

**KEY INFORMATION**

**Ward** The Ferry

**Proposal**

Outline permission for the erection of a storey and a half, 4 apartment dwelling and double garage

**Address**

Land to south of  
77 Strathmore Street  
Broughty Ferry  
Dundee

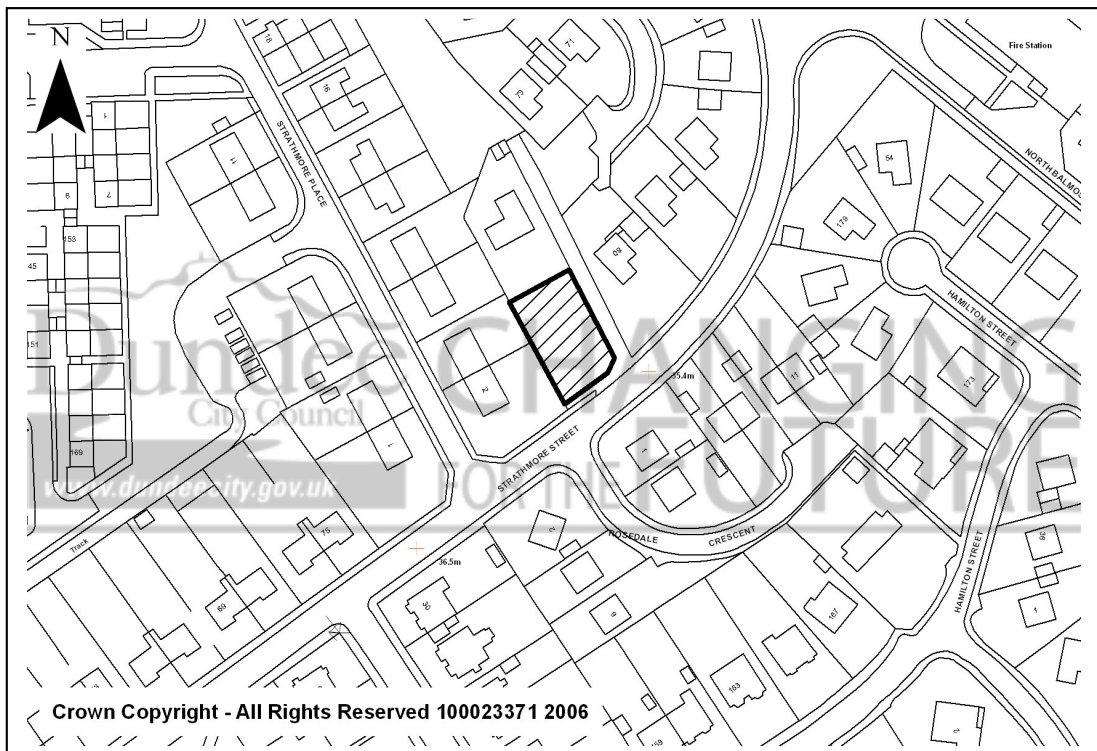
**Applicant**

Mr Michael Short  
1 Magdalene Place  
Dundee  
DD1 4NN

**Agent**

**Registered** 11 Feb 2009

**Case Officer** Julie Young



## Proposal for New House in Strathmore Street

Outline permission for the erection of a dwellinghouse is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal is contrary to Policies 4 and 15 of the Dundee Local Plan Review 2005. The objection is supported. Accordingly the application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Outline planning permission is sought for a 1.5 storey dwelling to the south of 77 Strathmore Street.
- Policies 4 and 15 of the Dundee Local Plan Review 2005 are of relevance to the determination of the application.
- One letter of objection was received from a neighbouring resident to the east on the grounds of loss of amenity and the adverse impact of the proposed dwelling on the character of the area.
- It is considered that the proposal fails to comply with Policies 4 and 5 of the Dundee Local Plan Review 2005 and there are no material considerations to justify approval contrary to the provisions of the development plan.

## DESCRIPTION OF PROPOSAL

Outline planning permission is sought for the erection of a storey and a half house in garden ground on land to the south of 77 Strathmore Street, Broughty Ferry, Dundee.

