

KEY INFORMATION**Ward** The Ferry**Proposal**

Erect one dwelling house with detached garage and new boundary wall/fence and demolish existing garden shed

Address

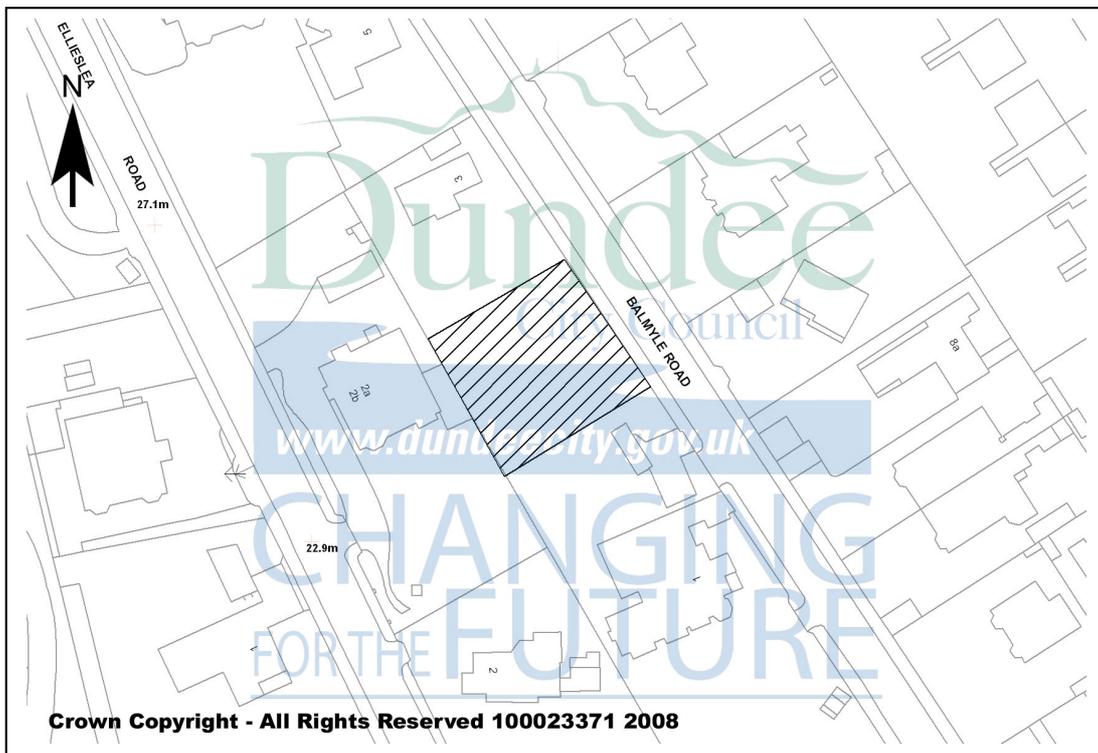
Land To South Of 3
Balmyle Road
Broughty Ferry

Applicant

Mr R V Morton
c/o PJ Mackay
North Grange Farm
Errol

Agent

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Registered 13 May 2008**Case Officer** Paul Macari

Proposed New House in Balmyle Road

The Erection of a dwelling house with detailed garage and new boundary wall/fence is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the proposal is contrary to Policy 4, Policy 15 and Policy 61 of the adopted Dundee Local Plan Review 2005 and would fail to preserve or enhance the character or appearance of the West Ferry Conservation Area. The objections are supported in these circumstances and the application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Full planning permission is sought for the erection of a detached dwelling and double garage in the garden ground of 3 Balmyle Road Broughty Ferry.
- The application site is located within the West Ferry Conservation Area.
- Policy 4 (Design of New Houses), Policy 15 (Development in Garden Ground) and Policy 61 (Development in Conservation Areas) of the Dundee Local plan Review 2005 are relevant.
- 7 letters of objection have been received raising concerns about the proposed development being contrary to the provisions of the Dundee Local Plan Review 2005, inadequate garden ground, parking provision and finishing materials, poor quality and inaccurate drawings, inappropriate design, failure to comply with BS5837:2005 Trees in Relation to Construction - Recommendations, impact upon conservation area and fails to respect prevailing density.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a detached dwelling within the garden ground of 3 Balmyle Road, Broughty Ferry. The proposed house is a single storey two possibly three bedroom unit with a detached double garage. The proposed finishing materials are buff render, reconstituted stone and timber cladding. The roof is to be finished in natural dark grey slate. The proposed house would be accessed through the existing entrance gates to 3 Balmyle Road along the boundary wall at Balmyle Road. The principal elevation would face south east. The north east elevation will be a gable wall to Balmyle Road which will be set back some 3m from the existing stone boundary wall.

