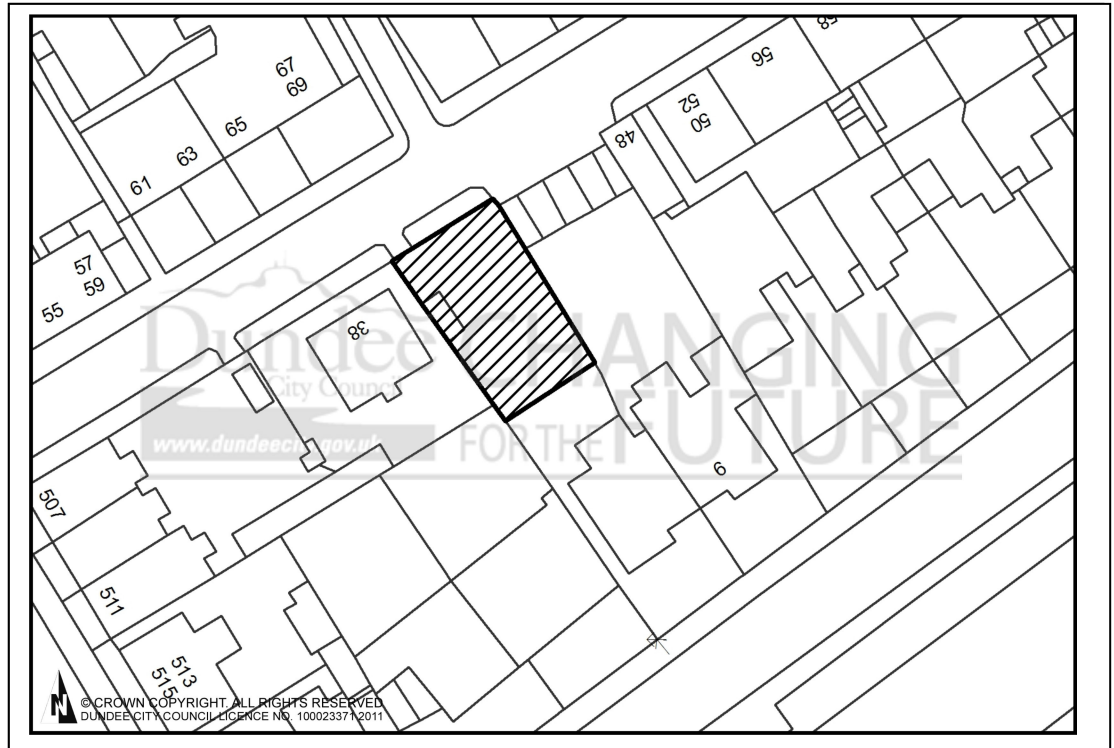


KEY INFORMATION**Ward** The Ferry**Proposal**

Proposed new house

AddressGarden ground at
5 The Esplanade
Broughty Ferry**Applicant**Mr Gary Paterson
95 Camphill Road
Broughty Ferry
Dundee
DD5 2NE**Agent**Mr Jonathan Reeve
The Voight Partnership Ltd
Design Studio
66 High Street
Arbroath
DD11 1AW**Registered** 11 Feb 2011**Case Officer** B Knox

New House in Castle Street to the Rear of 5 The Esplanade

The proposed new house is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

The proposal complies with section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 but fails to fully comply with the Development Plan. However, there are material considerations of significant weight, to support a decision contrary to this. The application is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- The application seeks permission for the erection of a single dwelling in the garden area of 5 Esplanade Broughty Ferry.
- The relevant policies of the Dundee Local Plan Review 2005 in the assessment of the application are considered to be Policy 4 (Design of New Housing), Policy 15 (Development in garden ground), Policy 55 (Urban Design) and Policy 61 (Development in conservation areas).
- In total 24 letters of objection have been received and one letter of support.
- The application fails to fully comply with the Development Plan. However, there are material considerations of significant weight to support a decision contrary to this.

DESCRIPTION OF PROPOSAL

The application seeks planning permission for the erection of a detached 3 storey house in the garden ground of the property at 5 Esplanade, Broughty Ferry.

