

KEY INFORMATION

Ward Tay Bridges

Proposal

Demolition of garage and erection of 2 three storey 4 bed apartments

Address

Seafield House
200 Perth Road
Dundee
DD1 4JY

Applicant

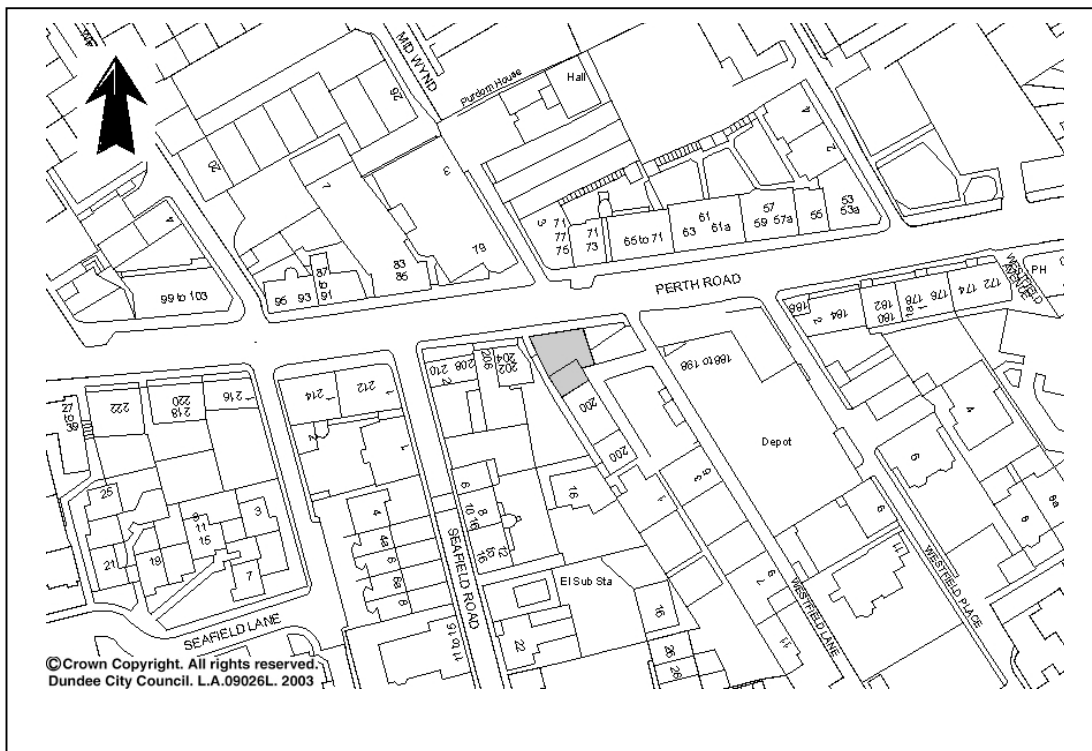
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Agent

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Registered 3 March 2005

Case Officer Eve Jones



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

RECOMMENDATION

The proposed development is contrary to policies in the Dundee Local Plan 1998 and the Finalised Dundee Local Plan Review 2003. One objection is supported. There are no material considerations sufficient strength to justify the grant of planning permission contrary to the policies. The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for the erection of two three storey, 3 bedroom apartments. Both will share a double garage on the ground floor with separate stairs to the upper floors. Each has a rear terrace and small balcony.
- The site lies on Perth Road and is occupied by a vacant lock up and yard.
- A previous application for two three storey, 4 bedroom townhouses was refused by Committee on 6 December 2004 on policy grounds. This revised proposal seeks to address some of the reasons for refusal by the change to flats, the use of a communal garage and amendments to the design.
- The proposal is contrary to policies in the Dundee Local Plan 1998 in terms of the provision of parking, privacy distances to adjacent properties, the road safety implications of the layout. The proposed building is considered to be out of character with the Conservation Area.
- The Finalised Dundee Local Plan 2003 does not support flats on this site. The proposal fails to comply with policies in respect of the type of development, car parking, amenity and garden space, privacy and the location of the building.
- One objection was received and is partly supported on the above grounds. There are no material considerations which support the granting of planning permission contrary to the terms of the development plan.

DESCRIPTION OF PROPOSAL

The erection of two three storey, 3 bedroom apartments. Both will share a double garage on the ground floor with separate stairs to the upper floors. The garage has a turntable to enable vehicles to turn within the site. Each unit will have a lounge/dining room and kitchen on the first floor. There will be three bedrooms on the second floor. Rear ground floor terraces of 15 square metres and 19 square metres and first floor terraces of 3.7 square metres provide amenity and drying space. The proposed finishing materials are coloured masonry block/facing brick with slate roof. A previous application for two, three storey 4 bedroom townhouses was refused by Committee on 6 December 2004 on policy grounds. This revised proposal seeks to address some of the reasons for refusal by the change to flats, the use of a communal garage and amendments to the design of the main elevations.

