

KEY INFORMATION

Ward Lochee West

Proposal

Erection of Dwellinghouse in Garden Ground

Address

16 Coupar Angus Road
Dundee
DD2 3HN

Applicant

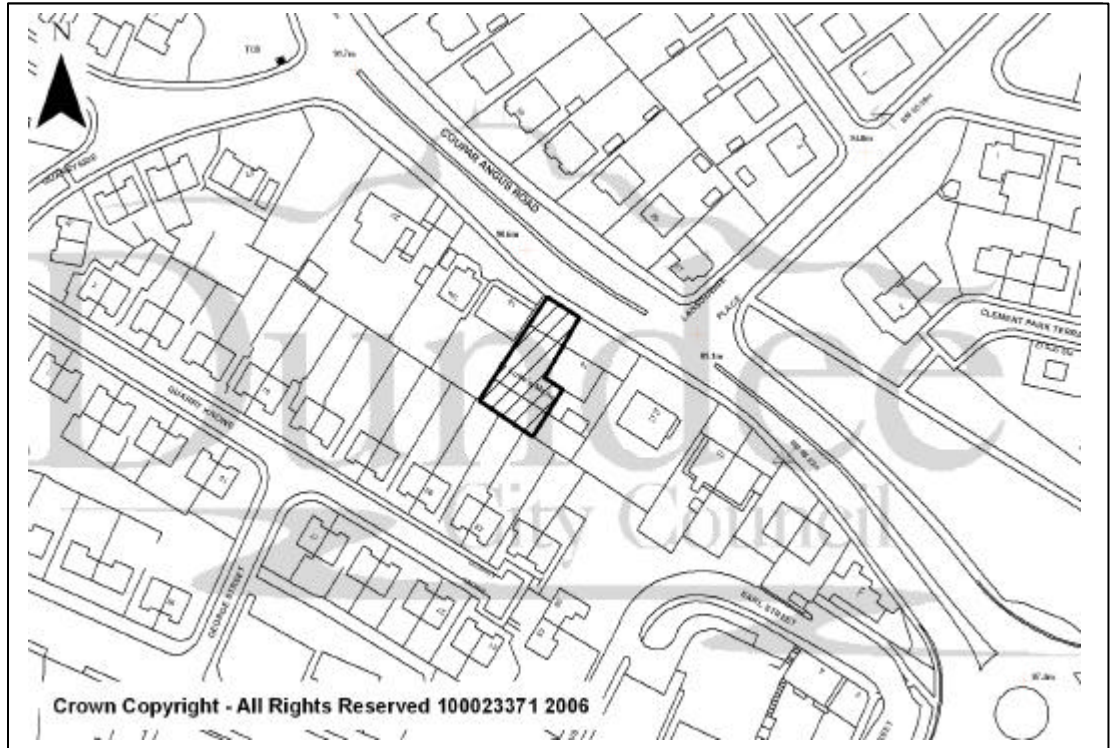
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Dundee
DD2 3HN

Agent

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14 Union Street East
Arbroath
DD11 1BS

Registered 30 Mar 2007

Case Officer B Knox



Proposed New House in Garden at Coupar Angus Road

The erection of a dwellinghouse 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 4 and 15 of the Dundee Local Plan Review 2005 and would adversely impact on the amenities of neighbours and does not provide a useable private garden space. It is therefore recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought to erect a detached dwelling in the garden ground of 16 Coupar Angus Road.
- Four letters of objection were received from neighbouring residents on the grounds that the development would result in a loss of privacy, concerns regarding loss of trees, loss of daylight and sunlight and increase in noise due to vehicles.
- Policies 4 and 15 are relevant to the determination of this application.
- It is considered that the application fails to comply with Policies 4 and 15 of the Dundee Local Plan Review. The views of the objectors relating to loss of privacy are supported and there are no material considerations that would justify the approval of this application contrary to policy.

DESCRIPTION OF PROPOSAL

Full planning permission is sought for the erection of a detached dwelling house within the garden ground of 16 Coupar Angus Road. It is proposed to position the dwelling to the rear of the existing dwelling which would involve the driveway to the existing house to be altered and an existing garden wall to be removed.

SITE DESCRIPTION

The site is located on the south west side of Coupar Angus Road within the rear garden ground of 16 Coupar Angus Road. The total area of the site is approximately 1049 sq metres, with the existing house being approximately 133 sq metres and the proposed house measuring approximately 100m². The existing house is a traditional two storey former manse building, finished in natural stone and slate roof. The properties to the rear of the site, situated on Quarry Knowe are two storey semi detached properties and are sited at a much lower level than the application site.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

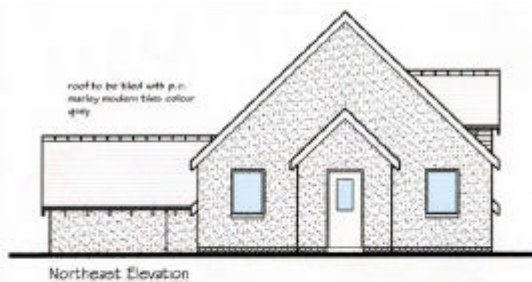
Dundee Local Plan Review 2005

The following policies are of relevance:

