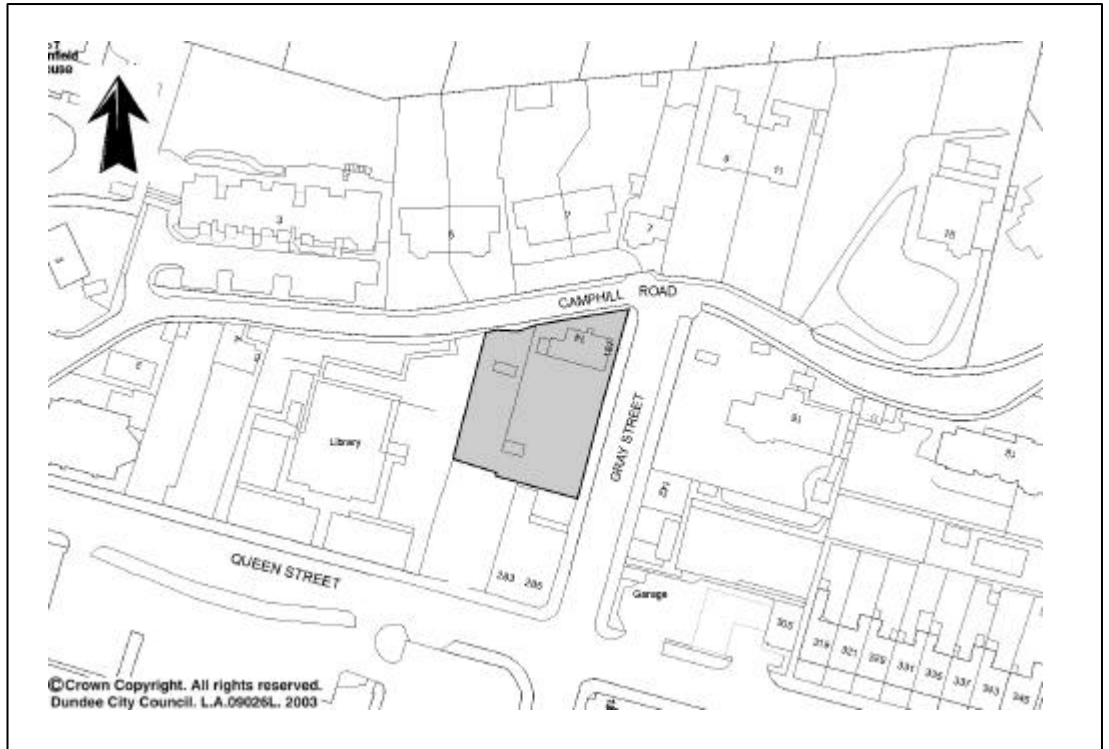


**KEY INFORMATION****Ward** Broughty Ferry**Proposal**

Erection of single storey dwelling house in garden ground

**Address**

Land Adjacent to 167 Gray Street, Broughty Ferry, Dundee DD5 2JA

**Applicant**Colin M Morgan & Charles G Morgan  
Brae House  
167 Gray Street  
Broughty Ferry Dundee  
DD5 2JA**Agent**B S Design  
4 Grove Road  
Broughty Ferry  
DD5 1JL**Registered** 24 February 2005**Case Officer** C Walker

## Proposed New House in Garden Ground in Gray Street

Erection of a single storey dwelling house in garden ground is **RECOMMENDED FOR REFUSAL**.  
Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development contravenes policies of the adopted and finalised Local Plans and fails to meet the statutory duty to preserve the appearance of the Forthill Conservation Area. It is, therefore, recommended for REFUSAL.

**SUMMARY OF REPORT**

- Planning permission is sought to erect a 2 bedroom single storey house in the garden area to the south west of the existing subdivided dwelling, sharing the existing driveway onto Gray Street. The proposed house is designed to be unobtrusive, with walls of natural stone and a flat roof with a lead style finish. The site lies within the Forthill Conservation Area.
- Relevant policies of the adopted Local Plan are Policy H10 which sets out standards for new housing development, Policy BE11 which requires all development proposals to complement and enhance the character of the conservation area and Policy BE4 on garden ground development. The relevant policies in the Finalised Local Plan are similar to those in the adopted Local Plan.
- Broughty Ferry Community Council objected to the proposed development stating concerns about the small size of the house and garden and the lack of a garage in terms of Policy H10 and the inappropriate design of the dwelling in the conservation area.
- It is considered that the proposal contravenes built environment and garden ground policies of the adopted and finalised Local Plans and fails to meet the Statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a 2 bedroom single storey house in the garden area to the south west of the existing subdivided dwelling, sharing the existing driveway onto Gray Street. The proposed house has an external floor area of some 115 sq. metres in a site of some 415 sq. metres. It is proposed to provide it with some 200 sq. metres of private garden to the south of the house as well as 2 parking spaces. It is also proposed to extend the existing driveway to the north to provide 3 parking spaces for the 2 dwellings in the existing building at 167 Gray Street/14 Camphill Road. The proposed house is designed to be unobtrusive, with walls of natural stone and a flat roof with a lead style finish.