The dwelling would provide a garden room, kitchen, dining room and utility and WC to the ground floor. There would be substantial glazing to the ground floor living areas which face south with folding doors to the garden area to the rear of the property.

The upper floors would provide three bedrooms and a living area. There would be one family bathroom and one of the bedrooms would be provided with en-suite facilities.

The ground floor is to extend approximately 7.5 metres in width across the site and there shall be a sliding gate to Castle Street providing vehicular access to the proposed dwelling. The sliding gate shall allow access to an under croft area and as such the first floor shall extend to approximately 10.8 metres across the width of the site.

The proposed dwelling is to have a ground floor area of approximately 74m² and the first floor would have a floor area of approximately 67m² due to the proposed under croft area.

The applicant has also submitted a Design Statement to accompany the application which shall be discussed in relation to the Material Considerations section of the report below.

The application is being referred to the Development Management Committee due to the level of objections received.

SITE DESCRIPTION

The application site is to the rear of 5 Esplanade and is located on the south side of Castle Street. There is an existing 2.5 storey semi-detached Victorian villa at the south end of the site, which is subdivided into a number of bed sits. There is a fence at the rear of the application site which informally separates the site from the existing building but the planning unit for the

existing dwelling includes the fenced off area.

There is a natural stone wall approximately 2 metres high to the front boundary of the site onto Castle Street which contributes to the character of the Broughty Ferry conservation area within which the

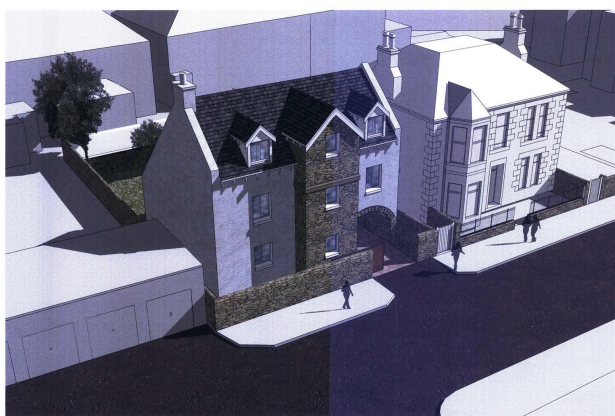


application site is located. There is an existing opening in the wall which is wide enough to allow vehicular access and this is currently controlled by a metal gate. There is also boundary walling to the sides of the property in addition to fencing.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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



Proposed Aerial View from Brook Street (looking south)

Dundee Local Plan 2005

The following policies are of relevance:

Policy 4: Design Of New Housing - this policy sets out requirements for the design and layout of all new housing, which should be of a high

quality. As a basis for achieving this, new development at this location will be required to conform to the Design Standards for central Broughty Ferry contained in Appendix 1 of the Plan.

Policy 15: Development In Garden Ground - Policy 15 relates to garden ground development. The preamble to this policy states that its aim is to protect the architectural appearance and landscape features of low density parts of the city.

Policy 55: Urban Design - this policy places an emphasis on good design quality.

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.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no policies of relevance.

Non Statutory Statements of Council Policy

Dundee City Council Urban Design Guide.

Breaches in Boundary Walls (Dundee City Council).

SUSTAINABILITY ISSUES

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

SITE HISTORY

09/00219/FUL - erection of dwelling house in garden ground. This application was withdrawn prior to decision on 10 April 2009.

09/00220/COU - alterations to existing house to form two flats from existing bed sits. This application was withdrawn prior to a decision on 9 April 2009.

09/00743/FULL - proposed 2 storey dwelling in garden ground at 5 The Esplanade, Broughty Ferry Refused 15 February 2010.

PUBLIC PARTICIPATION

The Statutory Neighbour Notification procedure was carried out. The application was also advertised as a departure to the Development Plan in the local press. In total 24 letters of objection have been received and one letter of support.