The applicant has provided minimal detail showing the footprint of the house, a proposed double garage and an existing vehicular access from Strathmore Street, which it is proposed to share.

## SITE DESCRIPTION

The application site is located on the north side of Strathmore Street. There is a single storey detached cottage to the north of the site. It is stone built with a slate roof and is a former agricultural cottage. The site was recently used as a vegetable garden. It is currently grassed with a low block wall along the south and east boundaries. A low stone wall is located along the north boundary. There is a mixture of timber fences and hedges along the west boundary. The house at 77 Strathmore Street has garden areas to the front and rear. There is an open space area to the north with some trees planted in the middle.

The site is surrounded by residential properties. There are single storey semi-detached cottages to the west and a 1.5 storey detached house to the east. There are 2 storey houses on the opposite side of Strathmore Street.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

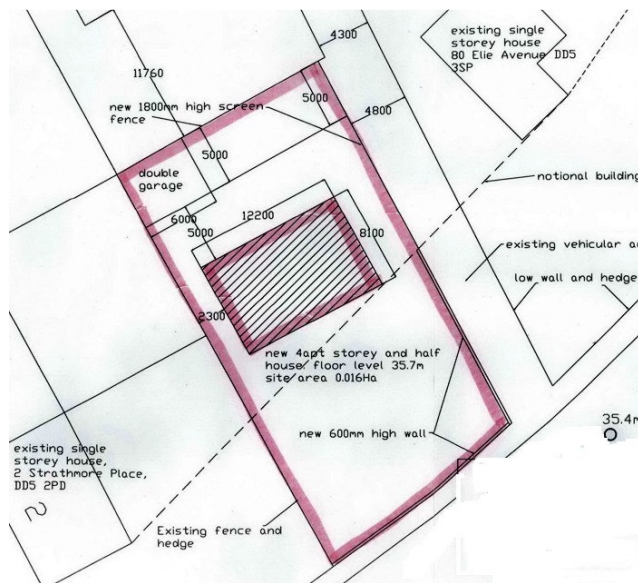
There are no policies relevant to the determination of this application.

### 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 20mph 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.

### **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**

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

### **SITE HISTORY**

Planning permission was granted on 4 July 2008 for a single storey extension on the north and west elevations of the house at 77 Strathmore Street.

### **PUBLIC PARTICIPATION**

Statutory neighbour notification was carried out and one letter of objection was received. The main points of objection relate to:

- 1 overlooking;
- 2 loss of privacy;

- 3 size and design of house is out of character with area; and
- 4 access problems, detrimental impact on pedestrians and traffic;

Members will already have seen the objection and the issues raised are discussed in the Observations below.

The application was advertised as a potential departure to Policy 4 of the Dundee Local Plan Review 2005 on 2 March 2009.

### **CONSULTATIONS**

No adverse 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 proposal is for outline planning permission for the erection of a house within the garden ground of a detached cottage at 77 Strathmore Street, Broughty Ferry.

### **The Development Plan**

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

Under Policy 4 of the Dundee Local Plan Review 2005, the site is classified as falling within a suburban area. The proposal is for outline permission only and there is not sufficient detail to assess it against all the criteria in Policy 4. It does not meet the required 100m<sup>2</sup> internal footprint criteria. However, it may comply with the 3 bedrooms or more requirement. This detail will only become available at detailed or reserved matters stage, if outline permission is granted. There is a substantial area of garden ground to the front of the proposed house. However this is not normally considered as private garden. In this case a 0.6m high wall is proposed along the south and east boundaries. This is not considered an adequate height to provide privacy for future

occupants of the dwelling. The existing dwelling will have less than 120m<sup>2</sup> private garden ground remaining, if the proposed house is granted permission. Therefore the proposal fails to comply with the garden ground requirement.

Two car parking spaces are required and space for a garage. The footprint of a proposed double garage is shown to the north of the house. There is also adequate space for parking for two cars. Therefore the proposal complies with the parking requirement.