The proposed development would remove over half the garden ground and the principal vehicular access and parking area from the house at 3 Balmyle Road. Three trees would need to be felled to accommodate the development. The existing vehicle access and driveway that serves 3 Balmyle Road will serve the proposed house.

SITE DESCRIPTION

The site is located on the west side of Balmyle Road within the garden ground of 3 Balmyle Road to the south of the existing house. The existing house is a two storey modern property within West Ferry Conservation Area. The property immediately to the south is a grade B listed building. It is the original house (number 1). Immediately to the west is a grade C listed building. The principal elevation of the existing house (number 3) faces south. There is a small garden to the north and a large terraced garden to the south. Vehicular access is available along the boundary wall to the east. However, this does not appear to have been used for a number of years. There is a garage to the north of the existing house which opens directly onto Balmyle Road. There is mature vegetation along the south and west boundaries. This is a residential area where the majority of properties are

large two storey stone built dwellings set within large mature gardens with separate garages and parking within the curtilage of each property. The application site is situated within the West Ferry Conservation Area.



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 require to conform to the Design Standards contained within Appendix 1 of the Local Plan. For the purposes of the Design Standards this site is located within a suburban area.

Policy 15 Development in Garden Ground seeks to protect the architectural appearance and landscape features of low density parts of the city. A range of nine criteria including density of development, design, layout and impact on the existing site have been established that development proposals in garden ground should satisfy.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

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

Scottish Planning Policies, Planning Advice Notes and Circulars

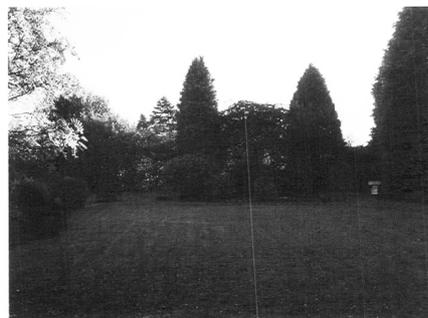
There are no statements of Government policy relevant to the determination of this application.

Non Statutory Statements of Council Policy

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



A new light green *Lawson's cypress* will be planted in the gap behind the *cherry laurel* on the west boundary.



The existing light green *Lawson's cypress* on the south boundary is to be retained.
The *cherry laurel* and *cotoneaster* to the west of the above cypress are to be felled to accommodate a detached garage.

SUSTAINABILITY

ISSUES

There are no specific sustainability policy implications arising from this application. It should be noted that the applicant proposes to install a large solar panel on the south facing roof plane.

SITE HISTORY

An outline application (Planning Application Reference 06/00200/OUT) was submitted for this site but it was withdrawn before a decision had been

Dundee Local Plan 2005

The following policies are of relevance:

made. A previous application for a dwelling within garden ground was refused in June 2006 (Application Reference 06/00374/FUL).

Planning application 06/00879/FUL sought full planning permission for the erection of a detached dwelling with integral garage in the garden grounds of 3 Balmyle Road. This application was refused due to its design, its relationship to prevailing densities, the felling of mature trees and the lack of replacement planting proposed. The Development Quality Committee concluded that the proposal was contrary to Policy 4, Policy 15 and Policy 61 of the Dundee Local Plan Review 2005.

Planning application 07/01070/FUL sought full planning permission for the erection of a detached dwelling with detached garage in the garden grounds of 3 Balmyle Road. This application was withdrawn before it could be reported to the Development Quality Committee for deliberation. Had this application been reported to the Committee, it would have been recommended for refusal due to its design, failure to respect prevailing densities in the area and its impact upon the conservation area. This proposal was considered contrary to the provisions of Policy 4, Policy 15 and Policy 61 of the Dundee Local Plan Review 2005.

This planning application forms Design Option 1 of 2 applications submitted for the erection of a detached house and garage in the garden grounds of 3 Balmyle Road, Broughty Ferry. Design Option 2 (Planning Application Ref: 08/00434/FUL is also on today's agenda for consideration by the Development Quality Committee. Both applications were submitted on the same day and took the form of one application. As the only reference to the applicant's intentions were contained within the supporting statement, the applications were registered as a single planning application until a legal view of the procedures to be followed was received from the Council's Support Services Department. The application was then split with each design option proposed contained within 2 separate planning applications.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as contravening the Development Plan and as affecting the conservation area.