A large volume of concerns have been raised by the objectors and the valid concerns can be summarised as follows:

Conservation Area and Design

- The new building is out of keeping with the Conservation Area.
- It does not preserve or enhance the Conservation Area.
- The three storeys and features on the front of the house detract from the conservation area.
- The increased number of cars parked on the road will be deleterious to the appearance of the conservation area.
- The surrounding houses are two stories high and even though the proposal is the same height as its neighbour at 38 Castle Street, it has a third floor with an aggressive roof line and dormer. It therefore has an adverse effect upon the character of the Conservation Area.
- The design and materials do not respect surrounding buildings including the white render.
- The design is unduly dominant and does not enhance the conservation area.
- There is too much glass in the structure.
- The modern windows clash with the Victorian windows.
- The building would be out of harmony with the existing residences in Castle Street and would appear to destroy the nature and harmony of this terrace of houses.

- It is a 21st century building in a 19th century streetscape
- The area has largely escaped change in the past.
- The local style is not 'mixed' but dates from 1860s and 1890s

Parking Issues and Traffic Issues

- It will remove the possibility of off street parking for the residents in the existing properties at 5 Esplanade.
- It will increase parking pressures in Castle Street.
- The Esplanade is already woefully short of sufficient parking spaces for existing residents and is already a bad problem due to high traffic levels.
- Concerns raised that a busier street will be dangerous for visually impaired.



Proposed 3D View from Brook Street (looking east)

Privacy

- The house would overlook a secluded nearby neighbouring garden.
- The large lounge windows would cause overlooking.

Other

- The building would detract from the category C Listed Buildings directly facing the site.
- The proposed house looks unsightly and has not altered since the last application.
- The development of the dwelling risks undermining nearby tree roots.
- The site is not a "gap" site.

- There is not enough land to build the proposed house within the garden ground. It cannot meet the requirements of the Council's planning policies and would represent substantial overdevelopment of a small site.
- The birds use the tree in the garden of the site which will be cut down if the application goes ahead.
- The letter of support received raised the following valid points:
 - Such a high quality development will enhance and improve the surrounding area.
 - The large area of land appears as a vacant derelict site encouraging littering. The erection of a dwelling would go some way to eliminate this nuisance.

Members will already have had access to the objection letters. The issues raised will be considered in the Observations below.

CONSULTATIONS

Environmental Health and Trading Standards - the Head of Environmental Health and Trading Standards has advised that the property lies within a Smoke Control Area as designated under the Clean Air Act 1993. As such it has been requested that an informative be placed upon the grant of any permission to

advise the applicants of this.

Broughty Ferry Community Council - the Broughty Ferry Community Council have objected to the proposal in terms of the following reasons:

- The application is contrary to Policy 1 of the Dundee Local Plan Review - the proposal represents overdevelopment of the site in that the foot print of the new development will cover more than 40% of the area occupied by the existing house and garden contrary to Policy 15 (c).
- The residual garden left for the existing house will be inappropriately small - the proposed development will permanently remove such a rare

asset from Dundee's housing stock and could precipitate a decline in the quality of neighbouring properties along with the conservation area as a whole.

- The design of the new house could be improved. On the north elevation, the windows should be in the traditional sash style to match the dwelling next door and not of the casement variety as indicated in the plans.
- The West Ferry Conservation Area Appraisal states that on-street car parking can negatively impact on the amenity of Conservation Areas and this guidance should be followed in assessing this application. The increased number of cars parked on the road will be deleterious to the appearance of the conservation area.

OBSERVATIONS

Statutory Requirements

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance the development plan unless other material considerations indicate otherwise.

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.

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

The proposal seeks planning permission for the erection of a detached house in the garden ground of a Victorian Villa within Central Broughty Ferry.

Policy 4 requires a minimum of two bedrooms. The proposed house has three bedrooms and so the proposal complies with this requirement. Whilst it is stated that this part of the City is particularly suited to the development of townhouses, other Policies of the Local Plan are of relevance and in these circumstances the site is located within a conservation

area and so the character of the area must be respected. This issue will be addressed later in this section under Policy 61 of the Dundee Local Plan Review 2005.

One car parking space is required and space for a garage. It is proposed that there would be a sliding gate at the side of the dwelling to provide vehicular access into the site. This will allow the possibility of providing two parking spaces for the proposed new dwelling. Since one space only is required in terms of Appendix 1 for the occupiers of the dwelling, the second available space can be considered to provide the visitor parking required here. There is also sufficient space for a garage in the rear garden. One of the implications of granting planning permission for a development on this site would be to remove the possibility of off street parking for 5 The Esplanade and this matter shall be considered in relation to its impact upon the character and appearance of the conservation area in relation to Policy 61 and relative to objections.

