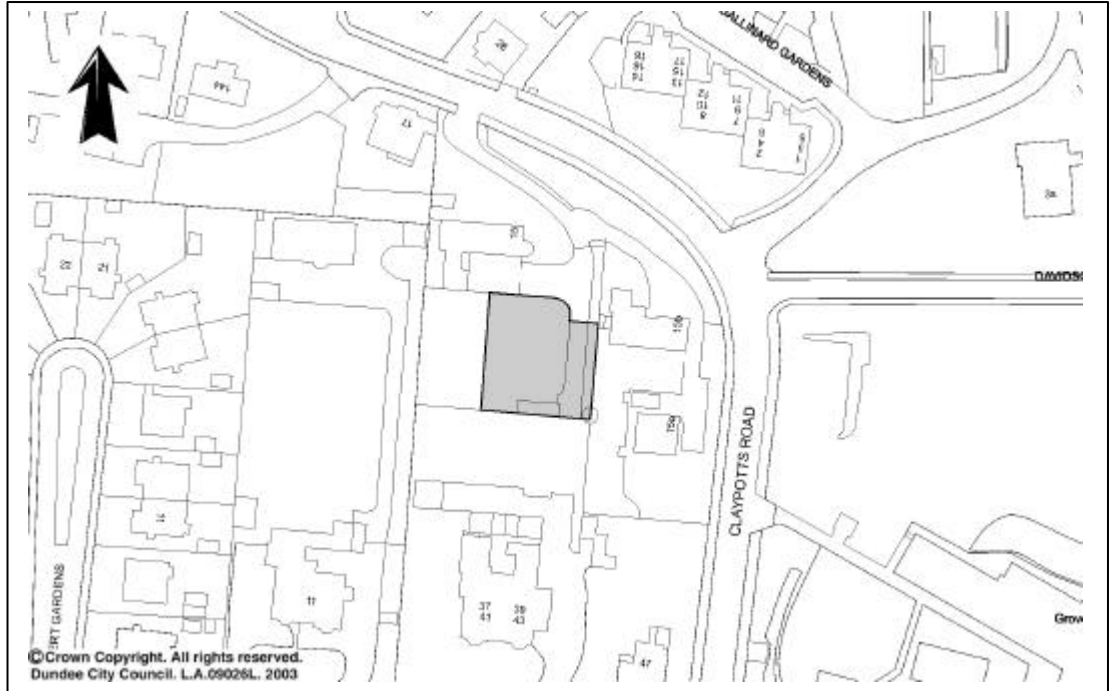


KEY INFORMATION**Ward** West Ferry**Proposal**

Erection of 1 1/2 storey dwelling house

AddressLand South of 15 Claypotts Road
Broughty Ferry
Dundee
DD5 1BU**Applicant**Mr & Mrs Ward
15 Claypotts Road
Broughty Ferry
Dundee
DD5 1BU**Agent**KDM Architects
15 Camperdown Street
Broughty Ferry
Dundee
DD5 3AA**Registered** 8 Nov 2005**Case Officer** C Walker

Proposed New House in Garden Ground of House in Claypotts Road

The erection of a one and a half storey dwelling house is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development fails to comply with the Garden Ground policies of the adopted and finalised Local Plans by reason of the erection of a house directly in front of the principal elevation of the existing house and the overdevelopment of the plot. It would also detract from the residential amenities enjoyed by the occupiers of the existing house at 15 Claypotts Road. It is therefore recommended for REFUSAL.

SUMMARY OF REPORT

- Outline planning permission is sought to erect a one and a half storey house on the site. Illustrative plans have been submitted indicating a substantial 3 bedroomed house on 2 levels.
- The site comprises a level area of garden ground to the south of a substantial stone and slate dwelling at 15 Claypotts Road. This dwelling was once the coach house for the subdivided listed villa at 37-43 Albert Road.
- Letters of objection were received from the occupiers of a neighbouring house and from Broughty Ferry Community Council. The concerns relate to contravention of Garden Ground policies, the impact of the development on the unique character of the area, adverse affect on wildlife, the loss of a tree and overdevelopment.
- The proposed new house is to be built directly in front of the principal elevation of the former coach house contrary to Policy BE4(E) of the adopted Local Plan.
- It contravenes Policy 15(d) of the Finalised Dundee Local Plan Review because the erection of a new house in the private garden ground of this substantial former coach house would depart from the prevailing pattern of large dwellings with substantial south facing garden areas.
- The development would also detract significantly from the residential amenities enjoyed by the occupiers of 15 Claypotts Road.

