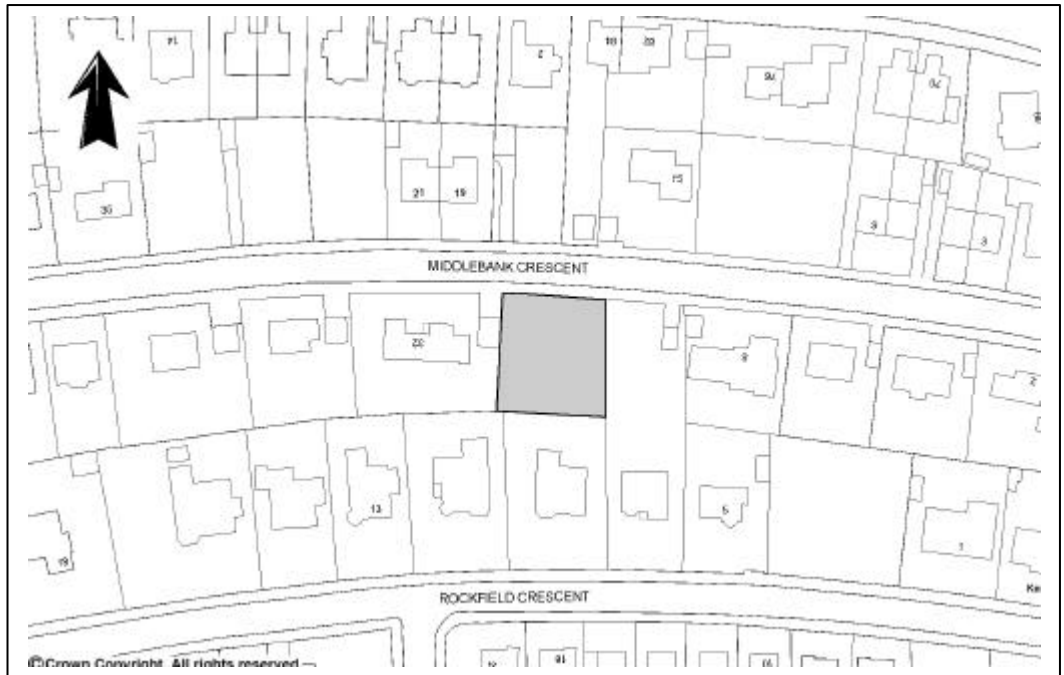


**KEY INFORMATION****Ward** Riverside**Proposal**

Erection of a dwelling house in garden ground

**Address**32 Middlebank Crescent  
Dundee  
DD2 1HY**Applicant**Mrs E Johnston  
32 Middlebank Crescent  
Dundee  
DD2 1HY**Agent**Greig Strang  
The Studio  
22 West Burnside  
Dollar  
Clackmannanshire  
FK14 7DP**Registered** 6 October  
2004**Case Officer** E Jones

## Proposed New House in Middlebank Crescent

The erection of a dwelling house in garden ground is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed house complies with the policies of the Dundee Local Plan and is supported by the material considerations of the Finalised Dundee Local Plan Review. The objections cannot be supported, the application is recommended for **APPROVAL** subject to conditions

**SUMMARY OF REPORT**

- Members will recall that this application was deferred from the Development Quality Committee on 6 December 2004 in order to allow the objectors to seek to discuss their concerns with the applicant's agent.
- Planning permission is sought for the erection of a detached house in the side garden of an existing house on the south side of Middlebank Crescent. The site is sloping and the house has a single storey appearance to the street and two storeys to the garden. It has 5 apartments, a double garage and a garden of approximately 300 square metres. The materials are reconstituted stone and roughcast and concrete roof tiles.
- The houses along the south side of Middlebank vary in style, scale and materials. On the north side there are bungalows and houses. The site does not lie within the Conservation Area. This is a double feu and the existing house retains its garage and parking and a large garden. The proposal complies with all relevant policies in the Dundee Local Plan and the Finalised Dundee Local Plan Review.
- Four neighbours have objected to the proposed house on grounds of its height, position, roof pitch, materials, overlooking and overshadowing and impact on hedging. The objections cannot be supported.
- A previous application was withdrawn for the house to be redesigned to take account of planning policy issues and objections raised by neighbours. It is considered that this proposal now provides a modern house with acceptable standards of accommodation, parking, garden ground, design and materials. The agent has advised that his client does not wish to modify the design again and is more than happy with the present design