In terms of useable private garden ground, the proposal requires to provide an area of 50m². The rear garden shall measure approximately 100m² and is therefore in excess of the area required.

In terms of the distance between facing windows of habitable rooms, there is a distance of approximately 15.6 metres between the windows of the proposed dwelling and the ground floor windows of the properties contained within 5 Esplanade. However, the ground floor windows contained within 5 Esplanade that are within this distance criteria are at the present time kitchen windows and cannot be considered as serving habitable rooms. Moreover, due to the slope of the roof, the upper floor windows do not breach this distance.

In addition, the criteria contained within Appendix 1 in relation to Policy 4 states that living room windows should not unacceptably overlook private gardens of houses. It is considered that in an urban situation such as this where houses are located close together or in terraces, there is nearly always some degree of overlooking of adjacent garden areas. For the purposes of this criteria of Appendix 1 of the Dundee Local Plan Review 2005, it is whether this would amount to what is considered to be an

unacceptable degree of overlooking of private gardens from the proposed living room that must be assessed. The rear of the dwelling has a sloped glazed roof to provide light into the interior at both first floor and second floor levels. Due to the slope of this part of the roof, the living room floor space does not extend to the windows at the rear as there would be no head room. The actual floor area for the proposed living room stops approximately 3 metres short of the lowest part of the sloping glazing looking to the rear. It is considered that any overlooking as a result of these living room windows shall be restrictive in nature and could not be considered to be a significant change in the site circumstances.

Policy 4 of the Dundee Local Plan Review also states that new housing should be of a high quality in terms of design and layout. New housing development should also have regard to the principles of the City Council's Urban Design Guide. It is intended to comment on the design of the proposal under the terms of Policies 15 (Development in Garden Ground) and Policy 61 (Development in Conservation Areas.)

It is concluded that the proposal is in compliance with Policy 4 of the Dundee Local Plan Review 2005 other than the issues of design and layout which are considered below.

Due to the nature of the proposal Policy 15 is applicable. Throughout the City there are a number of areas characterised by villas set in large garden grounds. Pressure to develop new houses in the garden grounds of these areas can have an impact upon their character. Consequently, the aim of Policy 15 is to protect the architectural appearance and landscape features of low density parts of the City. It states that planning applications must contain sufficient detail to enable consideration under each criteria.

Criteria A requires the proposal to be of high quality design and use materials appropriate to its surroundings. In these circumstances, the surrounding properties are generally of Victorian style and are stone built with slate roofs. The use of natural stone and slate as shown on the submitted drawings is considered to be positive and these traditional materials are in keeping with the surrounding

conservation area. In addition, the proposal would also utilise off white rendered walls. The details contained within the application do not clarify whether the render is to be dry dash or wet dash. However, discussion with the applicant's agent regarding this has confirmed the intention for this to be a wet dash finish. This traditional finish is considered to be acceptable and the exact colour details shall be the subject of a condition attached to any grant of permission.

The main part of the dwelling has been set back from the road at the front in order to align with the adjacent house at 38 Castle Street. There will be a section protruding to reflect the bay window designs of the some of the nearby properties, including the adjacent property at 38 Castle Street. This section shall be finished in natural stone which helps the proposed dwelling to sit comfortably in the streetscape.

In terms of overall height, the total height to the top of the ridge of the proposed dwelling is approximately 12.79 metres which is the same overall height of the adjacent dwelling to the west. The dwellings to the east which form the long terrace are approximately 13.02 metres to the ridge height and are of two and a half stories high. It is therefore considered to be in keeping with the scale and heights of the other dwellings in the area. The eaves line for the proposed and house to the west are similar in order that the proposed building does not result in discordant building lines. It is accepted that the proposed windows are of a smaller scale to the front elevation than some of the dwellings in the area but it is also noted that they are of comparable size and appearance to a large number of other properties and so it is considered that there is no necessity for the window pattern of 38 Castle Street to be repeated exactly.

