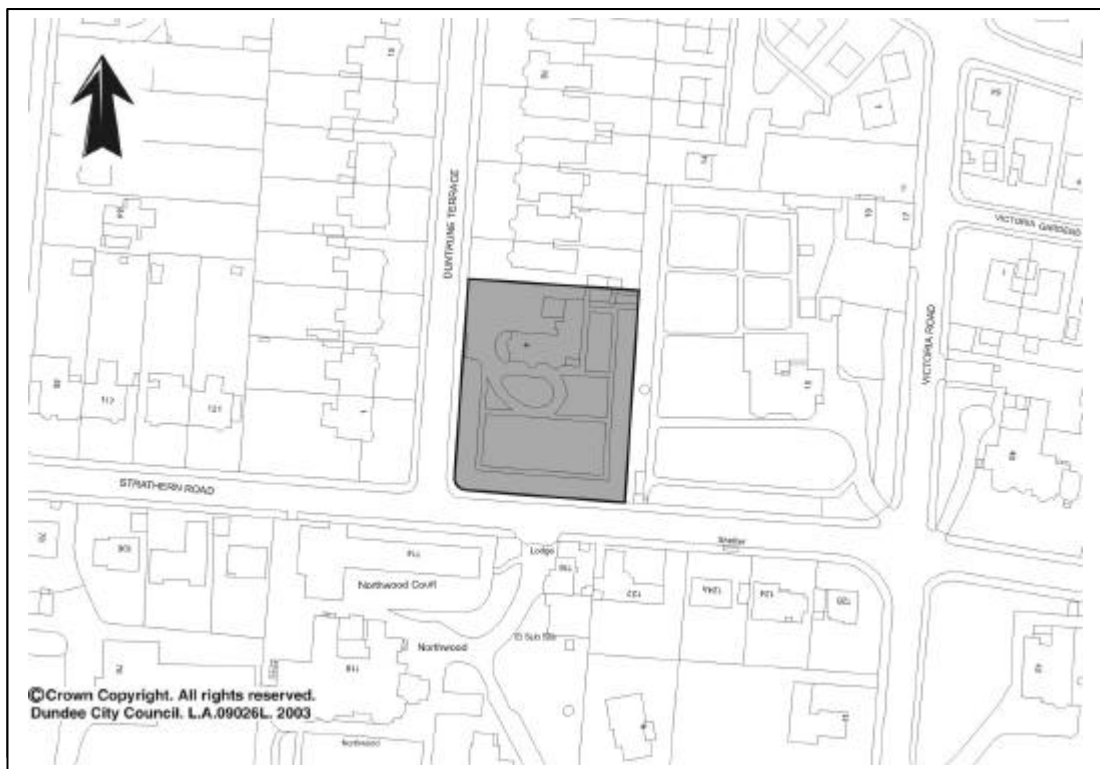


**KEY INFORMATION****Ward** West Ferry**Proposal**

Erection of dwelling house in garden ground

**Address**Land in garden ground  
4 Duntrune Terrace  
Broughty Ferry**Applicant**Mr D McAusland & Miss  
Diane Carrie  
4 Duntrune Terrace  
Dundee DD5 1LF**Agent**Andrew Black Design  
Discovery House  
Lindsay Court  
Gemini Crescent  
Invergowrie  
Dundee DD2 1SW**Registered** 26 May 2006**Case Officer** C Walker

# Proposal for New House in the Garden of Existing Villa in Duntrune Terrace

The erection of dwelling house in garden ground is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development contravenes Policies 15, 55, 60 and 61 of the adopted Local Plan and would have a detrimental impact on the setting of the adjoining listed building. Therefore, the application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought to erect a new house in garden ground linked to and some 4 metres to the east of 4 Duntrune Terrace, a substantial Category C listed building in the West Ferry Conservation Area.
- Objections and concerns about the impact on the listed building and trees were submitted by the occupier of an adjoining dwelling, Broughty Ferry Community Council, the Council's Forestry Officer and Historic Scotland.
- The proposed house by reason of its siting and form and its impact on trees to the east of the site would contravene Policies 15, 55, 60 and 61 of the adopted Local Plan. It would adversely impact on the listed building and on the wider conservation area.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a new house in garden ground to the east of 4 Duntrune Terrace, a substantial Category C listed building set in landscaped garden ground.

The proposed new house is a substantial 4/5 bedroom building with an integral garage. Accommodation is proposed on 2 levels with the upper floor provided within the roofspace.

The proposed new house is sited 4 metres from the existing house and is linked to it with a wall with arches. It is designed to match it by using similar finishing materials and window detailing.

The proposed new house will share the access to the existing house, with its driveway running to the north of that house. It is proposed to subdivide the garden ground by allocating the eastern portion of some 850 sq. metres to the new house.