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a detached house within the garden ground of an existing house. The new house will be single storey to the road elevation and two storey to the garden elevation to take account of the slope of the site. The principal rooms are therefore at first floor level when viewed from the south. There is a covered balcony accessed from the lounge, set back to the rear of the two car garage. The lounge and bedroom have patio doors with protective rails which allow the windows to be opened inwards but there is no outdoor sitting space. On the lower floor, there are two rooms, one en-suite and a utility room. The rear garden is 300 square metres and there is turning space and additional parking to the front.

This application was deferred by Committee on 6 December 2004 to allow further discussion between objectors and the applicant.

## SITE DESCRIPTION

The site is a large garden to east side of an existing house on the south side of Middlebank Crescent. This is a double feu site where a house plot has not been developed but has been added to the garden of an existing house. The site is predominantly grass with shrubbery to the north screening it from the road, a high hedge to the east and trees along the south boundary. The site slopes down quite steeply from the road and is then flat. The surrounding houses are varied in character, design and materials but are predominantly large detached houses in generous plots. Many are designed to take full advantage of the generally sloping nature of the area with principal rooms facing south.

## 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 H2/BE4 Development in Garden Ground.

Policy H4 Protection of Amenity.

Policy H10 Design of New Housing.

### 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.



## 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

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

## LOCAL AGENDA 21

The proposal complies with Key Themes 1, 4 and 14.

## SITE HISTORY

04/00492/FUL for the erection of a detached house on this plot was withdrawn on 5 July 2004 following discussion with officers in the light of issues raised by neighbours.

## PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and following a request to the agent to supply additional information, the notification was repeated, giving neighbours a further 14 days to comment. Four objections have been received from neighbours on grounds of the height and scale of the house relative to the road, the height and pitch of the roof, overlooking and loss of privacy from a rear balcony, appearance and materials out of character with the area, proximity of the development to the boundaries. There are copies in Members' Lounges and the issues raised 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

- 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

Policy H2 and Policy BE4 Garden Ground Development. Policy H2 states that within delineated areas the rigorous criteria in Policy BE4 will require to be met. The site lies within the delineated area.

Policy BE4 requires:

- A the proposal must be of a high quality of design and use materials appropriate to its surroundings. The proposed design and materials are acceptable.
- B The proposed house should not exceed one and a half times the

footprint of the original house. The proposal complies.

- C The total of the proposed house, garage and hardstandings must not amount to more than 40% of the original house and garden and at least 60% of the site should remain as cultivable garden ground. The proposal complies.
- D A distance of 25 metres shall be maintained between windows. Window to window restrictions as detailed in Policy H10 refer to facing windows of habitable rooms. That criteria is applied in relation to this policy. The rear of the proposed house is 20 metres from the rear of the nearest house to the south but the only window in that house is to a hall. There is a window on the side elevation of a house to the south west which is at an angle of 45 degrees to the proposed house and is approximately 23 metres away. The neighbouring house to the south east is more than 25 metres away. It is considered that the proposal will not breach the policy as the windows are not facing.
- E, F, G and H do not apply to this application.
- I A full tree survey is required to enable an assessment of the need to retain landscape features. No survey has been requested as the only trees are on the southern boundary and are not affected by the proposed development.
- J New planting must enhance the character and stature of the existing landscaping. Existing hedges and trees are to be retained with additional planting as required. This can be the subject of a condition should Members be minded to approve the application.

In conclusion, the proposal complies with the requirements of the policy.

