

KEY INFORMATION

Ward West End

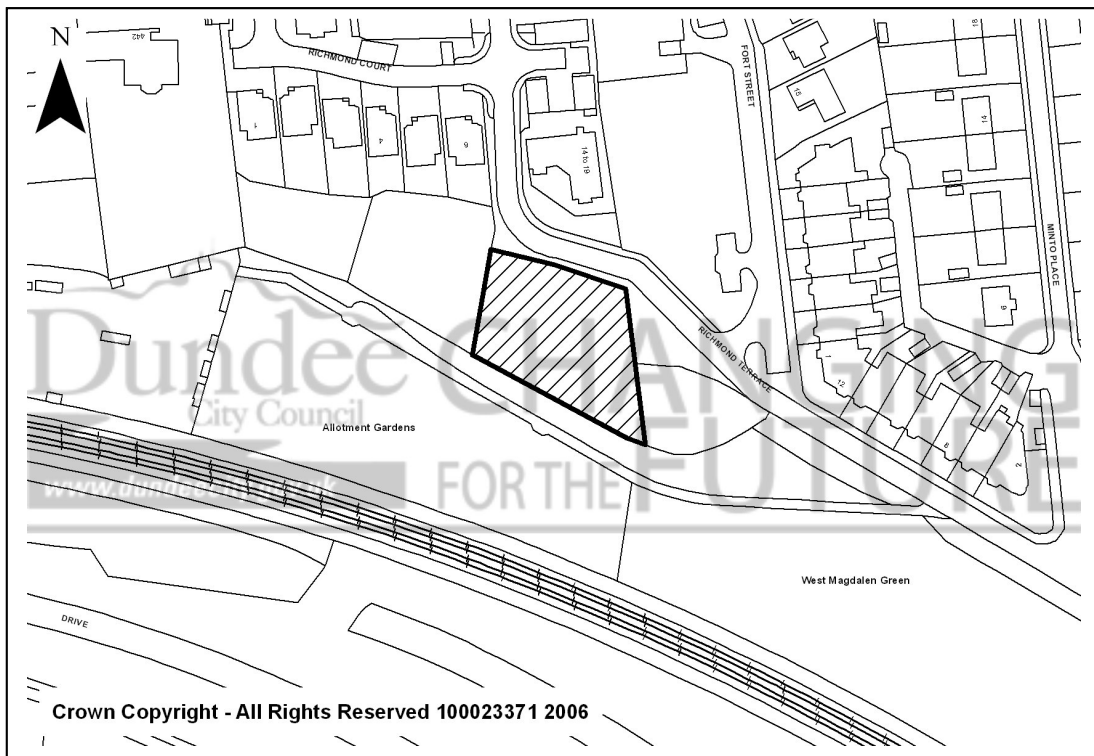
Proposal

Erection of dwellinghouse

AddressLand at Richmond Terrace
Dundee**Applicant**Westfield Place
Developments Ltd
1 Laurelbank
Dundee
DD3 6JA**Agent**Hiddleston and Feist
1 Laurelbank
Dundee
DD3 6JA

Registered 26 Jan 2009

Case Officer D Gordon



Proposed New House in Richmond Terrace

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

RECOMMENDATION

The proposed development is considered to conform to the relevant policies of the Dundee Local Plan Review 2005 and there are no material considerations that would justify the refusal of this application contrary to these policies. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a detached dwelling on a steep sloping site located to the south and west of Richmond Terrace. The house is considered to be modern and innovative in design and will be finished in a limited palette of materials of stone, wood and glass. The site is located within the West End Suburbs Conservation Area. The northern section of the site is covered by a Tree Preservation Order.
- The proposal is similar in character and design to a previous house proposed for an adjacent site that was granted permission, on appeal, in October 2008.
- The proposal raises issues for consideration under Policy 1 (Vibrant and Sustainable Communities), Policy 4 (Design of New Housing), Policy 55 (Urban Design), Policy 61 (Development in Conservation Areas) and Policy 72 (Trees and Urban Woodland).
- Nine letters of objection, including a letter from the West End Community Council, have been received. These objections raise, amongst other things, issues about the impact the proposals will have on the appearance and setting of the Conservation Area.
- It is concluded that the proposal is in accordance with the relevant policies of the Dundee Local Plan Review 2005. There are no material considerations, including the views of the objectors, that are of sufficient weight to justify the refusal of this application contrary to these policies.

DESCRIPTION OF PROPOSAL

The planning application seeks permission to erect a detached dwelling house on the north side of a site located to the south and west of Richmond Terrace.

Due to the steeply sloping nature of the land, the dwelling will incorporate a mix of single and two storey accommodation on the north elevation and will be two and three storeys in height on the south side. The property will provide three en-suite bedrooms at lower ground floor, a study / bedroom, kitchen, dining room, lounge, toilet and utility room at ground floor and an additional lounge on the upper floor level. Two ground floor balconies are proposed on the south side of the house with a lower terrace located to the east and an upper terrace to the west.

