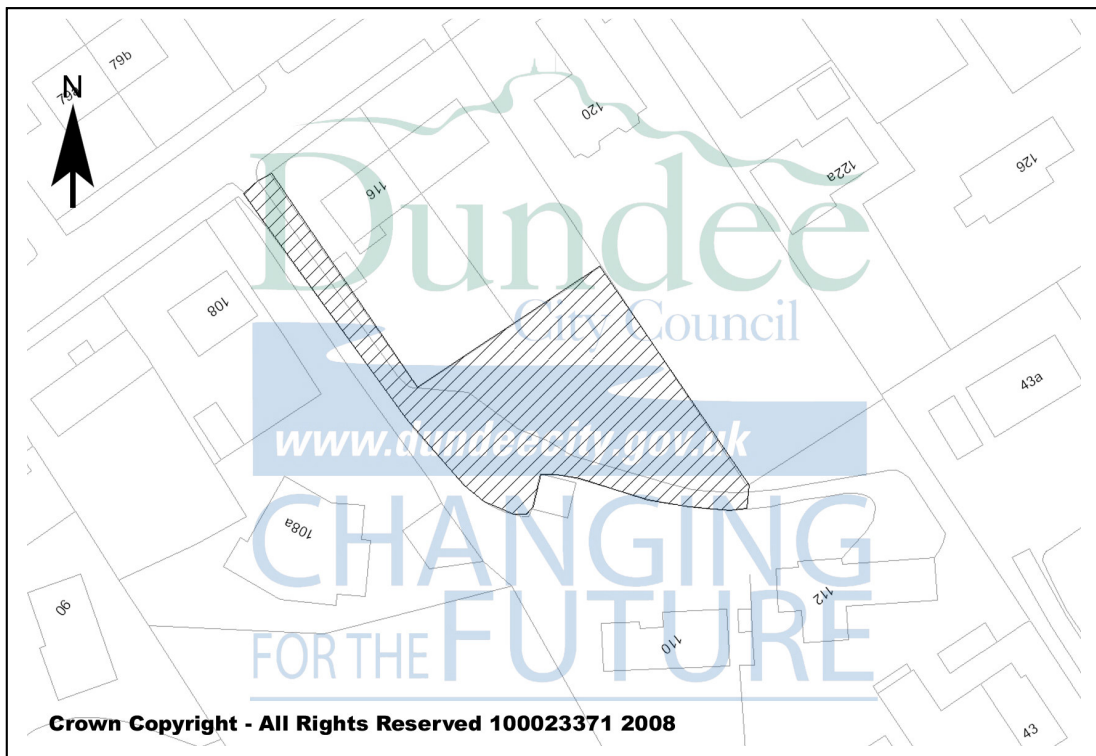


KEY INFORMATION**Ward** The Ferry**Proposal**

Erection of new dwelling

AddressLand to northwest of
112 Camphill Road
Broughty Ferry
Dundee
DD5 2ND**Applicant**Mr & Mrs G Philp
112 Camphill Road
Broughty Ferry
Dundee
DD5 2ND**Agent**Ritchie Dagen & Allan
Suite 2
Stewarts House
Kingsway East
Dundee
DD4 7RE**Registered** 3 Sep 2008**Case Officer** Paul Macari

Proposed New House in Camphill Road

The erection of a new dwelling is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the proposal meets the criteria of Policy 4 and Policy 15 of the Dundee Local Plan Review 2005 and would preserve the character and appearance of the surrounding suburban environment. The objections are not supported in these circumstances and the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- This application seeks full planning permission for the erection of a 2 storey house on land to the north west of 112 Camphill Road, Broughty Ferry.
- Policy 4 (Design of New Housing), Policy 15 (Development in Garden Ground) and Policy 55 (Urban Design) of the Dundee Local Plan Review 2005 are relevant to the outcome of this planning application.
- The applicant has carried out the statutory neighbour notification procedure. This application was advertised in the Evening Telegraph as a departure to Policy 4 and Policy 15 of the Dundee Local Plan Review 2005.
- 3 letters of representation have been received.

DESCRIPTION OF PROPOSAL

This application seeks full planning permission for the erection of a 2 storey detached dwelling in the garden ground of 112 Camphill Road, Broughty Ferry.

