

**KEY INFORMATION**

**Ward** West Ferry

**Proposal**  
Erection of 4 dwellings

**Address**  
Duntrune Demonstration  
Garden  
Duntrune Terrace  
Broughty Ferry

**Applicant**  
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**Registered** 21 Dec 2006

**Case Officer** C Walker



## Housing Development Proposed in Duntrune Terrace

The erection of four dwellings is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

Four detached houses are proposed on the site of the former Duntrune Demonstration Garden, Duntrune Terrace, Broughty Ferry.

Although the proposal conflicts with the site allocation in the local plan and has been the subject of objections from Broughty Ferry Community Council and a local resident and two local representations, there are material considerations which lead to the application being recommended for **APPROVAL** subject to conditions

**SUMMARY OF REPORT**

- The proposal relates to a detailed planning application for the erection of 4 detached 5 bed roomed houses on the site of the former Duntrune Demonstration Garden, Duntrune Terrace, Broughty Ferry.
- Although the proposal conflicts with Policy 66b of the Dundee Local Plan Review 2005 there are sufficient material considerations such that the proposal is recommended for approval. The proposal complies with the approved planning brief for the site. The application is accompanied by a Design Statement. The design treatment of the site as a whole and the individual houses is innovative and yet respects the need to preserve and enhance the appearance of the West Ferry Conservation Area.
- Broughty Ferry Community Council and a local resident have objected to the proposals. However for the reasons specified in the report the objections are not supported.
- Following consultation which the applicant undertook with local residents, two letters of representation was received concerning the appropriate balance in the use of materials and the protection of walls and hedging. This has been accommodated in amendments to the submitted proposals and can be also be safeguarded by appropriate conditions.

## DESCRIPTION OF PROPOSAL

The proposal relates to a detailed planning application for the erection of 4 detached 5 bedroomed houses on the site of the former Duntrune Demonstration Garden, Duntrune Terrace, Broughty Ferry. The proposed houses are to be two storeys in height and each will incorporate 5 bedrooms, two bathrooms, gallery/play area, kitchen, living area, family area and integral garage. Each plot will extend to 750 square metres with useful and usable rear garden areas of 300 square metres. Each plot will incorporate an individual access through the existing stone boundary wall and hedge to Duntrune Terrace and will incorporate an asphalt driveway for turning and further off street parking. Hard landscaping and rear decking will be incorporated on each plot. Except for accesses as specified above the existing walling surrounding the former garden will be retained as will four existing trees of significance. Three trees are indicated for removal.

On completion of the development a total of 12 parking spaces plus 8 garage spaces (all doubles) will be provided.

All the proposed houses are to be on a similar traditional design involving pitched and slated roofs and the use of sandstone slips, white dry dash render with coloured feature panels and the selected use of timber cladding on each elevation. Windows will be grey coloured UPVC double glazing and all fascias will be painted white. Fencing will be 1800mm high timber hit and miss screens. Surface water drainage is to be by connection to the public drain or by separate soakaway/perforated pipe system subject to building standards approval. Foul drainage will be by connection to the public sewer.

## SITE DESCRIPTION

The former Duntrune Demonstration Garden site measures approximately 0.3 hectares and is located to the west of Duntrune Terrace and is bounded on the north west and south by detached residential properties with large gardens. The site is located

within West Ferry Conservation Area. In November 2003 the Council agreed to transfer the horticultural demonstration garden to Dawson Park and to declare the site surplus to the



Council's requirements and to dispose of the land. The nature of the



surrounding land uses is exclusively residential. The site is located close to Dawson Park and is serviced by a regular public transport system along either Strathern Road or Claypotts



Road. The site is located within a conservation area and is presently unused. The site slopes gently from

south to north. Stepped stone walling (1.6m) fronts Duntrune Terrace with a 3.6 metre high holly hedge behind. The remainder of the site is surrounded by perimeter brick walling. There are a number of trees present on the site and it is proposed to remove three of these to facilitate the development.