The building accommodates a flat roof and is of a contemporary and innovative design with the proposed finishing materials being timber, glass and facing stone.

Garden ground is to be provided on the south side of the new house with a screened roof garden located on the north side of the building. The applicants have advised that no trees are to be removed from the site. A landscape plan for the introduction of additional trees and shrubs, mainly on the south and east boundaries, accompanies this application.

A controlled gated access into the site is to be taken from Richmond Terrace to the north. Two off street car parking spaces are to be provided on the east side of the building. A separate pedestrian access is also proposed on the north side of the site from Richmond Terrace.

The applicants have submitted a Supporting Statement to accompany their application.

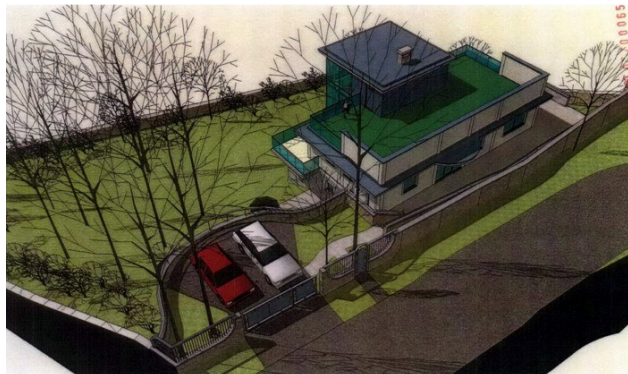
The Members are advised that the application details are very similar in character and design to a proposed dwelling for the site located immediately to the west that was granted permission, on appeal, by the Scottish Ministers, on 16th October 2008. The house the subject of this application will sit at a

lower level than the approved dwelling to the west.



SITE DESCRIPTION

The site is located to the south and west of Richmond Terrace. To the north there is a 3 storey, pitched roof flatted development and to the south there are allotment gardens and a main railway line. The surrounding area is generally residential in character with the open space of Magdalen Yard located further to the east.



The site slopes steeply in a north to south direction and accommodates a number of mature trees and scrub vegetation. While this area of natural regenerating woodland currently contributes to the character of the area, it has a generally unkempt appearance. The site is bounded in part by stone walls that vary in height and repair.



The northern section commands good views to the south over the river and

the entire site is visible from Riverside Drive to the south.

The site is located within the West End Suburbs Conservation Area.

The northern edge of the site is covered by a Tree Preservation Order (04-1994 refers).

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 - 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.

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 55: Urban Design- for all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

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.

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 Council and its partners will pilot local urban woodland projects within suburban communities to provide sustainable land use treatment for vacant or underused land. Temporary urban woodland projects will be based on a 'minimum cost, rapid impact, site recovery' approach with interpretative signage, so not to preclude future development. Public access will be discouraged within these areas. In addition, peripheral vacant sites with little or no development value will be targeted by the Council and its partners

for permanent urban woodland schemes.

The Council will also support advance planting on key development sites, enhanced tree planting within Greater Camperdown Country Park and the City Parks, as well as the creation of new community forests on the urban fringe in conjunction with neighbouring authorities.

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

The following policy statements are of relevance:

The Urban Design Guide advises that new buildings, including infill developments, should be well designed, flexible and outwardly expressive as to their purpose. In addition, imaginative and innovative contemporary architecture is sought to discourage 'off-the-peg' design and debased versions of historical style.

SUSTAINABILITY ISSUES

The proposal will result in enhanced landscaping within a conservation area. It is considered that there are no specific sustainability policy implications arising from this application.

SITE HISTORY

There are no recent planning applications for the development of this site which are of relevance to the determination of this proposal. The site immediately adjacent to the west has been the subject of 5 recent applications:

04/00126/OUT - Outline Consent for Dwelling House - withdrawn 28 April 2004.

04/00683/FUL - Erection of Dwelling House - withdrawn
29 November 2004.

05/00563/FUL - Erection of dwelling House - withdrawn 28 October 2005.

06/01009/FUL - Erection of Dwelling House - Refused on Appeal
23 July 2007.

07/01118/FUL - Erection of Dwelling House - Approved on Appeal
16 November 2008.

PUBLIC PARTICIPATION

The statutory neighbour notification procedure has been carried out by the applicants. The proposal has attracted 9 objections comprising of six individual letters from neighbouring households, a letter signed by 3 separate neighbouring households and a letter from the Chairperson of the Friends of Magdalen Green. A letter from the West End Community Council has also been received (see "Consultations" section of this report below).

