

KEY INFORMATION

Ward West End

Proposal

Erection of detached dwelling and double garage

Address

10 West Grove Avenue
Dundee
DD2 1PE

Applicant

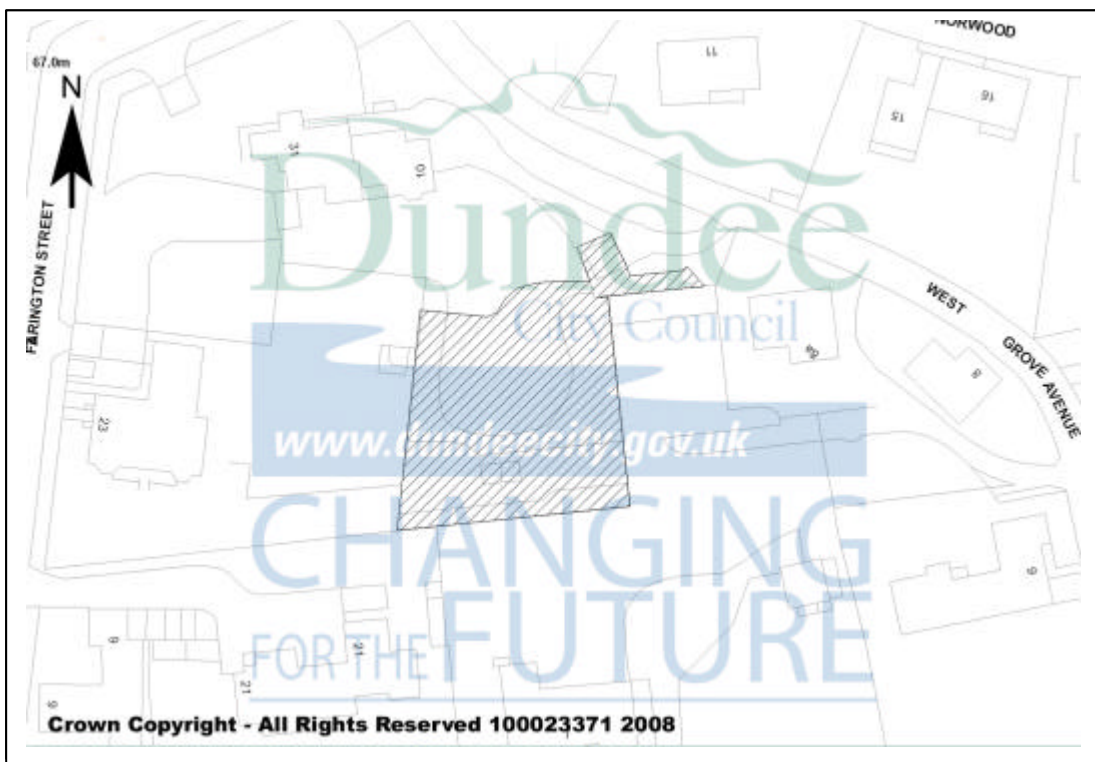
Mr & Mrs Brunton
103 Magdalen Yard Road
Dundee
DD2 1BB

