

KEY INFORMATION

Ward Broughty Ferry

Proposal

Erection of dwelling house and double garage in garden ground

Address

Land to the West of East Home Street
Broughty Ferry

Applicant

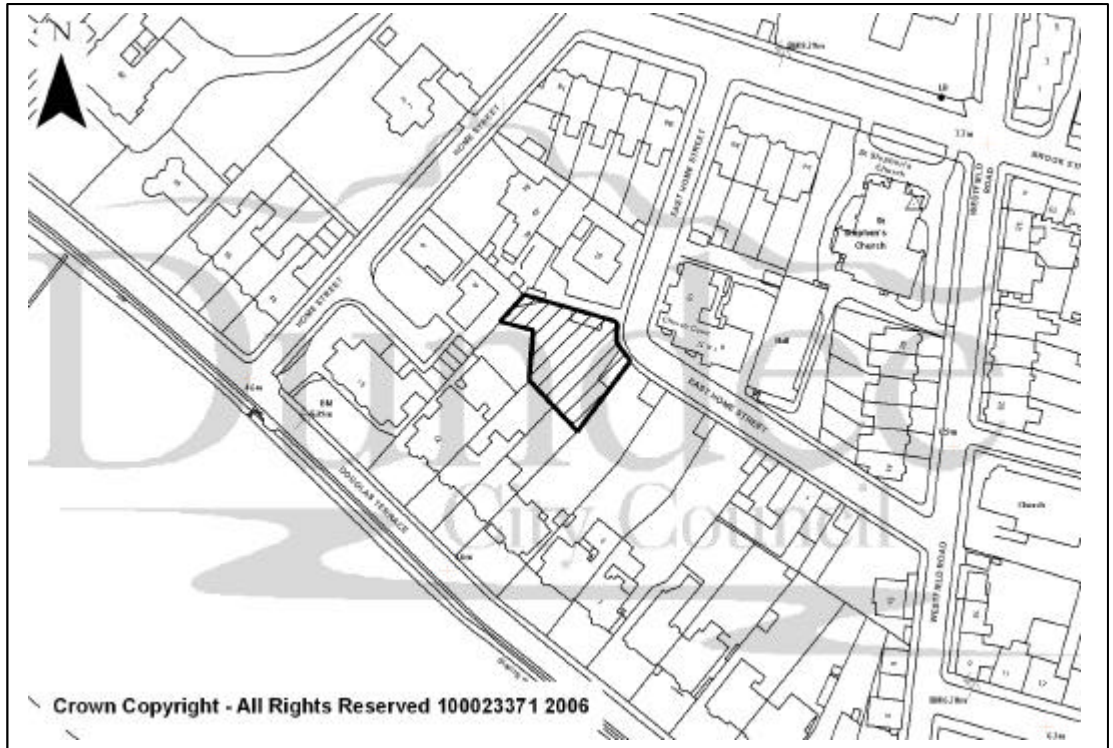
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Registered 23 Nov 2006

Case Officer S Johnson



Proposed New House in East Home Street

The erection of a dwelling house and double garage in garden ground is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal complies with Policies 4, 15 and 61 of the Dundee Local Plan Review 2005. It is considered that the objection submitted does not carry sufficient weight to justify refusal of the application. Therefore the application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a new dwelling and double garage in the garden ground of 12 Douglas Terrace, Broughty Ferry.
- Policies 4, 15 and 61 of the Dundee Local Plan Review 2005 are relevant to the determination of the application as these policies seek to protect the existing amenity of neighbouring properties and the architectural appearance and landscape features of low density parts of the City.
- 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 because it is considered this proposal will have minimal impact on the existing area and the conservation area. There are no material considerations that would justify the refusal of the application.

DESCRIPTION OF PROPOSAL

It is proposed to erect a single storey dwelling house within the garden ground of 12 Douglas Terrace with a new double garage for the existing dwelling at 12 Douglas Terrace.

The proposed dwelling will be a single storey two bedroom development with a car port on the north elevation. The proposed finishing materials are; dark grey PVC roof sheeting, the walls will be white smooth cement render, reclaimed stone and vertical larch timber lining between the glazing.

It is also proposed to demolish the two existing garages to the north of the site and provide a new double garage to the north west of the existing dwelling. The existing garage door opening in the boundary wall along East Home Street will be built up in stone to match the existing wall. The other existing vehicle access to the west will become a mutual vehicle entrance for both 12 Douglas Terrace and the new proposed dwelling. The finishing materials for the garage are light sandstone coloured render and reclaimed stone on the front elevation.