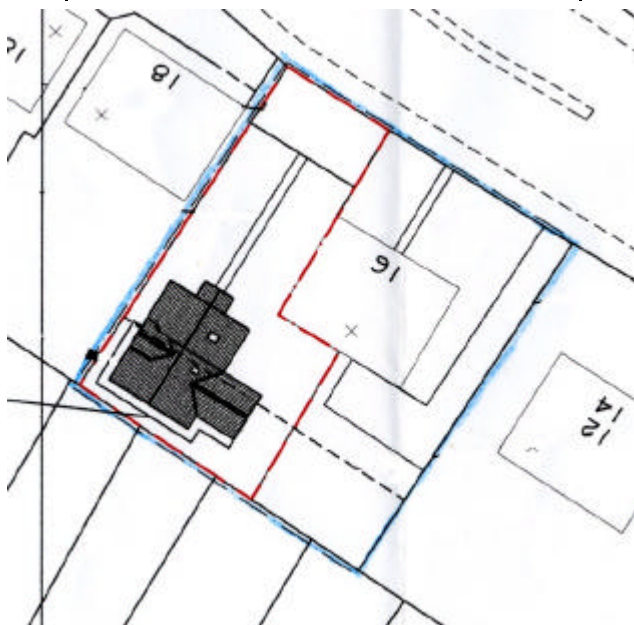
Policy 4: Design Of New Housing. The design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- 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;
- 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;
- 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;
- d prevailing densities in the area are respected;
- 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;
- f prominent frontages and elevations of architectural character on the original house will remain largely intact;

- g the proposal conforms to the Council's non-statutory guidance on Breaches in Boundary Walls;
- 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.

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 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. Four letters of objection have been received from neighbouring residents. The main issues raised relate to:

- 1 It will have a detrimental effect on privacy and will reduce the provision of private garden area to an unacceptable level.
- 2 Concerns regarding the loss of trees.

3 It will create more noise as vehicles will be driving into the area at the rear of the original building.

4 Appearance of development.

5 Relationship of development to surroundings.

6 Loss of sunlight and daylight.

CONSULTATIONS

There have been no adverse comments 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 15 requires that developments in garden ground satisfy a range of criterion. It is considered that the proposed design is acceptable in terms of quality of design and the proposed materials, particularly the use of timber windows are considered to be in keeping with the surrounding area. Accordingly, it is considered that the proposal complies with criterion (a) of Policy 15.

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 and garden. The final proportion of ground covered by buildings and hard standings would appear to be 39.5%. In this respect, the proposal marginally complies with this criterion of Policy 15.

However, it is considered that the proposal fails to meet criterion (d) in that it does not respect the prevailing densities of the surrounding area and in particular in that it does not present a frontage onto the adjacent roadway. It is further considered to be a highly

restrictive site which would not afford any of the houses good amenity in terms of privacy. In this respect, it is considered that the proposal fails to comply with criterion (d) of Policy 15.

There are several trees located within the site. The applicants have stated that no trees are to be felled or lopped. However, it would appear that it would be difficult to construct a house at this location without affecting these trees. Under the terms of criterion (h) of Policy 15 a tree survey was therefore requested. The applicants have failed to submit this information to enable a full landscape assessment to be undertaken and as such it fails to comply with this criterion of Policy 15.

Under Policy 4, which sets out standards for new housing development, the site is classified as falling within a suburban area. As such, there are specific standard requirements that must be met for a new suburban house under Appendix 1. It is considered that the proposal fails to meet the minimum private useable garden ground of 120m². The restrictive nature of the site means that the proposed house is positioned further back from the existing building line and as such its main associated garden area lies to the front of the proposed dwelling with an access path running the length of it. It is not considered that this would represent a useable garden area and it would be significantly overlooked by the adjacent dwellings located on Coupar Angus Road. It is in this respect that the proposal fails to comply with Policy 4.

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:

Views of the objectors:

- 1 It will have a detrimental effect on privacy and will reduce the provision of private garden area to an unacceptable level.

As discussed above, it is considered to be a restrictive site which would not afford any of the houses good amenities in terms of privacy. In addition to this, the windows to the rear (south west elevation) look directly onto the private garden

areas of the properties on Quarry Knowe and would result in a reduced level of private garden provision for these properties. As such the views of the objectors in this respect are upheld.

- 2 Concerns regarding the loss of trees

The issue regarding the removal of trees has been discussed in the Observations Section above.

- 3 It will create more noise as vehicles will be driving into the area at the rear of the original building.

The newly created parking area will be at the roadside of the building and as such it is not considered that the proposal would result in a significant change in noise level affecting the objection properties to the rear. The views of the objectors in this respect are therefore dismissed.

- 4 Appearance of Development

It is considered that the proposed design is acceptable in terms of quality of design and the proposed materials, particularly the use of timber windows are considered to be in keeping with the surrounding area. The views of the objectors in this respect are therefore dismissed.

- 5 Loss of Sunlight/Daylight

It is considered that given the distance of approximately 25 metres from the edge of the proposed dwelling to the houses on Quarry Knowe, sunlight/daylight provision for these dwellings will not be significantly affected. The views of the objectors in this respect are therefore dismissed.

It is concluded from the foregoing that sufficient 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 refused with conditions.

Design

The proposed design is considered to be appropriate in terms of the area and the proposed use of materials is in keeping with other houses in the vicinity and is therefore considered to be acceptable.

CONCLUSION

The principle of a dwelling on this site is considered to be contrary to the terms of Policies 4 and 15 of the Dundee Local Plan Review 2005 and would adversely impact upon the amenities of the neighbours due to loss of privacy and the lack of provision of useable private garden space.

There are no material considerations that would justify a departure to the provisions of the development plan in this instance.

RECOMMENDATION

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

Reasons

- 1 The proposed development is considered to be contrary to Policy 4 of the Dundee Local Plan Review 2005 as it fails to provide garden area that constitutes as useable private garden space for the proposed dwelling.
- 2 The proposed development is contrary to Policy 15 of the Dundee Local Plan Review f2005 due to its poor relationship with prevailing densities in the area and that no tree survey has been submitted to allow for a landscape assessment to be carried out.