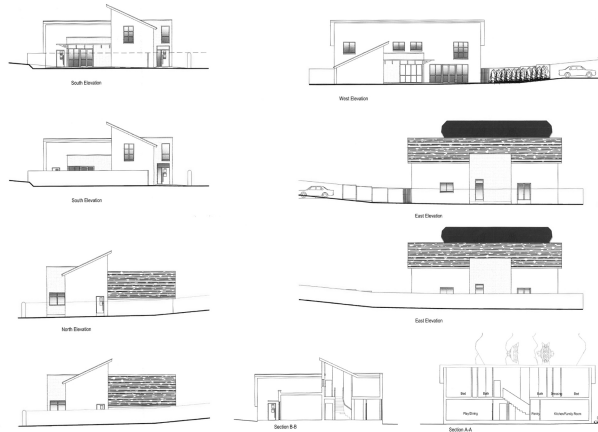
The proposed dwelling will comprise a kitchen/dining room, pantry, WC, play/ dining room, living room, study, workshop and workroom on the ground floor and 3 bedrooms, a dressing room and 2 bathrooms on the first floor. The proposed workroom and workshop will provide necessary accommodation for the applicant to work from home.

The proposed dwelling is of a modern design and will be finished in a white render with a mono-pitched roof. The roof will be finished in natural slate and the windows shall be timber framed double glazed units.

The house shall be positioned in the north eastern corner of the site. A designated car parking area will be formed from gravel hard-standing in the south eastern corner of the site. The car parking area and house shall be separated by a 1.8m high fence with the area of land between the fence and house forming a private patio area. The remainder of the site shall form garden ground and will be separated from the access road by native hedging. Access to the car parking area shall be taken from the private road giving access to the site from Camphill Road.

The applicant has confirmed that the work room will be used primarily for the recording of digital music and dubbing of television programmes, computer games and films. The sound output from the operation is low and there have been no noise related complaints registered against the applicant's current property at 8A Traill Street, Broughty Ferry. The property at 8a Traill Street is one of several flats in a converted house. Although the applicant works from home, the television programmes, computer games and films are sent via the internet or occasionally through the post on discs. Very seldom does the applicant's line of business generate traffic with there being a few instances in the last 12 months where

producers have visited the existing dubbing suite at 8A Traill Street to



discuss creative issues.

SITE DESCRIPTION

The application site is situated on the southern side of Camphill Road behind 116 and 118 Camphill Road and



adjacent to 110 and 112 Camphill Road. Access to the site is taken from Camphill Road along a private road serving 110 and 112 Camphill Road. The site is enclosed to the north by



Clockwise From Bottom Left
Dwelling viewed from South East
Dwelling viewed from South
Dwelling viewed from North

1.8m high timber screen fencing and to the east by a 1.5m high stone built

wall. To the west and south the site is bound by the private road. The site slopes from south to north. The site is grassed with mature trees situated in the south western corner.

To the north, the site is bound by the rear gardens of 116 and 118 Camphill Road. These properties take the form of 1.5 storey semi-detached houses with south facing balconies at first floor level. The houses are finished in buff render with red concrete roof tiles. To the east the site is bound by the rear garden ground of 120 Camphill Road. This property takes the form of a 1.5 storey stone built villa with extensive rear garden grounds. The house is stone built with a slate pitched roof. To the south the site is bound by 110 Camphill Road and 112 Camphill Road. Both of these properties are contemporary designed and finished with extensive garden grounds. The houses are 1.5 storeys in height with accommodation spread over 2 levels.

The property at 110 Camphill Road was erected as development in the garden ground of 112 Camphill Road with the property at 108a erected as development in the garden ground of 108 Camphill Road.

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 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.

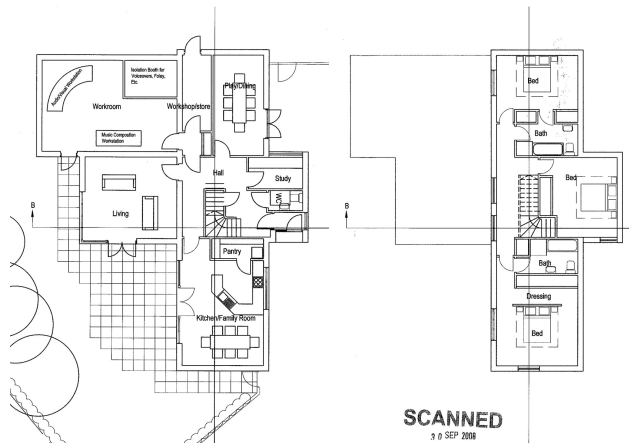
Policy 15: Development In Garden Ground - developments in garden ground will be required to satisfy the following criteria. Planning applications must contain sufficient detail to enable their consideration under each point:

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 ground exceeding this limit and where further development would not detrimentally affect the

appearance and character as now exists; and

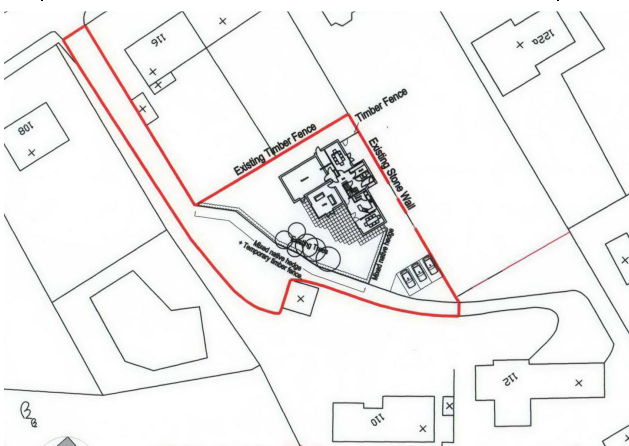
c notwithstanding the above, the final proportion of ground



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

Policy 55: Urban Design - a quality environment is dependent on the inter-relationship between building form and use, architectural

style, streetscape spaces, places and movement patterns. New development should create successful, meaningful and memorable buildings and spaces that successfully contribute to the image of the surrounding environment and Dundee.

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

Dundee Urban Design Guide states that new buildings, extensions and infill developments should be well designed, flexible and expressive to their purpose. An agenda of imaginative and innovative contemporary architecture is sought to discourage 'off-the-peg' design and debased versions of historical styles. Therefore new buildings must present a design solution appropriate to

the site and context and be constructed in materials consistent with the design approach adopted. In particular attention should be paid to the relationship between the building and the existing streetscape.

SUSTAINABILITY ISSUES

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

SITE HISTORY

Planning application ref: 08/00200/FUL sought full planning permission for the erection of a 2 storey house in the garden grounds of 112 Camphill Road, Broughty Ferry. This application was withdrawn before it could be reported to the Development Quality Committee for deliberation. This application was considered to overlook neighbouring properties and to be of an inappropriate design and therefore contrary to the provisions of Policy 4 and Policy 15 respectively.

Planning application ref: 08/00485/FUL sought full planning permission for the erection of a 2 storey house in the garden ground of 112 Camphill Road, Broughty Ferry. This application was a revision of planning application ref: 08/00200/FUL. The previous issues of overlooking and design were addressed and the proposal was considered to comply with the provisions of the Dundee Local Plan Review 2005. Due to the level of objection, this application was reported to the Development Quality Committee.

The Development Quality Committee decided to defer this application to allow for neighbours to be re-notified following revisions to the roof pitch, the formation of additional window openings that were made after the application had been submitted. Further issues of concern were raised by objectors and Members in relation to the integrity of the application site. The applicant had submitted a neighbour notification plan along with a site location plan as part of the planning application with both plans outlining different sites. Given the ambiguities of the application site and in accordance with the requirements of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992, this application was declared invalid and returned to the applicant.

The current application which is the subject of this report is a resubmission of the previous application whereby the extent of the application site appears consistent on all plans.

PUBLIC PARTICIPATION

The applicant has carried out the required neighbour notification

procedures. This application has been advertised in the Dundee Evening Telegraph as a departure from the provisions of Policy 4 (Design of New Housing) and Policy 15 (Development in Garden ground) of the Dundee Local Plan Review 2005. 3 letters of representation have been received from neighbouring residents. The letters of objection received make reference to previous representations against planning application ref: 08/00485/FUL. The concerns raised include:

- drainage and infrastructure problems;
- traffic, parking and access problems;
- residential amenity (noise, overshadowing and overlooking);
- effect on trees;
- impact on natural or built environment;
- contrary to local plan, structure plan and national planning policies;
- appearance (design and materials);
- out of character;
- noise disturbance by virtue of the proposed recording studio/workshop;
- overdevelopment;
- quality and competency of application and supporting information;
- legal rights;
- loss of privacy; and
- road safety.