SITE DESCRIPTION

The application site is located on the west side of East Home Street within the Broughty Ferry Conservation Area. The site is surrounded by a stone boundary wall varying in height from approximately 2.6metres to approximately 1.4metres at the lowest point. The existing dwelling at 12 Douglas Terrace is a large two storey end terrace dwelling. Pedestrian access is taken from Douglas Terrace with two vehicle access points from East Home Street. There are two flat roofed garages one to the north east and one to the north west of the existing dwelling. There is a reasonable garden area to the front of the dwelling with a very large garden to the rear. This rear garden has been divided into two areas to provide a reasonable garden immediately to the rear of 12 Douglas Terrace.

This is a residential area where the majority of properties along Douglas Terrace are large stone built terrace

properties with reasonable front gardens and large rear gardens. Along East Home Street there is a mixture of house styles and garden provision.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the



determination of this application.

Dundee Local Plan 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:



WEST ELEVATION

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 20mph 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.

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

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 site history of relevance to the consideration of this application.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the application was advertised as affecting the setting of a conservation area.

Two letters of objection were received from neighbouring residents. The grounds of objection are:

One of the objectors is concerned about the parking situation and associated 'bottle necks' that may occur during the construction process.

There could be other permutations such as the situation with drainage.

This is over intensification of housing in this area.

This will further congest East Home Street.

The proposal is out of character with the surrounding properties and inappropriate for the conservation area.

The proximity of the proposed dwelling to the existing boundary walls will prejudice the continued stability of these walls.

Copies of the objections are available for inspection in the Member's Lounges and the issues are discussed in the "Observations" section below.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has advised that there is no evidence of contamination on the site. However, if Members are minded to grant consent a note for guidance will be added which will require that the applicant notifies Environmental Health and Trading Standards if contamination is found.

Broughty Ferry Community Council has objected to this application. On the following grounds:

It leaves the existing large house with an inappropriately small garden for this area. This will encourage further undesirable garden ground development.

The proposed dwelling will have an inappropriately small garden for the area.

The design of the dwelling is unsuitable for the conservation area and the fact it has only two rooms makes it contrary to the local plan.

A number of trees and a stone wall will be destroyed.

It is not clear how rainwater drainage will be dealt with.

The Council's Forestry Officer has requested the use of planning conditions to ensure the protection and management of trees to be retained and the provision of new planting on site.

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 4 and Appendix 1 sets out the standards for the design of new housing at this central Broughty Ferry location. Part B of Policy 4 states that within established low density residential areas, the density of new development should reflect this and generous space standards will be required. The proposal is within an established low density residential area and this matter is considered in more detail under Policy 15 of the Plan.

Policy 4 and Appendix 1 requires within Central Broughty Ferry, all houses to have a minimum of two

bedrooms. This proposal satisfies this requirement.

In terms of car parking provision, Policy 4 Appendix 1 states that within the Central Broughty Ferry Area all houses with a minimum of two bedrooms should have at least 1 parking space within the curtilage. This proposal will provide a car port on the north elevation of the proposed dwelling. A new double garage will be built to provide parking for the existing house. Additional parking will be provided within the driveways of both properties. It is considered that the parking provision for the proposed new house and the existing dwelling complies with Policy 4.

In this location, Policy 4 Appendix 1 requires a minimum private useable garden ground of 50sqm. This proposal will provide approximately 162sqm of garden ground for the new dwelling with a patio area providing an additional 39sqm. The original house will have approximately 270sqm garden ground to the rear of the dwelling and approximately 132sqm garden ground to the front of the house. This provision more than satisfies the requirements of Appendix 1.

Policy 15 requires that developments in garden ground satisfy a range of criteria. Firstly, the proposal must be of high quality design and use appropriate materials. In this case the proposed house is a single storey dwelling measuring approximately 3.1 metres in height and would have a footprint of approximately 116sq.m. The flat roof would be finished in dark grey PVC roof sheeting and the external walls would have a white smooth cement rendered finish with reclaimed stone in certain areas. Vertical larch timber lining will be used between the glazing. Although this is a modern design, it is considered this architectural treatment will fit the dwelling into the established site and enhance the conservation area. In addition, it is considered by virtue of its positioning and design the dwelling will not be an obvious addition to the area and it will barely be seen from outwith the site. The new double garage for the original house will be finished in light sandstone coloured render and reclaimed stone on the front elevation. The roof will be pitched and finished in natural slates. It is considered that

the design and materials are appropriate.

It is considered that this design reflects the character of the area. The quality of finishes is suitable for this dwelling and it is considered they make a positive contribution to the Broughty Ferry Conservation Area. It is considered that there has been an attempt to achieve an architectural treatment which would enhance the conservation area and fit the dwelling into the established site. The applicant has stated that "the proposed dwelling has been individually designed for the site as a contemporary garden house to minimise the impact on the surrounding area and with its flat roof will be barely visible outwith the site".

