

KEY INFORMATION

Ward West Ferry

Proposal

Change of use from garage to ancillary residential accommodation and garage associated with 43 Albany Road including dormer to north elevation

Address

43 Albany Road
Broughty Ferry
DUNDEE

Applicant

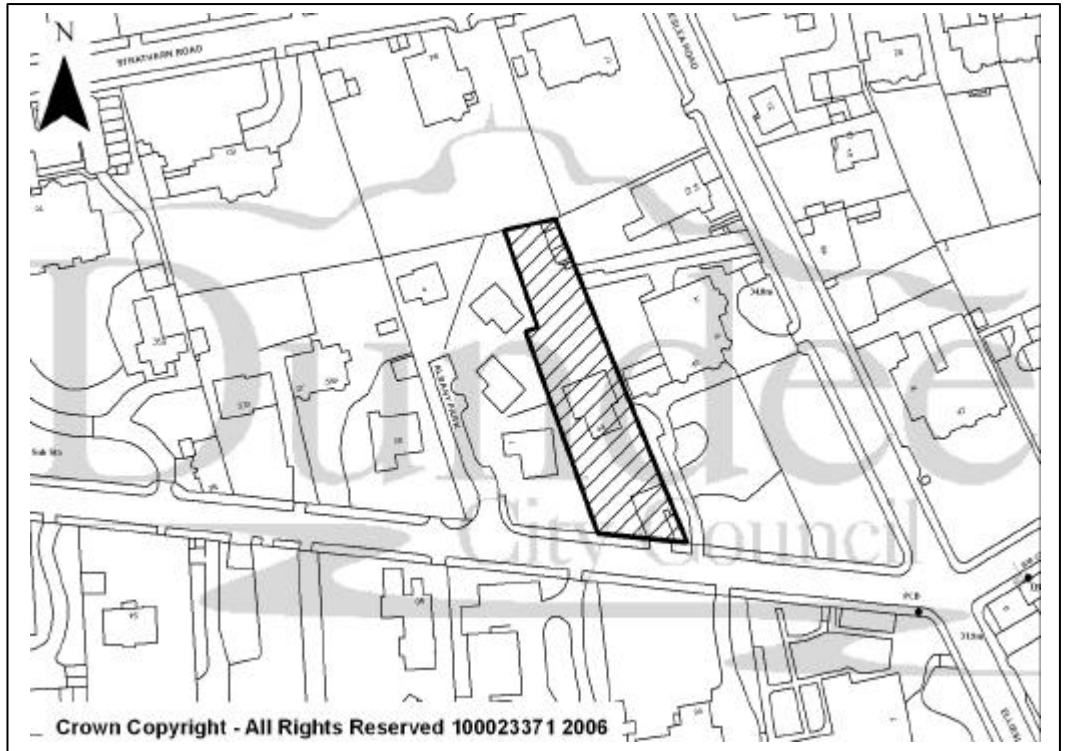
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Registered 8 Nov 2006

Case Officer C Walker



Proposed Residential Conversion in Albany Road

A change of use from a garage to ancillary residential accommodation and garage is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal complies with the Dundee Local Plan Review 2005. The objections and any other material considerations do not carry sufficient weight to merit refusal of the application. The application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Planning permission is sought to convert a substantial detached garage building and store (which was formerly a coach house) to ancillary family accommodation.
- Policies 14 and 61 of the Dundee Local Plan Review 2005 are of relevance.
- The occupier of a house to the west of the site has objected principally on grounds of overlooking. Broughty Ferry Community Council has objected to the proposed development on the basis that the application is for a separate new house in the garden of 43 Albany Road.
- It is considered that there will be no adverse impact on the amenities of neighbours as a result of the proposed change of use and that the development will not have a detrimental impact on the conservation area.
- Should Members be minded to approve the application then planning conditions covering the occupancy of the building need to be imposed and strictly monitored.

DESCRIPTION OF PROPOSAL

Planning permission is sought to convert a substantial detached garage building and store (which was formerly a coach house) to ancillary family accommodation. The proposed conversion involves retaining a single garage and store at the front of the building and providing 2 bedrooms and a bathroom in the remainder of the ground floor. On the upper level it is proposed to provide an open plan lounge, kitchen and dining area within the roofspace, lit by a new dormer window on the north elevation, a porthole window on the south elevation and velux windows on the east and west elevations.