Copies of the letters of representation can be viewed in the Member's Lounge. The objections detailed above are addressed in the Observations section of this report.

CONSULTATIONS

The Council's Environmental Health and Trading Standards Department has raised concern over the possibility of contamination of the application site. This matter can be addressed by way of an informative should planning permission be granted.

No other adverse comments were 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

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 Appendix 1, private houses with 3 or more bedrooms should have at least 2 parking spaces and private garden ground of no less than 150m². The proposed house meets both of these criteria with 3 off street car parking spaces along with 464m² of private garden ground.

The proposed development is considered to meet the quantitative requirements of Appendix 1 with regard to car parking, house type and garden ground. With regard to design quality, Dundee Urban Design Guide stipulates that new buildings should be well designed, flexible and outwardly expressive as to their purpose. An agenda of imaginative and innovative contemporary architecture is sought to discourage "off-the-peg" design and debased versions of historical styles. It is considered that the applicant has attempted to create a building with an original style that while sympathetic to the proportions and finishing materials of surrounding buildings is very contemporary.

The first floor of the proposed east and north elevations are blank so as not to create any unacceptable loss of privacy of neighbouring dwellings. The windows of the proposed house are mainly south and west facing to take

advantage of passive solar gain. Indeed given the layout of the proposed development, the house will benefit from extensive private garden ground to the west of the house and therefore the ground floor windows of the living room, kitchen and family room are all to be floor to ceiling in style.

The proposals demonstrate a clear definition between private and public space. The proposed house is positioned in the north eastern corner of the site with a public front garden and parking area in the south eastern corner of the site. The area between the proposed house and the existing access road will form private garden ground and will be bounded by a mixed native hedge to the west and a 1.8m high timber fence where the rear garden meets the front garden. As the main door to the house is situated midway along the eastern elevation, the 1.8m high timber fence to the west and the existing 2m high stone built wall bounding the front garden to the east will act as a funnel directing visitors away from the private garden to the main entrance.

The proposed house provides living accommodation over 2 levels. The mixture of flat and asymmetrical roofs gives the house a very contemporary appearance. However, the traditional colours and textures of the finishing materials proposed allow the house to blend with the buildings surrounding the application site.

The proposals are considered to meet both the quantitative and qualitative criteria of Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005.

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 meeting the criteria of Policy 4, the proposals are considered to be of a high standard of design and finish. Consequently the proposed house meets the requirements of Criteria A of Policy 15.

The proposed house would be situated adjacent to the existing house at 112 Camphill Road on an area of surplus garden ground. It is therefore considered that as the application site is remote from the original house at 112 Camphill Road the proposed house will not project beyond the front building line of the original house.

The original main house is number 33 Reres Road. The existing house, (112 Camphill Road) is already development within the garden ground of the original house. However, the original garden grounds belonging to 33 Reres Road have been disseminated through progressive garden ground development over the last century. As a result, the existing cumulative level of development in what was the original garden ground serving 33 Reres Road does not meet the requirements of Criteria B and C of Policy 15. However, from the information provided it would appear that the footprint of the proposed house and area of hard-standing alone would not exceed one and a half times the footprint of the original main house with the final proportion of ground covered by buildings and hard-standings not exceeding 40% of the original house. 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 in a residential area where large dwellings are set within large gardens with separate garages and parking within the curtilage of each property. These properties have a development ratio of 1:6. However, in the vicinity of the application site there are small enclaves of back-land development that have a development ratio of 1:3. The proposed development has a development ratio of 1:4.5 as do neighbouring properties to the north of the application site. It is therefore considered that the proposed development is not out of scale with surrounding properties and therefore respects the prevailing densities within the immediate area. 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 did not submit a separate tree survey. However, the existing trees on site shall be retained. Should Members be minded to grant planning permission, the matter of tree protection can be addressed by way of condition.

