

KEY INFORMATION

Ward Broughty Ferry

Proposal

Erection of 2 storey dwelling house with integral garage

Address

Land West of
7 Reresmount Place
Broughty Ferry
Dundee

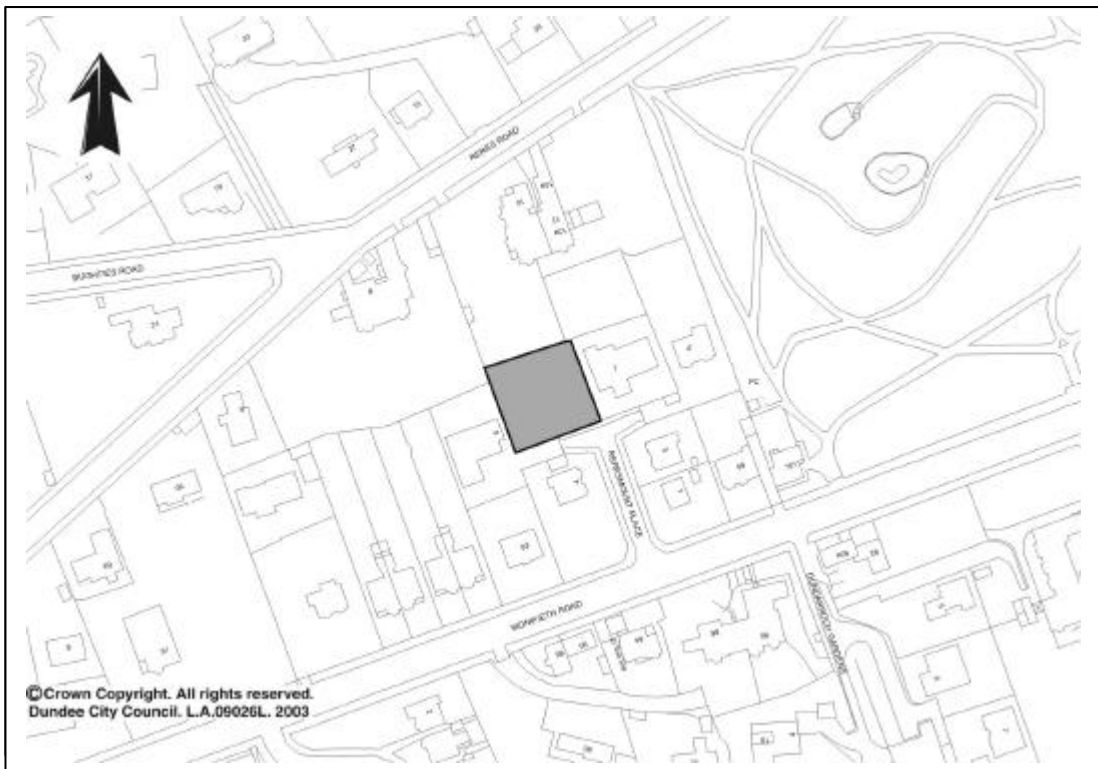
Applicant

Miss Phyllis J Mackay
North Grange Farm
Errol
Perthshire
PH2 7SY

Agent

Registered 27 April 2006

Case Officer J Young



Proposed New House in Reresmount Place

The erection of a 2 storey dwellinghouse with integral garage is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the proposal complies with Policies 4, 15 and 61 of the Dundee Local Plan Review 2005. The views of the objector are not supported and there no material considerations that would justify refusal of the application. Accordingly it is recommended that the application be **APPROVED**.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a two storey house on land to the west of 7 Reresmount Place, Broughty Ferry, Dundee.
- The site is protected by Conservation Area status and has a Tree Preservation Order.
- Policies 4, 15 and 61 of the Dundee Local Plan Review 2005 are of relevance to the determination of the application.
- One letter of objection was received to the application and one letter of support. The main concerns raised are regarding potential overshadowing and overlooking.
- It is considered that the proposal complies with the development plan policies. The objections do not carry sufficient weight to merit refusal of the application.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a two storey house in garden ground on land to the west of Reresmount Place, Broughty Ferry, Dundee.

The applicant has provided details of the house and which will be located in the south west corner of the site with access from the east end. The garden area will be located at the north end and it is proposed to remove all trees apart from one yew tree which will be retained. The details set out a proposal for a detached, two storey house with four bedrooms, a double garage and one car parking space. The proposed materials are a cream wet dash render and reddish facing brick for the walls, dark grey slate-effect roof tiles and white UPVC windows.