Agent

Andrew Black Design
1 Ritchies Lane
Dundee
DD2 1ED

Registered 14 Aug 2008

Case Officer Eve Jones



Single Dwelling Proposed for Garden Ground

The erection of detached dwelling and double garage is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed erection of one detached house is in accordance with the relevant Council and National policies and guidance and will protect the existing trees which are the subject of a Tree Preservation Order. It is considered that the site can accommodate the scale of development proposed. The 2 objections are not supported. Accordingly the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a detached, 5 bedroom dwelling with access drive and a new double garage in the garden ground to the south of this large traditional house. The design and materials are modern with white render and red cedar walls with a pre-patinated zinc roof.
- The existing trees, which are the subject of a TPO, will be retained and protected during construction. The site cannot be seen from West Grove Avenue and the surrounding gardens are well landscaped.
- Dundee Local Plan 2005 - Policy 1: Vibrant and Sustainable Communities; Policy 4 - Design of New Housing; Policy 61 - Development in Conservation Areas and Policy 71 - Trees and Urban Woodland are all relevant.
- Planning permission has previously been granted for 2 houses on the site but the permissions have expired. An application for 2 semi-detached houses was refused in 2004 because of the impact of development on the existing trees. This revised proposal for one house reflects the requirements to keep development away from the trees on site to ensure their long-term health for the benefit of the wider Conservation Area.
- 2 objections were received from local residents on various grounds relating to design and impact of development. The objections are not supported.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a detached dwelling with access drive and a new double garage to replace the existing single garage in the garden ground to the south of this large traditional house.

The new house will be split level, being single storey to the north and two storey to the south on this sloping site. The house will be located on the west side of the plot with a curving driveway to avoid any adverse impact on the large mature beech tree which is located on the east side of the site. The existing single garage on the existing driveway will be replaced by a double garage providing a space for the original and the new houses. The new house will also have parking for 2 additional cars.

The house will have a large open plan kitchen/dining/family area with a separate lounge and five bedrooms all with access to en-suite facilities. The design and materials are modern with white render and red cedar walls with a pre-patinated zinc roof.

The existing trees on the eastern part of the site will be retained and protected during construction. One holly tree on the west boundary will be removed as it is too close to the site of the proposed house. There is south facing garden ground of approximately 250m² in addition to a larger area of land beneath the tree canopies.

SITE DESCRIPTION

The site forms the lower garden ground of a large semi-detached traditional house within a large plot on the south west side of West Grove Avenue. The site cannot be seen from West Grove Avenue as the upper garden level is screened by a stone boundary wall and within the garden, the lower garden is also screened by a stone retaining wall. There is an existing gap in this inner wall which will accommodate the access drive. The west boundary is formed by a stone wall and the gardens to the west are well landscaped. Similarly the property to the south, which also has part of its garden bounding this site to the east, occupies a very large mature

garden which largely screens this site from view.

The mature trees within the site are the subject of Tree Preservation Order 03/2006.



POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

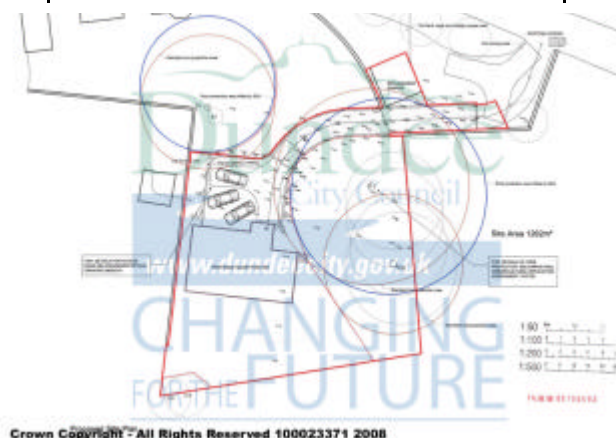
There are no policies relevant to the determination of this application.

Dundee Local Plan 2005

The following policies are of relevance:

Policy 1: Vibrant and Sustainable communities.

Policy 4: Design of New Housing.



Policy 61: Development in Conservation Areas.

Policy 71: Trees and Urban Woodland.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

The Memorandum of Guidance on Listed Buildings and Conservation Areas.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

Planning permission was first granted for 2 houses on this site in 1990 with a further permission in 1991 but no development was carried out and the consents expired. An application for 2 houses was submitted in 1997 (ref D22873) which was withdrawn and in 1999 an application for 2 semi-detached houses was approved, with conditions (ref 99/23799/D). A further application for 2 larger semi-detached houses was refused in March 2004 due to concerns about the impact of the proposed development, including the driveway and parking areas, on the mature trees (ref 04/00025/FUL).

