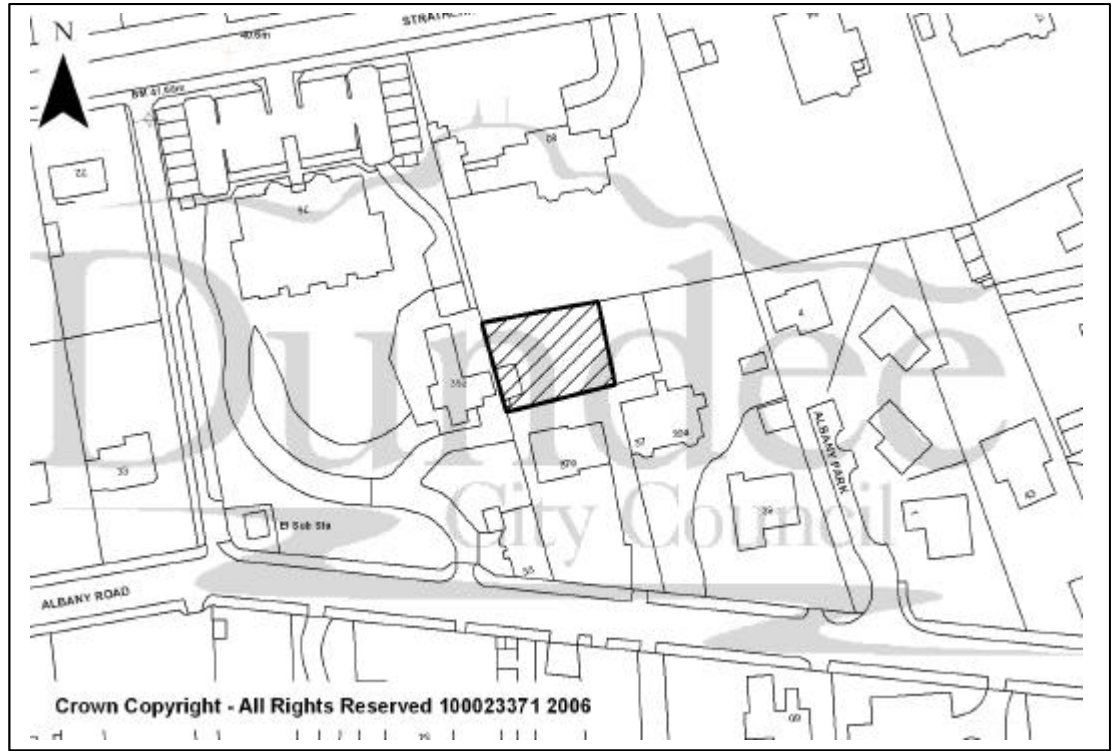


**KEY INFORMATION****Ward** West Ferry**Proposal**

Extension to annexe to form dwelling

**Address**37A Albany Road  
Broughty Ferry  
Dundee**Applicant**Mr & Mrs T Lees  
37A Albany Road  
Broughty Ferry  
Dundee  
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Angus  
DD8 2UP**Registered** 26 Jan 2007**Case Officer** S Johnson

## Proposed House in Garden Ground at Albany Road

The extension of an annexe to form a dwelling is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development is considered to be contrary to Policies 4, 15 and 61 of the Dundee Local Plan Review 2005, it fails to preserve or enhance the conservation area and the objections are supported. The application is therefore recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for an extension to an existing garage to form a separate dwelling within the garden ground of 37A Albany Road, 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 does not comply with Policy 4 or Policy 15 of the Dundee Local Plan Review 2005. It fails to preserve or enhance the West Ferry Conservation Area. The views of the objectors are supported and there are no material considerations that would justify the approval of this application contrary to the provisions of the Development Plan.

**DESCRIPTION OF PROPOSAL**

Planning permission is sought for an extension to an existing garage to form a separate dwelling within the garden ground of 37A Albany Road, Broughty Ferry. The proposed house is a two storey two bedroom unit attached to the existing single storey garage. This garage has an existing single storey extension. The new extension will be rendered to match the existing unit and the roof will be pitched and finished in tiles also to match the existing. The proposed house would be accessed through the existing shared access for No 37A and No 37 Albany Road. Parking will be provided for the proposed dwelling within a double garage. No details have been provided regarding the parking provision. The existing garage would appear to be a single garage.