7 letters of objection were received from neighbouring residents. The grounds of objection are:

The proposals are contrary to the provisions of Policy 15 Criteria A of the Dundee Local Plan Review 2005 as the design and materials are inappropriate and insensitive to the surrounding environment.

By virtue of design, scale, proportion, appearance, removal of trees and inappropriate site density the proposed development will be detrimental to the setting and amenity of adjacent listed buildings and surrounding conservation area.

The drawing information submitted is far from comprehensive or accurate and gives rise to extreme concerns in relation to the viability of the general principles of the proposed development.

The submitted proposals appear to be in contravention of Policy 15 Criteria C of the Dundee Local Plan Review 2005 by reason that the information required to identify the "original house and garden" as existed in 1947 has not been submitted as required.

The submitted proposals appear to be in contravention of Policy 15 Criteria D of the Dundee Local plan review 2005 by reason that they are representative of over development within the existing conservation area and are not respectful of either the prevailing densities or existing listed building garden ground ratios within the immediate surrounding area.

The submitted proposals do not incorporate sufficient aboriginal information that complies with British Standard 5837:2005; Trees in Relation to Construction - Recommendations.

The garden grounds proposed for the existing and new house are of an inadequate size for the immediate part of the Conservation Area. To allow development on this site will put the future integrity of nearby large gardens/houses at risk. The conservation area will be put on a "downward path".

The removal of car access to the garden of the existing house will leave it with substandard parking facilities.

Copies of the objection letter are available for inspection in the Members' Lounge and the issues are discussed in the "Observations" section below.

CONSULTATIONS

The Council's Environmental Health and Trading Standards Department have raised concern that the application site maybe potentially contaminated. However, given the sensitive location of the application site and that it has only ever been used as garden ground, should planning permission be granted this matter can be addressed by condition.

Broughty Ferry Community Council has objected to the proposed development by virtue of design and impact upon the conservation area.

No other adverse comments have been received from 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 and Appendix 1 sets out the standards for the design of new housing at this suburban location. Part B of Policy 4 states that within established low density residential areas, the density of new development should reflect this and generous space standards will be required. The proposal is within an established low density residential area and this matter is considered in more detail under Policy 15 of the Plan.

In terms of car parking provision, Policy 4 Appendix 1 states that for private houses with 3 or more

bedrooms at least 2 parking spaces should be provided. This proposal will remove the off street parking available within the curtilage of the existing house (No.3). The application forms state that 4 car parking spaces exist on site and will be retained. However, this is not reflected in the proposed site layout plan. On this basis it is considered that the proposed house will be served by adequate off street parking facilities but the existing house will only be served by 1 space in the form of the existing garage located in the north east corner of the site fronting Balmyle Road directly. The proposed development is therefore contrary to the provisions of Appendix 1 whereby houses with 3 or more bedrooms should be served by 2 or more off street car parking spaces.

The proposed west elevation contains elements of floor to ceiling glazing which would create an unacceptable loss of privacy of the B listed building located to the west of the site. Although it is proposed to plant a tree to prevent the infringement of privacy this is not considered a suitable solution due to the time taken for the tree to grow. The proposed house will benefit from floor to ceiling glazing on the south east elevation which will maximise solar gain. Given the level of remaining tree cover along the south eastern boundary, there will be no infringement of privacy from this elevation. As the east facing windows of the conservatory of the B listed building bounding the site to the west will be no more than 12m from the west facing windows of the proposed house, it is considered that an unacceptable loss of privacy will occur which contravenes the requirements of Appendix 1 of Policy 4.

Policy 15 requires that developments in garden ground satisfy a range of criteria. Firstly, the proposal must be of high quality design and use appropriate materials. In this case the proposed house would be approximately 6.5 metres in height and would have a footprint of 130sq.m. The roof would be finished in natural dark grey slate and the external walls would have a buff render finish with the areas of stonework being finished in reconstituted stone of a random course. The rear elevation of the proposed house will have a small area of timber cladding surrounding the kitchen and lounge windows. The design of the house makes it an

obvious addition to the area. It does not reflect the local context or character of Balmyle Road through unorthodox off-set roof pitches and window styles and proportions. The house would be evident above the existing boundary wall when passing the site mainly due to the off-set roof pitches that contrast heavily with the traditional roof design of surrounding buildings. In addition, the design of the north, east and western elevations gives the proposed house a very unbalanced appearance with bland swathes of stonework that harden the appearance of the proposed house in comparison to the leafy surrounds. The use of reconstituted stone will contrast with the natural stone buildings bounding the application site to the east, south and west.