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and two objections were received from local residents on the following grounds: the design and materials are not traditional; one tree has been omitted from the plans; development may affect the existing wall; the garage is larger than the existing and may be visible above the wall; loss of privacy to adjacent garden and possible impact of waste water services on existing trees. The objections will be considered in the Observations section below.

CONSULTATIONS

The Forestry Officer has no objections to this proposal subject to conditions. He agrees with the findings in the Tree Survey and the Arboricultural Impact Assessment subject to the tree protection plan and the no dig driveway being carried out in

accordance with the reports and under the supervision of the applicant's arboricultural consultant.

OBSERVATIONS

Statutory Requirements

The Statutory Requirements under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. In accordance with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

As noted in the site description above, the site is screened from public view due to the ground level, the various screening boundary walls and the mature landscaping in the surrounding gardens. It is likely that the only part of the development which may be visible from surrounding properties is the roof. It is proposed to be finished in pre-patinated zinc which is grey in colour and will be compatible with other traditional finishes in the area. Modern design and materials are acceptable in Conservation Areas provided they are of good quality. This development is also specifically designed to allow the retention of the trees on the site, particularly the beech tree, which make a significant contribution to the Conservation Area. It is concluded that the proposed development will preserve or enhance the character or appearance of the Conservation Area.

In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 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 - 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."

The site lies within the garden ground of an existing house in a residential area. The new house will share the existing vehicle access. The new house will be largely hidden from surrounding properties and will have no significant affect on them. It is considered that the proposal complies with Policy 1.

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."

The proposed house meets the criteria in Appendix 1 to Policy 4 for housing in the suburban area in respect of the size of the house, garden ground, garage and parking and privacy standards. The design and materials

are modern and of high quality as required by the Urban Design Guide. The development complies with Policy 4.

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."

As noted above, it is considered that the proposed development will preserve and enhance the Conservation Area.

Policy 72 - Trees and Urban Woodland - "New developments must have regard to existing healthy mature trees, the survival and retention of which will be strongly encouraged through sensitive site layouts and both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscaping scheme which includes a supporting justification and sufficient map based material to document existing planting within the application site, as well as new planting and maintenance arrangements. The Council will promote Tree Preservation Orders to protect individual trees or entire planting schemes where expedient to do so."

The site contains trees which make a significant contribution to the Conservation Area and a Tree Preservation Order was made in this regard in 2006. The new house and its access driveway have been designed to ensure that the trees will not be adversely affected by the development. A Tree Survey has been submitted and an Arboricultural Implication Assessment has been carried out to assess the implications of the proposed development and make recommendations for tree protection measures. It is considered that the recommendations are acceptable and demonstrate that with careful construction, a house and driveway can be developed with limited impact on the trees. Tree protection fencing is

also proposed for the period of construction.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

Memorandum of Guidance on Listed Buildings and Conservation Areas

The Memorandum gives advice on new development within Conservation Areas and advises that new development which is well designed, respects the character of the area and contributes to its enhancement should be welcomed. As noted above, the house is well designed, is in a secluded location screened by walls and trees which is typical of many houses in the West End and is designed to retain the existing trees whilst providing a large family house in a good sized plot. It is considered that the proposal complies with the guidance.

Objections

Two objections were received from local residents on the following grounds:

- The design and materials are not traditional.
It is likely that the only part of the development which may be visible from surrounding properties is the roof. It is proposed to be finished in pre-patinated zinc which is grey in colour and will be compatible with other traditional finishes in the area. The white render is compatible and the timber is a natural material which complements the other finishes. Modern design and materials are acceptable in Conservation Areas provided they are of good quality.
- One tree has been omitted from the plans.

This has been rectified in a revised plan. The tree is not included within the Tree Preservation Order but is a tree within the Conservation Area. It is considered that the loss of one relatively small tree will not have

a significant adverse impact and is acceptable in the development of one house within this large garden ground.

- Development may affect the existing wall.

