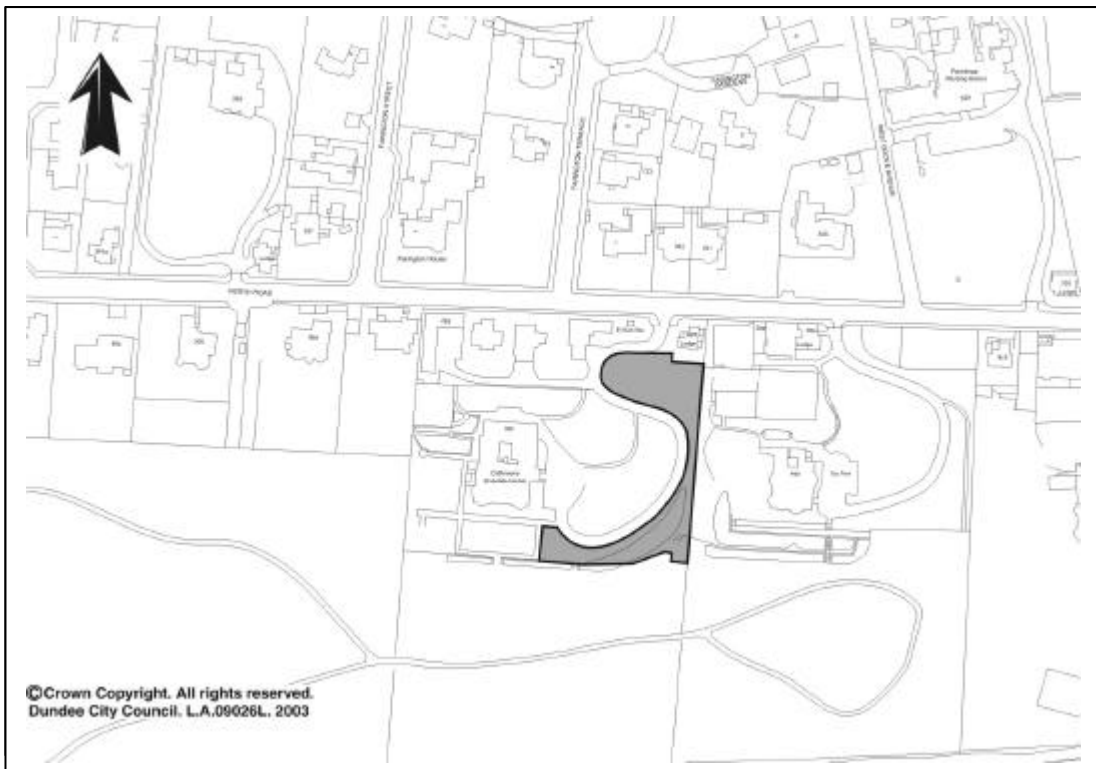


KEY INFORMATION**Ward** Riverside**Proposal**

Erection of one dwellinghouse with garage

AddressLand to the South of the Lodge at 488
Perth Road
Dundee**Applicant**Mr Paul Moore
4 North Isla Street
Dundee
DD3 7JQ**Agent**Baxter Clark and Paul
(Dundee) Ltd
24 South Tay Street
Dundee
DD1 1PD**Registered** 18 May 2006**Case Officer** Eve Jones

Proposal for New House Adjacent to Cidhmore House

The erection of one dwellinghouse with garage is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

SUMMARY OF REPORT**RECOMMENDATION**

The proposed development fails to comply with Policies 15, 4 and 61 of the Dundee Local Plan Review 2005 and does not meet the guidance in the Memorandum of Guidance on Listed Buildings and Conservation Areas. Four objections are supported on planning grounds and the supporting statement is not agreed. Accordingly, the application is Recommended for **REFUSAL**.

