

**KEY INFORMATION**

**Ward** The Ferry

**Proposal**

Development in Garden  
Ground of 1½ Storey  
Dwelling House

**Address**

Garden Ground to the East  
of 1 Inchkeith Avenue  
Broughty Ferry  
Dundee

**Applicant**

Mr & Mrs Smith  
1 Inchkeith Avenue  
Broughty Ferry  
Dundee

**Agent**

**Registered** 2 Oct 2007

**Case Officer** P Macari



## Proposal for New House in Garden at Inchkeith Avenue

The development of a 1½ Storey Dwelling House is **RECOMMENDED FOR REFUSAL**. Report by  
Director of Planning and Transportation

**RECOMMENDATION**

The principle of a 1½ storey house on this site is considered to be contrary to Policy 1 and Policy 15 of the Dundee Local Plan Review 2005. There are no material considerations that would justify laying aside the Development Plan to grant planning permission. The objections are supported in these circumstances and the application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Outline planning permission is sought for the erection of a dwelling in the garden ground of 1 Inchkeith Avenue.
- Three letters of objection have been received. The concerns of objectors are supported.
- The proposed development is considered contrary to Policy 1 and Policy 15 of the Dundee Local Plan Review 2005.

**DESCRIPTION OF PROPOSAL**

Outline planning permission is sought for the erection of a dwelling in the garden ground of 1 Inchkeith Avenue. It is also proposed to form a new vehicle access and driveway of North Balmossie Street to serve the existing dwelling.

**SITE DESCRIPTION**

The application site is a corner plot located on the southern side of the junction where North Balmossie Street meets Inchkeith Avenue. The application site is populated by a one and half storey dwellinghouse of modest proportions located in the eastern sector of the site. There is a double detached garage located midway along the eastern boundary of the site. A wall some 2m in height and finished in quartz roughcast matching the existing dwellinghouse and garage adjoins both buildings and forms a boundary between the front garden and the rear garden.

The front garden is split in two, vehicle access is taken from the north eastern corner of the site and a large driveway runs along the eastern boundary to the garage. The remainder of the garden has been landscaped.

The rear garden is bound by 1.8m high timber fencing and a mixture of mature shrubbery and coniferous hedging.

The existing dwellinghouse and garage have pitched roofs and are finished in brown concrete roof tiles. Both are finished in quartz chip roughcast. The dwellinghouse has brown painted timber fascia boards on the front elevation with white PVC window frames and doors. The remaining window frames and doors are brown painted timber. A brown PVC framed conservatory extension has been erected on the rear elevation with red brick base walls matching the red brick base coursing of the existing dwellinghouse.

**POLICY BACKGROUND**

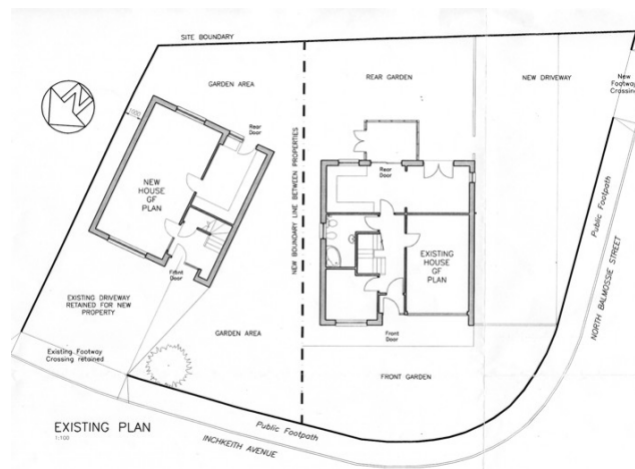
**Dundee and Angus Structure Plan 2001-2016**

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:

- 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 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. Three letters of objection have been received. The main issues raised relate to:

- 1 The proposal for a house in the garden represents an over development of a small established site.
- 2 A property sited in this location will detract the amenity of the area and is not in character.
- 3 It will cause increased on street car parking.
- 4 Overshadowing.
- 5 Outlook.
- 6 The development would cause a loss of privacy and give rise to overlooking.
- 7 Noise disturbance due to proximity of proposed dwelling to boundary.

Other views submitted by objectors do not constitute 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 plot layout and elevational details submitted are considered to be indicative only. Therefore by virtue of layout, the sub-division of the existing garden ground serving 1 Inchkeith Avenue and erection of a dwelling in the resulting plot is considered contrary to Policy 1. This is because such a development would result in the existing dwelling having a plot ratio of 1:4 rather than the current 1:7 ratio. This would mean that the existing dwelling which is currently served by 493sqm of garden ground would only be served by 277sqm of garden ground. Further to this, it should be noted that useable garden ground does not include areas of hardstanding, driveways and parking areas, therefore given the proposed layout the existing dwelling would only be served by 70sqm of useable garden ground should outline planning permission be granted. Such a drop in garden ground is considered to significantly impact upon the level of amenity currently afforded to 1 Inchkeith Avenue.