No extension to the building is proposed other than the small dormer on the north elevation and it is not proposed to form any separate curtilage for this unit.

The applicant has confirmed that the building would be occupied by a member of the family occupying the main house at 43 Albany Road and is happy to accept any planning restrictions to this effect.

SITE DESCRIPTION

The site comprises a large modern bungalow at 43 Albany Road and its garden ground situated on a long narrow plot extending to a total of some 0.16 hectares. The site is enclosed by stone walls. To the front of the site, with access directly from Albany Road, is a substantial former coach house building used as a double garage and store. This building has wet dash harl walls and a slated roof. The ground floor has a very high ceiling and there is a small attic area lit by a small skylight on the east elevation of the roof.

Historic maps indicate that the house on this site along with 4 modern houses to the west at Albany Park, once formed part of the curtilage of a villa at 86 Strathern Road.

To the west of the site is a substantial subdivided villa at the corner of Albany Road and Ellieslea Road. This villa is well screened by a high stone boundary wall and mature trees.

To the east of the site are modern brick and tile houses at Albany Park. The house closest to the building to be

converted, is a bungalow with a conservatory extension on its front elevation.



WEST ELEVATION

There are substantial villas the north of the site on Strathern Road and to the south of the site, on the opposite side of Albany Road. The site lies within the West Ferry Conservation Area.

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



As the proposed development involves the use of an existing building to be occupied by a member of the same family as that occupying the main house without any subdivision of the curtilage, it is considered that policies relating to the provision of new housing or garden ground development are not directly relevant to the consideration of this application.

Policy 14: Alterations and Extensions is of some relevance as the alterations

to the building from a garage/store to a residential unit may result in privacy issues. Policy 14 states, amongst other matters, that proposals will only be permitted where there is no significant loss of privacy to the occupants of neighbouring properties.

Policy 61 Development in Conservation Areas requires new development 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.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

There is no relevant site history.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 2 letters were received from surrounding neighbours. 1 of the letters is from the occupier of a house to the west of the site who objects to the development on the basis that the proposed north facing dormer and west facing velux windows will lead to overlooking of her conservatory and that the development will detract from the conservation area. The other letter is from an occupier to the east of the site who does not object but seeks an assurance that there will be no damage to his services or restriction to his access driveway.

Copies of these letters are available for inspection in the Members' Lounges

and the issues are discussed in the "Observations" section below.

CONSULTATIONS

Broughty Ferry Community Council have objected to the proposed development on the basis that the application is for a separate new house in the garden of 43 Albany Road. They consider that the provision of garden ground and parking may be inadequate for a new house, that a 2 bedroom house is inappropriate for this area and that the intensification of residential development would detract from the conservation area and lower the quality of the existing housing mix.

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.

It is important to note that the proposed development seeks approval for elevational alterations and a dormer extension to the building and for the occupation of the building as a dwelling unit linked to the occupation of the main house. The use of the building for habitation in itself does not require consent but the use as a self contained unit does.

Policy 14: Alterations and Extensions to Houses seeks to protect the privacy of neighbouring residents. The occupation of this building as a dwelling unit as opposed to its use as a garage means that living accommodation is brought much closer to neighbouring properties. In addition, the proposed occupation of the upper level of the building involves the formation of a dormer extension to the north and velux windows on the east and west elevations of the roof.

The dwelling most directly affected by the proposed conversion is the existing

house at 43 Albany Road. The proposed dormer on the north elevation faces directly into that house but since there will be a shared cartilage and since the converted building is to be occupied by a member of the family occupying 43 Albany Road there are no privacy concerns.

The subdivided villa at the junction of Albany Road and Ellieslea Road sits some 26.5 metres to the north west of the garage building at the nearest point. This distance coupled with the screening provided by mature trees will ensure that any potential overlooking will be negligible.

The houses to the south of the site on the opposite side of Albany Road are also a considerable distance away and in any event the only proposed window on the south elevation of the building is a small porthole serving the kitchen area.