It is therefore considered that the proposed dwelling presents a design solution appropriate to the site and context.

It is considered that the proposal complies with Part A of Policy 15.

In terms of part B of Policy 15, the total footprint of the proposed house should not exceed one and a half times the original house and the proposal complies with this criteria.

Criteria C of Policy 15 requires that the final proportion of ground covered by hard standings and buildings should not exceed 40% of the original house and garden. The total size of the existing house and garden measures approximately 598.14m². The total buildings and hard standings on site after development will account for approximately 40.5% of the original house and garden. Therefore the application contravenes this criteria by 0.5%. In reality, this represents a measurement of approximately 3m². The proposal therefore fails to fully comply with this particular requirement.

Taking into consideration the surrounding land uses and types of residential properties, it is considered that the prevailing densities in the area are respected and so the proposal complies with Criteria D.

No new building is proposed in front of the main elevation of the original property at 5 The Esplanade. This is in accordance with criteria E and F.

The existing stone boundary wall is approximately 1.6 metres high. It is currently breached by a large unattractive metal gate. The proposal shall retain the height of the boundary wall but move the opening eastwards to accommodate a revised driveway position. The existing metal gate is to be replaced by a sliding timber gate. The Councils Breaches in Boundary Walls guidance aims to preserve the character and appearance of boundary walls where they contribute to the Conservation Areas. It is considered that as the existing opening is simply being relocated a minimal distance, and that the new gate will be a significant improvement on the design of the existing gate, there will be a net benefit to the character and appearance of the conservation area.

No tree survey details have been submitted to accompany the application. However, the applicant has indicated that no trees are to be removed as a result of the dwelling. It is considered that with the presence of high quality landscaping and replanting this is acceptable.

No detailed landscaping proposals have been submitted at this stage but in this instance it is considered to be acceptable that these can be the subject of a condition of any permission.

It is concluded that the proposal does not comply with criteria C of Policy 15.

Policy 55 promotes good design and for the reasons set out in the assessment of the proposal against Policy 15(A) of the Plan it is considered that the design of the proposal is acceptable.

Policy 61 of The Dundee Local Plan Review 2005 states that within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area.

In order to preserve the character of a conservation area, it does not necessarily mean that all new developments must follow established design patterns and appearances in a formulaic manner. This can often result in designs with are of poor quality imitations and result in buildings that are pastiches. It is accepted that sometimes in order to achieve the goal of enhancing the conservation area, a new design approach can be taken. In accepting this as a possibility, the challenge is to also ensure that new design approaches do not detract from those already established in the area.

The proposed design approach is such that the dwelling would appear as a 2 and a half storey dwelling from the front, dropping to single storey at the rear. The total height to ridge is comparable with the adjacent dwelling to the west and the long line of terraced properties also located to the south side of Castle Street to the east of the site.

The retention of the stone boundary wall and the use of natural stone along with dry dash to the frontage shall help the building to bridge the gap between the stone dwelling to the west and the terraced rendered dwellings to the east. These are traditional materials that will ensure that the new building is of a high quality of finish suitable for the character found in the area.

It is acknowledged that the proposed design does not copy some of the designs found in the area. However, the simple footprint and shape and the use of traditional high quality materials shall ensure that it is not an overly prominent feature in the surrounding streetscape. The siting of the dwelling respects the established building lines and the central feature which is to be

made of stone can be seen as a modern interpretation of the bay window found at the adjacent property to the west.

One of the impacts upon the conservation could be a change in the surrounding area by means of parking pressures. In this case the existing dwellings found at 5 Esplanade benefit from the possibility of off street parking on the area where the house is being proposed. Clearly, one of the implications of granting planning permission for a development on this site would be to remove the possibility of off street parking for 5 Esplanade.

In this instance the reality of the situation is that there will be no net change in the existing circumstances since the occupants do not currently utilise the parking area at the rear of the dwelling. The proposed dwelling shall provide two car parking spaces within the curtilage of the development. In terms of parking implications in the area it is therefore considered that the development would not result in additional vehicles seeking on street car parking spaces in the vicinity of the site. As a result of this, it is considered that there will be no negative impact upon the character of the conservation area.