The proposed house and garage differ in roof design, scale and proportion. The garage due to its design and proximity to the house and outbuildings at 1 Balmyle Road, has the appearance of a traditional building well suited by virtue of scale, massing and finish to the historic surrounds on the application site. It is considered that the garage alone compliments the listed buildings surrounding the application site. The proposed house on the other hand, does not compliment either the original listed buildings to the south of the application site or the existing house at 3 Balmyle Road due to the off-set roof pitch and unbalanced appearance of prominent elevations.

It is considered that the proposed house is of poor design which does not reflect the character of the area. The quality of finishes, with the exception of the use of natural slate and buff render on the south east and west elevation, is more suburban in character and does not make a positive contribution to the West Ferry Conservation Area. It is considered that there has been little attempt to achieve an architectural treatment which would enhance the conservation area and fit the dwelling into the established site.

It is considered that the proposed house, by virtue of its positioning, design and finishing materials does not reflect the character and appearance of the existing house (number 3) or any of the immediate adjoining properties. Accordingly, it is considered that the proposal is contrary to criteria (a) of Policy 15.

The proposed house would not project beyond the front building line of the original house. The original main house is number 1 Balmyle Road. The existing house, (number 3) is already development within the garden ground of the original house. However, 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 main 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.

The application site is situated within a residential area where the majority of properties are large stone built dwellings set within large gardens with separate garages and parking within the curtilage of each property. However, through continual dissemination of the original garden grounds of 1 Balmyle Road, the application site although garden ground is a gap site which gives the existing street and unbalanced and incomplete appearance. It is therefore considered that this proposal does respect the prevailing densities within the immediate area. Therefore the proposal complies with criteria (d) of Policy 15.

As no new openings are proposed along the boundary wall the development would comply with the Council's non-statutory guidance on Breaches in Boundary Walls. The proposal therefore satisfies criteria (g) of Policy 15.

In terms of criteria (h) the applicant has submitted a tree survey that is adequate and clearly reflects the impact of the proposed house on the existing trees. The tree survey provides comprehensive details regarding maintaining the existing and proposed trees and additional root protection as required by BS5837: 2005. The applicant proposes to fell 3 trees to accommodate the proposed garage and plant a golden variety of Lawson Cyprus between trees 67 and 69 on the proposed site layout plan to replace the trees felled. The retention of the existing trees within the conservation area is important to protect the character of the immediate area. It is considered that while the

proposals will result in the loss of several important trees, the retention of the majority of the existing trees along with the proposed replacement tree is not considered to impact negatively on the existing streetscape or surrounding conservation area. The proposals therefore comply with criteria (i) of Policy 15.

Policy 61 states that all development proposals will be expected to preserve or enhance the character of the surrounding area. As discussed above, in terms of existing density the proposals would enhance the appearance of the streetscape through filling what has become a gap site through continual garden ground development in the last century. However, the overall design and layout of the proposed development would give rise to a development that overlooks neighbouring properties, does not blend with the surrounding built form by virtue of design and finishing materials. The proposed development is considered unacceptable for this site. It is felt that this proposal will detract from the character of the conservation area.

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:

a Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, requires planning authorities to 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 proposed development under Policy 61 of the adopted Local Plan and it was considered that the proposal would detract from the character and appearance of the West Ferry Conservation Area.

b Objections - 7 letters of objection were received from neighbouring residents. The grounds of objection are:

1 The proposals are contrary to the provisions of Policy 15 Criteria A of the Dundee Local Plan Review 2005 as the design

and materials are inappropriate and insensitive to the surrounding environment. These concerns are addressed in the Observations section of this report and are supported.

2 By virtue of design, scale, proportion, appearance, removal of trees and inappropriate site density the proposed development will be detrimental to the setting and amenity of adjacent listed buildings and surrounding conservation area. These concerns are addressed in the Observations Section of this Report and are supported.

3 The drawing information submitted is far from comprehensive or accurate and gives rise to extreme concerns in relation to the viability of the general principles of the proposed development. Although the proposals have been hand drawn, they are not considered to be of a condition that is legible. However, it should be noted that this concern is not material to the outcome of this planning application.

