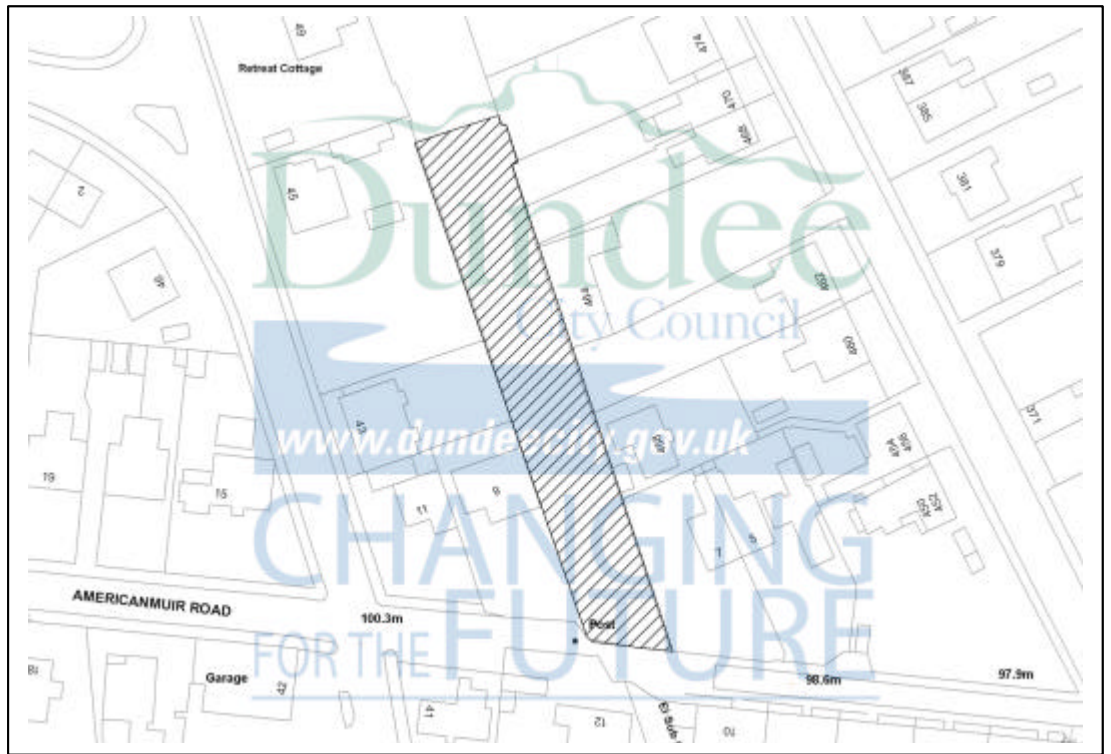


KEY INFORMATION**Ward** Strathmartine**Proposal**

Erect 2 new houses with integral garages and associated private access roads

AddressRailway land between 7 & 9
Americanmuir Road
Dundee**Applicant**RTK Developments
18 Pitdinnie Place
Cairneyhill
Fife
KY12 8RD**Agent**Stewart Kemp
4 Towerview Court
Auchtermuchty
Fife
KY14 7AN**Registered** 14 July 2008**Case Officer** D Gordon

Proposal for New Houses in Americanmuir Road

The erection of 2 new houses is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal conflicts with the requirements of Policy 4 and Policy 15 of the Dundee Local Plan Review 2005 and there are no material considerations that would justify approval of this application contrary to these policies. The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for the erection of two, 2 storey houses on a narrow strip of former railway land located to the north of Americanmuir Road. The buildings will be detached and finished in concrete roof tiles with drydash walls. Each will accommodate associated off street car parking and garden ground. Access is to be taken from the south west boundary of the site.
- The statutory neighbour notification procedure has been carried out by the applicants. In addition the proposals were advertised in the local press as development contrary to Policy 4 (Design of New Housing) and Policy 15 (Development in Garden Ground) of the Local Plan Review 2005. A total of 5 letters of objection have been received. The main issues raised include road traffic safety, impact on residential amenity and affect on the local built and natural environment.
- The proposal is considered to be contrary to the requirements of Policy 4 (Design of New Housing) and Policy 15 (Development in Garden Ground) of the Dundee Local Plan Review 2005. There are no material considerations that are of sufficient weight that would justify the approval of the application contrary to the terms these policies.