The access will be utilised and the new driveway for the house will use an existing breach in the inner garden wall. Part of the existing driveway will be excavated to accommodate the slope into the site and to ensure that the proposed no dig style of construction can be used for the new driveway within the garden ground where conventional construction methods would have an adverse impact on the protected trees. It is considered that the development will have no significant adverse impact on the existing boundary wall but the site owners will be aware of their legal responsibilities with regard to neighbours' property.

- The garage is larger than existing and may be visible above wall.

The design and materials are acceptable and the garage will largely be screened from view.

- Loss of privacy to adjacent garden.

As noted, the site is at a low level surrounded by screening walls and mature trees. There is no compromise to the privacy standards in the Dundee Local Plan Review.

- Possible impact of waste water services on existing trees.

The application indicates that drainage will be to the existing network and the architect advises that there will be a pumped system within the site to the existing sewer. Any planning permission would have a specific condition to ensure that any groundworks for the provision of services do not affect existing trees within or adjacent to the site.

It is concluded that the objections are not supported for the reasons given.

Previous History

Members will note from the planning history that permissions have previously been granted for two houses

to be built on this site in 1990 and 1991 but the permissions expired. An application for a pair of semi-detached houses was also approved in 1999 but that permission also expired. The development proposals have been reconsidered in accordance with the policies in the Dundee Local Plan Review 2005 and to comply with current British Standards in respect of development affecting trees. This revised proposal for one house reflects the requirements to keep development away from the trees on site to ensure their long term health for the benefit of the wider Conservation Area.

It is concluded from the foregoing that insufficient weight can be accorded to the objections 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 granted with conditions.

Design

Design issues have been addressed above.

CONCLUSION

It is concluded that the proposed erection of one detached house with access driveway and replacement double garage is in accordance with the relevant Council and National policies and guidance. The proposals seek to protect the existing trees which are the subject of a Tree Preservation Order and it is considered that the site can accommodate the scale of development proposed. The two objections are not supported.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within 5 years from the date of this permission.
- 2 Prior to the commencement of any development, any site scraping or entry of construction traffic, tree protection fencing in accordance with BS5837:2005 shall be erected on site in the positions shown on drawing 420-14-B under the supervision of the applicant's arboricultural consultant and to the satisfaction

of the City Council. Such fencing shall be retained in place throughout the construction period and relocation of any fencing shall be agreed with the Forestry and Enforcement officers prior to any movement of the fencing.

- 3 Three clear working days notice shall be given to the City Council by the applicants arboricultural consultant of the erection of the tree fencing required by Condition 2 to allow the site to be inspected if required.
- 4 Other than the installation of the tree protection fences as detailed in Condition 2, no development shall commence on site, no site scraping shall take place and no construction traffic shall access the site beyond the upper level of the existing driveway, until the additional driveway, to serve the new house, has been constructed in accordance with the submitted Tree Survey Report dated February 2008 and Arboricultural Implication Assessment dated July 2008. For the avoidance of doubt, the driveway shall be constructed in accordance with the no-dig methods described in Arboricultural Practice Note 12 and the additional comments in the July 2008 assessment and the works shall be supervised and verified in writing by the applicant's arboricultural consultant.
- 5 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 6 The existing wall adjacent to the replacement garage shall be made good at either side of the new driveway in materials to match the existing prior to the first occupation of the dwelling hereby approved.
- 7 No services ie water, power or drainage, shall be installed within the tree protection area of any of the trees on site or within the canopy spread of any trees in adjacent properties, unless full details have been submitted to and approved by the City Council prior to the works being

undertaken. If any such service trenches are required, the details should be prepared in consultation with the arboricultural consultant who provided the tree reports.

- 8 The window of the linen store on the west elevation shall be glazed in obscure glass in perpetuity.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance for the development.
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- 5 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 6 In order to safeguard the visual amenity of the Conservation Area.
- 7 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.
- 8 In the interests of the privacy of the adjoining property to the west.