4 The submitted proposals appear to be in contravention of Policy 15 Criteria C of the Dundee Local Plan Review 2005 by reason that the information required to identify the "original house and garden" as existed in 1947 has not been submitted as required. Although Policy 15 Criteria (c) requires this information to be submitted in support of the proposals the Council provides adequate facilities to allow the Case Officer to identify the original house and garden as existed in 1947. In relation as to whether the proposals comply with Policy 15 Criteria C, this matter is discussed in the Observations section above and is found to comply. This concern is therefore not supported.

5 The submitted proposals appear to be in contravention of Policy 15 Criteria D of the Dundee Local plan review 2005 by reason that they are representative of over development within the existing

conservation area and are not respectful of either the prevailing densities or existing listed building garden ground ratios within the immediate surrounding area. This concern is addressed in the Observations section above and is not supported.

6 The submitted proposals do not incorporate sufficient aboriginal information that complies with British Standard 5837:2005; Trees in Relation to Construction - Recommendations. The proposals have been assessed by the Council's Tree Officer. No objections to the proposals have been received and therefore this concern is not supported.

7 The garden grounds proposed for the existing and new house are of an inadequate size for the immediate part of the Conservation Area. To allow development on this site will put the future integrity of nearby large gardens/ houses at risk. The conservation area will be put on a "downward path". The proposed garden area is not contrary to the criteria of Appendix 1 of Policy 4 of the Dundee Local Plan Review 2005 and is therefore considered to be of an adequate size to serve the proposed development. These concerns are therefore not supported.

8 The removal of car access to the garden of the existing house will leave it with substandard parking facilities. The applicant proposes to remove the existing garage which serves the original house at 3 Balmyle Road and create a 2 car driveway to the north of the house. These concerns are not supported.

c Statement of Support

The Statement of Support details the applicant's version of the history of development proposals for garden ground development at 3 Balmyle Road and justifies the current proposals and design solutions against previous reasons for refusal. However, in attempting to achieve a high quality of design the proposals contravene the quantitative requirements of Appendix 1 of Policy 4 of the Dundee Local Plan

Review 2005 with regard to privacy. Although there is flexibility as to the application of the requirements of Appendix 1, it is considered that due to the significance of the basic design and layout failings of the proposals coupled with the unbalanced and unorthodox design of the proposed house and garage by virtue of scale, massing, finishing materials as well as window positions and proportions that a departure from the requirements of Appendix 1 is not warranted. Consequently, in combination, the design and layout failings of the proposals render them contrary to the provisions of Policy 4, Policy 15 and Policy 61 of the Dundee Local Plan Review 2005.

It is concluded from the foregoing that sufficient weight can be attributed to the material considerations such as to justify the refusal of planning permission.

Design

The design of the proposed house does not preserve or enhance the character and appearance of the conservation area or the setting of the adjacent listed buildings. It is therefore considered that the proposed development, by virtue of its architectural form and finishing materials, would have a detrimental impact to the character and appearance of the conservation area.

CONCLUSION

It is considered that the proposal is contrary to Policy 4, Policy 15 and Policy 61 of the adopted Dundee Local Plan Review 2005 and would fail to preserve or enhance the character or appearance of the West Ferry Conservation Area. 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 reason(s):-

Reasons

1 The proposed development does not blend with the surrounding built form and fails to preserve or enhance the character or appearance of the existing streetscape by virtue of design and layout. The proposals are therefore

contrary to Criteria A of Policy 15 (Development in Garden Ground) of the Dundee Local Plan Review 2005. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.

- 2 The proposed development fails to preserve or enhance the character or appearance of the West Ferry Conservation Area due to the scale, massing, design and finish of the house and is therefore contrary to Policy 61 of the Dundee Local Plan Review 2005 and the statutory duty set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.
- 3 The proposed development by virtue of layout and design will overlook neighbouring properties to the west, significantly impacting upon privacy due to window distances being less than 18m. The proposed development is therefore contrary to the provisions of Appendix 1 of Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005. There are no material considerations that would justify laying aside the provisions of the Development Plan to grant planning permission.
- 4 The proposed development will reduce the level of off street parking afforded to the existing house at 3 Balmyle Road from 4 spaces to 1 space. This would lead to increased pressure for on-street parking to the detriment of road safety and the amenity of the suburban environment of Balmyle Road. The proposals are therefore contrary to the provisions of Appendix 1 of Policy 4 of the Dundee Local Plan Review 2005.