## 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 1: Vibrant and Sustainable Communities. The Council will encourage vibrant communities and encourage the

development of an appropriate range of services close to and within housing areas. New development should be in accordance with other policies of the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Policy 2: Housing Land Release: this policy indicates the circumstances where land release additional to the local plan allocations will be acceptable ie where:

- Development is in accordance with other policies of the Local Plan;
- A positive contribution will be made to the quality and choice of housing available in the local area;
- Housing standards of Appendix 1 of the Local Plan are satisfied taking into account provisions of any planning brief;
- Where appropriate, tenure mix will be improved.

Policy 4 Design of New Housing. The design and layout of new housing in Dundee should be of a high quality. As a basis for this, new residential development will require to conform to the design standards

contained in Appendix 1 of the Local Plan Review. For the purposes of these standards the application site is located in a suburban area requiring :

- 75% of houses having 3 or more bedrooms or a minimal gross internal floor area of 110 square metres;
- at least 2 car parking spaces with 50% of all houses having a garage or space for one;
- usable garden ground of a minimum 120 square metres with 40% of the houses having 160 square metres

New housing should respect the Council's Urban Design Guide; "Secured by Design" standards should be met; new residential streets should be designed to promote speeds of 20 mph or less; and new housing should maximise energy efficiency and promote sustainable waste management.

Policy 61 Development in Conservation Areas. All developments in conservation areas will be expected to preserve or enhance the character of the surrounding area.

Policy 66B Protection of Other Open Space. The application site is allocated for this purpose in the adopted local plan.

## Scottish Planning Policies, Planning Advice Notes and Circulars

Planning Advice Note 67 Housing Quality encourages excellence in urban design in respect of new housing.

## Non Statutory Statements of Council Policy

The following policy statements are of relevance:

A Site Planning Brief for this site was approved by the Council in April 2004.

The policy booklet relating to Boundary Walls in Conservation Areas is of relevance.

The Council's approved Urban Design Guide is of relevance.

## SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this

application. There is adequate scope within each site to comfortably accommodate domestic recycling facilities.

## SITE HISTORY

There is no planning history of direct relevance to this application.

## PUBLIC PARTICIPATION

Statutory Neighbour notification was carried out and the application was advertised as contravening the development plan and affecting the setting of a conservation area.

The applicants undertook a consultation exercise with neighbours on the basis of originally submitted proposals and a residents meeting with the applicant and agent took place on 16 January 2007. Resulting from this meeting certain design changes were made to the proposals. These are referred to in the Observations below.

A late letter of objection was received from a local resident and the terms of the objection relate to the design of the houses and use of materials, similar to the points raised by the Community Council.

Two letters of representation has been received from neighbouring occupiers. The letters emphasised that no objections were being raised. The first letter indicated that it would be preferable if the design were to incorporate less timber finishing as opposed to either white harled masonry or quality stonework. The second letter made similar points and requested that the stone walling along Duntrune Terrace and the hedging behind should be retained. Comments on these points of representation are provided in the Observations Section below.

Copies of the letters may be viewed in the Members' Lounges.

## CONSULTATIONS

The Forestry Officer has been consulted and has no observations on the proposals.

Broughty Ferry Community Council has objected to the application on the grounds that the design of the houses is not sympathetic to nearby properties along Duntrune Terrace; that there should be greater harmony in the use of materials viz. less wood facing and

more use of natural stone, traditional shaped bays and wet- rather than dry-dash harling. In addition all four trees at the front of the site should be retained. The development does not merit its prime location site. Comments on these points of objection are provided in the Observations Section below.

A copy of the objection letter may be viewed in the Members' Lounges.