## SITE DESCRIPTION

The site extends to just less than 0.3 ha of ground at the corner of Duntrune Terrace and Strathern Road. 4 Duntrune Terrace, a substantial Category C listed building, sits in the centre of the northern half of the site. This building, which dates from 1927, is in an Arts and Crafts style with brick and harl walls and a slated roof. The site is enclosed by high stone boundary walls and mature deciduous trees are planted inside these walls on the Duntrune Terrace and Strathern Road elevations. Vehicular access to the site is from Duntrune Terrace.

The site lies within the West Ferry Conservation Area and is surrounded by dwellings. To the east is a substantial subdivided stone villa. Mature deciduous trees to the west of that site overhang the application site. To the north and west are semi detached stone villas on Duntrune Terrace. To the south, on the opposite side of Strathern road, is the listed gate lodge at Northwood and a modern block of flats.

## 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

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



- 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
- 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; and
- d prevailing densities in the area are respected; and

- 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; and
- 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; and
- 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
- 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.

#### Policy 55: Urban Design

For all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

#### Policy 60: Alterations To Listed Buildings

The alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or

historic character. Alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest.

The City Council will provide specific supplementary guidance on the following: window and door alterations, advertisements, shopfronts, roller shutters, treatments to masonry and painting and use of materials.

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. This will require the retention of all features which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic pattern of streets and spaces, as identified in the Conservation Area management plans to be advanced in the near future.

## Scottish Planning Policies, Planning Advice Notes and Circulars

NPPG 18: Planning and the Historic Environment sets out the framework for dealing with applications relating to listed buildings. It makes particular reference to the "Memorandum of Guidance on Listed Buildings and Conservation Areas" which provides more detailed guidance on listed building proposals.

## 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 does not comply with Key Theme 15: Diversity and Local Distinctiveness are Valued and Protected.

## SITE HISTORY

There is an accompanying application for listed building consent for this development, the report on which appears elsewhere in this Agenda - application 06/00626/LBC refers.

## PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and the proposal was advertised as contravening Policies 15 (Garden Ground Development) and 55 (Urban Design) of the Local Plan. A letter of objection was received from the occupiers of an adjoining dwelling. The objector is concerned that the new house will detract from the listed building and the conservation area and will affect trees adjacent to the eastern site boundary.

Copies of this letter are available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

## CONSULTATIONS

The Council's Forestry Officer has concerns that the proposed development may adversely affect trees to the east of the site.

Broughty Ferry Community Council has objected to the proposal on the basis that the new house will have an adverse impact on the original house and its garden area, unbalancing the principal south elevation and obscuring the east elevation. They state that Dundee has few truly "executive" houses remaining and that the proposed development will degrade and reduce this form of housing stock still further.

Historic Scotland was consulted informally on the accompanying application for listed building consent (06/00626/LBC). They have responded stating that the original house is carefully positioned in the centre of the north-south axis of this large plot, and the key south garden front elevation was clearly conceived by the architect as a strongly symmetrical elevation. The proposals would unbalance and disrupt both the carefully symmetry of the south elevation, and the siting of the house within its setting. The Memorandum of Guidance states that:

'....any proposal to extend which would unbalance the original concept of the design should be firmly refused...' (appendix 1, section 6.0.0).

Although the proposal is not an extension in the usual sense, its proximity and partial link to the

existing building means that its impact will be as great. The Memorandum of Guidance advice on listed buildings and their settings (appendix 1, section 10.0.0) also relates.

## 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.

## 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 relates to Development in Garden Ground. Strand (a) of that policy requires development to be of high quality design and use materials appropriate to its surroundings. In this case the applicants have attempted to integrate the new dwelling with the existing house as much as possible by using similar finishing materials and window proportion and design. However its close proximity to the principal house and the fact that it is to be constructed in line with its principal south elevation means that it will appear incongruous in the context of the listed building. It would significantly disrupt the symmetric appearance of the principal southern elevation. In order to provide as much accommodation as possible, the proposed house incorporates an entire upper floor within the roofspace. This gives the proposed house a bulky and squat appearance, and the large roof lights required on the east and west elevations would appear incongruous. It is concluded that the proposal would not therefore satisfy the requirements of Policy 15(a).

Strands (b) and (c) relating to plot coverage are not contravened, nor is strand (g) relating to breaches in boundary walls.

Strand (d) requires prevailing densities to be respected. Although this is a very large plot and the provision of 2 houses on an area of ground of this size would not normally disrupt

prevailing densities, in this case the existing house is located centrally within the site and the proposed house is situated so close to it that it does disrupt the prevailing density at this location.

