

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

Erection of dwelling house in garden ground

**Address**32 Middlebank Crescent  
Dundee  
DD2 1HY**Applicant**Mrs E Johnston  
32 Middlebank Crescent  
Dundee  
DD2 1HY**Agent**Greig Strang  
The Studio  
22 West Burnside  
Dollar  
Clackmannanshire  
FK14 7DP**Registered** 14 July 2006**Case Officer** D Gordon

# Amended Proposal for a New House in Middlebank Crescent

The proposed new dwelling house is **RECOMMENDED FOR APPROVAL** subject to conditions.  
Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed new dwelling complies with the relevant development plan policies for the area. The building is considered to be appropriate in terms of design, siting, scale, appearance and materials. The application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of a new detached dwelling in the side garden ground of an existing house located on the south side of Middlebank Crescent. The site is sloping and the house has a single storey appearance to the street (north) and two storeys to the garden (south). It has 5 apartments, double garage and a rear garden of approximately 250 sq.m.. The proposed finishing materials are reconstituted stone, render and concrete roof tiles.
- The houses along the south side of Middlebank Crescent vary in style, scale and materials. The site does not lie within a conservation area. This is a double feu and the existing house retains its garage and parking and a large garden to the south. The proposal complies with all the relevant development plan policies for the area.
- A letter of objection has been submitted by a local resident with the main issues raised being the inappropriate design and appearance of the new house, impact on mutual boundaries and the retention of hedging. It is considered that the terms of these objections cannot be supported in this instance.
- Planning permission for a virtually identical house on this site was granted by this Council on 31.01.2005. The current proposal differs by virtue of a lower roof height and a minor reduction in the rear garden provision.
- The application is recommended for approval subject to conditions.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a detached house within the garden ground of an existing house. The new house will be single storey to the road elevation (north) and two-storey to the garden elevation (south) to take account of the slope of the site. The principal rooms are therefore at first floor level when viewed from the south. There is a covered balcony accessed from the lounge, set back to the rear of the two car garage. The lounge and bedroom both have south facing patio doors with protective rails which allow the windows to be opened inwards. There is no opportunity for outdoor sitting space at these south facing patio windows. On the lower floor, there is a garden room, one en-suite bedroom and a utility room. The rear garden is approximately 250 square metres in size and there is turning space and additional parking to the front.

Planning permission for the erection of an almost identical dwelling house on this site (with the exception of a lowering of the roof pitch of the building) was approved by the Council's Development Committee on 31.01.2005 (04/00860/FUL refers). Following the commencement of works on the site, it was discovered by the applicants that there had been a minor error in the original measurement of the housing plot. This would result in a reduced depth of rear garden area from approximately 12 metres to 10.5 metres. It was determined that this was a material change to the approved plans and would require to be the subject of a further planning application. It is this amendment that is now placed before the Members for their consideration.

## SITE DESCRIPTION

The site is a large garden to east side of an existing house located on the south side of Middlebank Crescent. This is a double feu site where a house plot has not been developed but has been added to the garden of an existing house. The site is predominantly grass with a high hedge to the east and trees along the south boundary. The site slopes down quite steeply from the road and is then flat. The surrounding houses are varied in character, design and materials but are predominantly large detached houses in generous

plots. Many are designed to take full advantage of the generally sloping nature of the area with principal rooms facing 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 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 be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:



- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or
- b The proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

New housing development should also have regard to the principles of the City Council's Urban Design Guide.

In addition, new housing development should meet "Secured by Design" standards. New residential streets should be designed to promote low vehicle speeds of 20 m.p.h. or less. New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management.

Where conversion of a listed building or other building worthy of retention is

proposed, there may be limited flexibility in applying parking and garden ground requirements where compliance is impractical. The development of flats through conversions of buildings of merit may also be acceptable where conversion to flats is the only appropriate action.

#### 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.

## 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

The proposal complies with Key Themes 1,4 and 14.

## SITE HISTORY

- 1 04/00492/FUL. Erection of a detached house. This application was withdrawn on 5 July 2004 following discussion with officers in the light of issues raised by neighbours.
- 2 04/00860/FUL. Planning permission for the erection of dwelling house. This application was granted subject to conditions on 31.01.2005

## PUBLIC PARTICIPATION

The statutory neighbour notification procedure has been undertaken by the applicants.

One letter of objection has been received from a neighbouring property. The main issues raised relate to the accuracy of the submitted drawings, the inappropriate design and appearance of the new house, ground levels during / following construction of the building, the removal of an existing hedge on the north boundary

and the future of the hedge on the east side of the site.