- Planning permission is sought for the erection of a detached house of modern design and materials. The house has a single storey, stone and render elevation to the north and two storey, extensively glazed elevation to the south. The double garage has a large terrace above.
- The site forms part of the grounds of Cidhmore House which is now divided into houses and has new houses built along the northern part of the garden. The site of the proposed house lies to the south of the lodge house and the driveway curves around the site and slopes down to the main house. The application site is an elongated, steeply sloping curved site, predominantly covered in trees and mature shrubbery.
- The Policies 15 and 4 of the Dundee Local Plan Review 2005 set design standards and seek to protect the setting of large houses in mature landscaped grounds with specific criteria for development in the grounds. The original house is Listed and the site lies within a Conservation Area covered by Policy 61. It is considered that the proposal does not comply with the policies.
- Four objections have been received from neighbours and the planning objections are supported. A statement of justification has been submitted by the applicant but it cannot be supported.
- It is considered that the proposal would detrimentally affect the setting of the Listed Building, the character of the Conservation Area, the appearance and character of the existing mature landscaping, and would have insufficient private usable garden ground to comply with Council policies.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a detached dwelling house. The house is of contemporary design using the slope of the site to provide a house with one storey to the upper part of the slope and two storeys to the south. There is a conventional roof pierced by two asymmetrical sloping roofs. The southern and western elevations are extensively glazed. The garage is cut into the slope below an open terrace. The property will have three bedrooms leading on to a small terrace on the lower floor and an open plan lounge and dining room with kitchen leading on to a covered terrace and a large open terrace above the garage on the upper floor. The materials are reconstructed stone and render with extensive glazing and a slate roof.

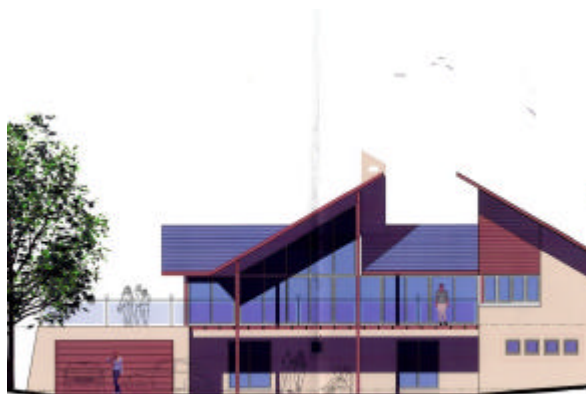
A Tree Survey and Report has been submitted as part of the application. The survey only considers the northern part of the site where the house is to be located. It identifies 12 trees, 1 of which is dying and is recommended to be removed. The trees vary between 5 and 18 metres in height and are mainly evergreens. On the assumption that the site is to be developed as detailed in the application, the report recommends the removal of 6 of the remaining 11 trees. The site is described as being rather overgrown, being dominated by several groups of tall evergreens shrubs.

A Planning Statement has been submitted on behalf of the applicant and it will be considered in the Observations below.

SITE DESCRIPTION

The application site forms part of the grounds of Cidhmore House on the south side of Perth Road. Cidhmore, a Category B Listed Building dating from 1868, is a large Italianate villa set on the lower part of a sloping site facing south over the River Tay. The original mansion house has been divided into 5 houses and the stable block into 1 house. The former kitchen garden now accommodates 2 new houses and 1 flatted unit comprising two flats along the upper, northern part of the site behind the high wall which screens the site from Perth Road. Access to the whole site is gained via a formal gateway with a

lodge house which is also listed. The application site is an elongated curved site with a substantial slope down from north to south. The upper part of the site, where the house is proposed to be located, lies immediately to the south of the existing lodge and its private garden. It is dominated by several large groups of evergreen shrubs 6 - 9 metres high with a number of trees between. The mutual driveway curves around three sides of the house site and then slopes down and curves to the west to the main house. The remainder of the application site is the heavily wooded strip of land between the driveway and the eastern and southern boundary of the original gardens. This contains a timber garage in the south east corner and in the south west corner lies the recently constructed bin stores which serve the houses in the divided Cidhmore House. The site is characterised by its sloping nature and its tree and shrub cover.



ELEVATION TO SOUTH

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 15 - Development in Garden Ground.

Policy 4 - Design of New Housing.

Policy 61 - Development in Conservation Areas.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following is of relevance:

The Memorandum of Guidance on Listed Buildings and 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

Whilst the use of existing land within the built up area may be regarded as complying with Key Theme 1 in the efficient use of resources, the site is wooded and its development would be contrary to Key Theme 3 which seeks to value and protect the diversity of nature. In addition, Key Themes 13 and 15 seek to ensure that places combine meaning and beauty with utility whilst ensuring that diversity and local distinctiveness are valued and protected. The development is on a wooded site within the Conservation Area and within the curtilage of a Listed Building.

SITE HISTORY

D21891 and DLB 01269 Change of use of mansion house to form 5 dwellings, approved with conditions 15/10/1996.

D21888 Change of use from stable block and garages to 3 dwelling houses, approved with conditions 27/11/1996.