## 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.

The site is allocated as "Protection of Other Open Space" under Policy 66b of the Dundee Local Plan Review 2005. This policy indicates that there will be a presumption against the development or redevelopment of all other open space unless the broad principles of the criteria listed in Policy 66A are met (the protection of playingfields and sports pitches or the proposals are consistent with a park masterplan, strategy or programme approved by the Council to improve the management of open space). The plan was adopted after the Council had taken steps through the preparation of the planning brief to encourage residential development. As indicated above the Council has declared the site surplus to requirements following the transfer of the horticultural activities to Dawson Park. Accordingly replacement provision has been made. It is considered that the provision of adequate levels of open space in the community will not be compromised by the development of the site. Accordingly it is considered that Policy 66b is discharged in circumstances where the Council has disposed of this site for development in terms of a brief which encourages a specific and particular form of quality

residential development. Nevertheless technically and procedurally the proposal contravenes Policy 66b of the local plan. No representations or objections were received to this particular aspect when the development plan departure was advertised.

Policy 61 indicates that all development proposals will be expected to preserve or enhance the character of the conservation area. Retention of all features contributing to the character and appearance of the conservation area are expected. Given the high standard of the design of the proposals and the selection of proposed materials (as amended) and the compliance with the brief it is considered that the proposals comply with this policy.

The criteria expected under Policy 4 of the local plan are outlined above and the proposals exceed these requirements. The proposals therefore comply with Policy 4.

In relation to Policy 1 it is considered that this development will add to the vibrancy of the local community and support local services in a sustainable manner. There are no issues of noise or smell raised by the proposals and for the reasons specified in the report the effect on the environmental qualities enjoyed by residents will not be compromised. It is considered that Policy 1 is discharged.

In relation to Policy 2, the issue of compliance with other policies of the local plan are discharged above; the development will enhance housing choice; the design standards of the Plan are satisfied; and tenure mix issues are not relevant to this particular application. It is therefore considered that Policy 2 is also discharged.

Accordingly solely in respect of Policy 66b do the proposals contravene the terms 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 that planning authorities 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 proposal under Policy 61 of the adopted local plan and it is considered that the proposal would both preserve and enhance the West Ferry Conservation Area in the light of the design treatment, use of sympathetic material and the retention of important site features.

- b Objection and Representations. As indicated above the applicant undertook consultations with a group of local residents and has amended the plans to take account of the views expressed at the residents meeting. This has involved the reduction in the amount of timber cladding and its substitution with sandstone slips and the greater use of white dry dash render and the elimination of the previously proposed terracotta panelling on the rear elevations.

The terms of Broughty Ferry Community Council's objection are outlined above. It is considered that the applicants, in their Design statement, have justified their design approach in relation to the sites location in a conservation area and in relation to the adjacent properties along Duntrune Terrace. The amended proposals alter the balance in the use of a variety of elevational finishes and the amount of timber treatment has been reduced in favour of other finishes on all elevations. It is not agreed that the design of the houses gives the impression that they are of a standard estate design. In relation to the retention of trees, the applicants indicate the retention of four trees and the removal of three, the minimum necessary to ensure a satisfactory layout and relationship between the houses.

The second objection raises similar points to those outlined above.

Accordingly it is considered that the proposals are suitable for this setting in the conservation area and the objections of the Community Council and the local resident are not supported.

The letters of representation received emphasised the need for design changes and as the applicant has amended the plans in the manner suggested it is considered that the terms of the representations in this regard have been discharged. In

relation to the retention of the stone walling and hedging the submitted plans indicate that these are to be retained with the exception of essential access arrangements. It is considered that the design amendments incorporated by the applicants has gone a long way in resolving the concerns of residents.

- c Site Planning Brief. This brief was approved by the Council in April 2004 and sets out criteria for the site's development, namely
- 4 large detached dwellings to be provided which reflect existing housing along Duntrune Terrace with an average garden size of 300 square metres and with 3 or more bedrooms.
  - a high standard of architectural innovation is expected.
  - 18 metres distance between habitable rooms.
  - vehicular access from Duntrune Terrace.
  - sections of wall/hedging along Duntrune Terrace may be removed to facilitate access to individual plots.
  - existing trees and planting should be respected.
  - standards of parking and garaging are recommended

With the exception of the removal of three trees to facilitate the most appropriate layout for the site and the incorporation of integral garaging in the design of the houses as opposed to detached garaging, it is considered that the terms of the brief are largely respected.

