

KEY INFORMATION

Ward The Ferry

Proposal

Amendments to approved application (10/00334/FULL) for a sun room off existing kitchen

Address

4 The Esplanade
Broughty Ferry
Dundee DD5 2EL

Applicant

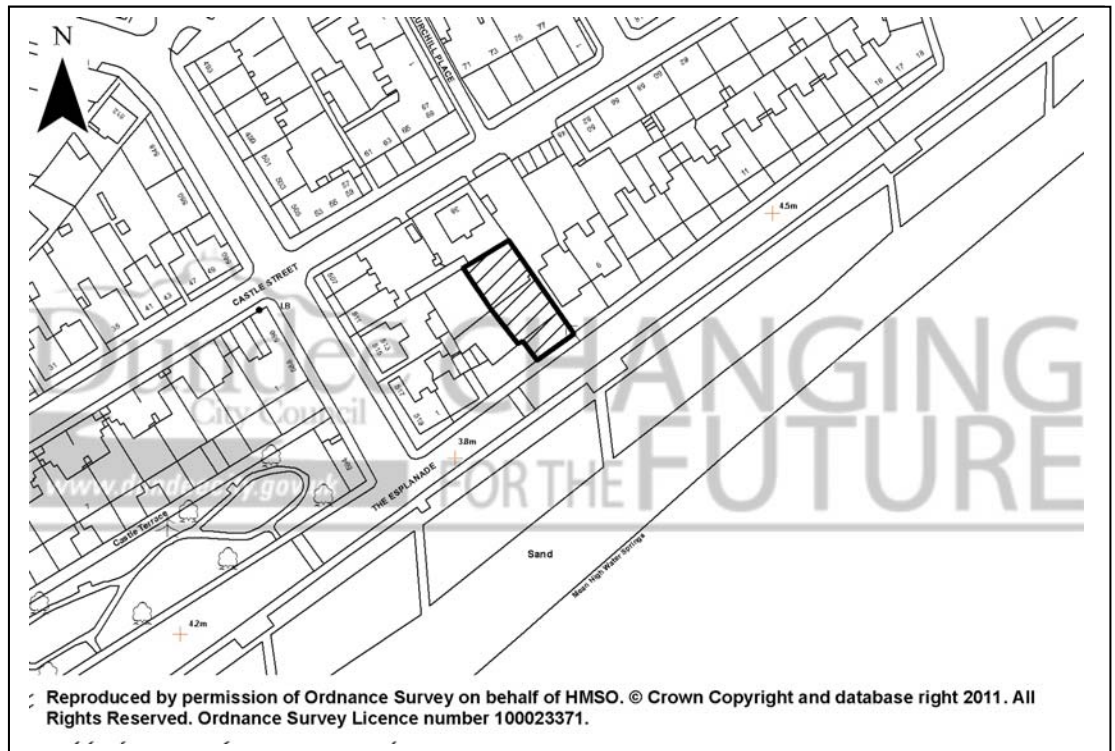
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Dundee DD5 2EL

Agent

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Registered 18 July 2011

Case Officer Paul Macari



Changes to House Extension at the Esplanade

Amendments to approved application (10/00334/FULL) for a sun room off existing kitchen is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

The single storey extension to the rear elevation of the existing house at 4 The Esplanade complies with the requirements of the Dundee Local Plan Review 2005. The concerns of the objectors are not supported. It is therefore recommended that the application is **APPROVED** subject to conditions.

SUMMARY OF REPORT

- This application seeks planning permission in retrospect for amendments to planning application 10/00334/FULL which was granted planning permission for the erection of a single storey extension to the rear (northern) elevation of the existing house at 4 Esplanade Broughty Ferry, Dundee.
- Policy 14 (Alterations and Extensions to Houses), Policy 55 (Urban Design) and Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005 are relevant to this application.
- 12 letters of objection have been received from neighbouring residents and residents of Broughty Ferry.
- The extension as built complies with the requirements of the Development Plan.

DESCRIPTION OF PROPOSAL

This application seeks planning permission in retrospect for amendments to planning application 10/00334/FULL which was granted planning permission for the erection of a single storey extension to the rear (northern) elevation of the existing house at 4 Esplanade Broughty Ferry, Dundee.