DESCRIPTION OF PROPOSAL

The proposal under consideration seeks permission to erect two dwelling houses on a narrow rectangular site located to the north of Americanmuir Road and to the east of Frederick Street.

Both houses are to be detached and pitched roof in design. The proposed finishing materials are concrete tiles for the roof and roughcast for the external walls. The properties will each accommodate lounge, dining room, sun room, kitchen and integral garage at ground floor level and 4 bedrooms and a bathroom at first floor level.

The shape of the site dictates that one house is to be erected on the northern section of the land with the second house fronting onto the roadway located at the south end of the site. Both properties are to provide 3 off street car parking spaces within the curtilage of the buildings and private garden areas of 378m² and 267m².

Access into the site to serve both houses is to be taken from Americanmuir Road to the west over small area of unadopted road way. This access will be via an existing access on the south west boundary of the site that is currently controlled by 1.8 metre high (approximately) metal gates. This access point is wide enough to accommodate vehicular traffic although its width is currently restricted by the existence of 2 x 1 metre bollards located directly in front of the entrance.

SITE DESCRIPTION

The site is located within a predominantly residential area located in the northern sector of the city.

The site is rectangular in shape measuring approximately 14 metres in width and 95 metres in length. The land, previously railway ground, is flat, grassed over and has the appearance of garden ground. The site is bounded by residential properties to the north, east and west. A commercial garage is evident on the east side of the land.

To the south the site fronts onto a private road that varies from

approximately 3 metres to 9 metres in width. Metal bollards are located along the south side of the site adjacent to the 1 metre high concrete block boundary wall. The positioning of

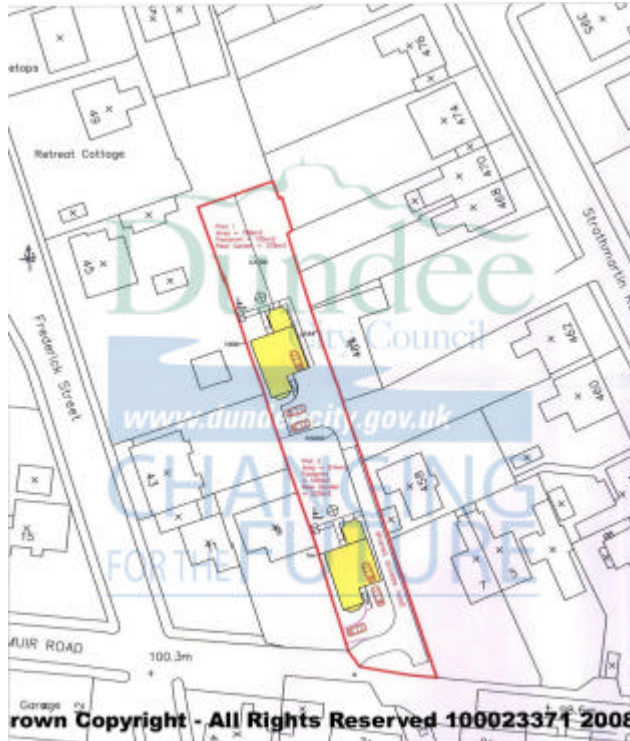


these bollards prevents the use of this private road for through vehicular traffic.

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 20 m.p.h. 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 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.

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

The proposed development will re-use brownfield land and does not raise any concerns in relation to the Council's sustainability policies.

SITE HISTORY

01/25170/D - Outline Permission for Two Houses - Approved 25 June 2001.

07/01008/FUL - Erection of Two Detached Houses - Application Withdrawn 13 May 2008.

PUBLIC PARTICIPATION

The applicants have undertaken the statutory neighbour notification procedure. In addition, the application details have been advertised in the local press as development contrary to Policy 4 (Design of New Housing) and Policy 15 (Development in Garden Ground) of the Dundee Local Plan Review 2005. Five objections to the proposed development have been received. The main relevant issues raised by the objectors relate to:

- 1 The proposed access arrangements will create traffic congestion problems in the surrounding area, particularly with regard to access to and egress from the site by both private and commercial vehicles.
- 2 The development will adversely impact on residential amenity by virtue of an increase in noise, overshadowing and overlooking.
- 3 The proposals will adversely impact on the natural and built environment.
- 4 The development will adversely impact on trees within the site.
- 5 The proposed access will involve the removal of several privately funded bollards from the road way to the detriment of pedestrian safety, particularly the children who attend local schools.
- 6 There may be potential contamination of the site due to

the historical nature of the land (railway land).