DESCRIPTION OF PROPOSAL

Outline planning permission is sought to erect a one and a half storey house on the site. Illustrative plans have been submitted indicating a substantial 3 bedroomed house on 2 levels with an integral double garage and a footprint of some 125 sq. metres. A total of some 150 sq metres of accommodation is indicated excluding the garage. The drawings indicate a traditional style of house with a steeply pitched tiled roof and wet dash harl walls. The principal elevation of this house faces west over a garden area of some 360 sq. metres.

SITE DESCRIPTION

The site comprises a level area of garden ground to the south of a substantial stone and slate dwelling at 15 Claypotts Road. This dwelling was once the coach house for the subdivided listed villa at 37-43 Albert Road. The eastern boundary is formed by trees and shrubs and separates the site from 2 modern houses at 15A and 15B Claypotts Road. The site measures some 670 sq. metres in extent and is currently laid out principally as a lawn area with a conifer hedge running north to south separating the lawn from a driveway to the east used for parking. The southern site boundary is a stone wall separating it from the garden of the listed villa at 37-43 Albert Road. At the south east corner of the site is a listed summerhouse, a circular stone building with a conical slated roof. The eastern boundary is formed by trees and shrubs and separates the site from 2 modern houses at 15A and 15B Claypotts Road. These houses sit at a much lower level to the application site and are barely visible from it. There are no formal western or southern boundaries to the application site and these would need to be formed if a house were developed on this site.

The application site is accessed by a narrow private driveway which climbs steeply upwards from Claypotts Road and serves the 3 existing houses at 15, 15A and 15B Claypotts 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:

H1 - Residential Amenity.

H10 - Design of New Housing.

BE4 - Development in Garden Ground

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 - Residential Amenity.

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 proposed development runs contrary to the aspiration to value and protect diversity and local distinctiveness because it involves the erection of a large house directly in front of and in the private garden

ground of an existing house of traditional character and appearance.

SITE HISTORY

There is no recent history of planning applications on this site.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposed development was advertised as contravening Policy BE4 of the adopted Local Plan. A letter of objection was received from the occupiers of one of the dwellings in the subdivided listed building to the south of the site. Their concerns are that the development will destroy the unique character of the area being placed between the listed house and its original coach house, will adversely affect wildlife due to the loss of natural habitat and that the grounds of Taymount have already been developed to their maximum percentage.

A copy of this letter is available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

Broughty Ferry Community Council objected to the proposed development stating concerns about compliance with Garden Ground policies in the adopted and finalised Local Plans, the loss of a tree, overdevelopment and the amount of useable garden ground.

A copy of this letter is available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

The Forestry Officer seeks details on replacement planting and the protection of retained trees on the site.

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.

It terms of Policy H1, the proposed use of the site for residential purposes is in accordance with the terms of this policy. Under Policy H10, which sets out standards for new housing development, the site is classified as falling within a suburban area. In this case the proposed development would appear to meet all the standards in this policy.

Policy BE4 relates to garden ground development. The interpretation of this policy in this case is difficult because the original house could either be taken as Taymount to the south in what is now a separate curtilage or the former coach house in whose garden it is proposed to build this new house. It would seem logical to look at the former coach house as being the original house for the purposes of Policy BE4 but regard should also be had to the overall grounds of Taymount as well.

