

KEY INFORMATION

Ward West Ferry

Proposal

Erection of new dwelling house

Address

Land to south of 3 Balmyle Road
Broughty Ferry

Applicant

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c/o South Tay Street
Dundee

Agent

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Registered 20 April 2006

Case Officer S Johnson



New House Proposed in Balmyle Road

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

RECOMMENDATION

The proposed development is considered to be contrary to Policies 4, 15 and 61 of the Dundee Local Plan Review 2005, it fails to preserve or enhance the conservation area and the objections are supported.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a two storey detached dwelling house within the garden ground of 3 Balmyle Road, Broughty Ferry, Dundee.
- Three letters of objection were received from neighbouring residents on the grounds of loss of parking within the curtilage, development has taken place within the garden ground already, size and density, overlooking, loss of privacy and light and the design of the proposal.
- Policies 4, 15 and 61 of the Dundee Local Plan Review 2005 are relevant to the determination of the application as these policies seek to protect the existing amenity of neighbouring properties and the architectural appearance and landscape features of low density parts of the City.
- It is considered that the proposal does not comply with Policy 4 or Policy 15 of the Dundee Local Plan Review 2005. It fails to preserve or enhance the West Ferry Conservation Area. The views of the objectors are supported and there are no material considerations that would justify the approval of this application contrary to the provisions of the development plan.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a detached dwelling house within the garden ground of 3 Balmyle Road, Broughty Ferry. The proposed house is a two storey four bedroom unit with a double garage. Proposed finishing materials are render, reconstituted stone and natural slate. The proposed house would be accessed through the existing entrance gates to 3 Balmyle Road along the boundary wall at Balmyle Road. The principal elevation would face east onto Balmyle Road.

The proposed development would remove over half the garden ground and the principal vehicular access and parking area from the house at 3 Balmyle Road. Four trees would need to be felled to accommodate the development.

SITE DESCRIPTION

The site is located on the west side of Balmyle Road within the garden ground of 3 Balmyle Road to the south of the existing house. The existing house is a two storey modern property within West Ferry Conservation Area. The property immediately to the south is a grade B listed building. It is the original house (number 1). Immediately to the west is a grade C listed building. The principal elevation of the existing house (number 3) faces south. There is a small garden to the north and a large terraced garden to the south. Vehicular access is available along the boundary wall to the east. However, this does not appear to have been used for a number of years. There is a garage to the north of the existing house which opens directly onto Balmyle Road. There is mature vegetation along the south and west boundaries. This is a residential area where the majority of properties are large two storey stone built dwellings set within large mature gardens with separate garages and parking within the curtilage of each property.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 4 Design of New Housing. The design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will require to conform to the Design Standards contained within Appendix 1 of the Local Plan. For the purposes of the Design Standards this site is located within a suburban area.

Policy 15 Development in Garden Ground seeks to protect the architectural appearance and landscape features of low density parts of the city. A range of nine criteria including density of development, design, layout and impact on the existing site have been established that development proposals in garden ground should satisfy.

Policy 61 Development in Conservation Areas. All development in conservation areas will be expected to preserve or enhance the character of the surrounding area.



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

Key theme 13 is relevant to the determination of the application and states that places, spaces, and objects should combine meaning and beauty with utility. This proposed

development is in line with these considerations.

SITE HISTORY

An outline application (Planning Application Reference 06/00200/OUT) was submitted for this site but it was withdrawn before a decision had been made.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as contravening the Development Plan and as affecting the conservation area.