D21880 Outline application for the erection of 2 flatted units and 1 dwelling house, approved with conditions 27/11/1996.

D22469 Erection of 1 flatted villa (2 units) and 1 dwelling house approved with conditions 02/04/1997.

D22504 Erection of 1 house on site of existing sub station, approved with conditions 17/06/1997.

D23202 Erection of double garage, approved with conditions 09/03/1998.

D24490 Erection of garage and associated landscaping and bin stores, approved with conditions 26/06/2000.

04/00150/OUT Erection of house and garage, invalid 31/03/2004.

04/00731/OUT Erection of house and garage, withdrawn 06/12/2004.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was advertised as potentially contrary to Policies H10 and BE 4 of the Dundee Local Plan. It was also advertised as a development affecting the setting of a Listed Building and affecting the setting of a Conservation Area. Four objections were received from adjoining residents on grounds of the impact on the character of Cidhmore House as a Listed Building within a Conservation Area, the further subdivision of the site, the loss of mature trees and shrubs with the resulting loss of habitat for wildlife and the loss of a footpath with the resulting impact on pedestrian safety. Copies of the objections are available in Members' Lounges and will be considered in the Observations below.

CONSULTATIONS

The Council's Forestry Officer advises that the submitted Tree Report is excellent and clearly identifies that 6 of the 12 trees should be removed only to facilitate the development. Only one tree is recommended for removal as a result of its poor condition. However, this report has not been used in the preparation of the submitted plans which are inaccurate and show removal of an existing lime tree which does not exist, only 2 trees to be removed rather than 7 and retained trees in the wrong positions. The Forestry Officer considers that the loss of trees and mature shrubbery would be significant to the local area.

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 15: Development in Garden Ground

The introduction to Policy 15 explains that "Throughout the City there are a number of areas characterised by villas set in large garden grounds with mature planting. Pressure to develop new houses in garden grounds threatens the character of these areas". To protect the architectural appearance and landscape features of low density parts of the City, a range of criteria have been established that development proposals in garden ground should satisfy.

Developments in garden ground will be required to satisfy the following criteria. Planning applications must contain sufficient detail to enable their consideration under each point:

- a the proposal is of high quality design and uses materials appropriate to its surroundings; and

The submitted details are of a house of non-traditional split-level design, with asymmetrical roofs, limited narrow windows to the north and extensive feature glazing to the south and west with the principal rooms leading on to a large elevated terrace. The materials are reconstituted stone and render with extensive glazing on the southern elevation and a slate roof. Out of the context of the site, the design and materials are acceptable but the scale and design of the house is considered to be too small for the plot and constitutes a development which is inappropriate for the site and the setting.

- b the total footprint of new buildings does not exceed one and a half times the footprint of the original main house unless there has already been development within the garden ground exceeding this limit and where further development would not detrimentally affect the appearance and character as now exists; and

As noted in the Site Description and Site History above, there has been previous development within the grounds of Cidhmore House which exceeds one and a half times the footprint of the original main house. Between October 1996 and June 1997, four planning applications and an application for listed building consent were approved for the redevelopment of the original house and grounds. This resulted in the provision of 8 houses within the existing mansion house and outbuildings and the erection of three new build, traditionally styled villas, one of which actually contained two flats. These new buildings were specifically confined to the northern part of the site behind the screen wall to Perth Road, which comprised the kitchen gardens. Due to the slope of the grounds and the existing mature landscaping, this new development does not impact upon the existing setting of the mansion house. The sweeping driveway passes the typical lodge house then curves round and down the slope before the main house is revealed, a characteristic form of development of many of the large villas on the south side of Perth Road.

It is considered that the siting, scale and design of the proposed house will have an unacceptable impact on the existing character and appearance of the original house and grounds. It will be immediately visible on entry to the site and will detract visually from the traditional setting of the modestly scaled lodge house. It will require the removal of a number of trees and their associated established mature shrubbery which provides the essential setting for the curved driveway and screening for the lower grounds. It will be clearly visible from the environs of the main house and will be out of character with the existing landscape setting due to its scale, location, design and materials. It is concluded that the proposed development fails to comply with this criteria.

- c notwithstanding the above, the final proportion of ground

covered by buildings, hard-standings, garages etc. must not amount to more than 40% of the original house and garden (*) with at least 60% cultivatable garden ground.

The proposal complies with this criteria.