It is considered that the proposed house, by virtue of its positioning, design and finishing materials does not have an adverse impact on the character and appearance of the existing house or any of the immediate adjoining properties. Accordingly, it is considered that the proposal complies with criteria (a) of Policy 15.

The proposed house would not project beyond the front building line of the original house. The original main house is number 12 Douglas Terrace. From the information provided it would appear that the footprint of the proposed house would not exceed one and a half times the footprint of the original main house. The final proportion of ground covered by buildings and hardstandings would not exceed 40% of the original house and garden and at least 60% would remain cultivable garden ground. Accordingly it is considered that the proposal is in accordance with criteria (b), (c), (e) and (f) of Policy 15.

This is a residential area where the majority of properties are large stone built dwellings set within large gardens with separate garages and parking within the curtilage of each property. However, towards the north and east of East Home Street the street pattern changes with flatted developments and smaller houses on smaller plots. Therefore, it is considered that this proposal respects the prevailing densities within the immediate area. Therefore the proposal complies with criteria (d) of Policy 15. In addition, the applicant has stated that "the proposed site is a substantial area of walled garden which was a separate curtilage from 12 Douglas Terrace".

It is proposed to build up the existing garage door opening from East Home Street in stone to match the existing wall and the existing opening to the west will become a mutual access. As no new openings are proposed along the boundary wall the development would comply with the Council's non-statutory guidance on Breaches in Boundary Walls. The proposal therefore satisfies criteria (g) of Policy 15.

In terms of criteria (h) the applicant has submitted a separate tree survey. The tree survey is adequate and reflects the impact of the proposed house on the existing trees. The proposal satisfies criteria (i) of Policy 15.

Policy 61 states that all development proposals will be expected to preserve or enhance the character of surrounding area. As discussed above, in terms of existing density and overall design and materials, this proposal is considered acceptable for this site. It is felt that this proposal will not detract from the character of the Broughty Ferry 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:

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, requires planning authorities to pay special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

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 not detract from the character or the appearance of the West Ferry Conservation Area.

Objections

Three letters including Broughty Ferry Community Council, of objection were received in respect of this application. The concerns of the objectors are: inappropriately small gardens for both the existing and proposed dwellings; further undesirable development; the design of the house; the development is contrary to the local plan; a number

of trees and stone garden wall will be destroyed; drainage; parking situation and associated 'bottle necks'; over intensification of housing and the proximity of the proposed dwelling to the existing boundary walls will prejudice the continued stability of these walls.

These issues have already been assessed in the context of Policy 4 and Policy 15 of the Dundee Local Plan Review 2005. In terms of drainage and stability of the boundary walls, no adverse comments have been received as a result of consultations regarding the drainage for the site. In relation to the stability of the boundary wall, any damage which occurs to this wall will be dealt with as a legal matter rather than a planning issue.

One of the objectors is concerned about a boundary wall being destroyed. The only wall to be removed is an internal wall within the site. This wall can not be seen from outwith the site. Therefore it is considered its removal will not have an adverse impact on the conservation area.

Two of the objectors are also concerned about congestion and possible parking problems both during the construction period and once the development is complete. It is recognised that with any sort of development there will be a certain amount of disturbance. Therefore congestion during construction is not a material consideration for a development of this size. In addition, as the required parking in terms of Policy 4 Appendix 1 is to be provided within the site, it is not considered that parking provision is an issue. It has been concluded that the proposal does not contravene Policy 4 or Policy 15. It is found that these grounds of objection are not supported.

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

As discussed above it is considered that the design of the proposed new dwelling and double garage including the finishing materials are acceptable to the character and appearance of the

existing house and that of the conservation area.

CONCLUSION

The proposal complies with Policies 4, 15 and 61 of the Dundee Local Plan Review 2005. The objections 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 No trees shall be felled other than those stated in the Tree Survey and Report by W B Leask dated 5 February 2007. All retained trees shall be fenced off as per BS:5837:2005. Dundee City Council shall be informed of dates for the following: tree felling; the erection of fencing and the commencement of planting.
- 3 Transplanting and new planting shall be in accordance with the Tree Survey and report by W B Leask dated 5 February 2007. All new planting shall be of a minimum size of 10/12cm girth, rootballed or containerised and planted as per standard BS:4043. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five 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. Dundee City Council shall be informed of dates for the following: tree felling; the erection of fencing and the commencement of planting.

Reasons

- 1 To comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
- 2 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory

standard of appearance of the development.

- 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 development.