Three letters of objection were received from neighbouring residents. The valid grounds of objection are:

Lack of off-street parking for the existing house;

The current property at No.3 is already development in garden ground;

The size and density of the proposed development will exceed acceptable density levels;

The boundary between Nos. 1 and 3 is a substantial area of dense garden and mature shrubs and trees which would be destroyed by this development;

There is concern that the new development would reduce privacy and light;

The development will overlook the North elevation and gardens of No.1;

The development will adversely effect the current landscaping in No. 3;

The original disposition of the land for the "original house and garden" restricts the number of properties which can be built on this site;

The application contravenes Policy 15 in terms of criteria (a) to (d);

The submitted proposals are considered to be detrimental to the setting and amenity of adjacent listed buildings and the existing conservation area, by reason of design, scale, proportion, appearance, removal of trees and inappropriate site density;

The application contravenes Policy 15 in terms of criteria (h);

Trees have to be removed yet the applicant has stated there will be no removal of trees.

The submitted proposals incorporate a first floor level bar and games area with door access onto an open balcony which will overlook from an elevated status and be detrimental to the existing setting and amenity of the adjacent listed building, conservatory and private gardens of No 2 Ellieslea Road.

Copies of the objections are available for inspection in the Members' Lounges and the issues are discussed in the "Observations" section below.

CONSULTATIONS

The Forestry Officer advises that the submitted plans do not comply with BS:5837:2005, in respect of the identification of the trees on site and the relationship of the new house to them. He notes that the house appears to be too large to retain the larger trees and that there are no proposals for replanting.

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 4 and Appendix 1 sets out the standards for the design of new housing at this suburban location. Part B of Policy 4 states that within established low density residential areas, the density of new development should reflect this and generous space standards will be required. The proposal is within an established low density residential area and this matter is considered in more detail under Policy 15 of the Plan.

In terms of car parking provision, Policy 4 Appendix 1 states that for private houses with 3 or more

bedrooms at least 2 parking spaces should be provided. This proposal will remove the off street parking available within the curtilage of the existing house (No.3), leaving just a single garage. Consequently, the parking provision for the existing house will not comply with Policy 4. An integral double garage will form part of the proposal. It is considered that the parking provision for the proposed new house complies with Policy 4.

The proposal as submitted does not comply with Policy 4 in terms of providing 18 metres between neighbouring windows. There is less than 18 metres (approximately 16 metres) between the windows on the west elevation and the neighbouring property at number 2 Ellieslea Road. The distance to the conservatory at that house is just 12 metres. In addition, there is a proposed balcony on the west elevation of the new house which may lead to privacy issues for these properties. When this matter was pointed out to the applicants they submitted a plan indicating the house 2 metres further to the east to provide an 18 metres privacy distance. This plan has not been the subject of neighbour notification. The majority of the proposed south elevation is blank which would not create any unacceptable loss of privacy of the dwelling located to the south of the site. However, due to the scale of the proposal, this may have an impact in terms of overshadowing.

Policy 15 requires that developments in garden ground satisfy a range of criteria.

Firstly the proposal must be of high quality design and use appropriate materials. In this case the proposed house would be approximately 8.4 metres in height and would have a footprint of 108sq.m. The roof would be finished in natural slate and the external walls would have a buff rendered finish with the basecourse finished in reconstituted stone. It is considered that the design of the house and its scale make it an obvious addition to the area. It does not reflect the local context or pattern of development. The proposal, if orientated by 90 degrees clockwise, would have benefited from solar gain and would reflect the immediate context. The house would be evident above the existing boundary wall when passing the site. The design does not reflect the change in topography on the

site. The quality of finishes, with the exception of the use of natural slate on the roof, is more suburban in character and does not make a positive contribution to the West Ferry Conservation Area. It is considered that there has been little attempt to achieve an architectural treatment which would enhance the conservation area and fit the dwelling into the established site.

It is considered that the proposed house, by virtue of its size and scale, positioning and proportions, design and finishing materials does not reflect the character and appearance of the existing house (number 3) or any of the immediate adjoining properties. Accordingly, it is considered that the proposal is contrary to criteria (a) of Policy 15.