The main issues raised by the objectors relate to:

- 1 the development is inappropriate in a conservation area;
- 2 the inappropriate access arrangements into the site from Richmond Terrace;
- 3 Inappropriate scale of the development;
- 4 concern over the loss of mature trees;
- 5 the development is obtrusive in a rural setting;
- 6 the adverse impact of the development on the wildlife corridor; and
- 7 the development will exacerbate flooding problems.

Members will already have had access to copies of the objection letters and the issues are discussed in the "Observations" section of this report below.

CONSULTATIONS

The West End Community Council has advised that it is opposed to the development as the insertion of a building into these predominantly wooded slopes would not protect or

enhance the character or the appearance of the conservation area.

Scottish Water has advised that they do not object to this planning application.

OBSERVATIONS

Statutory Requirements

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.

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 and enhancing the character or appearance of the conservation area.

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 a dwelling house on a steep sloping site located to the south and to the west side of Richmond Terrace. The building, due to the site characteristics, will vary in height from two to three storeys and will be predominantly finished in timber, glass and stone facing. A significant amount of garden ground is associated with the development in addition to a roof garden being proposed on the north side of the house, balconies to the east and west at ground floor level and a terrace on the west side of the house at upper floor level. Access into the site is taken from the north off Richmond Terrace and two off-street parking spaces are to be provided on the east side of the dwelling. The design of the proposed new dwelling is innovative and contemporary and the details are similar to those of a new house on an adjacent site to the west that was approved permission, on appeal, in October 2008. The applicants have submitted a Supporting Statement to accompany their application.

The proposal raises issues for consideration in terms of Policy 1 (Vibrant and Sustainable Communities) that seeks to ensure that new development does not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

On its northern side, the site fronts onto Richmond Terrace. To the north of this lies a flatted property that sits approximately 2.5 metres above the level of the adjacent roadway and which would be approximately 23 metres distant from the north (rear) wall of the proposed new dwelling. It is considered that, due to the sloping nature of the area and the difference in the floor levels between the existing flats and the proposed new house, there would be a minimal loss of outlook for residents of the existing flats. It is also concluded that the submitted design details for the new house would ensure that there would be no overshadowing of the existing properties to the north. This proposed new house will sit at a lower level than the house previously approved for the site to the west. In terms of parking and traffic movement, it is not considered that there would be a significant detrimental impact on the road traffic safety of the surrounding area given that the proposed development is for a single dwelling house only. Given the residential nature of the development, it is concluded that there is no noise or smell implications with regard to this application. In this respect, it is considered that the proposals accord with Policy 1.

With regard to Policy 4 (Design of New Housing), this seeks to ensure that in this inner city location the development respects the surroundings and meets the relevant guidelines set out in the Local Plan. It is considered from the details submitted that the new house will provide the amount of living accommodation and private amenity ground that is required by Policy 4. In addition, as the new structure would, to a significant degree, be set at a lower level than the surrounding residential properties and as there will be no windows at a higher level directly overlooking adjacent properties to the north, the neighbouring properties will not be adversely affected by a reduction in privacy or subject to overshadowing.

With regard to the proposed roof garden on the north side of the house, the applicants have advised that a suitable boundary enclosure (minimum 1.8 metres in height), is to be provided along its north side ie facing the residential properties in Richmond Terrace. In addition, a 1.8 metre high wall is to be provided along the north boundary of the site which would further ensure privacy for both the existing residents to the north and the future occupants of the new house. In this respect, the proposal meets the requirements of Policy 4 of the Plan.

The proposals also raise issues under Policy 55 (Urban Design) of the Local Plan. By virtue of the steep sloping topography, the site does not lend itself naturally to residential development. However, it is considered that the proposal achieves the innovative quality of design that this site demands. The proposed house is similar in design to a dwelling that was approved permission in 2008 for the site located immediately to the west. Consequently, it is concluded that the provision of a new dwelling house of the scale and design proposed has already been established and that the introduction of one further contemporary building in this location would be equally compatible with the mixture of traditional and modern houses that are evident in the surrounding area. In addition, a scheme for enhanced landscaping together with the steep slope of the site will ensure that the structure will not play an over dominant role in the area. In this respect, it is considered that the proposals are consistent with the requirements of Policy 55.

The application site is located within the West End Suburbs Conservation Area and consequently, Policy 61 (Developments within Conservation Areas) of the Plan is of relevance. This policy seeks to ensure that all developments complement and enhance the character of the surrounding area. The matters relating to the design of the building have been discussed above. The site sits in a prominent position on a steep sloping, south facing site that is visible from Riverside to the south. The surrounding area accommodates a variety of house designs ranging from traditional stone built villas and terraces to modern 2 storey housing. The area is also characterised by a tree belt running along the north side of the

railway that that acts as a screen for the houses located to the north. The introduction of a further new house of the design proposed is unlikely to detract from the character of the surrounding area indeed it is considered that the proposed development may have less of an impact than the existing housing located to the north.