- d Non statutory policy relating to breaches in boundary walls in conservation areas (December 2000). This policy document illustrates the importance of boundary walls in conservation areas and discourages unnecessary or inappropriately designed breaches. Except for the 4 individual accesses to the houses the boundary walls surrounding the site are to be retained and the number of openings has been kept to a minimum consistent with achieving an appropriately designed development in accordance with the brief for the site. The most northerly access is

the existing vehicular access to the site. Accordingly it is considered that the proposals respect the terms of this policy document.

- e Applicant's Supporting Design Statement. As indicated above the applicant has submitted a supporting design statement which indicates compliance with local plan design criteria and the provisions of the brief. In particular the design justification refers to the use of sandstone cladding to the eastern elevations along Duntrune Terrace; the site layout reflecting the rhythm of the buildings on the opposite side of Duntrune Terrace; the mirrored gabling with projecting "bay type" windows carrying the street front detail through in a contemporary manner; the setting back of the garage wings to strengthen the vertical form of the gables; the selective use of timber cladding; the use of chimney stack detailing, again reflective of nearby property design; the pairing of dwellings to maintain an impression of semi detached massing reflective of dwellings opposite; ; the appropriate use of smooth and textured render with moderate use of cladding to break down the massing on the rear elevations.

The design statement is considered to reflect local and national design objectives and is compliant with the brief and the design policies of the local plan.

It is concluded from the foregoing that sufficient weight can be accorded to material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan (viz. Policy 66b). It is therefore recommended that planning permission be granted with conditions.

## Design

The design approach adopted by the applicant is described above and is considered to represent an innovative architectural treatment and use of materials which respects the context of the site and preserves and enhances the architectural qualities of this part of the conservation area.

## CONCLUSION

It is considered that the compliance with the site planning brief, the quality of the architectural treatment and overall design approach which has overcome the initial concerns of residents is sufficient to overcome the non compliance with the local plan. The objections by Broughty Ferry Community Council and the local resident are not supported for the reasons specified above.

The application is therefore recommended for approval with conditions relating to the protection of trees, boundary walls and hedging, landscaping, the distribution of materials and the submission of materials samples.

## 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 Samples of finishing materials and design detailing of all windows and doors 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.
- 3 No development of the site shall not begin until there has been submitted to and approved by the planning authority a scheme of landscaping which shall include details of new planting and indications of all existing trees, shrubs and hedges on the site and details of any to be retained and removed together with measures for the protection of retained trees, shrubs and hedges during the course of development.
- 4 details of the colours, textures of the palette of finishing materials and their distribution on the elevations of the dwellings hereby approved shall be agreed in writing with the Council prior to development commencing and the development shall be

fully implemented in accordance with such approved details

- 5 the existing walling bounding the site shall not be reduced in height or removed except to permit vehicular access to the individual dwellings hereby approved and as indicated on amended plan Ref 06041/PL03 Rev A or by separate prior written agreement by the Council. The detailing of the formation of the individual accesses shall be in accordance with a method statement which shall have been agreed in writing with the Council prior to development commencing on site.
- 6 details of boundary fencing and details of any gates to be erected in the openings in the walling along Duntrune Terrace hereby approved 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 the terms 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 preserving and enhancing the character of the conservation area.
- 3 To ensure that important trees, shrubs and hedges are retained and to ensure a satisfactory external appearance of the development in the interests of protecting and enhancing the character of the conservation area.
- 4 To ensure that the proposed development has a satisfactory external appearance in the interests of preserving and enhancing the character of the conservation area.
- 5 To ensure that the proposed development has a satisfactory external appearance in the interests of preserving and enhancing the character of the conservation area.

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