**SITE DESCRIPTION**

The site is located on the north side of Albany Road within the garden ground of 37A Albany Road to the north of the existing house. The existing house is a modern single storey dwelling within the West Ferry Conservation Area. There is an existing separate garage to the north of the dwelling with a single storey extension which is the subject of this proposal. There is a small grassed area to the east of this extension. There is a larger garden area to the front of the existing dwelling. Access is shared with the flatted property to the east. There is parking within the curtilage of the existing dwelling.

This is a residential area where the majority of properties are large two storey stone built dwellings set within large mature gardens with separate garages and parking within the curtilage of each property.

**POLICY BACKGROUND**

**Dundee and Angus Structure Plan 2001-2016**

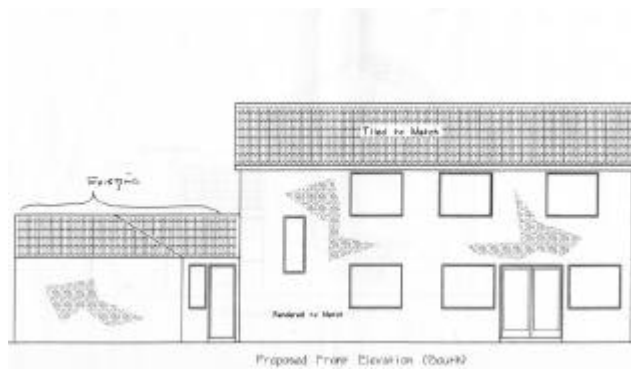
There are no policies relevant to the determination of this application.

**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:

- 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

In 1991 planning permission (Planning Application Reference 91/16725/D) was granted for an extension to a garage to provide two bedrooms, a bathroom and gym.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as contravening the Development Plan and as affecting the conservation area.

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

The height of the extension given the proximity to the boundary with the property to the north.

This development will result in a loss of privacy and overshadowing.

The effect on a listed building.

It will have an adverse impact on the conservation area.

This extension will cause access and parking problems.

This development will lead to noise and pollution problems.

This proposal will result in overcrowding in a small area.

The plot is too small to provide adequate parking and garden area.

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

## CONSULTATIONS

Broughty Ferry Community Council has objected to this application. On the following grounds: Insufficient information including the general layout of the proposed development and access for the existing dwelling. The description is misleading as it is a new house rather than an extension. The proposed garden for the new dwelling is inadequate for this location. The design and materials are inappropriate for the conservation 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 4 and Appendix 1 sets out the standards for the design of new housing at this suburban 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.

This site is located within a suburban area as such the suburban standards from Appendix 1 should be applied. Appendix 1 requires that a minimum gross internal floor area of 100m<sup>2</sup> is provided. It would appear this extension will provide approximately 81m<sup>2</sup>. in addition to the existing approximately 34m<sup>2</sup> of floor space. Consequently, this provision fulfils the requirements of Appendix 1 as approximately 115m<sup>2</sup> of internal floor space will be provided.

In terms of car parking provision, Policy 4 Appendix 1 requires at least one space within the curtilage. The applicant has stated that parking will be provided for a minimum of three vehicles. This provision includes the existing property. There is no proposed layout evident in any of the drawings provided. Consequently, it is not possible to fully assess whether this complies with policy or not. As there are fundamental concerns about the principle of this development, further details regarding parking and garden provision were not pursued. The parking provision for No.37A Albany Road is being eroded with the provision of this dwelling. The applicant has stated that the existing house has a large front garden which could be adapted to take additional vehicles. It is considered that this is not an appropriate solution for this location and this would erode the residential amenity for No 37A Albany Road.

Policy 4 Appendix 1 requires that in terms of garden ground, a minimum of 120m<sup>2</sup> of useable garden ground should be provided. In this case it is not clear exactly what is to be used as garden ground for both properties and how much of it is actually useable in terms of potential privacy issues and provision has to be made for car parking.

There are no windows proposed on the west or north elevations. Consequently, this would not create any unacceptable loss of privacy to the dwellings located to the west and north of the site. The majority of the windows are on the south elevation with one existing window on the east elevation. With the majority of glazing being on the south elevation,

this may have an impact in terms of privacy for the existing house (37A). Due to the slope of the site this new proposed two storey property would be looking down over the existing single storey dwelling (37A). The Local Plan requires a distance of 18m between facing windows of habitable rooms. It would appear there is approximately 16m between the existing dwelling at 37A Albany Road and the proposed unit with no physical barrier to provide any sort of additional privacy. And there is approximately 15m between 37 Albany Road and the proposed new dwelling.