In the determination of the appeal against the refusal of a previous planning application for the erection of a similar house design on an adjacent site to the west in 2008, the Inquiry Reporter found that, amongst other things, that the insertion of a house of the design proposed into these prominent wooded slopes would preserve the character and appearance of the conservation area. The applicants have submitted enhanced landscape proposals for the site which include the provision of significant planting on both the south and east side of the site. The scheme also advises of the introduction of new conifers and extra heavy standard trees through the site. It is considered that these planting proposals will further enhance the setting of the new house and will further reduce the impact of the development within the local area. In this respect it is concluded that the proposals are in accordance with Policy 61 of the Plan.

Policy 72 requires that any new development must have regard to existing healthy mature trees. The applicants have advised that the proposal will not result the removal of trees from the site. The proposal is considered to be in accordance with Policy 72.

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

The statutory requirements under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 have also been discharged in the assessment of the proposals against the criteria of the Development Plan above.

Other Material Considerations

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

Objections

The main relevant issues raised by the objectors are identified in the 'Public

Participation' section of this report above.

With regard to the matters relating to the impact of the proposals on the setting of the conservation area, the scale of development and the impact on road traffic safety, it is considered that these issues have been discussed and discharged in the policy considerations of this development.

With regard to the matter relating to the loss trees on the site and the adverse impact of the proposals on wildlife, the applicants have advised that no trees are to be removed to accommodate the proposed development. It is considered that the introduction of significant additional planting in the area and the creation of a wildlife pond in the south east corner of the site will generally improve the wildlife habitat of the area. A previous bat study of the area was carried out for the site located to the west. Although no evidence of bats was found the applicants have advised that they will erect bat boxes on some of the mature trees and it is intended to attach appropriate conditions to any permission granted.

With regard to the issue of flooding, no concerns on this matter have been expressed by any of the consultees.

The Members have been advised above that a planning application for a similar house on the site located immediately to the west was granted permission on appeal in October 2008. The Inquiry Reporter considered that the intrusion of a dwelling house on the site would not adversely impact on the setting and appearance of the conservation area and would not detract from the environmental qualities currently enjoyed by the surrounding residents.

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

The proposed new building is a two/three storey flat roof dwelling that is to be finished in a limited palette of timber, glass and stone facing. The scale, massing, design, appearance and materials of the proposed new house

are all considered to be innovative and highly appropriate for the site and the surrounding area.

CONCLUSION

The proposed development is considered to be in accordance with the relevant development plan policies for the area. It is also considered that the proposal would, by virtue of its innovative design, have no adverse affect on adjacent occupiers or the setting of the surrounding conservation area. There are no material considerations that would justify the refusal of this application contrary to the requirements of the Development Plan.

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 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.
- 3 The landscaping of the site shall be carried out in full accordance with the details shown on submitted Landscape proposals drawing 07-25/P1. The scheme shall be fully implemented within the first planting season following the first occupation of the dwelling house or within such a period of time as may be agreed in writing with the planning authority. For the avoidance of doubt, any trees or shrubs on the site which, in the opinion of the planning authority, are dying, severely damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of a similar specification to those originally planted.
- 4 Development shall not commence until a scheme to deal with any contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall include:

- the nature, extent and type(s) of contamination on the site;
- measures to treat/remove contamination to ensure that the site is fit for the use proposed;
- measures to deal with contamination during construction works; and
- the condition of the site on completion of decontamination measures.

The measures to decontaminate the site, if necessary, shall be fully verified and approved in writing by the planning authority and thereafter implemented prior to the first occupation of the dwelling.

- 5 Details of new bat roosts to be provided within the site shall be submitted to and approved in writing by the planning authority before development commences on the site. These new roosts shall be provided within 6 months of the first occupation of the dwelling house or within such other period of time as may be agreed in writing with the planning authority.
- 6 Prior to the commencement of works, all trees within the site shall be fenced off in a manner and to specifications that has been agreed in writing with the planning authority. For the avoidance of doubt, the trees shall remain fenced off until the works have been completed or within such other period that has been agreed in writing with the planning authority.
- 7 That prior to the commencement of development full details of all boundary enclosures to be provided shall be submitted to and agreed in writing with the planning authority. For the avoidance of doubt the proposed wall along the north boundary of the site shall be constructed, in accordance with the approved details, prior to the first occupation of the dwelling house.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

- 2 To ensure that the proposed development has a satisfactory appearance and preserves the character and appearance of the conservation area.
- 3 To ensure that the proposed development preserves the character and appearance of the conservation area.
- 4 To ensure that the site is fit for the use proposed.
- 5 To ensure that provision is made for the possibility of bats using trees within the site.
- 6 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.
- 7 To ensure that the proposed development preserves the character and appearance of the conservation area and to ensure the environmental qualities currently enjoyed by surrounding residents are protected.