It is concluded that the proposal would preserve the character and appearance of the conservation area, meeting the terms of Policy 61 of the Dundee Local Plan Review 2005.

It is concluded from the foregoing that the proposal does not fully comply with the provisions of the development plan, specifically in terms of Policy 15 criteria C.

The Statutory Requirements under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Council have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.

As discussed above, the design of the proposed dwelling is considered to be acceptable to the character and appearance of the surrounding conservation area. Therefore the proposal discharges the statutory duties

set out in Section 64 of the Planning Act 1997.

Other Material Considerations

Views of the Objectors

Conservation Area and Design

- The new building is out of keeping with the Conservation Area.
- It does not preserve or enhance the Conservation Area.
- The 3 storeys and features on the front of the house detract from the conservation area.
- The surrounding houses are 2 storeys high and even though the proposal is the same height as its neighbour at 38 Castle Street, it has a third floor with an aggressive roof line and dormer. It therefore has an adverse effect upon the character of the Conservation Area.
- The design and materials do not respect surrounding buildings including the white render.
- The design is unduly dominant and does not enhance the conservation area.
- There is too much glass in the structure.
- The modern windows clash with the Victorian windows.
- The building would be out of harmony with the existing residences in Castle Street side and would appear to destroy the nature and harmony of this terrace of houses.
- It is a 21st century building in a 19th century streetscape.
- The area has largely escaped change in the past.
- The local style is not "mixed" but dates from 1860s and 1890s.
- The increase in demand for on street car parking will be detrimental to the character and appearance of the conservation area, failing to comply with the aims of Policy 61.

The above comments in relation to the design of the proposed dwelling and the impacts upon the conservation as a result of the dwelling have been

largely discussed in relation to the development plan above. In addition, it is wholly acknowledged that the building will be a 21st century building. Any conservation area is constantly evolving and a dynamic feature of today's streetscape. Preservation does not imply that an area must remain static but rather that preservation seeks to protect those features and character important to an area. The scale, size, materials and features of the proposed design have all been considered and it is concluded that although quite clearly the dwelling will present itself as a modern feature in the conservation area. The proposals would also mean that the existing unsightly gate to the site would be removed and replaced with a gate of high quality design and finish. This would have a positive impact upon the appearance and the character found in the area.

In terms of the window style the proposed windows are considered to be suitable for a new dwelling in the conservation area and the proportions of which are not out of keeping to the surrounding area.

Parking Issues and Traffic Issues

- It will remove the possibility of off-street parking for the residents in the existing properties at 5 Esplanade.
- It will increase parking pressures in Castle Street.
- The Esplanade is already woefully short of sufficient parking spaces for existing residents and is already a bad problem due to high traffic levels.
- Concerns raised that a busier street will be dangerous for visually impaired.
- Policy 1 is a consideration and the application fails by a considerable margin to meet the requirements of the policy in terms of the loss of the parking provision for the dwellings at 5 Esplanade.
- The proposals fails to comply with Policy 55 as it would not contribute to an environment safe and accessible to all due to the loss of off street parking.

- The proposal cannot comply with Policy 88 as in providing parking for the proposed house it is at the expense of those dwellings within 5 Esplanade.

The issue of parking for the proposed property and the impacts upon the existing occupiers at 5 Esplanade has been discussed above. It is considered that the reality of the situation is that there will be no net change in the existing circumstances since the occupants do not currently utilise the parking area at the rear of the dwelling. The proposed dwelling shall provide two car parking spaces within the curtilage of the development. In terms of parking implications in the area it is therefore considered that the development would not result in additional vehicles seeking on street car parking spaces in the vicinity of the site compared with the actual existing situation. Even if this garden area was used for parking it would make such a small contribution to off street parking in the area that its loss would have a negligible effect on residential amenity. As a result of this, it is considered that there will be no negative impact upon the character of the conservation area. As stated by the objectors and noted on site, it is already a busy area where parking spaces are at a premium. As discussed, the actual impact of granting planning permission in this instance will not be likely to result in a change to the existing circumstances and the current application cannot be used as a means of improving the existing issues with parking problems endemic to the area.