- d prevailing densities in the area are respected; and

Criteria d requires that prevailing densities in the area are respected. Whilst the application site is large in area, it is elongated in shape, steeply sloping in parts and heavily wooded over the majority of its area. The available usable private garden ground is limited for the size of house proposed and it is considered that the development does not respect the prevailing densities in the area.

- e no new building is proposed in front of the main elevation of the original house; extensions exceeding 20% of the volume of the original building will only be acceptable if designed in such a way as to appear independent and linked discreetly to the original house;

- f prominent frontages and elevations of architectural character on the original house will remain largely intact; and

- g the proposal conforms to the Council's non-statutory guidance on Breaches in Boundary Walls. These criteria are not relevant to this proposal.

- h a full tree survey is submitted along with the planning application to enable a comprehensive landscape assessment to be undertaken. Ultimately, the need to retain existing trees and landscape features may override the above criteria; and

The Tree Survey and Report only considers the northern part of the application site where the house is to be located. It assesses the trees and identifies that a Norway maple tree is dying and should be removed. The remaining 11 trees vary in height between 5 and 18 metres and are mainly evergreens. The site is described as being rather overgrown, being

dominated by several groups of tall evergreens shrubs. However the submitted photographs show that the grass is neatly kept and the shrubbery is mature in keeping with the character of the site. The Report then goes on to consider tree works to be carried out regardless of any permission for development and also advises that 6, possibly 7 of the trees will require to be removed to accommodate the proposed house. It is considered that the proposed development will result in the loss of the majority of the trees and the mature landscaping which adds to the character of the site. Whilst the individual trees may not of themselves be high in quality or rarity, their cumulative impact with the mature shrubbery is greater than the sum of its parts and should be retained as part of the overall mature landscaping of the site as a whole. The Council's Forestry Officer advises that the submitted Tree Report is excellent but the plans have been prepared before the tree survey was carried out and contain inaccuracies relating to the trees.

- i where development is permitted, new tree planting and landscaping will be required which should reflect, and where appropriate enhance, the character and stature of that already existing.

The scale of development is such that if sufficient usable garden ground is to be retained to complement this family sized house, there will be very limited opportunities to replace the loss of 6 possibly 7 trees.

Therefore, it is considered that the proposal fails to comply with Policy 15 in respect of criteria a, b, h and i.

Policy 4 - Design of New Housing

The Policy seeks to promote a good quality of new housing development and notes that in certain very small scale development proposals, compliance with the standards in Appendix 1 is not practical. In such instances, some flexibility will exist where the proposal is of exceptional quality. This is a single house plot within the suburban area. The

proposal complies with all standards other than:

- 1 the minimum of 18 metres between facing windows of habitable rooms. The proposed dining room windows are to be obscure glass blocks to address this issue.
- 2 the provision of usable private garden grounds The proposed house has open and covered terraces with a combined area of 93 square metres. The remaining ground indicated on the plans as private garden ground is predominantly heavily treed and has limited use and part is open to view from the communal drive and is not private. It does not provide usable private garden ground as required by the policy. The elongated part of the application site is steeply sloping, heavily treed, contains a garage and binstores and is detached from the vicinity of the house. It forms a landscaped margin to the driveway and cannot be considered to be private garden ground for the proposed house.

It is recognised that this is an individually designed house of some merit when considered separately from its context. However, there is no justification for a failure to provide at least the minimum amount of usable private garden for a family house in this part of the City. Any merit the development has is contradicted by the damaging impact its construction would have on the existing quality of the mature landscaping on the site. It is considered that the development fails to comply with the standards in Appendix 1 as required by Policy 4.

Policy 61 - Development in Conservation Areas. Within Conservation Areas, all development proposals will be expected to preserve or enhance the character of the surrounding area. The site lies on the south side of Perth Road, an area characterised by a series of individual mansion houses set on the south facing slope. Some are identified by lodges at the formal gateways in the high stone walls which enclose the large mature gardens. Many have been subdivided and have later houses built in the grounds but the character of the area has been protected as the later development is seldom seen from the road or, as in the case of the existing

new housing at Cidhmore, is only apparent from the roofs which project above the line of the wall. The proposed house will be clearly visible at the entrance and will detract from the scale and setting of the lodge house. It will also require the removal of several trees and a large amount of mature shrubbery. Whilst new design and materials are acceptable in Conservation Areas, they should be complementary to their context. Policy 61 notes that new developments will require the retention of all features which contribute to the character and appearance including ... trees and landscape features. As noted in the Observations above, it is considered that the siting, design and materials do not complement and enhance the Conservation Area, the development will result in the unacceptable loss of trees and mature shrubbery and the proposal does not comply with Policy 61.