The proposed house sits in the lowest part of the garden ground with its finished floor level being some 3 metres below that of the southern entrance to the existing house. The proposed house would sit some 10.5 metres from the existing house, 1 metre from the western site boundary and 15 metres from the roadside boundary at Gray Street. The conifer hedge at the western boundary would need to be felled to build the house. New tree planting is proposed along the Gray Street boundary.

It is proposed to subdivide the remaining garden ground between the 2 existing houses at 167 Gray Street and 14 Camphill Road with each house having some 125 sq metres of useable garden ground as well as a parking area and incidental ground.

## SITE DESCRIPTION

The site comprises a subdivided building containing 2 dwelling houses at 167 Gray Street/14 Camphill Road and its garden ground extending to just less than 1,200 sq. metres in total. The house is subdivided horizontally into 2 units with the upper floor flat occupied by the applicant and the ground floor flat by his father.

The house sits in the northern part of the site on Camphill Road and the garden slopes steeply downwards so that the bottom of the garden is some 4.5 metres below the main entrance to the house. The original house is a substantial 2 storey with attic dwelling of traditional stone and slate

construction. Its principal elevation faces south and the stone wall has been rendered and painted on this elevation. The doorway to the upper floor flat is directly from Camphill Road. A large 2 storey extension of modern design with a flat roof and rendered and timber clad walls has been added to the west of the house, and this extension is also horizontally subdivided between the 2 flats.

Vehicular access to the site is taken from Gray Street at the south eastern corner and this access leads to a shared parking area and car port. The garden ground is terraced from the house down to this area, and is enclosed by stone boundary walls. The garden is attractively maintained and well landscaped with trees and shrubs. It has not been formally subdivided between the 2 existing dwellings.



SOUTH ELEVATION

The surrounding properties are the Broughty Ferry library to the west, Willis office premises to the south and houses to the north and east.

## 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:

The site is in an existing housing area and Policy H1 seeks to protect residential amenity. Policy H10 sets out standards for new housing development.

The site is also within the Forthill Conservation Area and Policy BE11 requires all development proposals to complement and enhance the character

of the surrounding area. Finally the site is within an area where Policy BE4 on garden ground development is applicable.

### 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 relevant policies in this Plan are similar to those in the adopted Local Plan, namely:

The site is in an existing housing area and Policy 1 seeks to protect residential amenity. Policy 4 sets out standards for new housing development.

The site is also within the Forthill Conservation Area and Policy 61 requires all development proposals to preserve or enhance the character of the surrounding area. Finally the site is within an area where Policy 15 on garden ground development is applicable.

### 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 is sustainable insofar as it is in a central location close to services and facilities.

## SITE HISTORY

Planning permission was granted for the 2 storey extension to the side of the house in 1983 - application ref. no. D9528 refers.

A planning application to erect a larger house of a standard "off the peg"

design on this site was withdrawn on 6/12/04 prior to its determination by Committee - application ref no 04/00819/FUL refers.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposed development was advertised as affecting the Forthill Conservation Area and as potentially contravening Policy H10 of the adopted Local Plan. No public comment was received.

## CONSULTATIONS

Broughty Ferry Community Council objected to the proposed development stating concerns about the small size of the house and garden and the lack of a garage in terms of Policy H10 and the inappropriate design of the dwelling in the conservation area. 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 has requested that the trees to be retained be protected by fencing in accordance with BS5837:1991 and that the proposed new trees to be planted should have a minimum girth of 20-25cm.

## 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.

Furthermore in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) Act 1997 special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Forthill Conservation Area.

### The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

In 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.

However the proposed house will have only 2 bedrooms. Policy H10, which is geared towards larger housing developments, requires more than 50% of new houses in suburban areas to have 3 or more bedrooms. This application involves a single house only and on a site where a smaller house would be more appropriate and actually encouraged by other policies in the Plan. In these circumstances, taking into account the fact that Policy H10 is a guideline, that the relevant strand of H10 relates to multiple dwelling applications and that a smaller house would be more appropriate here, it is considered that the proposed development would not contravene this policy.