Policy 1 and its associated preamble are targeted towards instances where non residential uses are being proposed to be introduced into residential areas where they may affect amenity. Since the proposal is for a residential property it does not apply.

In relation to Policy 55 which states that developments should contribute to an environment which is safe and accessible to all. It is not considered that there shall be any significant safety issues arising as a result of the development which is for a single dwelling.

Policy 88 of the Dundee Local Plan Review 2005 states that new residential developments should provide parking in accordance with the relevant guidance and Appendix 1 of

the Dundee Local Plan Review 2005. The proposed dwelling provides two off street car parking spaces and this is in accordance with the guidelines.

Privacy

- The house would overlook a secluded nearby neighbouring garden
- The large lounge windows would cause overlooking

The issues in relation to overlooking have been discussed in relation to Policy 4 of the Dundee Local Plan Review 2005. It is concluded in an urban situation such as this where houses are located close together or in terraces with gardens back to back, there is nearly always some degree of overlooking of adjacent garden areas. The gardens in the vicinity of the site are largely compromised by the number of existing dwellings facing each other in the area with upper floor windows. It is considered to be reasonable to conclude that a further single dwelling will not significantly exacerbate the situation such as to justify refusal of the application on these grounds.

Other

- The building would detract from the category C Listed Buildings directly facing the site.

It is considered that the proposed property would not impact upon the setting of the nearest Listed Buildings which are separated by the street.

- The proposed house looks unsightly and has not altered since the last application

The issues of design and appearance have already been discussed above. However, it is worth noting that the current application differs in appearance significantly from previous proposals.

- The development of the dwelling risks undermining nearby tree roots

The application site is located within a conservation area and the applicant has indicated on the application form that no trees will

be removed. Permission will be required from the Council if they wish to remove or cut back trees at any time in the future.

- The site is not a "gap" site.

It is agreed that the application site is not a gap site but that of the garden ground attributable to 5 Esplanade. As discussed above in the Site Description section there is a fence at the rear of the application site which informally separates the site from the bed sits within the existing building but the planning unit for the existing dwelling includes the fenced off area.

- There is not enough land to build the proposed house within the garden ground. It cannot meet the requirements of the Council's planning policies and would represent substantial overdevelopment of a small site.

The proposal has been assessed in relation to Policy 15 (Development in Garden Ground) above. It was concluded that the application fails to comply with criteria c and this will be discussed below specifically.

- The birds use the tree in the garden of the site which will be cut down if the application goes ahead.

Whilst this may be regrettable, it is considered that a landscaping plan could provide appropriate species to encourage wildlife. There are to be no trees to be cut down as part of the application.

- Inability of the dwellings at 5 Esplanade to meet all of the requirements of Policy 12.

The works carried out to the building at 5 Esplanade date from a significant period of time ago and are not to be assessed as part of the current planning application for a single new dwelling.

- Even if the new house meets the requirements of Appendix 1 of the Dundee Local Plan Review 2005 the outcome of the approval would lead to "town cramming".

It is considered that one additional house in this location would not be out of keeping with the densities in the area.

It is concluded from the above that the views of the objectors are not supported and do not provide weight to support refusal of the application.

Letter of Support

The letter of support received raised the following valid points.

- Such a high quality development will enhance and improve the surrounding area.

As discussed at length above, the development is considered to be of high quality and shall preserve the character and appearance of the surrounding conservation area.

- The large area of land appears as a vacant derelict site encouraging littering. The erection of a dwelling would go some way to eliminate this nuisance.

As discussed above in the Site Description section there is a fence at the rear of the application site which informally separates the site from the bed sits within the existing building but the planning unit for the existing dwelling includes the fenced off area. It has no status as a vacant or derelict site at this time.

Broughty Ferry Community Council comments - The Broughty Ferry Community Council as statutory consultee have objected to the proposal in terms of the following reasons:

- The application is contrary to Policy 1 of the Dundee Local Plan Review
- The proposed development will permanently remove such a rare asset from Dundee's housing stock and could precipitate a decline in the quality of neighbouring properties along with the conservation area as a whole.
- The design of the new house could be improved. On the north elevation, the windows should be in the traditional sash style to match the dwelling next door) and not of the casement variety as indicated in the plans.
- The West Ferry Conservation Area Appraisal states that on-street car parking can negatively

impact on the amenity of Conservation Areas and this guidance should be followed in assessing this application. The increased number of cars parked on the road will be deleterious to the appearance of the conservation area

The above issues have already been discussed in the report and reasons set out as to why they are not supported in this instance.