The extension by virtue of scale, massing and finishing materials has been built in accordance with planning application 10/00334/FULL. However, in terms of the location and form of window openings and ridge height the extension as built is materially different to the extension approved by planning application 10/00334/FULL. The applicant has also levelled and resurfaced the rear garden of the property at 4 The Esplanade without obtaining planning permission. These works also form part of this planning application.

Instead of timber framed double glazed folding doors the extension as built has white aluminium framed double glazed folding doors on the western and northern elevations and instead of installing two obscurely glazed roof lights on the eastern roof plane of the extension and original kitchen extension, the applicant has installed a sun pipe in the eastern roof plane of the original kitchen extension and one roof light with standard glazing in the southern roof plane of the original kitchen extension. The second roof light that was to be installed on the eastern elevation of the extension has been omitted. The ridge of the extension does not adjoin the original kitchen extension below ridge level as approved but rather adjoins the roof of the original kitchen extension at ridge level.

The original retaining wall, fence and barbeque separating the upper and lower levels of the rear garden have been replaced due to landscaping works and levelling of the garden. The new retaining wall has a height of approximately 1m above ground level with a new 1m high timber fence on top. A new timber canopy has been erected over the barbeque.

Due to the level of objection received this application requires to be reported

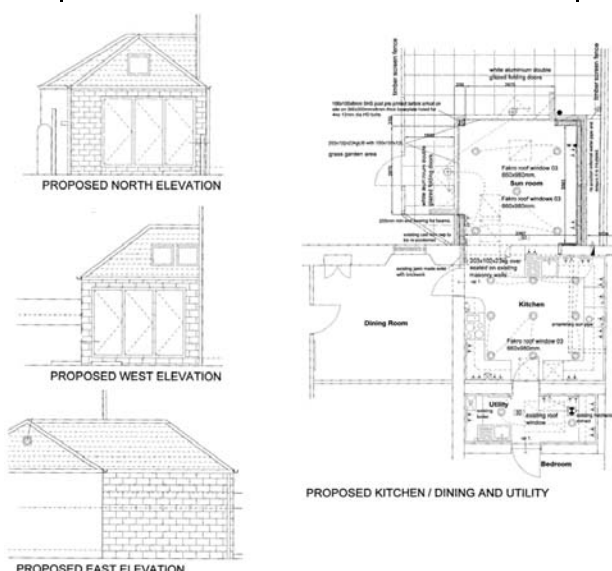
to the Council's Development Management Committee.

SITE DESCRIPTION

The application site is located on the northern side of The Esplanade and takes the form of a two storey semi-detached Victorian villa.

The property benefits from front and rear gardens. The front garden is enclosed by a 1m high stone built wall. The rear garden is enclosed by a combination of stone walls, fencing and mature shrubbery. There is a pedestrian access from the application site to Castle Street which also provides access to 38 Castle Street.

The rear garden of the application site is spread over two levels with the lower level occupying the northern sector of the garden.



The existing house is stone built with a hipped roof finished in natural slate. There is an existing single storey extension to the eastern gable of the house that accommodates the kitchen. The house has a variety of window types including timber framed stained glass windows, white UPVC framed mock sash and case windows and white UPVC casement windows. The house has cream painted cast iron rainwater goods that match the cream painted single storey extension to the eastern gable of the house, the window and door bands as well as the quoins.

The application site is bound to the west by the adjoining house of a similar period, design and finish. To the east the application site is bound by a semi-detached villa of a similar period and design. To the north the

site is bound by a stone built villa that has been subdivided into flats.

The extension approved by planning application 10/00334/FULL is partially completed and adjoins the northern elevation of the existing kitchen extension and the eastern elevation of the existing house. The extension has a stone finish with a hipped roof finished in natural slate. There are floor to ceiling glazed folding doors in the northern and western elevations of the extension. There are three roof lights in the roof of the extension, two in the western roof plane and one in the northern roof plane. A sun pipe has been installed in the eastern roof plane and a roof light has been installed in the southern roof plane of the existing kitchen extension. The extension has cream painted rainwater goods.