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:

A) Objections - 3 letters of objection have been received from neighbouring residents concerned about:

- 1 Drainage and infrastructure problems- no adverse comments have been received from consultees regarding the drainage of the application site or connection to the public sewer. These concerns are therefore not supported.
- 2 Traffic, parking and access problems - the proposed method of access to the application site is considered adequate to serve an additional house. The proposed parking area is in accordance with the requirements of Appendix 1 of Policy 4 of the Dundee Local Plan Review 2005. The applicant has confirmed that his line of business does not generate significant levels of traffic with the proposed house providing an additional parking space over and above the 2 spaces required by Appendix 1 to accommodate visitors to the property.
- 3 Residential amenity - the proposed development is not considered to impact upon the existing level of amenity afforded to neighbouring properties. This is because the house by virtue of scale, design and massing will not overlook or significantly overshadow neighbouring properties. Further, the existing mature trees populating the western boundary of the site shall be retained with the level of landscaping enhanced through the planting of a mixed native hedge. These concerns are therefore not supported.
- 4 Effect on trees- The applicant has certified on the planning application forms that no trees are to be felled as a result of the proposed development. However, to ensure that no trees are damaged during the period of development a condition requiring the submission and

erection of tree protection measures in accordance with BS5837: 2005 will form part of the decision notice should Members be minded to grant planning permission.

- 5 Impact on natural or built environment- from the assessment of the proposed development against the criteria of the Development Plan above, it has been demonstrated that the proposed house will not have a significant impact upon the existing built form surrounding the application site. With regard to the natural environment, SNH have confirmed that as no buildings are to be demolished or trees felled, there is no requirement for bat or squirrel surveys to be carried out as neither species would be put at risk by the proposed development.
- 6 Contrary to the Local Plan, Structure Plan and national planning policies - these concerns are addressed in the observations section of this report and are not supported as the proposals are considered to comply with the criteria of the Development Plan.
- 7 Appearance, design and finishing- the appearance, design and finishing materials of the proposed house have been considered in the Observations Section of this report. Although the design of the proposed house is very contemporary the sensitive use of traditional finishing materials allows the house to blend with the existing built form. With regard to concerns of the scale, size and height of the proposed house this information is available from the proposed plans. However, should Member's be minded to grant planning permission, the matter of scale and height of the proposed house can be controlled at each stage of the development process by way of condition.
- 8 Out of character - these concerns relate mainly to the scale and design of the proposed house in relation to the north elevation. The objector incorrectly states that there is a height difference of 4m between the single storey work room and the main body of

the house. The objector fails to realise that the work room has a 25° roof pitch which means the ridge of the work room roof will be visible from both the north and south. Therefore the work room will have a ridge height of 5.2m when measured from ground level and the main body of the house will have a ridge height of 7.9m which means the height difference between the work room and main body of the house will be less than 3m. Although the proposed house consists of several different shaped projections, the work room and living room projections are considered to be in proportion to the main body of the house.

- 9 Noise disturbance by virtue of the proposed recording studio/workshop/ access road. Should planning permission be granted for the erection of a house, the applicant intends to work from home. Planning permission is not required to run a business from home providing commercial activity remains ancillary to the main use of the premises for residential purposes. Should the level of commercial activity detract from the level of amenity afforded to the proposed and existing houses, a change of use will have occurred and planning permission will be required to formalise the use of the work room for commercial purposes. The applicant's line of business involves creating digital music and sound dubbing. To date no noise complaints have been received by the Council's Environmental Health and Trading Standards with regard to the applicant's use of his existing flat for the production of digital music and sound dubbing. It is therefore considered that concerns relating to the potential for noise disturbance are not material to the outcome of this planning application as the Council withholds the right to control the level of commercial activity through the Town and Country Planning (Scotland) Act 1997.
- 10 Overdevelopment - the issue of density and overdevelopment is considered in the Observations

section of this report and is not supported.

- 11 Quality and competency of application and supporting information- the level of information submitted is considered to be fully legible and relevant to the outcome of this planning application. The applicant has submitted supporting information detailing his current line of business and business practices. The information submitted and summarised in the Description of Proposal section of this report gives a clear insight into the applicant's line of business and how the proposed work room is to be used. From the information submitted the work room takes up only a small proportion of the overall floor area and the level of commercial activity proposed is ancillary to the main function of the property as a residential dwelling. Should the Committee be minded to grant planning permission, an informative will be attached to the decision notice informing the applicant that planning permission has only be granted for the erection of a dwelling house, w hereby should the level of commercial activity become such that the main use of the property is no longer recognisable as a residential dwelling, a formal application for planning permission will be required for the use of the work room for commercial purposes.
- 12 Legal rights - such concerns are not considered to be material to the outcome of this planning application and therefore not supported.
- 13 Loss of privacy - the proposed house is of a design that ensures the only window openings are south and west facing to safeguard the privacy of neighbouring residents to the north and east. There is in excess of 18m between west facing windows of the proposed house and east facing windows of the existing houses. Therefore the proposals will not impact upon neighbour's privacy. These concerns are not supported.