In addition to this, it is considered that it would not be possible to reduce the size of the proposed building plot to afford the existing dwelling sufficient garden ground without compromising the required amount of useable garden ground to be afforded to new houses in accordance with Policy 4 Appendix 1 of the Dundee Local Plan Review 2005. In this case, useable garden ground of no less than 120sqm is required for the existing house and the proposed house, whereby useable garden ground excludes areas of hard standing and garden ground to the front of properties/bordering on to streets and slivers of ground to the sides of properties.

Whilst the proposed dwelling will be served by adequate off street car parking facilities, the existing dwelling to be serviced by the proposed access will require to be served by 2 parking spaces as well as provision for a garage (in accordance with Appendix 1 of Policy 4). It has not been demonstrated that the area of ground allocated for car parking can accommodate a garage as well as vehicle turning space.

In view of the above points, it is considered that the proposal fails to comply with Policy 1 as there is not sufficient space within either plot to afford the existing or proposed dwelling a sufficient level of environmental quality by virtue of design and layout.

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 1.5 storeys and would have an approximate footprint of 65sqm. It is therefore assumed that this is the design which would emerge at a detailed stage.

The indicative design of the proposed dwelling although similar to the existing dwelling at 1 Inchkeith Avenue is considered to be of a scale and massing that is out of character to the surrounding dwellings. The proposed development is therefore not considered contrary to criteria (a) of Policy 15.

It is considered that the proposed development is not consistent with the development pattern of the area, particularly in that the proposed house will present a departure from prevailing densities of the surrounding area. The proposed development is considered contrary to criteria (d) 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. The final proportion of ground covered by buildings and hard standings would exceed 40% of the original house and garden with only 50% of the total plot area remaining cultivable garden ground. Accordingly, it is considered that the proposal is contrary criteria (a), (c) and (d) of Policy 15.

In terms of criteria (h) of Policy 15, a tree survey was not considered to be necessary as no trees of significance are intended to be felled as a result of the proposed development.

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:

Concerns of the objectors relate to traffic and parking issues and that a property sited in this location would detract from the amenity of the area and would be out of character. 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 privacy, overlooking and outlook. As the applicant only seeks outline planning permission the proposed window positions and location of the dwelling may change therefore such concerns cannot be assessed at this stage. Should outline planning permission be granted such considerations will form the basis of an assessment of any application for the approval of reserved matters. As such the views of the objectors in this respect are dismissed.

Finally, the objectors have concerns that a 1½ storey house in the garden represents over development of a small site. It is considered to be a highly restrictive site which would not afford either of the houses good amenity in terms of garden ground 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 1½ storey house for the site with associated off street car parking and garden ground. 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 application.

## CONCLUSION

The principle of a 1½ storey house on this site is considered to be contrary to Policy 1 and 15 of the Dundee Local Plan Review 2005. There are no material considerations that would justify laying aside the Development Plan to grant planning permission.

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:

- 1 The erection of a dwelling in the garden ground of 1 Inchkeith Avenue will result in both the existing and proposed dwellings being served by less than 120sqm of useable garden ground. This will have a significant impact upon the level of amenity afforded to each dwelling and will significantly depart from the prevailing density of the Inchkeith Avenue. The proposed development is therefore contrary to Policy 1 and Policy 15 of the Dundee Local Plan Review 2005. There are no material considerations that would justify granting planning permission contrary to the Development Plan.
- 2 By virtue of design and layout, the final proportion of ground covered by buildings and hard standings will amount to 50% of the original house and garden whereby only 50% of the remaining plot area will be cultivable garden ground. This will significantly impact upon the visual amenity of the existing and proposed dwellings through overdevelopment of the original building plot at 1 Inchkeith Avenue. The proposed development is therefore considered contrary to Policy 15 of the Dundee Local Plan Review 2005. There are no material considerations that would justify granting planning permission contrary to the Development Plan.
- 3 The applicant has not demonstrated that the subdivision of 1 Inchkeith Avenue and creation of an additional building plot can satisfactorily accommodate 2no off street car parking spaces, a turning area and garage provision for the existing dwelling. This may lead to an increase of on street car parking to the detriment of road safety. The proposed development is therefore considered contrary to Policy 1

of the Dundee Local Plan Review 2005. There are no material considerations that would justify granting planning permission contrary to the Development Plan.