Policy H4 Protection of Amenity. Infill developments should not affect the appearance of the original house and the surrounding area. Permission is unlikely to be granted where the siting and design significantly affects the degree of sunlight, daylight and/or privacy enjoyed by the occupants of adjoining property, where materials, style and form are alien to the existing building and where more than 50% of

the original garden ground would be lost and off street parking reduced.

Sunlight/daylight: the proposed house lies to the north of the adjacent properties, to the east of the existing house which is in the same ownership and to the west of an adjoining garden. The nearest house to the east is more than 20 metres away. It is concluded that the development will not result in significant loss of sunlight or daylight.

Privacy. Because of the slope of the land, this area is characterised by houses at higher levels which overlook the rear windows and gardens of houses to the south. In many cases, the properties are less than 25 metres apart and two of the houses to the south are designed with no facing windows of habitable rooms on their north elevation to ensure that privacy is retained. However, many gardens are mature and there are intervening trees which provide privacy screens between properties. The existing trees on the south boundary will be retained. The proposed terrace is set back behind the rear wall of the garage, approximately 25 metres from the adjoining house to the south west which is also screened by trees. It is considered that there is no significant loss of privacy in this case.

Materials/style/form. There are many double feu gardens on the north side of the street with the houses in elevated positions on Hillcrest Road and their garages on the lower ground, accessed from Middlebank Crescent. There are later bungalows and houses at either end of the street. The larger houses on the south side of the street vary in style and materials. Some are set down slightly below the road level, others are at road level. Several present steep double height pitched roofs to the street and many have their principal elevations facing south into the gardens. Some have single garages with flat roofs which are much later additions to the original houses.

An earlier application proposed a square shaped house, with a hipped roof, which projected down into the garden area, very close to neighbouring houses. That application was withdrawn following discussions with officers and in the light of objections raised by neighbours. The proposed house has been redesigned to be parallel to the street with a roof of similar design to other nearby properties. The garage is integral to

the house. Due to the slope of the site, the building presents the appearance of a bungalow to the street and two storeys to the garden.

This is an established residential area with houses dating from 1900 onwards. The houses vary in style, scale and materials. Many are stone or have stone frontages. The four houses to the west are all painted render with concrete tiles. The proposed materials are reconstituted stone and render walls with concrete roof tiles. This is in keeping with the surrounding area.

It is considered that given the variety of houses in the area, the erection of the proposed house, whilst clearly new, would not be alien to the surrounding area.

Loss of original garden and parking. As noted above, this is a double feu, the original house retains its large garden and garage.

Therefore, the proposal complies with Policy H4.

Policy H10 Design of New Housing. New housing should conform to the guidelines and the architecture and scale of the building must respect the surroundings. The proposal complies with the Guidelines in respect of number of rooms, parking, amenity space and layout. The proposal complies with Policy H10.

It is concluded from the foregoing that the proposal complies with all relevant policies in 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. The proposal complies with the guidelines in Appendix 1 as required by Policy 4. The guidelines require 18 metres between facing habitable rooms and the proposal complies.

Policy 15 Development in Garden Ground. Developments are required to satisfy the following criteria:

- The proposal should be of high quality design and use materials appropriate to its surroundings.
- The total footprint of new buildings should not exceed one and a half times the footprint of the original house.

- c The final proportion of ground covered by buildings, garages and hardstandings must not amount to more than 40% of the original house and garden with at least 60% remaining as garden ground.
- d Prevailing densities in the area should be respected.
- e e, f and g do not apply to this application.
- f h) a full tree survey is submitted, as noted above, there are no trees affected by the proposal.
- g new tree planting and landscaping will be required, this can be the subject of conditions.

As noted above in respect of Policy BE4, the proposal complies with these criteria. The policy no longer requires a specific distance between facing windows but requires existing densities to be respected. This proposal complies with that requirement.

The proposed development complies with the policies of the Finalised Dundee Local Plan Review.

## Objections.

As noted in the Site History above, a previous application was the subject of objections from neighbours and was withdrawn for amendment. The revised proposal has sought to address the issues that were raised.