Strands (e) and (f) essentially seek to protect principal elevations of the original house. Although the proposed house is not in front of the main elevation of the original house, it is considered that it will have a detrimental impact on the principal elevation of the listed building and this point is developed further in the assessment of the development against Policy 55 of the Plan.

Strands (h) and (i) relate to the protection of trees and new planting. No tree survey has been provided despite the fact that the development will affect trees to the east of the site and there are no proposals for new planting.

Policy 55 on urban design makes specific reference to the need to respect the setting of listed buildings. In this case it is considered that the proposed development would significantly disrupt the principal southern elevation of the listed building. The close proximity of the new house to the existing house and the fact that it occupies a similar building line means that the symmetry of the house would be compromised. The bulk and form of the new house would also appear incongruous in close proximity to the original house, despite the use of similar finishing materials.

Policy 60 relates to alterations to listed buildings. This matter is considered in more detail in relation to the accompanying listed building application. However for the reasons stated in the assessment of the development against Policies 15 and 55 it is considered that the development will have an adverse impact on the listed building.

Policy 61 relates to development in conservation areas. Although the site is well screened by the stone boundary walls and mature trees, both the existing house and the proposed new house would be visible through gaps in the trees and obviously at winter time visibility would be much greater. The negative impact of the proposed new house on the listed building would be visible from both Strathern Road and Duntrune Terrace and it is therefore

considered that the development would have a negative impact on the West Ferry Conservation Area. In addition any extensive lopping of trees to accommodate the development would impact on the visual amenity of the conservation area.

It is concluded from the foregoing that the proposal does not comply with the provisions of Policies 15,55,60 and 61 of the adopted Local Plan.

## Other Material Considerations

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

- a Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect the setting of listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This matter has already been considered in the assessment of the proposed development under Policy 55 of the adopted Local Plan and it was considered that the proposal would detract from the setting of the adjoining listed building.

- b Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications in conservation areas to have special regard to the desirability of preserving or enhancing the character or appearance of that area.

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.

- c The Concerns of the Objector and Consultees

These concerns relate to matters already addressed in this report, namely the adverse impact on the listed building and on trees to the east of the site. It has been

concluded that there will be an adverse impact and the views of the objectors and consultees are supported.

The Community Council also state that Dundee has few truly "executive" houses remaining and that the proposed development will degrade and reduce this form of housing stock still further. There is no doubt that the close proximity of the proposed new house to the existing house and the fact that its access driveway runs around the back of that house will have a detrimental impact on the amenity and quality of that house.

- d NPPG 18: Planning and the Historic Environment and the "Memorandum of Guidance on Listed Buildings and Conservation Areas".

These documents provide guidance on matters such as development affecting the setting of listed buildings, and section 10 of Appendix 1 of the Memorandum states that at all times the listed building should remain the focus of the setting. For the reasons set out in the consideration of the application under Policy 55 it is considered that the proposal runs contrary to the advice set out in NPPG18 and the Memorandum of Guidance.

It is concluded from the foregoing that the material considerations weigh against the grant of planning permission. It is therefore recommended that planning permission be refused in accordance with the provisions of the Development Plan.

## Design

The applicants have attempted to integrate the new dwelling with the existing house as much as possible by using similar finishing materials and window proportion and design. However its close proximity to the principal house and the fact that it is to be constructed in line with its principal south elevation means that it will appear incongruous in the context of the listed building. In order to provide as much accommodation as possible, the proposed house incorporates an entire upper floor within the roofspace. This gives the proposed house a bulky and squat appearance, and the large

roof lights required on the east and west elevations would appear incongruous.

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## CONCLUSION

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The proposed development contravenes Policies 15,55,60 and 61 of the adopted Local Plan and would have a detrimental impact on the setting of the adjoining listed building.

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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 15(a), (d) and (h) of the adopted Dundee Local Plan Review 2005 by reason of its poor relationship with and close proximity to the adjoining listed building and the lack of any information on the impact on the trees in the adjoining property to the east and there are no material considerations that would justify approving the application contrary to the Development Plan.
- 2 The proposed development contravenes Policy 55 of the adopted Dundee Local Plan Review 2005 and the requirement under Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses because it would significantly disrupt the symmetry of the principal southern elevation of the listed building and its bulk and form would appear incongruous in close proximity to the original house. There are no material considerations that would justify approving the application contrary to the Development Plan.
- 3 The proposed development contravenes Policy 61 of the adopted Dundee Local Plan Review 2005 and the requirement under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland)

Act 1997 to have special regard to the desirability of preserving or enhancing the character or appearance of that area because the negative impact of the proposed new house on the listed building and the extensive lopping of trees to accommodate the development would adversely impact on the visual amenity of the West Ferry Conservation Area. There are no material considerations that would justify approving the application contrary to the Development Plan.