The application includes the removal of trees from the site and the applicant has submitted a tree survey report.

SITE DESCRIPTION

The application site is located on the north side of Reresmount Place and it is a tree covered site with an area of approximately 840sqm. The site slopes upwards from south to north and there are various mature trees within the site. An access path runs from south to north along the east boundary of the site and gives access to Reresmount Place from 10 and 12 Reres Road. There is a large stone built Victorian villa to the north and historically Reresmount Place formed part of the garden ground for this house.

There is a two storey house to the east with an integral garage on the front elevation and a single storey house to the west. The entrance to the house to the west is at the south west corner of the application site.

Most of the trees on the site are protected by a Tree Preservation Order which has been effective from 7th May 2004.

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 - guidelines have been set for the design and layout of new housing;

Policy 15: Development in Garden Ground - this policy sets out the criteria for the consideration of developments in garden ground and highlights that the scope for acceptable new development in garden ground is limited;

Policy 61: Development in Conservation Areas - all development proposal will be expected to preserve or enhance the character of the surrounding area;



Policy 72: Trees and Urban Woodland - new developments must have regard to existing healthy mature trees, the survival and retention of which will be strongly encouraged through the sensitive site layouts and both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscaping scheme which includes a supporting justification and sufficient map based material to document existing planting within the application site, as well as new planting and maintenance arrangements.

Scottish Planning Policies, Planning Advice Notes and Circulars

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 advises that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Non Statutory Statements of Council Policy

The Urban Design Guide advises that new buildings including infill developments should be well designed, flexible and outwardly expressive as to their purpose. In addition, an agenda of imaginative and innovative contemporary architecture is sought to discourage "off-the-peg" design and debased versions of historical styles.

LOCAL AGENDA 21

Key Theme 15 of Local Agenda 21 is of relevance to the determination of the application. It seeks to ensure that diversity and local distinctiveness are valued and protected. It is considered that these aims are met by the proposal.

SITE HISTORY

Outline planning permission was refused on 30th August 2004 due to the potential loss of trees on the site and its contravention of Local Plan policies.

Planning permission was granted in the 1980s for the development of the sites to the east and west. Outline planning permission was granted in 2002 for the development of a single storey dwelling to the east of 10 Reres Road (the original dwelling house).

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one letter of objection was received from a neighbouring resident to the west. The main grounds of objection are:

- 1 Overshadowing and loss of light;
- 2 Loss of view;
- 3 Devaluation of property.

One letter of support was received from a resident to the north who supports the removal of trees on the site as their amenity will be greatly improved and the footpath along the east boundary can be used safely again.

Copies of the letters of objection and support are available in the Members' Lounges and the points of objection are addressed in the Observations section of this report.

The application was advertised as affecting the setting of a Conservation Area on 9th May 2006.

CONSULTATIONS

The Council's Forestry Officer confirms the following:

- 1 The developer submitted a written request to fell all the trees on the site in a conservation area and it was agreed to protect the trees by placing a TPO on the site as we are obliged to under the act.
- 2 After further detailed investigation it was found that the largest oak tree on the site was hazardous and permission was given to remove the tree. This was carried out with minimum disturbance to the remaining trees.
- 3 It was further investigated to see if any further trees could be retained on the new proposed site and only a self seeded sycamore would be deemed to be in the retention category. However, it was agreed that this would outgrow the site and cause not only problems with the new and adjacent properties but also interfere with the Yew tree which if looked after should have a very long lifespan.
- 4 The remaining trees that have to be removed to allow development were under the canopy of the large oak and could be under threat from any severe weather.
- 5 Whilst this proposal involves removing much of the tree cover, a large yew tree will be retained and together with the proposed replanting will retain some tree cover to the area. If the proposal does not proceed, the trees will grow further and are unlikely to be maintained and will become a hazard to the surrounding residents. A TPO may protect trees from illegal felling but does not allow us to enforce best practice maintenance.

The Council's Forestry Officer has met with the applicant on site and amendments have been made to the original landscaping proposals. It is intended to fell all trees on the site apart from one. Six replacement trees will be planted and these will then be

protected by the TPO on the site. The type, size and species of replacement trees will be the subject of a planning condition.

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.

The planning application submitted is for a two storey, four bedroom detached house. The plans illustrate that the proposed two storey house will have an integral double garage, one car parking space and a garden area of over 300sqm.