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 would be approximately 6.7m in height and would have a footprint of 115m<sup>2</sup>. The roof would be finished in tiles to match the existing and the external walls would be rendered to match the existing unit. With the extension being two storeys the upper floor would be evident above the existing boundary wall between the property to the north. This would provide a poor outlook for the dwelling to the north as the occupants would be looking onto a blank upper floor. The design of the house makes it an obvious addition to the area. It does not reflect the local context or pattern of development.

It is considered that there has been little attempt to achieve an architectural treatment which would enhance the conservation area and fit the dwelling into the established site.

It is considered that the proposed house, by virtue of its positioning and design does not reflect the character and appearance of the existing house (number 37A) or any of the immediate adjoining properties. Accordingly, it is considered that the proposal is contrary to 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 37 Albany Road. The existing house, (number 37A) is already development within the garden ground of the original house. There is also a large dwelling located to the south of the original house which also constitutes development in garden ground. Therefore, it would appear that the footprint of the proposed house

would exceed one and a half times the footprint of the original main house and this proposal will affect the appearance and character of the area. Consequently, this proposal will be contrary to criteria (b).

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 (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. It is considered that this proposal does not respect the prevailing densities within the immediate area. Therefore the proposal does not comply with criteria (d) of Policy 15.

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 did not submit a separate tree survey. This is not a major issue as there would appear to be no trees effected by this proposal. However, no details have been provided detailing any new planting or associated landscaping. Consequently, the proposal is contrary to 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 unacceptable for this site. It is felt that this proposal will detract from the character of the conservation area.

It is concluded from the foregoing that the proposal does not comply 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 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 detract from the character and appearance of the West Ferry Conservation Area.

- b Objections - four letters including Broughty Ferry Community Council, of objection were received in respect of this application. The concerns of the objectors are: the height of the extension; loss of privacy and overshadowing; the effect on a listed building; an adverse impact on the conservation area; access and parking problems; noise and pollution problems; overcrowding; inadequate parking and garden area and inappropriate design and materials. The majority of these issues have already been assessed in the context of Policy 4 and Policy 15 of the Dundee Local Plan Review 2005. It has been concluded that the proposal contravenes Policy 4 in terms of prevailing densities and potentially contravenes Policy 4 in terms of parking and garden ground provision. In terms of Policy 15, the following criteria; (a),(b),(d)and (i) are also contravened. It is found that these grounds of objection are supported.

One of the objectors is concerned about the effect of this proposal on a listed building. It would appear that No. 80 Strathern Road is not a listed building.

In terms of noise and pollution problems, it is not clear if the objector is concerned about these problems during the construction period or once the development has been built. If it is during the construction period this is not a planning consideration. If it is once the development has been built there is separate legislation to deal with noise problems. In relation to pollution problems it is questionable how the creation of a new dwelling at this location will result in pollution problems.

It is concluded from the foregoing that there are no material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

## Design

The design of the proposed house does not preserve or enhance the character and appearance of the conservation area. It is therefore considered that the proposed development, by virtue of its architectural form would have a detrimental impact to the character and appearance of the conservation area.

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## CONCLUSION

It is considered that the proposal is contrary to Policy 4 and Policy 15 of the adopted Dundee Local Plan Review 2005 and would fail to preserve or enhance the character or appearance of the West Ferry Conservation Area. The objections are supported in these circumstances and the application is recommended for REFUSAL.

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## RECOMMENDATION

It is recommended that consent be refused for the following reasons:

### Reasons

- 1 The proposed development is contrary to Policies 4 and 15 (criteria (a), (b), (d) and (i)) of the Dundee Local Plan Review 2005 due to prevailing densities, design, and the lack of information regarding parking and garden ground provision. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.
- 2 The proposed development fails to preserve or enhance the character or appearance of the West Ferry Conservation Area due to the design of the house and is therefore contrary to Policy 61 of the Dundee Local Plan Review 2005 and the statutory duty set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that would justify

a departure to the provisions of the development plan in this instance.