There is a newly built stone wall approximately 1m high separating the upper and lower levels of the garden which replaces the original 0.5m high retaining wall. A new fence has been built on top of the wall as has a timber canopy over the newly built barbeque. Within the upper level of the garden, a new patio has been formed to the immediate north of the extension. The original lawn which previously sloped has been levelled and re-sewn in grass.

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 14 (Alterations and Extensions to Houses) aims to minimise the impact of domestic development on the level of amenity afforded to the host building and neighbouring properties by virtue of scale, massing, design and finishing materials.

Policy 55 (Urban Design) is supportive of proposals that seek to create new public places and points of interest which incorporate architectural and landscape features and reflect and

enhance historic street layouts, significant views and vistas.

Policy 61 (Development in Conservation Areas) is supportive of proposals that will enhance or preserve the character and setting of conservation areas.

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 application 10/00334/FULL sought planning permission for the erection of a single storey extension to the eastern elevation of the existing house at 4 The Esplanade Broughty Ferry. This application was granted planning permission by the Development Management Committee on 16 August 2010.

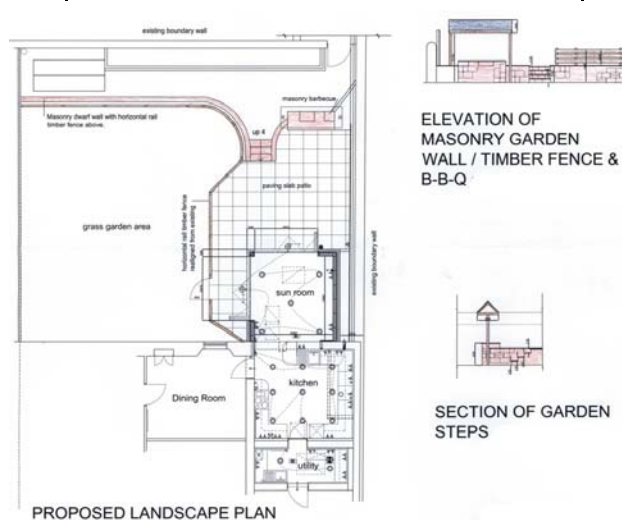
The extension approved by planning application 10/00334/FULL and as built adjoins the existing kitchen extension on the eastern elevation of the house at 4 The Esplanade, projects out from the northern building line of the existing house by 3.7m and has a floor area of 16m². In addition the extension approved by planning application 10/00334/FULL and as built has stone walls with floor to ceiling glazed folding doors in the northern and western elevations, a hipped roof finished in natural slate, two roof lights in the western roof plane and one roof light in the northern roof plane.

The main differences between the approved extension and the built extension relate to the ridge height and the positioning and number of roof lights and the inclusion of a sun pipe.

PUBLIC PARTICIPATION

The Council followed the statutory neighbour notification procedure outlined in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. As some of the neighbouring properties surrounding the application did not have premises to which a notice could be sent this application was also advertised in the Dundee Evening Telegraph.

12 letters of objection have been received from residents of Broughty Ferry and Dundee. Of the 12 letters received only one of the letters is from an adjoining neighbour. All of the



letters raise similar issues and have a consistent format. The concerns raised include:

- contravention of Development Plan policies;
- the impact of the extension on the surrounding conservation area;
- the finish of the extension as built;
- issues of overshadowing;
- overlooking;
- overdevelopment of the original property;
- landscaping;
- erection of unauthorised fencing;
- erection of unauthorised shed;
- impact on eastern boundary wall;
- unauthorised tree works.

Members will already have access to these letters and it is intended to comment on the concerns of the

objectors in the Observations section of the report.

CONSULTATIONS

No responses from Consultees have been received.

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 with 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 Development Plan

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

There is a history in Dundee of houses being extended to meet the changing demands and aspirations of householders. Whilst extensions are a sign of a stable community in which people wish to remain, it is the aim of Policy 14 (Alterations and Extensions to Houses) to assess the impact of extensions and alterations to the host property, neighbouring properties and the surrounding area.