14 Road safety- concerns relating to blind spots on the existing access road and parking facilities are not supported. Principally this is because the existing access road serving 110 and 112 Camphill Road will remain unchanged should the proposed development gain planning permission. Therefore existing road safety concerns will not be exacerbated by the erection of an additional dwelling. Further, the applicant has confirmed that very seldom does his line of business generate traffic and therefore the 3 off street car parking spaces which are in excess of the level required by Appendix 1 of Policy 4 of the Dundee Local Plan Review 2005 are considered adequate to serve the proposed house. The 3 car parking spaces comply with the parking bay standards of the Council's transportation development guidelines, "Streets Ahead - A Design Guide".

It is concluded from the foregoing that insufficient weight can be attributed to the material considerations such as to justify the refusal of planning permission contrary to the provisions of the Development Plan.

Design

The proposals respect the setting of the adjacent buildings by virtue of scale, massing, design and finishing materials. The character and setting of the immediate vicinity surrounding the application site will be maintained through the retention of existing mature vegetation on site.

CONCLUSION

It is considered that the proposal meets the criteria of Policy 4 and Policy 15 of the Dundee Local Plan Review 2005 and would preserve the character and appearance of the surrounding suburban environment. The objections are not supported in these circumstances and the application is recommended for approval.

RECOMMENDATION

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 BEFORE WORK STARTS ON SITE, samples of the proposed finishing materials shall be submitted to this Planning Authority for written approval and thereafter applied in accordance with the stamped approved plans. For the avoidance of doubt, the details submitted should also include rainwater goods.
- 3 BEFORE ANY WORK STARTS ON SITE, the developer shall establish a fixed datum point and shall submit to this Planning Authority a plan indicating the exact location and value of this datum point. The finished floor level(s) of the development relative to the fixed datum shall also be indicated on this plan. This agreed datum point shall be used for future reference as the development proceeds. The developer shall notify this Planning Authority at the stages listed below in order to obtain their written approval that works are proceeding in accordance with details approved as part of their planning permission:
 - a The completion of the foundation work
 - b Immediately prior to the completion of the ground floor, finished floor level
 - c When the roof trusses have been erected but before roof covering takes place.
- 4 Details of the existing trees on the site to be retained and the method of protecting these trees during construction work shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. The trees to be protected shall not be cut down, grubbed out topped, lopped, uprooted or root pruned without the written consent of the City Council. Any trees or shrubs removed without such consent or dying, or being severely damaged or diseased, shall be replaced with trees and shrubs of such size and species as may be directed by the City

Council and to the standard as approved by the City Council.

- 5 Details of the boundary landscaping of the site, including timescales for implementation, shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.
- 6 BEFORE WORK STARTS ON SITE, details of a timber fence 1.8m in height to be erected along the line marked green on Drawing No. GA (00)02A shall be submitted to this Planning Authority for written approval. The approved fence shall be erected prior to the occupation of the proposed house for a period of 5 years until the proposed native hedge approved by virtue of Condition 5 of this planning permission has matured to form an adequate boundary treatment. The fence approved by virtue of this condition will be removed no later than 5 years after the proposed native hedge has been planted or when the hedge has reached a height of 1.8m above ground level whichever is the sooner.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interest of safeguarding the visual appropriateness of development in the conservation area.
- 3 To enable this Planning Authority to establish that the development is commencing from the correct level based on an agreed fixed datum point:
 - a In order to ensure that site works are progressing in accordance with the stamped approved plans.

- b In order to ensure that the floor levels conform to the stamped approved plan illustrating floor levels.
 - c In order to ensure that the height of the roof conforms to the stamped approved plan. To ensure that the development as implemented does not result in any changes in levels to those as approved which may be unacceptable in relation to either site circumstances or the relationship with surrounding sites.
- 4 To protect those landscape features which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
- 5 In the interests of safeguarding the visual amenity of the application site.
- 6 In the interest of safeguarding visual amenity of the application site and surrounding suburban environment.