- The proposal represents overdevelopment of the site in that the foot print of the new development will cover more than 40% of the area occupied by the existing house and garden contrary to Policy 15 (c).

This matter shall be discussed below in relation to the departure to criteria c of Policy 15.

- The residual garden left for the existing house will be inappropriately small

The remaining garden ground attributable to the occupiers of 5 Esplanade shall measure approximately 100m² as the existing fence shall be relocated to a more even balanced location between the existing 5 Esplanade and that of the new dwelling. Appendix 1 of the Dundee Local Plan Review 2005 provides guidance for the area required for flats. 100m² is in accordance with those requirements and cannot be considered to be excessively small.

Applicants Supporting Statement

The applicants supporting statement provides details on the design ethos behind the development and explains the techniques that have been adopted in the designing of the proposed dwelling to help it integrate into the surrounding townscape including the use of traditional materials which they consider helps the building to sit comfortably in its setting.

The statement also provides information as to the compliance with Policies 4, 15, 55 and 61 of the Dundee Local Plan Review 2005. In particular, the calculations are helpful in identifying the extent of compliance with Policy 15.

Proportion of Ground Covered by Hard Standings and Building

It is acknowledged that the proposal is marginally in contravention of criteria C of Policy 15 of the Dundee Local Plan Review 2005. Criteria C of Policy 15 requires that the final proportion of ground covered by hard standings and buildings should not exceed 40% of the original house and garden. The total size of the existing house and garden measures approximately 598.14m². The total buildings and hard standings on site after development will account for approximately 40.5 % of the original house and garden. Therefore the application contravenes this criteria by 0.5 %. In reality, this represents a measurement of approximately 3m².

The application is largely in accordance with the provisions of the Development Plan and the scheme is considered to be of high quality. It is considered that this minor infringement is not of such a significant level as to warrant refusal of an application that is otherwise in accordance with the Development Plan and can be justified by the otherwise high quality standard of accommodation to be provided and the quality of the finished appearance.

However, it is acknowledged that the site could be impacted upon if the proposed dwelling benefited from the normal Permitted Development Rights. In this instance it is therefore recommended that in the event of approval a condition be attached to remove certain Permitted Development Rights.

Design

The modern appearance of the design will result in an attractive building. Furthermore, the design approach is considered to present an attractive dwelling to enhance the Conservation Area. The materials are considered to be acceptable and will help to integrate the modern building into the area without it being overly prominent. It is considered that it would contribute to the enhancement of the conservation area.

CONCLUSION

It is concluded that the proposal fails to fully comply with the relevant Policies of the Dundee Local Plan

Review 2005 but that there are material considerations that justify a decision contrary to this. The application is therefore recommended for approval.

RECOMMENDATION

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

- 1 No development shall take place until there has been submitted to and approved by the planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on this land, and details of any to be retained, together with measures for their protection in the course of development. The scheme shall thereafter be implemented in the first available planting season.
- 2 Notwithstanding the provisions of Classes 1, 3 and 4 of Part 1 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any subsequent re-enactment thereof, no extensions to the proposed dwelling are to be built without the prior consent of the Local Planning Authority
- 3 Prior to the commencement of development on site full details 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
- 4 Prior to the first occupation of the dwelling hereby approved a new boundary enclosure shall be erected at the location shown on the approved plans along the rear red line of the application site and the existing fence removed. The new boundary shall remain in perpetuity.

Reasons

- 1 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
- 2 That due to the restricted application site and its relationship with adjoining

properties it is considered important to ensure that no additional development is carried out without the prior written permission of the Council.

- 3 In order to ensure the appearance of the development is of an acceptable standard of finish.
- 4 In order to ensure that the existing dwellings at 5 Esplanade retain an appropriate area of amenity space after development.