Criteria (a) and (d) of Policy 14, require extensions to houses to respect the appearance of the existing building and neighbouring properties by virtue of scale, massing, design and finishing materials. The extension as built is of a scale, massing, design and finish that will have a neutral impact on the traditional appearance of the existing house while respecting the appearance and level of amenity afforded to neighbouring properties. The extension projects northwards from the rear elevation of the existing single storey extension to the eastern gable of the original house and is not visible from either The Esplanade or Castle Street.

The extension therefore maintains the appearance of the existing house without impacting upon the surrounding historic streetscapes.

The works to the garden involving the replacement of fencing, retaining walls, the erection of a timber canopy over the barbeque, formation of a patio and levelling of the upper level of garden are considered to enhance the appearance and usability of the rear gardens at 4 The Esplanade without impacting on the appearance or level of environmental quality afforded to neighbouring properties.

In this instance the extension and associated works to the garden ground comply with the requirements of Criteria (a) and (d) of Policy 14.

Criteria (b) of Policy 14 requires extensions to houses to respect neighbouring properties by virtue of overlooking and overshadowing.

The extension as built does not exacerbate existing levels of overshadowing generated by the 2-2.5m high wall and fence which delineates the eastern boundary of the rear garden. This is because the extension is positioned no less than 0.45m from the eastern boundary of the rear garden and has a low profiled hipped roof. The shadow cast by the extension is therefore no greater than the shadow cast by the existing eastern boundary wall and fence.

The extension does not overlook neighbouring properties to the east or west of the application site. This is because the east facing roof lights detailed on planning application 10/00334/FULL have been omitted and in their place a roof light has been installed on the southern roof plane of the existing kitchen extension and a sun pipe has been installed on the eastern roof plane of the existing kitchen extension. Although the approved drawings for planning application 10/00334/FULL stated that the east facing roof lights would be obscurely glazed the new roof light in the southern roof plane in the existing kitchen does not overlook the neighbouring property at 5 The Esplanade and therefore does not require to be obscurely glazed.

The western boundary of the application site is formed by a combination of fencing and mature shrubbery. Due to the extent of the

western boundary of the rear garden, the floor to ceiling folding doors give views into the rear garden of 4 The Esplanade only.

The proposed extension will be located 16.5m from the south facing windows of the property at 38 Castle Street (to the north of the application site). However, given the extent of the existing boundary enclosures any instances of overlooking that do arise from the proposed extension will not be of sufficient significance to warrant refusal of planning permission.

The proposed extension may be overlooked by neighbouring properties. However, it should be noted that due to the historic perimeter block street layout of Castle Street and The Esplanade most neighbouring properties overlook each other in one way or another.



Criteria (c) of Policy 14 requires extensions to houses to take up no more than 50% of the original useable garden ground afforded to the property at 4 The Esplanade. The proposed extension will have a footprint which amounts to 16m² which is the equivalent to 11% of the original usable garden ground afforded to the property at 4 The Esplanade when taken in combination with the footprint of the kitchen extension to the eastern gable of the original house.

The proposals comply with the requirements of Policy 14 (Alterations and Extensions to Houses) of the Dundee Local Plan Review 2005.

Policy 55 (Urban Design) stipulates that all development proposals in their design and layout will be expected to preserve or enhance historic street layouts. The extension as built is not visible from The Esplanade or Castle Street due to the extent of the existing

house and boundary treatments enclosing the rear garden of the application site. However, the extension by virtue of design, scale, massing and finishing materials will maintain the appearance of the existing house. The introduction of modern features such as floor to ceiling folding doors and a sun pipe highlights that while the proposed extension is sympathetic to the traditional design and finish of the existing house, it is not part of the original building but a later addition to it.

The proposals satisfy the requirements of the Policy 55 (Urban Design) of the Dundee Local Plan Review 2005.

It is the aim of Policy 61 (Development in Conservation Areas) to support proposals that will enhance or preserve the character and setting of conservation areas. The extension combines traditional design and finishing materials with modern architectural features (powder coated aluminium framed folding doors, sun pipe etc). The extension as built maintains the appearance of the existing house and neighbouring properties while enhancing the quality of living accommodation at 4 The Esplanade. The extension is not visible from The Esplanade or Castle Street and therefore does not impact upon the character or setting of the Broughty Ferry Conservation Area.