Copies of these objections can be viewed in the Members Lounges. It is intended to comment on the various matters that have been raised in the "Observations" Section of this report below.

CONSULTATIONS

Due to the historical character of the site ie former railway land, the Council's Head of Environmental Health and Trading Standards has requested that certain conditions relating to the remediation of the site be attached to any permission granted.

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

The proposal under consideration involves the erection of two detached dwelling houses on a strip of former railway land that is located to the north of Americanmuir Road and to the east of Frederick Street. The site is identified, by the applicants, as garden ground and accommodates boundary enclosures (walls, gate and hedging) similar to those of the adjacent dwelling located to the west. The land is currently maintained in a tidy condition.

The application details are similar to the previous planning application for the development of the site for two houses. This application was recommended for refusal and was withdrawn by the applicants prior to being determined by the Members of the Development Committee in May 2008. The major difference between the previous application and the proposals now under consideration is the relocation of the access from the

south east to the south west corner of the site.

The site is not allocated for any specific purpose on the Local Plan Proposals Map. Taking into account the general character of the surrounding area it is considered that the use of the land for infill residential purposes is acceptable in principle.

In light of the above, it is considered that the following development plan policies are of relevance in the consideration of the submitted details.

Policy 4 (Design of New Housing) - the design of all new housing in the city should be of a high quality. Appendix 1 of the Plan requires that new houses within the suburban area should have 3 or more bedrooms or a minimal gross internal floor area of 100m². Each house should have at least 2 off street spaces and 50% of houses should have a garage or a space for one. It is considered that the proposed development adheres to these requirements.

With regard to the window to window distance requirement between existing and proposed dwellings, the rear elevation of the south most new house is to be located only approximately 3 metres distant from the neighbouring residential property to the west. This existing dwelling accommodates a significant amount of windows on the south east corner of the building which would be the closest point to the rear elevation of the south most new house that proposes to provide 2 bedroom windows. Due to the proximity of the existing to the new windows it is considered that the privacy of the existing house will be prejudiced by the submitted proposals.

Private garden ground provision (minimum of 120 to 160m²) should be provided for each new dwelling. This size is achieved by both the dwellings. However, the private garden ground of the south most house is directly overlooked by the main elevation of the proposed house to the north. This includes lounge and bedroom windows. It is considered that while this garden ground may be usable and in line with the size requirements of the Plan, its privacy will be significantly prejudiced by the windows of the habitable rooms of the proposed new house to the north.

The site is located within an area of relatively low density where there is an

established development pattern of houses fronting onto local streets. The proposal provides for two substantial houses on a restrictive site which accommodates only a very narrow street frontage on its southern boundary. The 'shoe horn' effect of the housing layout is considered to be contrived and as a result fails to respect the urban development pattern for the locality to the detriment of the general appearance of the surrounding area.

In light of the above, it is concluded that the application fails to fully comply with the requirements of Policy 4.

Policy 15 (Development in Garden Ground)

This policy requires that development in garden ground will be required to satisfy certain criteria.

a Design and materials: The proposal involves the erection of 2 x two storey modern houses that will be finished in flat grey concrete roof tiles and drydash walls. The dwellings are typical of similar house designs that can be found throughout the suburban area of the city. The surrounding area accommodates a variety of house types including single storey stone built properties, two storey stone built villa's and modern two storey houses. However, it is considered that the repetition of the house design in this location is inappropriate in terms of scale height and massing and consequently, it is concluded that the surrounding area will be prejudiced, in visual terms, by the details submitted for consideration.

b The total footprint of new buildings should not exceed one and a half times the footprint of the original main house. It is the case that the ground under consideration was former railway land. The area has been subsequently landscaped and currently has a very similar appearance (gates/hedges/walls) to the residential property located to the west ie 9 Americanmuir Road. A visit to the site would suggest that the area has been used for private garden purposes. However, it is concluded that due to the history of the site, this land cannot be considered as forming

part of any original dwelling house and consequently, the terms of this requirement of Policy 15 should not be taken as a determining issue in this instance.