It is concluded that the proposal fails to comply with the policies in the Dundee Local Plan Review 2005.

Other Material Considerations

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

The Memorandum of Guidance on Listed Buildings and Conservation Areas

New development in the vicinity of a listed building which does not involve works to the building itself do not require listed building consent but planning authorities must have regard to the effect of the development on the setting of the building and take any representations into account in the determination of the application. As noted above it is considered that the proposed development will have a detrimental impact on the setting of Cidhmore which includes the entrance gate with its traditional lodge, the heavy screening by mature planting and the final appearance of the main house as the driveway unwinds down the south facing slope of the communal garden grounds.

New development in Conservation Areas should be well designed, respect the character of the area and contribute to its enhancement. Planning authorities are advised that the first priority in the consideration of any proposed development is to have

regard to the special architectural and visual qualities which gave rise to the area's designation as a Conservation Area. Any proposal which could erode these qualities should be refused. The historic landscape character of the setting of properties should be safeguarded. As noted above the development is considered to be detrimental to the character of the area.

It is considered that the proposed development does not accord with the guidance in the Memorandum for a site within the curtilage of a Listed Building and a Conservation Area.

Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997

Section 59 of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting. It is considered, for the reasons set out above, that the destruction of the dense shrubbery and the construction of a large, modern house with extensive glazing will have a significantly detrimental impact on the historic and landscape setting of this former mansion house. It is also concluded from the foregoing that the statutory duty set out in Section 64 of the Act, to preserve or enhance the character or appearance of the Conservation Area would not be satisfied by the approval of this proposal.

Objections

Four objections were received from adjoining residents on grounds of the impact on the character of Cidhmore House as a Listed Building within a Conservation Area, the further subdivision of the site, the loss of mature trees and shrubs with the resulting loss of habitat for wildlife and the loss of a footpath with the resulting impact on pedestrian safety. The footpath is internal to the site and is not adopted and the driveway is a private road. These internal arrangements within the site are not a matter for the Council to regulate. However the remaining objections on the grounds of relevant planning issues are supported as detailed in the report above.

Supporting Statements

The previous application, ref: 04/00731/OUT for the same development, was withdrawn immediately prior to the Development Quality Committee when it was recommended for refusal. As a result, the agent has responded to many of the points raised in the previous Committee report and has submitted further supporting comments.

The justification on grounds of the siting, setting, impact on the main house, provision of usable garden ground and further sub-division of the site are not supported for the reasons given in the report above. The new house will not blend in with the surroundings, only minimal existing specimen trees will be retained and the landscape setting will be removed, not enhanced, with limited opportunities for effective replanting. The justification does not address the specific policies in the Dundee Local Plan against which the application must be considered and it cannot be supported.

Design

The design issues have been addressed elsewhere in this report.

CONCLUSION

It is concluded from the foregoing that the proposed development is contrary to the provisions of the development plan, the material considerations of the Memorandum of Guidance and the objections support the refusal of planning permission. It is considered that the submitted justification is insufficient to justify approval contrary to this finding. It is therefore recommended that planning permission be Refused.

RECOMMENDATION

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

Reasons

- 1 The proposed development is contrary to Policy 15 "Development in Garden Ground" of the Dundee Local Plan Review 2005 in respect of criteria a, b, h and i because, the design and materials are not appropriate to the surroundings,

further development will detrimentally affect the appearance and character of the site as it now exists, the tree survey is not reflected in the plans and valuable existing mature landscaping will be lost and new landscaping cannot enhance the character and stature of that already existing and there are no material considerations of sufficient strength to justify the granting of planning permission contrary to that policy.

- 2 The proposed development is contrary to Policy 4 "Design of New Housing" of the Dundee Local Plan Review 2005 as it would fail to provide sufficient private usable garden ground as required by the policy and there are no material considerations of sufficient strength to justify the granting of planning permission contrary to that policy.
- 3 The proposed development is contrary to Policy 61 "Development in Conservation Areas" of the Dundee Local Plan Review 2005 as the siting, design and materials would fail to preserve or enhance the setting of the Listed Building or the character of the area and will result in the loss of mature landscaping which contributes to the character and appearance of the area as required by the policy and there are no material considerations of sufficient strength to justify the granting of planning permission contrary to that policy.