

KEY INFORMATION

Ward The Ferry

Proposal

Change of use from garage to ancillary residential accommodation associated with 92 Strathern Road.

Address

92 Strathern Road
Broughty Ferry
Dundee
DD5 1JS

Applicant

Mr & Mrs B Anderson
92 Strathern Road
Broughty Ferry
Dundee DD5 1JS

Agent

B S Design
4 Grove Road
Broughty Ferry
Dundee DD5 1JS

Registered 28 Dec 2007

Case Officer S Page



Proposed Ancillary House in Strathern Road

A change of use from a garage to ancillary residential accommodation is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed dwelling is, subject to the conclusion of a section 75 agreement considered to comply with the Dundee Local Plan Review 2005. there are no material considerations that would justify laying aside the development plan to refuse planning permission. Therefore the application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- The application seeks planning permission for the conversion of an existing large stone built double garage at 92 Strathern Road to provide an additional two bedroom house. The applicants have stated that the new residential accommodation would be ancillary to the main house and occupied by members of the same family (ie a granny flat).
- As a single separate dwelling the proposal would not comply with the terms of the Dundee Local Plan Review 2005. However, an agreement under section 75 of the Town and Country Planning (Scotland) Act 1997 to restrict its occupancy as ancillary to the main house allows for the sharing of outdoor space and is as a result considered to permit compliance with the Local Plan.

DESCRIPTION OF PROPOSAL

The proposal involves the conversion of an existing large stone built double garage to provide an additional two bedroom house. The applicants have stated that the new residential accommodation would be ancillary to the main house and occupied by members of the same family (ie a granny flat).

SITE DESCRIPTION

The property lies on the south side of Strathern Road, not far from the junction with Ellislea Road. It is within the West Ferry Conservation Area and an area generally characterised by detached housing set in large garden grounds.

The garage is set in a corner of the house grounds immediately to the south west of the main building.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application

Dundee Local Plan 2005

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 20 mph 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.

* The "original house and garden" is defined as the house, its service area and garden as existed in 1947, information as regards which will require to be submitted with the planning application.

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

Two other planning applications have been received recently for this property. An application for alterations to the main house was approved in January 2008. Another application for alterations to the driveway is currently under consideration.

PUBLIC PARTICIPATION

The applicant has carried out the statutory neighbour notification procedure. No objections were received.

CONSULTATIONS

No adverse comments have been received from 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 4: Design Of New Housing - as a stand alone house the proposal would not comply with the policy in terms of floor area, garden ground and access arrangements. However, the applicant has indicated that it is their intention that this accommodation be ancillary to the main house and occupied by members of the same family. The existence of a Section 75 agreement on that basis is a material consideration which ensures that the occupant will have access to the garden areas associated with the main house and will be able to share the driveway with the main house.

During the application process the applicant removed the window on the western elevation door to avoid issues of privacy and overlooking of neighbours.

Policy 15: Development in Garden Ground.

- a The proposed development involves the conversion of an existing high quality stone built garage. The intention is to form the new walls to match the existing building;
- b The total footprint of the building will not increase;
- c There will be no increase in the area of hardstanding as a result of this development;
- d Given that the proposal is associated with the main house, the total mass of buildings in the area will not increase and garden ground remains as one unit. Therefore the prevailing density of the area is preserved;
- e The proposal is a conversion of a building which does not extend beyond the front of the house;
- f The proposal is largely hidden from view in a tight corner of the

site far from the public road, in addition the intention to match the new walls with the existing house will reduce the visual impact of the development;

- g No boundary walls are to be breached;
- h No trees are to be affected by this conversion proposal;
- i The site already has a significant amount of mature trees and other planting and further planting is considered unnecessary in light of the nature of the development.

Policy 61: Development In Conservation Areas - the proposal has sought to use a design and materials which are sympathetic to those already used on the building. The development site is largely hidden from public view as it is within a well contained corner of the site.

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:

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Section 64 of this Act requires Local Authorities to have regard to the desirability of preserving or enhancing the character or appearance of the area. This matter has been considered in the observations section above, in particular when assessing the application against Policy 61 of the Dundee Local Plan Review 2005. By ensuring the use of appropriate materials and avoiding the subdivision of the ground at 92 Strathern Road it is considered that this application complies with the terms of the Act.

Section 75 Agreement - the applicant has agreed to the implementation of a section 75 agreement to limit the future use of the building to members of the same family as residing at the main house of 92 Strathern Road. On this basis the occupant will have readily available access to garden ground and share the access arrangements from Strathern Road. On the basis of the terms of the section 75 agreement it is considered that the failings in the proposal to meet Policy 4 of the Dundee Local Plan Review 2005 as a stand alone residence can be met.

It is concluded from the foregoing that sufficient weight can be accorded to the material consideration such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission granted with conditions subject to the conclusion of an agreement under section 75 of the Town and Country Planning (Scotland) Act 1997.

Design

The proposal involves the infilling of the garage door and car port element of the existing building. This infill is to be formed with coursed stone cement render to match the existing walls.

CONCLUSION

The proposal does not comply with the criteria of policy 4 of the Dundee Local Plan Review 2005. However, there are material considerations that would justify laying aside the development plan to grant planning permission. It is therefore recommended that planning permission be GRANTED subject to conditions and conclusion of a section 75 agreement to control occupancy of the building.

RECOMMENDATION

Recommendation 1

This planning permission shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the Council and all parties with appropriate interests in the land has been recorded. The agreement is to restrict occupancy of the building to direct members of the family occupying 92 Strathern Road.

Recommendation 2

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 The former garage and store proposed for ancillary residential accommodation shall not be provided with a separate curtilage, garden ground or

parking facilities but rather shall share the garden ground and parking facilities of the main dwelling at 92 Strathern Road.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 It is considered that the formation of a separate curtilage for this building would result in the overdevelopment of the plot in relation to prevailing densities in this area and would detract from the character of the West Ferry Conservation Area.