The proposals comply with the requirements of Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005.

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 extension by virtue of scale, massing, design and finishing materials is considered to respect the appearance of the existing building at 4 The Esplanade as well as neighbouring properties. The extension is not visible from The Esplanade or Castle Street due to its location and the extent of existing boundary treatments enclosing the rear garden of the application site. The extension therefore preserves the character and appearance of the

Broughty Ferry Conservation Area. The proposals satisfy the requirements of Section 64.

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:

Views of the Objectors

12 letters of objection have been received from residents of Broughty Ferry and Dundee. The concerns raised include:

- Contravention of Development Plan policies

The Objectors have raised a concern that the extension and associated works in the gardens of 4 The Esplanade Broughty Ferry, contravene the requirements of the Development Plan.

As detailed in the Observations section above, the extension and associated garden works have been assessed against and found to comply with the requirements of Policy 14 (Alterations and Extensions to Houses), Policy 55 (Urban Design) and Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005. In addition to the requirements of the Dundee Local Plan Review 2005, the proposals were also assessed against and found to satisfy the criteria of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The concerns of the Objectors are not supported in this instance.

- The impact of the proposed extension on the surrounding conservation area

The objectors have raised concern that the extension as built does not respect the character of the surrounding conservation area due to the inclusion of a sun pipe, white powder coated aluminium framed windows, the finish of the stonework and the type of roof slate on the roof.

Although the sun pipe and floor to ceiling white powder coated aluminium framed folding doors are not traditional design features of period houses located within

conservation areas, the extension is a modern addition to the original house which combines traditional architecture with modern design features. The resulting extension is of a scale, massing and finish that is complimentary to the appearance of the existing house and surrounding properties while the modern design features enhance the level of usable floor space and environmental quality afforded to the existing property at 4 The Esplanade with minimal impact on neighbouring properties. This is demonstrated by the omission of the roof lights on the eastern roof plane of the extension and their replacement with a sun pipe which lessens the perception that the property at 5 The Esplanade is being overlooked.



The colour of the natural slate on the extension roof matches the colour of the slate roof of the original house. It is acknowledged that the slates on the original house are larger than those on the extension roof. However, in terms of impact on the historic character of the existing property at 4 The Esplanade, the extension by virtue of roofing materials does not adversely affect the appearance of the existing house or neighbouring properties.

In this instance the concerns of the objectors are not supported.

- The finish of the extension as built

The objectors are concerned that the extension has been finished in a synthetic stone with the mortar being cement based rather than lime based. The objectors also assert that if this is the case the extension cannot be considered acceptable within a conservation area.

The applicant has confirmed that the stone used on the walls of the

extension was sourced from a quarry in the Lothians as the stone that the original house was built from is no longer available. The stone that the extension has been finished in was cut prior to being used and therefore appears fresher than the original house. However, through time this stone shall weather to blend with the stone on the original house.

The composition of the mortar used on the proposed extension is lime, water and sand (1-1-3).

The case officer having visited the site has confirmed that the extension is finished in natural stone and not a synthetic replica and that the mortar used is lime based and not cement based.

In this instance the concerns of the objectors are not supported.

- Overdevelopment of the original property

The objectors have raised concern that the extension as built in combination with the existing extension to 4 The Esplanade is an overdevelopment of the application site.

Criteria (c) of Policy 14 allows for 50% of the original garden ground afforded to the property at 4 The Esplanade to be developed.

The extension in combination with the original kitchen extension takes up approximately 11% of the original usable garden ground afforded to the house at 4 The Esplanade and satisfies the requirements of Criteria (c) of Policy 14. The extension therefore cannot be considered an overdevelopment of the application site as it complies the requirements of Policy 14 of the adopted Local Plan.

In this instance the concerns of the Objectors are not supported.

- Issues of overshadowing

The Objectors have raised concern that the extension by virtue of increased ridge height will overshadow neighbouring properties. This issue has been discussed in the Observations section of this report and it has been concluded that the extension as built will not exacerbate existing issues of overshadowing due to the position of the extension in relation to the eastern boundary wall and fence and the low profiled hipped roof design.