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 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.

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 09.01.2003.

04/00798/FUL erection of 2 three storey, 4 bedroom townhouses. Refused by Committee on 6 December 2004. Contrary to Policies H10 and BE11 of the Dundee Local Plan 1998 and Policies 4, 55 and 61 of the Finalised Dundee Local Plan Review 2003.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as contrary to the development plan. One valid objection was received from a neighbouring property on grounds of appearance (design), effect on trees, traffic, parking and access problems, residential amenity (noise overshadowing and overlooking). 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

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

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

According to the definition in the planning legislation, the shared ground floor with accommodation units above means these units are flats not houses.

The proposal complies with the house type and size criteria.

Amenity space/Gardens: 10 square metres per flat of usable and private space is required with outdoor drying facilities in addition to this. Sunny balconies may reduce this requirement. The proposal complies with the required area but the ground floor terraces are shaded by the three storey building immediately to the south. The balconies are small but are south facing. It is considered that, on balance, the provision complies with the criteria.

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. The privacy criteria is not met.

Parking/Garaging. 100% parking, ie 1 parking space per unit is required and visitor space of 30% is also required where on street parking is a problem. This would require a total of 3 spaces for these 2 flats. The proposed development has a shared double garage. The proposal does not provide sufficient parking to comply with the criteria.

Layout/Urban Design. The proposal is for a three storey building to be located immediately on the heel of the footway. The layout has garages fronting directly on to the footway of Perth Road. There are parking restrictions on the street frontage of this site from 0800 to 1800 Monday to Saturday. 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. This layout does not allow for adequate visibility 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 privacy, parking and garaging and layout.

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 and the design of the proposal is an improvement on the previous application in terms of the design and materials. The position of the proposed development at the heel of the footway with a vehicle access on to Perth Road is out of character with the surrounding area 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 framework seeks to encourage the development of houses rather than flats. 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, flats will only be permitted if identified in a site planning brief (there is no brief), site specific circumstances demand a flatted solution (there is no justification for flats in this case).

Car/Cycle parking: 130% parking is required and this provision may be increased or decreased in light of on street parking and off street parking provision nearby. There is no provision for visitor parking. The statement in Policy 4 providing flexibility for small developments is not appropriate for the provision of parking for this development of 2 flats. The development is not of exceptional quality. 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: 100 square metres of usable private communal garden area or 10 square metres per flat whichever is the greater is

required. Drying areas should be additional. As detailed above, the proposal does not comply with the policy in this regard.

Privacy: 18 metres between facing windows of habitable rooms. As noted above, the proposal does not comply.

It is concluded from the foregoing that the proposal does not comply with Policy 4 in respect of the development of the site for flats, 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 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 does not complement and enhance the character of the Conservation Area. In terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, special attention should be paid to the desirability of preserving or enhancing the character or appearance of the West End Lanes Conservation Area. As noted, the building with its vehicle access on to the footway is considered to be out of character and does not preserve and enhance the Conservation Area.

Objection: One valid objection was received from a neighbouring property on grounds of appearance (design), effect on trees, traffic, parking and access problems, residential amenity (noise overshadowing and overlooking). These issues were not expanded on in any way in the objector's letter. There are no trees on the site. As noted above, the development is contrary to policy in terms of the scale of the proposal, the parking and traffic issues, privacy and overlooking and the objection is supported on those grounds.

It is concluded from the foregoing that the weight that can be accorded to the 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 scale of the proposal does not complement the surrounding buildings and is not of exceptional quality such as would justify the setting aside of policies in order to support the application.

CONCLUSION

The proposed development of two three storey flatted units on this small site on Perth Road fails to comply with policies in both the Dundee Local Plan 1998 and the Finalised Dundee Local Plan Review 2003 in respect of the development of flats, parking, garden ground provision, privacy standards in relation to adjacent properties, layout in terms of road safety and the safety of pedestrians and the scale and location of the proposed building.

RECOMMENDATION

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

Reasons

- 1 The proposed development is contrary to Policy H10 - Design of New Housing of the Dundee Local Plan 1998 by reason of insufficient parking, facing windows within 18 metres, a garage layout which is unacceptable in the interests of pedestrian safety and an unacceptable scale and location of 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 BE 11 - Development in Conservation Areas of the Dundee Local Plan 1998 as the location of the vehicle access to the building does not complement and enhance the character of the surrounding 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 of the Finalised Dundee Local Plan Review 2003 by reason of the development of flats, insufficient parking, lack of amenity/garden space and facing windows within 18 metres.

- 4 The proposed development is contrary to Policy 55 - Urban Design of the Finalised Dundee Local Plan Review 2003 by reason of the layout of the garage entrance which is unacceptable on the grounds of visibility and pedestrian safety.
- 5 The proposed development is contrary to Policy 61 - Development in Conservation Areas of the Finalised Dundee Local Plan Review 2003 as the location of the vehicle access to the building does not preserve or enhance the character of the surrounding area.