The house to the west of the site at Albany Park is a bungalow and the occupier of that house has objected to the proposed development on grounds of overlooking. The mutual boundary between the properties is a stone wall and conifer hedge. There are no significant windows on the east elevation of the adjoining bungalow but there is a modern conservatory extension to the south of that house with a completely open aspect. There is no doubt that occupancy of the garage building for residential purposes will mean that it will be possible to look through velux windows into the house to the west of the site. However the privacy of this conservatory area is already compromised by the fact that it is quite open from Albany Park to the west, a road which serves 3 other houses. It is also the case that the conservatory is more than 18 metres distant from the building to be converted, which is the minimum privacy distance set out in Policy 4 of the Local Plan for new housing developments. Finally it is the case that views from the converted building will not directly overlook the bungalow to the west. The proposed dormer window on the north elevation affords only very indirect views over adjacent properties. The proposed velux windows are angled to the slope of the roof, set between 1 and 2 metres above floor level and have a width of some 0.8 metres. Taking all these factors into account, it is considered that there will be no adverse impact on

the amenities of neighbours as a result of the proposed change of use.

Policy 61 Development in Conservation Areas requires new development to preserve or enhance the character of the surrounding area. The changes to this building retain its plan area intact and have almost no impact other than to the roof of the building. On the roof, the proposed dormer to the north is on the least prominent elevation and although the proposed velux windows on the west elevation will be clearly visible, they are of a style and design that will not have any detrimental impact on the conservation area.

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:

- A) 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 preserve the character and appearance of the conservation area.

- B) The Concerns of the Neighbours

The concerns of the occupier of the house to the west of the site have been addressed in the assessment of the proposed development against Policies 14 and 61 of the Local Plan and it was concluded that there would not be an unacceptable impact on residential amenity and that the development would not detract from the appearance of the conservation area.

The concern of the occupier of the house to the east of the site that there will be no damage to his services or restriction to his access driveway is not directly relevant to the determination of this planning application. The grant or otherwise of planning permission does not entitle an applicant to encroach on neighbouring property or

to restrict access. As the proposal is for the conversion of an existing building, there is no reason to suspect that any such negative consequences should occur.

C) The Views of the Community Council

The concerns of the Community Council focus solely on the proposal becoming a self contained house unrelated to the existing house at 43 Albany Road. The applicants are fully aware of the unique nature of their proposal and are happy to accept restrictive planning conditions that should Members be minded to approve the application.

The formation of a separate dwelling at this location would raise concerns about the adequacy of parking and garden ground for 2 dwellings at this location as well as the intensification of residential use. Should Members be minded to approve the application then planning conditions covering the occupancy of the building need to be imposed and strictly monitored.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations 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.

Design

The alterations to the building are relatively minor in nature and are of satisfactory design.

CONCLUSION

The proposal complies with the Dundee Local Plan Review 2005. The objections and any other material considerations do not carry sufficient weight to merit refusal of the application.

RECOMMENDATION

It is recommended that consent 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 The occupation of this building shall be as ancillary residential accommodation to the main

dwelling unit at 43 Albany Road only and occupancy shall be limited to members of the family occupying the existing house at 43 Albany Road.

- 3 The use hereby permitted shall enure for the benefit of the applicant only.
- 4 The former garage and store proposed for ancillary residential accommodation shall not be provided with a separate curtilage, garden ground or parking facilities but rather shall share the garden ground and parking facilities of the main dwelling at 43 Albany Road.
- 5 Full details of the proposed new windows, external doors and rooflights 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.
- 6 Details of a new garage door for the front elevation of the building of a design more in keeping with the visual amenity of the West Ferry Conservation Area 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 It is considered that the occupation of this building as a separate dwelling unit from the main house at 43 Albany Road would be unacceptable in terms of the overdevelopment of the plot in relation to prevailing densities in this area and the inadequate provision of garden ground.
- 3 It is considered that the proposed development is only acceptable under the exceptional circumstances stated by the applicant and that in the event of a change in ownership of the premises the Council would wish to review the situation.

- 4 It is considered that the formation of a separate curtilage for this building would result in the overdevelopment of the plot in relation to prevailing densities in this area and would detract from the visual appearance of the West Ferry Conservation Area.
- 5 In order to safeguard the visual amenity of the Conservation Area.
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