Policy BE4 relates to garden ground development. The design of the proposed house has been adapted for the site in order to minimise its size and visual appearance. Although its design is modern, the use of natural stone and extensive areas of glazing on the front elevation achieves the high quality envisaged in Policy BE4(A).

Reference to historic maps indicate that the original house had a footprint of some 95 sq metres. Modern extensions to this house have increased its footprint to some 117 sq. metres. The footprint of the proposed new house is approximately 115 sq. metres. When this footprint is added to the extensions to the original house, Policy BE4(B) is not contravened because the new floorspace is just less than 1.5 times the footprint of the original house.

There will be no adverse impact on trees (other than an unimportant conifer hedge) and new planting is proposed, as required by Policy BE4(I) and (J).

Policy BE11 requires all development proposals to complement and enhance the character of the surrounding area. In this case the proposed house is of an appropriate design and finishing materials and is set in the site to avoid detracting from the character or appearance of the conservation area.

However the character of this part of the conservation area is typified by large villas set in substantial landscaped gardens surrounded by stone boundary walls. Although the existing house is subdivided horizontally into 2 units, this subdivision is not visually apparent and the entrance, parking arrangements and garden ground are shared. The proposal to build a new house in the garden and the formalisation of the subdivision of the site into 3 plots will result in a new house, an increased area of hard standing and new boundary enclosures, all of which will combine to erode the visual character of the site and thereby to detract from the character and appearance of the Forthill Conservation Area.

It is concluded from the foregoing that the proposal does not comply with Policy BE11 of the adopted Local Plan.

### The Statutory duty set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

This requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. As explained above in the context of the assessment of the proposal under Policy BE 11 of the adopted Local Plan, it is considered that the proposed development will detract from the character and appearance of the Forthill Conservation Area.

### 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 on garden ground development introduces a new criteria (d) that "prevailing densities in the area are respected". For the reasons explained above in the assessment of the development against Policy BE11 of the adopted Local Plan, it is considered that the introduction of an additional house and the subdivision of the garden into 3 units will depart from the prevailing pattern and density of development

typified by large villas set in large landscaped grounds. It is accepted that the site is close to the more urban and built up part of Broughty Ferry with an office block to the south and a petrol filling station to the south east, but nevertheless the prevailing character and density is of large villas in large grounds. It is therefore considered that the proposal contravenes Policy 15 (d) of this Plan and 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 also contravenes Policy 61 on development within conservation areas.

### **The Concerns of the Community Council**

The concerns of the Community Council about the small size of the house and garden have already been addressed in the context of Policy H10 of the adopted Local Plan and it is considered that the development is satisfactory in these respects. There is no mandatory requirement for a garage under Policy H10 (just that 50% of houses in suburban areas should have space for a garage). In this case there is room for a garage but the absence of a garage is preferable in terms of visual amenity. The Community Council concerns about the design of the proposed house have already been considered in the context of the garden ground policies and the proposed development has been considered to be satisfactory in this respect. A particular concern is raised about the proposed flat roof. This roof is appropriate for the garden style structure proposed and will significantly reduce its prominence.

It is concluded from the foregoing that the material considerations weigh against the proposed development and it is therefore recommended that planning permission be refused.

### **Design**

The design of the proposed house in itself is satisfactory having been adapted for the site in order to minimise its size and visual appearance. Although its design is modern, the use of natural stone and extensive areas of glazing on the front elevation achieves a satisfactory visual quality. However the introduction of an additional house on the site and the formal subdivision of the grounds into 3 units with an accompanying increase

in the area of hard standing and new boundary enclosures will detract from the character and visual amenity of the Forthill Conservation Area.

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## **CONCLUSION**

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The proposed development contravenes policies of the adopted and finalised Local Plans and fails to meet the statutory duty to preserve the appearance of the Forthill Conservation Area.

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## **RECOMMENDATION**

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

### **Reasons**

- 1 The proposed development contravenes Policy BE11 of the adopted Dundee Local Plan 1998, Policy 61 of the Finalised Dundee Local Plan Review and fails to discharge the statutory duty to preserve the appearance of the Forthill Conservation Area because it involves the erection of a new house in the garden of a large villa in substantial landscaped grounds and the formalisation of the subdivision of the site into 3 plots, resulting in a new house, an increased area of hard standing and new boundary enclosures, all of which will combine to erode the visual character of the site and thereby detract from the character and appearance of the Forthill Conservation Area.
- 2 The proposed development contravenes Policy 15 (d) of the Finalised Dundee Local Plan Review because the subdivision of the site into 3 plots fails to reflect the prevailing densities in the area and erodes the visual character of area.