In terms of the distance between facing windows of habitable rooms, the nearest houses are those to the east and west, which are approximately 14m and 15m from the proposed house footprint. The application is for outline permission and so there are no elevation details to assess this criteria. Therefore conditions could be attached to outline planning permission or any subsequent "Reserved Matters" or full application to ensure that there are no direct overlooking issues.

Policy 15 of the Dundee Local Plan Review 2005 relates to garden ground development. It states that planning applications must contain sufficient detail to enable consideration under each criteria. The application does not provide detail as it is for outline permission only. This matter would be discharged at the "reserved matters" application stage. It is not possible to discharge criteria a regarding the design and use of appropriate materials at this stage.

In terms of part b of Policy 15, the total footprint of the proposed dwelling is approximately 90m<sup>2</sup> and the footprint of the original house is approximately 102m<sup>2</sup>. Therefore the proposed house does not exceed one and a half times the original house and the proposal complies with this criteria.

The proposal complies with criteria c as less than 40% of ground will be covered by buildings, hardstandings, garages etc and there will be more than 60% cultivatable garden ground remaining after development.

It is considered that the prevailing densities in the area are not respected as the rear garden areas provided with the existing and proposed dwellings are small. Therefore the proposal does not comply with criteria d.

The main elevation of the original single storey cottage is on the south and the proposed 1.5 storey dwelling will be directly in front of this elevation. It is considered that this is inappropriate and will have an adverse impact on the occupants of the dwelling to the north of the site. This is not in accordance with criteria e.

No alterations are proposed to the front elevation of the original house and so criteria f is satisfied.

Criteria H and I will be addressed more fully under any "Reserved Matters" application. The site is not located within a conservation area, within the confines of a listed building or within an area protected by a TPO. Details of new tree planting and landscaping will form part of any future application.

It is considered that the proposal does not comply with criteria a, d and e of Policy 15.

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:

Objections from Neighbouring Resident

#### 1 Overlooking.

There is insufficient detail at outline stage to assess the impact of any proposed house on the amenity of surrounding residents. As part of the assessment of any "Reserved Matters" or full application the proposal will be fully assessed against Policies 4 and 15 of the Dundee Local Plan Review 2005 and the protection of the amenity of surrounding residents will be a major consideration. Policy 4 of the Dundee Local Plan Review 2005 requires 18m between facing windows of habitable rooms. Therefore this criteria will be applied to any future detailed or reserved matters application.

#### 2 Loss of Privacy.

As above.

#### 3 Size and design of house is out of character with area.

The proposed dwelling is 1.5 storeys in height. The cottage to

the north of the site is single storey and there are single storey semi-detached cottages to the west. Therefore it is agreed that the scale of the proposed house is out of character with the area.

#### 4 Access problems, detrimental impact on pedestrians and traffic.

It is considered that there are no issues regarding access or traffic and pedestrian safety as no new access is proposed from Strathmore Street. It is considered acceptable to share the existing driveway from Strathmore Street.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations to justify the refusal of the application. Therefore it is recommended that outline planning permission be refused.

### Design

No details regarding the house design have been submitted at this stage. Should Members be minded to grant permission, there will be an opportunity to assess the design, scale and materials of the proposed house at the reserved matters or full application stage.

### CONCLUSION

The proposed development is considered to contravene Policies 4 and 15 of the Dundee Local Plan Review 2005. Some of the grounds of objection are supported in these circumstances. There are no material considerations that would justify approval of the application.

### RECOMMENDATION

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

#### Reasons

- 1 The proposal fails to comply with Policy 4 of the Dundee Local Plan Review 2005 due to the lack of useable garden ground provided with the proposed dwelling and insufficient amount of garden ground remaining with the existing dwelling. There are no material considerations that would justify approval of the application contrary to the

provisions of the development plan.

- 2 The proposal fails to comply with criteria a, d and e of Policy 15 of the Dundee Local Plan Review 2005 as insufficient details have been provided to assess the design of the house, the prevailing density of the area is not respected and the proposed house is in front of the main elevation of the original dwelling. There are no material considerations that would justify approval of the proposal contrary to the provisions of the development plan.