Policy 4 specifies the criteria to be met by new housing development in suburban areas. This includes the requirement for three bedrooms, a minimum of 160sqm of garden ground, 18m between facing habitable rooms, one parking space, a garage or space for one and each development must form interesting, safe spaces with interesting architecture giving a unique sense of place. On the basis of the details provided, the proposal complies with the criteria for house type/mix, parking and garage. There will be a 2m high fence along the east and west boundaries and it is considered this will ensure there is an acceptable level of amenity for future occupants and neighbouring residents.

Policy 15 seeks to ensure that certain areas throughout the City whose unique character is provided by villas set in large garden grounds with mature planting is maintained. Pressure from development has threatened to remove the character of these areas through over-development and the loss of trees. In order to protect the architectural appearance and landscaped features of such areas, Policy 15 sets out a range of criteria to be met.

Criteria (A) requires proposals to be of a high quality design and use materials appropriate to the surrounding area. The scale, design and materials for the house are acceptable and will complement the design and scale of other houses at Reresmount Place. A condition will be attached to ensure that full details of the materials are submitted prior to the development commencing on site. The development complies with criteria (B) and (C) as the development does not exceed one and a half times the footprint of the original house and the final proportion of ground covered does not exceed 40%. In terms of Criteria (D), the development is less dense than existing housing plots at Reresmount Place. Criteria (E) seeks to resist new buildings in front of the main elevation of the existing house, apart from a single storey lodge-like house. The proposed house is not located in front of the building line of the existing house and so the proposal complies with this criteria. The proposal complies with criteria E and F as no new building is proposed in front of the main elevation of the original house and the prominent frontages and elevations will remain intact. No breaches in boundary walls are proposed and so criteria G is complied with. Tree survey details have been submitted and so criteria H and I are fulfilled.

The proposed development is located within the Reres Hill Conservation Area and as such Policy 61 applies. This Policy seeks to ensure that all developments complement and enhance the character of the surrounding area. The current proposal is for a two-storey house on a sloping site between single storey and 2 storey houses. The scale and materials will reflect those in the immediate area. The site is currently a wooded plot with a gap in the middle of the site where a diseased mature tree was recently removed. Although the proposal includes removing all trees from the site apart from one yew tree, new tree planting is also proposed and it is considered that this will continue to contribute to the character of the area. Other trees will remain along the boundaries of the site and particularly along the north boundary.

Policy 72 seeks to protect existing healthy mature trees not only for their visual amenity value but also for their wider environmental significance. The

Council's Forestry Officer appreciates that a large diseased tree had to be removed from the site recently and the Council approved the removal works. The trees are protected by a Tree Preservation Order and the applicant has submitted a tree survey report outlining their justification for removal of a number of the trees. The tree survey report has been assessed, which proposes removing a large number of trees from the site. The works are considered acceptable provided replacement planting is of an appropriate scale and type. A condition will be attached to ensure that appropriate replacement planting is carried out prior to the first occupation of the dwelling and also that the new trees are maintained. It is considered that the proposal complies with Policy 72.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

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

Objections

One letter of objection was received from a neighbouring resident to the west on the grounds of overshadowing and loss of light. A 2m high fence will be erected along the west boundary and this will protect amenity. The trees on the site will already cause some overshadowing for surrounding properties. It is considered that the development of a house at this location will not cause any greater level of overshadowing than exists at present. The house will be set back 5m from the west boundary and the house to the west is 2m from the boundary. The garden area for this dwelling is to the north and with the proposed house located at the southern end of the site, it is considered that the garden area will be protected from overshadowing. The windows of the neighbouring house to the west belong to a dining room, kitchen and hall. The windows on the west elevation of the proposed house are an en-suite and laundry room. Therefore there will be no direct overlooking of habitable rooms.

It is concluded from the foregoing that insufficient weight can be accorded to the material considerations such as to justify the refusal of planning permission. It is therefore

recommended that planning permission be granted.

Design

The design of the house is acceptable and will preserve and enhance the character of the area.

CONCLUSION

It is concluded that the proposed development complies with Policies 4, 15, 61 and 72 of the Dundee Local Plan Review 2005. There are no material considerations that would justify refusal of the application in these circumstances.

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 Full details of tree removal, retention, protection and replacement planting all as per BS5837: 2005 shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 4 Details of a full tree management plan for retained trees and new trees on the site shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

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.

- 3 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 4 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.