the City Council's requirements in this regard.

It is concluded from the foregoing that the proposal does not comply with Policy H10 in respect of amenity/garden space, drying space, privacy, parking and garaging, layout and urban design.

Policy BE11 Development in Conservation Areas. The policy states that within Conservation Areas, all development will be expected to complement and enhance the character of the surrounding area. As noted above, the existing property is vacant but the scale, design and materials of the proposed development are out of

character with the surrounding buildings and will fail to enhance the character of the Conservation Area.

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 Design of New Housing and its Appendix 1 set out the qualitative and quantitative standards which new development is expected to achieve. The policy does state that it is recognised that in certain very small development proposals, compliance with Appendix 1 is not practical. In such instances, some flexibility will exist where the proposal is of exceptional quality.

Within the Inner City, houses should have a minimum of 2 bedrooms or a minimum gross internal floor area of living accommodation of 100 square metres. The houses have four bedrooms and comply with the policy.

Car/Cycle parking: at least one space is required within the curtilage of each house and where on street parking is a problem, 30% visitor parking should be provided. The statement in Policy 4 providing flexibility for small developments is not appropriate for the provision of parking for this development of 2 houses. There are parking restrictions on this road for much of the day from Monday to Saturday and this is a busy distributor road into the City Centre where parking in side streets is very restricted. Any further relaxation would add to this pressure on limited parking.

Amenity/Garden space: a minimum of 50 square metres is required although 30% of house should have 75 square metres. As detailed above, this proposal does not provide even one third of the required area. The proposal is not considered to comply with the policy.

Privacy: 18 metres between facing windows of habitable rooms. The distance between the existing flats and the proposed houses is 14 metres as detailed above.

It is concluded from the foregoing that the proposal does not comply with Policy 4 in respect of car parking, amenity/garden space and privacy.

Policy 55 Urban Design states that for all new developments, the emphasis will be on design quality and requires that, "All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all". As noted above, the design is unacceptable in this location as it is unrelated to and out of character with the adjacent properties. With regard to layout, the provision of garages immediately at the rear of the footway on a busy distributor road into the City Centre is unacceptable in the interests of traffic and pedestrian safety.

Policy 61 Development in Conservation Areas. As detailed above, it is considered that the development fails to complement and enhance the character of the Conservation Area.

The Memorandum of Guidance on Listed Buildings and Conservation Areas advises that, "new development which is well designed, respects the character of the area and contributes to its enhancement should be welcomed" (para 4.35). "Special regard should be paid to such matters as scale, bulk, height, materials, colour, vertical or horizontal emphasis and detailed design" (para 4.40). As noted above, the proposal is not considered to satisfy these requirements.

Objection: one valid objection was received from a neighbouring property on grounds of appearance, traffic and parking, overshadowing and overlooking, effect on trees and loss of light. These issues were not expanded on in any way in the objector's letter. There are no trees on the site. The application site lies 14 metres to the south of the objection property and windows would overlook. The development may result in the loss of some light to the building however it is considered that this would not be significant in this location. The development has insufficient parking and the movement of vehicles into and out of the garages would be likely to have an impact on traffic safety. The objection can be supported other than the impact on trees.

Statement of Justification. The agent for the applicant has submitted a statement of justification in support of

the application. Copies are available in Members' Lounges and the points made are followed by relevant comments.

Site: The site is an awkward untidy gap site, it has been advertised for a considerable period of time but has attracted no positive interest. Comment: The site is suitable for parking of cars, secure car parking is at a premium in this area. There have been several enquiries to the Planning Department from commercial businesses seeking information regarding use of the site for storage of goods and vehicles.

Design and Scale: There is no consistent eaves height along Perth Road in the vicinity of the site. The proposal has three storeys to relate to buildings on the north side of the road and to screen the unsightly gable of the adjoining tenement. Comment: the proposal does not relate to any building on the street frontage and would be out of character with the surroundings. The gable requires maintenance.

House type and facilities. The houses will provide improved choice, lounges are south facing, some "design standards" are not met. Comment: the proposed houses, with 4 bedrooms, do not have sufficient parking or garden ground and would provide choice of an unacceptable standard, the southern aspect is screened by the tenement and the amenity ground is too small, the design standards identified in the development plan seek to ensure that a high standard of new housing is provided in all parts of the City. In the interests of traffic and pedestrian safety, the proposed garages are unacceptable.

It is concluded from the foregoing that the statement of justification cannot be supported and the weight that can be accorded to the other material considerations is such as to support the refusal of planning permission in accordance with the provisions of the development plan. It is therefore recommended that planning permission be refused.

## Design

As noted above, the design is not of sufficient quality to justify the setting aside of the Development Plan and Finalised Dundee Local Plan requirements.

## CONCLUSION

The proposed development of two three storey town houses on this small site on Perth Road fails to comply with guidelines in both the Dundee Local Plan 1998 and the Finalised Dundee Local Plan Review 2003 in respect of parking, garden ground provision, privacy standards in relation to adjacent properties, layout in terms of road safety and the safety of pedestrians and the proposed design and materials.

## RECOMMENDATION

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

### Reasons

- 1 The proposed development is contrary to Policy H10 - Design of New Housing of the Dundee Local Plan 1998 by reason of insufficient amenity/garden ground; no outdoor drying space; facing windows within 18 metres; insufficient parking for residents and visitors; garages which are unacceptable in the interests of traffic and pedestrian safety and unacceptable standards of design of the building. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the policy.
- 2 The proposed development is contrary to Policy BE11 - Development in Conservation Areas of the Dundee Local Plan 1998 by reason of the scale, massing and design which fail to complement and enhance the character of the surrounding Conservation Area. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the policy.
- 3 The proposed development is contrary to Policy 4 - Design of New Housing and Appendix 1 of the Finalised Dundee Local Plan Review 2003 by reason of insufficient amenity/garden ground; facing windows within 18 metres; insufficient parking for residents and visitors.
- 4 The proposed development is contrary to Policy 55 - Urban

Design of the Finalised Dundee Local Plan Review 2003 by reason of the scale, massing and design of the houses and the layout of the development which is unacceptable in the interests of traffic and pedestrian safety.

- 5 The proposed development is contrary to Policy 61- Development in Conservation Areas of the Finalised Dundee Local Plan Review 2003 by reason of the scale, massing and design which fail to preserve or enhance the character of the surrounding Conservation Area.