The design of the proposed house, in itself, incorporates a traditional character and detailing and in a different location might well be acceptable. However there has been a significant amount of new development within the former garden ground of Taymount comprising 4 new houses. The footprint of these houses, including the proposed new house in this current application, come to some 1.7 times the footprint of the original house whereas Policy BE4(B) suggests that a figure of 1.5 times the footprint of the original house should not be exceeded. However if the original coach house and lodge houses are added to the figure for the original house then the 1.5 times figure is not exceeded. Furthermore if only the former coach house is considered as the original house then the requirement is easily met.

The proposed new house is to be built directly in front of the principal elevation of the former coach house. It is considered that Policy BE4(E) is directly contravened in this case.

No tree survey or landscaping proposals were submitted as part of the application as required by Policy BE4(I) and (J). However it is considered that this is a matter that could be resolved by the submission of further details and should not therefore form a ground for refusal of this application.

It is concluded from the foregoing that the proposal does not comply with the provisions of Policy BE4 of the adopted Local Plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

The Finalised Dundee Local Plan Review

The policies in this plan are very similar to those in the adopted Local Plan. However Policy 15(d) includes a new requirement that prevailing densities in the area should be respected. The erection of a new house in the private garden ground of this substantial former coach house would depart from the prevailing pattern of large dwellings with substantial south facing garden areas.

For the same reasons as set out in the consideration of this application under the adopted Local Plan it is considered that the proposed development fails to comply with Policy 15 (d), (e), (h) and (i) of the Finalised Local Plan relating to garden ground development.

The Concerns of the objectors and the Community Council

The concerns of the Community Council about contravention of Garden Ground policies and departure from prevailing densities have already been considered and accepted. The concern about the loss of the cherry tree is not supported as subject to suitable replanting this matter could be satisfactorily overcome. In addition the proposed development would not breach the requirements for useable garden ground.

The concerns of the objectors about the overdevelopment of the grounds of Taymount are accepted. The concern about adversely affecting wildlife due to the loss of natural habitat is not accepted as the site is largely a lawn area with only 1 tree affected. Finally they are concerned that the development will destroy the unique character of the area being placed

between the listed house and its original coach house. This concern is valid insofar as the proposed development would detract from the setting of the coach house, being directly in front of its principal elevation.

Other Issues

The proposed development seeks to establish consent in principle for the erection of a substantial house directly in front of the principal elevation of 15 Claypotts Road. The proposed house is 2 storeys in height and would sit on higher ground. In addition it would result in the loss of over half of the lawn area to the south of the former coach house. This development would detract significantly from the residential amenities enjoyed by the occupiers of 15 Claypotts Road. Although the private garden ground remaining with the original house would exceed the minimum standards for modern suburban development, it would be poorly located in terms of usage by occupiers of 15 Claypotts Road. It is therefore considered that the impact of the proposed development on the amenities of the occupiers of 15 Claypotts Road is sufficiently adverse as to justify the refusal of the proposed development.

It is concluded from the foregoing that the material considerations all weigh against the granting of planning permission. It is therefore recommended that planning permission be refused.

Design

The design of the proposed house is traditional in appearance and finishing materials but is of a scale and siting that is wholly inappropriate for this garden area.

CONCLUSION

The proposed development fails to comply with the Garden Ground policies of the adopted and finalised Local Plans by reason of the erection of a house directly in front of the principal elevation of the existing house and the overdevelopment of the plot. It would also detract from the residential amenities enjoyed by the occupiers of the existing house at 15 Claypotts Road.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:

Reasons

- 1 The proposed development contravenes Policy BE4(E) of the adopted Dundee Local Plan 1998 by reason of the erection of a large new house directly in front of the main elevation of the original house and there are no material considerations that would justify the approval of the application contrary to the Development Plan.
- 2 The proposed development contravenes Policy 15 of the Finalised Dundee Local Plan Review by reason of the departure from the prevailing density in the area (d) and the erection of a large new house directly in front of the main elevation of the original house (e).
- 3 The proposed development would detract from the residential amenities enjoyed by the occupiers of the former coach house at 15 Claypotts Road by reason of the erection of a large new house on higher ground directly in front of and to the south of that house and by reason of the loss of over half its existing private lawn area and in circumstances where the remaining garden area would not be conveniently located for the use of the occupiers of that house.