Four objections have been received from neighbours on the following grounds, after the agent had submitted a cross section of the site and a revised east elevation of the proposed house:

- the height and scale of the house relative to the road.

Comment: as noted above, there is not a uniform style, scale or height of house along the south side of Middlebank Crescent. Some lie below the street level with later flat roofed garages, others appear as bungalows to the street with two storeys to the rear. The proposed house is not considered to be out of place in this setting.

- the height and pitch of the roof.

Comment: the architect was requested to amend the previous low, broad, hipped roof which was out of character and replace it with a steeper pitched roof which complemented the Arts and Crafts roofs of several of the

neighbouring houses. A lower angle of pitched roof will give the building a low, squat appearance which will be out of place in the street scene.

- overlooking and loss of privacy from a rear balcony.

Comment: the balcony is well set back under an overhanging roof at the rear of the garage. It is approximately 23 metres from the rear of the objectors property which is screened by trees and shrubbery and there are no facing windows of habitable rooms. As noted above, it is considered that there is no significant loss of privacy.

- appearance and materials out of character with the area.

Comment: as noted above it is considered that the proposals are acceptable. The site is not within a Conservation Area and the use of uPVC windows, drainpipes etc is acceptable.

- proximity of the proposed house to the boundaries and impact on boundary hedge.

Comment: the house is to be 2 metres from the side boundaries of the site. This is an acceptable distance. The applicant proposes to retain the boundary hedge. If Members are minded to approve the application, it is considered that an appropriate condition to maintain ground levels as existing within 1 metre of the boundary to protect the hedge.

It is concluded that the Objections cannot be supported.

## Site circumstances:

This is a double feu site where a house plot has not been developed but has been added to the garden of an existing house. The layout of the houses along Middlebank Crescent, Rockfield Crescent and Hillcrest Road means that several of them have less than 25 metres between existing houses but many are designed without windows to habitable rooms on the rear elevations. Because of the slope of the land, this area is characterised by houses at higher levels which overlook the houses to the south. The proposed house cannot be moved northwards as it would breach the general building line along Middlebank Crescent and be too close to the road. The trees which are to be retained on the southern boundary will provide privacy for properties to the south, two of which

do not have windows to habitable rooms on their north elevations.

## Deferral

Members will recall that the application was deferred from the Development Quality Committee on 6 December 2004 in order to allow the objectors to seek to discuss their concerns with the applicant's agent. The agent has advised that his client does not wish to modify the design again and is more than happy with the present design. Members will note from the Planning History that a previous application was withdrawn and the proposal was substantially redesigned following discussions with the planning officer in order to take account of elements of the original design which did not comply with the Council's policies and to address issues raised by neighbours in their first objections.

It is concluded from the foregoing that sufficient weight can be accorded to

the material considerations such as to justify the approval of planning permission in accordance with the provisions of the development plan. The objections cannot be supported for the reasons given.

## Design

AS noted above, the design has been amended to complement the building form and scale of nearby properties, the design is conventional and the materials are complementary to the area.

## CONCLUSION

It is concluded from the foregoing that the proposal complies with all the relevant policies of the development plan. The proposal complies fully with the policies of the Finalised Dundee Local Plan 2003 which is a very strong material consideration. The site circumstances also support the proposal and it is noted that the nearest neighbour immediately to the south of the site has not lodged an objection. The objections from other neighbours cannot be accorded sufficient weight such as to justify the refusal of planning permission contrary to the provisions of the development plan and the strong material considerations in support. 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 hereby permitted shall be commenced within five 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 the existing trees and shrubs, indicated on the approved plans to be retained, shall not be cut down, grubbed out topped, lopped, uprooted or root pruned without the written consent of the City Council. Any trees or shrubs removed without such consent or dying, or being severely damaged or diseased, shall be replaced with trees and shrubs of such size and species as may be directed by the City Council and to the standard as approved by the City Council.
- 4 The existing ground level on the east side of the site shall be maintained at its present level within 1 metre of the boundary line.
- 5 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

- 3 to protect those landscape features which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
- 4 to protect that hedging which is of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development
- 5 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.