The proposed house would not project beyond the front building line of the original house. The original main house is number 1 Balmyle Road. The existing house, (number 3) is already development within the garden ground of the original house. However, from the information provided it would appear that the footprint of the proposed house would not exceed one and a half times the footprint of the original main house. The final proportion of ground covered by buildings and hardstandings would not exceed 40% of the original house and garden and at least 60% would remain cultivable garden ground. Accordingly it is considered that the proposal is in accordance with criteria (b), (c), (e) and (f) of Policy 15.

This is a residential area where the majority of properties are large stone built dwellings set within large gardens with separate garages and parking within the curtilage of each property. It is considered that this proposal does not respect the prevailing densities within the immediate area. Therefore the proposal does not comply with criteria (d) of Policy 15.

As no new openings are proposed along the boundary wall the development would comply with the Council's non-statutory guidance on Breaches in Boundary Walls. The proposal therefore satisfies criteria (g) of Policy 15.

In terms of criteria (h) a tree survey was submitted but is inadequate and does not clearly reflect the impact of the proposed house on the existing trees. request. The tree survey does

not provide comprehensive detail regarding maintaining any of the trees or additional root protection. It also indicated that it is proposed to remove 4 trees to accommodate this proposal (despite the fact that the application form indicates that no trees will be felled). The retention of the existing trees within the conservation area is important to protect the character of the immediate area. It is considered that the proposal does not comply with this criterion. In addition, no details have been provided detailing any new planting or associated landscaping. Consequently, the proposal is contrary to criteria (i) of Policy 15.

Policy 61 states that all development proposals will be expected to preserve or enhance the character of surrounding area. As discussed above, in terms of existing density and overall design and materials, this proposal is considered unacceptable for this site. It is felt that this proposal will detract from 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:

A) Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, requires planning authorities to pay special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

This matter has already been considered in the assessment of the proposed development under Policy 61 of the adopted Local Plan and it was considered that the proposal would detract from the character and appearance of the West Ferry Conservation Area.

B) Objections - three letters of objection were received in respect of this application. The concerns of the objectors are loss of parking within the curtilage, development has taken place within the garden ground already, size and density, overlooking, loss of privacy and light and the design of the proposal. These issues have already been assessed in the context of Policy 4 and Policy 15 of the Dundee Local Plan Review 2005. It has been concluded that the proposal

contravenes Policy 4 in terms of prevailing densities, lack of parking provision within the curtilage for the existing house and the absence of the required 18m distance between habitable windows of the proposal and No.2 Ellieslea Road. In terms of Policy 15, the following criteria; (a), (d), (h) and (i) are also contravened. It is found that these grounds of objection are supported.

One of the objectors states that the original disposition of the land for the original house and garden restricts the number of properties which can be built on this site. This is a legal matter rather than a planning issue. This proposal has been assessed against criteria (b), (c) and (d) of Policy 15 where it was considered that the proposal does not contravene the terms of this policy.

It is concluded from the foregoing that there are no material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

Design

The design of the proposed house does not preserve or enhance the character and appearance of the conservation area or the setting of the adjacent listed buildings. It is therefore considered that the proposed development, by virtue of its size, scale, architectural form and finishing materials, would have a detrimental impact to the character and appearance of the conservation area.

CONCLUSION

It is considered that the proposal is contrary to Policy 4 and Policy 15 of the adopted Dundee Local Plan Review 2005 and would fail to preserve or enhance the character or appearance of the West Ferry Conservation Area. The objections are supported in these circumstances and the application is recommended for REFUSAL.

RECOMMENDATION

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

- 1 The proposed development is contrary to Policies 4 and 15 of

the Dundee Local Plan Review 2005 due to its scale and design, its relationship to prevailing densities, the lack of parking provision for the existing house, overlooking and privacy issues, the felling of mature trees and the lack of replacement planting. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.

- 2 The proposed development fails to preserve or enhance the character or appearance of the West Ferry Conservation Area due to the scale and design of the house and the impact on mature trees, and is therefore contrary to Policy 61 of the Dundee Local Plan Review 2005 and the statutory duty set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.