## 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

- 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. Developments are required to satisfy the following criteria:

- a The proposal should be of high quality design and use materials appropriate to its surroundings. Comment - The proposed design and materials of the proposed new building are considered to be acceptable. This matter is discussed in full in the discharge of the requirements of Policy 4 (Design of New Housing) below.
- b The total footprint of new buildings should not exceed one and a half times the footprint of the original house. Comment - The proposal complies with this requirement.
- c The final proportion of ground covered by buildings, garages and hardstandings must not amount to more than 40% of the original house and garden with at least 60% remaining as garden ground. Comment - The proposal complies with this requirement.
- d Prevailing densities in the area should be respected. Comment - The application site is a double feu which is the same width as the house plot to the south and the same depth as the adjacent houses to the east and west. It considered that the occupation of this site by a single dwelling

house will fully respect prevailing densities currently evident in the surrounding area.

Points e (development in front of the original house), f (retention of prominent frontages of the original house) and g (breaches in boundary walls) are not considered to apply to this application.

- h a full tree survey is submitted. Comment - There are no trees affected by the proposal.
- i new tree planting and landscaping will be required. Comment - A meeting with regard to the retention of existing hedges within the site has taken place with the applicants. An agreement on the removal of the hedge on the north side of the site has been reached.

Policy 4 Design of New Housing. The proposal complies with the guidelines in Appendix 1 as required by Policy 4. The new house accommodates 2 bedrooms with the total gross floor area of the building being in excess of the required 100 sq.m., there are a minimum 2 off street car parking spaces proposed and the private rear garden area provision is considerably in excess of the required 120 sq.m.. In addition, the guidelines require 18 metres between facing habitable rooms and the proposal complies as the house to the south does not have facing windows to habitable rooms on its north elevation. The configuration of existing houses is such that there is some overlooking between houses and the gardens at lower levels to the south. However there is established tree and shrub planting which minimises this overlooking.

It is concluded from the foregoing that the proposed development complies with the relevant policies of the Dundee Local Plan Review 2005.

## Other Material Considerations

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

### Objections

To date, one objection to the proposed amendments has been submitted by a neighbouring property. The main issues raised relate to:

- 1 The accuracy of the submitted plans. This matter relates

primarily to the proposed roof pitch and consequently, the finished height, of the new dwelling. The original submitted drawings stated that a roof pitch of 38 degrees was being proposed. On measuring this detail, it was revealed that the pitch was in fact approximately 45 degrees. The applicants were advised on this discrepancy and amended plans accurately reflecting a roof pitch of 38 degrees have now been submitted for consideration.

- 2 The height, scale and appearance of the house are inappropriate in this area. It is noted that there is not a uniform style, scale or height of house along the south side of Middlebank Crescent. Some lie below the street level with later flat roofed garages, others appear as bungalows to the street with two storeys to the rear. The proposed house is not considered to be out of place in this setting. The site is not contained within a Conservation Area.
- 3 Potential changes to ground levels and the proximity of the proposed house to the boundaries and impact on boundary hedge. The house is to be located 2 metres distant from the side boundaries of the site. This is considered to be an acceptable distance. The applicant proposes to retain the boundary hedge on the east side of the site and it is proposed to attach a condition to any permission granted requiring that the existing ground level on the east side of the site is maintained at its present level within 1 metre of the boundary line. The hedge on the north side is detailed, on the submitted plans, as being retained. However, following meetings with this Council on this matter it has been agreed that this hedge, due to its minimal visual quality, can be removed.

It is concluded from the foregoing that insufficient weight can be accorded to any material considerations such as to justify refusal of planning permission contrary to the provisions of the development plan. The objections cannot be supported for the reasons given.

## Design

The appearance of the new house currently under consideration is virtually identical to that of the dwelling that was granted planning permission on this site by the Council on 31.01.2005. The main changes to the proposal are the reduction of the depth of the rear garden area of the house by approximately 1.5 metres and the lowering of the height of the roof from a pitch of 45 degrees to a pitch of 38 degrees (as required by the previous grant of permission on 31.01.2005 above). It is considered that the proposed development is appropriate in design, scale, appearance, siting and materials in this local area.

## CONCLUSION

It is concluded from the foregoing that the proposal complies with all the relevant policies of the development plan. The terms of the submitted objection cannot be accorded sufficient weight such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

## 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 The existing trees and shrubs to be retained within the site shall not be cut down, grubbed out, topped, lopped, uprooted or root pruned without the written consent of the planning authority. Any trees or shrubs removed without such consent or dying, or severely damaged or diseased, shall be replaced with trees and shrubs of such a size and species as may be directed by the planning authority and to the

standard as approved by the planning authority.

- 4 The existing ground level on the east side of the site shall be maintained at its present level within 1 metre of the boundary line.
- 5 Within 6 months of the first use of the building, trees and shrubs shall be planted on the site in accordance with a scheme that has been submitted to and approved in writing by the planning authority. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

## 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 protect those landscape features which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
- 4 To protect that hedging which is of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
- 5 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.