This concern is not supported.

- Overlooking

The Objectors have raised concern that the extension by virtue of floor to ceiling glazed panels and roof lights will significantly overlook and overhear neighbouring properties to the north and east of the application site.

The objectors also claim that the floor level of the extension has been increased and this is evident from the increased ridge height of the extension. The case officer has confirmed that the floor level of the extension is no greater than is detailed on the plans approved by planning application 10/00334/FULL and that there is still a step down into the extension from the original house. Therefore as there is no difference in the floor level of the extension as approved by planning application 10/00334/FULL and the extension as built, the extension shall not impact upon neighbour's privacy to a greater degree than established by the approval of planning application 10/00334/FULL.

The impact of the extension on neighbour's privacy has been discussed in the Observations section of this report and it has been concluded that the extension as built will not overlook or overhear neighbouring properties to such a level to warrant refusal of planning permission.

This concern is not supported.

- Landscaping

The objectors have raised concerns that the plans detailing the works taking place on site do not include the levelling of the upper garden, the formation of a new patio area or the formation of a new lawn.

A landscaping plan showing the extent of the works to the garden including details of the timber barbeque canopy, the location and form of fencing and the new retaining wall was submitted to the Council and made publicly available on 28 July 2011. All letters of objection to this planning application were received on 10 and 11 August 2011. It is considered that the information submitted relating to works in the garden grounds of 4 The Esplanade was available for a significant period of time prior to the submission of any objections and therefore objectors had sufficient time to consider the proposals in their fullness.

The works to the garden of the application site have been assessed against the requirements of the Development Plan in the Observations section of this report. It has been concluded that the levelling of the upper garden, the formation of a new patio area, the formation of a new lawn, the erection of a new retaining wall, fence and canopy over the barbeque satisfy the requirements of the Development Plan.

In this instance the concerns of the objectors are not supported.

- Erection of unauthorised fencing

The fencing erected on top of the new retaining wall is detailed on a landscaping plan submitted as part of this planning application. The fencing separates the upper and lower levels of the garden and is of a ranch style design that does not impact on the visual amenity of the application site, surrounding properties or conservation area.

In this instance the concerns of the objectors are not supported.

- Erection of unauthorised shed

The objectors have raised concern that a garden shed has been erected at 4 The Esplanade without planning permission.

A new garden shed serving the property at 4 The Esplanade has been erected in the pedestrian access between the rear garden, of 4 The Esplanade and Castle Street. The shed is of a domestic scale and design and is only partially visible from Castle Street due to the existing boundary treatments serving the properties at 38 Castle Street, 5 The Esplanade and 4 The Esplanade. The shed is located outwith the application site and therefore does not form part of planning application 11/00362/FULL.

This matter shall be passed to the Planning Enforcement Officer for further investigation.

- Impact on eastern boundary wall

The objectors have raised concern that the applicant intends to increase the height of the eastern boundary of the application site as there was timber leaning against the wall.

The applicant has confirmed that the eastern boundary of the application site shall not be increased in height.

In this instance the concerns of the objectors are not supported.

- Unauthorised tree works

The objectors have stated that the applicant has carried out tree works without consent from the Council's Forestry Officer. Although there is evidence that some tree works have taken place, the tree is located in a neighbour's garden and not within the property at 4 The Esplanade with the tree works carried out by the neighbouring property owner.

In this instance the concerns of the objectors are not supported.

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. It is therefore recommended that planning permission be granted in accordance with the provisions of the Development Plan.

Design

The extension is of a scale, massing, design and finish that maintains the appearance of the existing house and surrounding Broughty Ferry Conservation Area.

CONCLUSION

The single storey extension to the rear elevation of the existing house at 4 The Esplanade complies with the requirements of the Dundee Local Plan Review 2005. The concerns of the objectors are not supported. It is therefore recommended that planning permission is granted.

RECOMMENDATION

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

- 1 No Conditions attached to this consent.

Reasons

- 1 No Reasons attached to this consent.