- c The final proportion of the ground covered by buildings must not amount to more than 40% of the original house. As in b) above, this matter should not be taken into account due to the recent history of the site.
- d The prevailing densities are respected. The predominant development characteristic in this local area is the traditional street pattern of houses fronting onto the streets and sharing rear garden boundaries. It is accepted that there are exceptions to this, particularly to the north of the site where infill development of railway land with houses is evident. However, it should be noted that these developments were considered under the terms of previous local plan standards for new housing in the city and would now be considered to be unacceptable under the current requirements of the development plan. With regard to proposal now under consideration, the restrictive nature of the site and the layout pattern proposed dictates that the development will result in 'backland' development that would not respect the current development pattern in the area. This, it is concluded, would be to the detriment of the setting of the local environment and would significantly erode the established character of the area.
- e Further to the above, there would appear to be two building lines to choose from on the south side of the site and the south most house does not successfully relate to either of these. It is considered that, ideally, this front house should be moved back in line with the neighbouring property to the west thereby avoiding the presence of a dominant blank gable wall facing the street and providing a large front garden that would be more in keeping with the general characteristics of the immediate area. In this respect, it is considered that the proposal fails to comply with this requirement of the plan.

f No new building should be located in front of the main elevation of the original house. As in b) and c) above, this matter cannot be considered in this instance.

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:

1 Access Issues. The submitted details advise that access to the development is to be taken from an existing access point located on the south west corner of the site. This will lead to a new 3.0m - 3.5m wide access road to serve the two houses that will run in a north to south direction along the east boundary of the site. The access will be taken from Americanmuir Road to the west and will cross over an area of unadopted roadway at the entrance to the site. This unadopted section of road (that runs along the south side of the site), currently accommodates a number of traffic bollards that restrict, amongst other things, the movement of vehicular traffic in an east to west direction along the frontage of the application site.

It is considered that, with some alterations to the boundary enclosures to afford improved sightlines, the access into the site at this location is acceptable in principle.

2 The proposed development will adversely impact on the residential amenity of the area. The development involves the erection of 2 x two storey houses that will accommodate the main habitable room windows on the north and south elevations of the buildings. It is considered that the size, scale and orientation of these new houses will potentially result in the overlooking and overshadowing of the neighbouring residential properties located to the east and west of the site to the detriment of the environmental qualities currently enjoyed by the occupiers of these properties

3 The proposal will adversely impact on the natural and built environment. The matter relating to the affect of the proposals on the built environment has been discussed and discharged above. With regard to the natural environment, the site is not identified as a Site of Importance for Nature Conservation (SINC) or a Community Wildlife Site (WCS) where there is presumption in favour of nature conservation.

4 Impact on trees. The site is relatively flat and grassed over. It is anticipated that the proposal will not have any significant adverse affect on trees.

5 Impact on privately funded bollards. This matter has, in part, been dealt with in item 1) above that relates to road traffic safety matters. This issue regarding the removal of bollards remains to be a private matter and has no material influence in the consideration of this application.

6 Contamination Issues. Due to the historical character of the site ie former railway land, the Council's Head of Environmental Health and Trading Standards has requested that certain conditions relating to the remediation of the site be attached to any permission granted.

It is concluded from the foregoing that insufficient weight can be accorded to any of the 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

The design of the proposed dwellings is repetitive and uninspiring although similar modern house types are evident in the local area. The scale and massing of the buildings are generally unsympathetic to the surroundings, particularly in the restricted location proposed.

CONCLUSION

The proposal involves the erection of 2 x two storey houses on a narrow rectangular site located on the north side of Americanmuir Road. The restricted nature of the site and the

compact nature of the proposal results in the provision of a 'backland' development that is contrary to Policy 4 and Policy 15 of the Local Plan Review and in conflict with the principles of good urban design and land use planning.

RECOMMENDATION

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

Reasons

1 The proposed development contravenes Policy 4 of the adopted Dundee Local Plan Review 2005 because the development does not respect the prevailing low density of the surrounding area. The proposal also fails to provide suitable private garden ground for the south most house by virtue of the potential of significant overlooking by the proposed new house to the north due to its position, design and the orientation on the site. There are no material considerations of such a weight that would justify the approval of this application contrary to the terms of this Policy.

2 The proposal is considered to contravene Policy 15 (a) of the Dundee Local Plan Review 2005 because the repetitive design of the proposed houses is inappropriate in scale, height and massing in this location and Policy 15 (d) because the development does not respect the prevailing densities by virtue of the 'backland ' nature and character of the proposed development. There are no material considerations of such a weight that would justify the approval of this application contrary to the terms of this Policy.