

KEY INFORMATION

Ward Logie

Proposal

Outline consent for erection of a dwelling house in garden ground

Address

56 Seymour Street
DUNDEE
DD2 1HB

Applicant

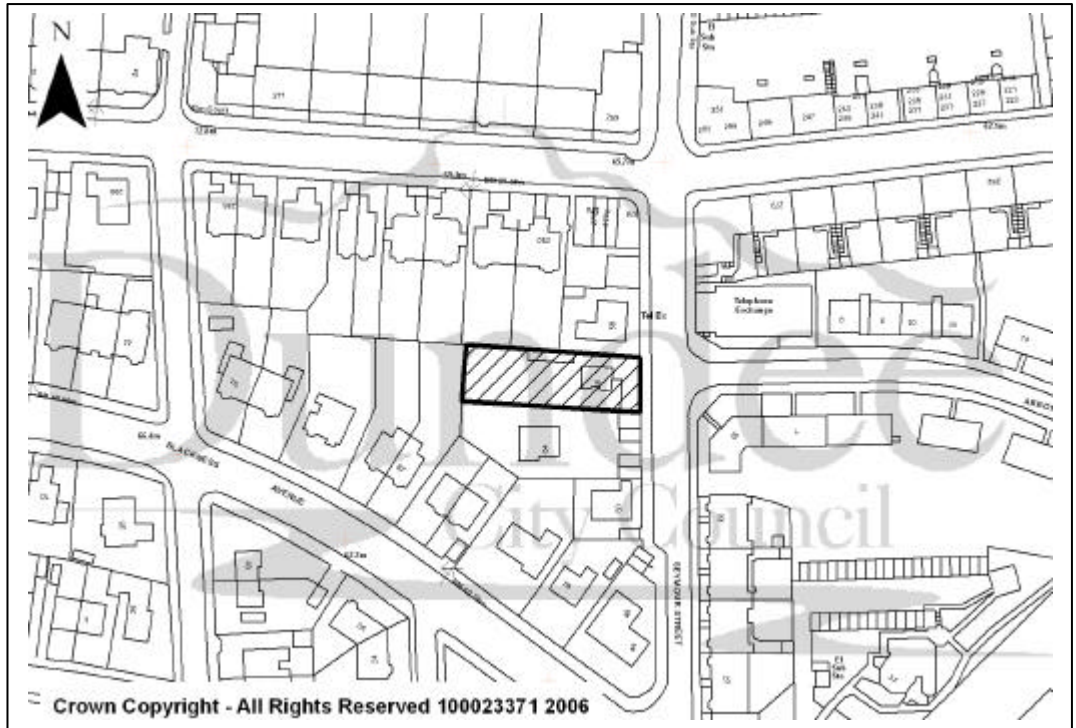
Mr & Mrs Murray
56 Seymour Street
DUNDEE

Agent

Hiddleston & Fiest
1 Laurel Bank
DUNDEE
DD3 6JA

Registered 18 Dec 2006

Case Officer B Knox



New House Proposed in Seymour Street

Outline consent for erection of a dwelling house in garden ground is **RECOMMENDED FOR REFUSAL**.
Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered to be contrary to Policies 1 and 15 of the Dundee Local Plan Review 2005 and would adversely impact on the amenities of neighbours due to a loss or privacy and views of the objectors are supported. The application is therefore recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a two storey dwelling house within the garden ground of 56 Seymour Street, Dundee.
- Twelve letters of objection were received from neighbouring residents on the grounds of overdevelopment; not in character; it will cause traffic issues; loss of mature garden; loss of visual amenities; overlooking and intrusion of privacy.
- Policies 1 and 15 of the Dundee Local Plan Review 2005 are relevant to the determination of the application as they 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 application does not comply with Policies 1 and 15 of the Dundee Local Plan Review 2005. The views of the objectors relating to loss of privacy and concerns regarding the proposed shared access 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

Outline planning permission is sought for the erection of a detached dwelling house within the garden ground of 56 Seymour Street. The applicants have submitted an indicative layout for the site that provides for one detached dwelling with access taken from Seymour Street. This would also involve the removal of an existing garage in the garden of the applicant in order to facilitate the proposed access. Off-street car parking and turning facilities are proposed within the curtilage of the buildings and private garden ground is to be provided for both the proposed and the existing house.

SITE DESCRIPTION

The site is located on the west side of Seymour Street within the rear garden ground of 56 Seymour Street. Seymour Street is a steeply sloping street which decreases in gradient from Blackness Road, down to the intersection with Blackness Avenue. The existing house is a detached two storey property which has a painted render finish to the walls and roof tiles.

The properties which share a boundary to the north are located on Blackness Road and as such are at a higher level with rear windows which look into the application site. The adjacent property to the south is very close to the mutual boundary and at a slightly lower level than the proposed house.

There is also mature vegetation within the site which would largely have to be removed in order to accommodate the proposal.

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:

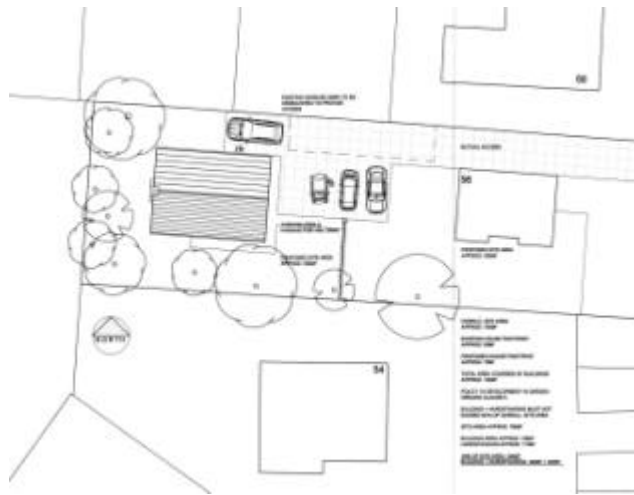
Policy 1: Vibrant and Sustainable Communities

The City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in 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 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:

- 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.



- 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

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 implications arising from this application.

SITE HISTORY

There is no relevant planning history for this site.

PUBLIC PARTICIPATION

The applicants carried out the statutory neighbour notification procedure at the time of the submission of this application. Twelve letters of objection have been received from neighbouring residents. The main issues raised relate to:

- 1 The proposal for a two storey house in the garden represents an over development of a small established site
- 2 A property sited in this location will detract the scenic amenity for the area and is not in character with the present building line
- 3 It will cause increased traffic issues due to the requirement for shared access
- 4 This will increase the present congestion in Seymour Street
- 5 Would cause the loss of a mature garden
- 6 The development would cause a loss of privacy and give rise to overlooking
- 7 The removal of this garden will have consequences for nesting of small birds in the local area

Other views submitted by objectors do not constitute as material planning considerations and as such cannot be considered.

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

CONSULTATIONS

No adverse comments have been received from any of the statutory 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 1 states the any new development should seek to minimise any effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

The supporting statement included with the application states that all living accommodation would be restricted to the lower storey with only bedroom accommodation to the upper storey in order to minimise potential overlooking. It is considered that this would not overcome the likely privacy issues due to the close proximity of adjacent houses and particularly the dwelling to the south whose windows are very close to the mutual boundary.

In addition to this, it is considered that whilst the existing driveway access may be acceptable for use as an access to an individual property, it is not suitable for use by two properties to share due to the narrowness of the driveway and restricted visibility onto Seymour Street. Furthermore, the proposed parking and turning area within the garden ground does not appear to provide the space required to allow both car parking and a turning facility.

In view of the above points, it is considered that the proposal fails to comply with Policy 1.

Policy 15 requires that developments in garden ground satisfy a range of criteria.

This is an outline application and in this case, the indicative house would be two storeys and would have an approximate footprint of 75sq.m. It is therefore assumed that this is the design which would emerge at a detailed stage. However, it is considered that the proposed development is not consistent with the development pattern of the area, particularly in that the proposed house does not present a frontage onto the adjacent roadway.

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 house. The final proportion of ground covered by buildings and hard

standings 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.

In terms of criteria (h) of Policy 15, no tree survey was submitted with the application. The issue of a tree survey was looked into but due to the species of vegetation on site, a tree survey was not considered to be necessary.

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:

Objections

Concerns of the objectors relate to a loss of privacy and overlooking as a result of the proposed development, traffic and parking issues and that a property sited in this location would detract the scenic amenity for the area and is not in character with the present building line. These issues have already been assessed in terms of Policy 1 and 15 of the Dundee Local Plan Review 2005 in the Observations section above and the views of the Objectors are upheld.

Objections have also been received regarding environmental issues such as loss of mature garden and the removal of the garden impacting upon the nesting for small birds in the area. It is considered that the species of vegetation found on the site are not of significant value and are only partially visible from the street, therefore having little impact upon the streetscape. As such the views of the objectors in this respect are dismissed.

Finally, the objectors have concerns that a two storey house in the garden represents over development of a small established site. It is considered to be a highly restrictive site which would not afford any of the houses good amenity in terms of privacy and as such the views of the objectors in this respect are upheld.

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

This proposal seeks outline permission to establish the principle of a two storey house for the site with associated off street car parking and garden ground, using a shared access with an existing house. Should the Members be minded to approve this application the issues of design, scale and materials would be discharged at the time of the submission of any full or reserved matters applications.

CONCLUSION

The principle of a two storey house on this site is considered to be contrary to Policy 1 and 15 of the Dundee Local Plan Review 2005 as the proposed access is considered to be inadequate for use by two properties due to its narrowness and it would adversely impact upon the amenities of the neighbours due to a loss of privacy and potential for overlooking.

The objections are supported in these circumstances and the application is recommended for REFUSAL.

RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:-

Reasons

- 1 The proposed development is contrary to Policy 1 of the Dundee Local Plan Review as it would adversely impact upon the privacy of the neighbouring occupiers and the access is not suitable for two properties to share.
- 2 The proposed development is contrary to Policy 15 of the Dundee Local Plan Review due to its poor relationship with prevailing densities in the area and it is not consistent with the development pattern for the area. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.