

**KEY INFORMATION**

Ward West End

**Proposal**

Proposed new build local area housing office within grounds of existing dwelling

**Address**

Land to south of 36 Peddie Street  
Dundee

**Applicant**

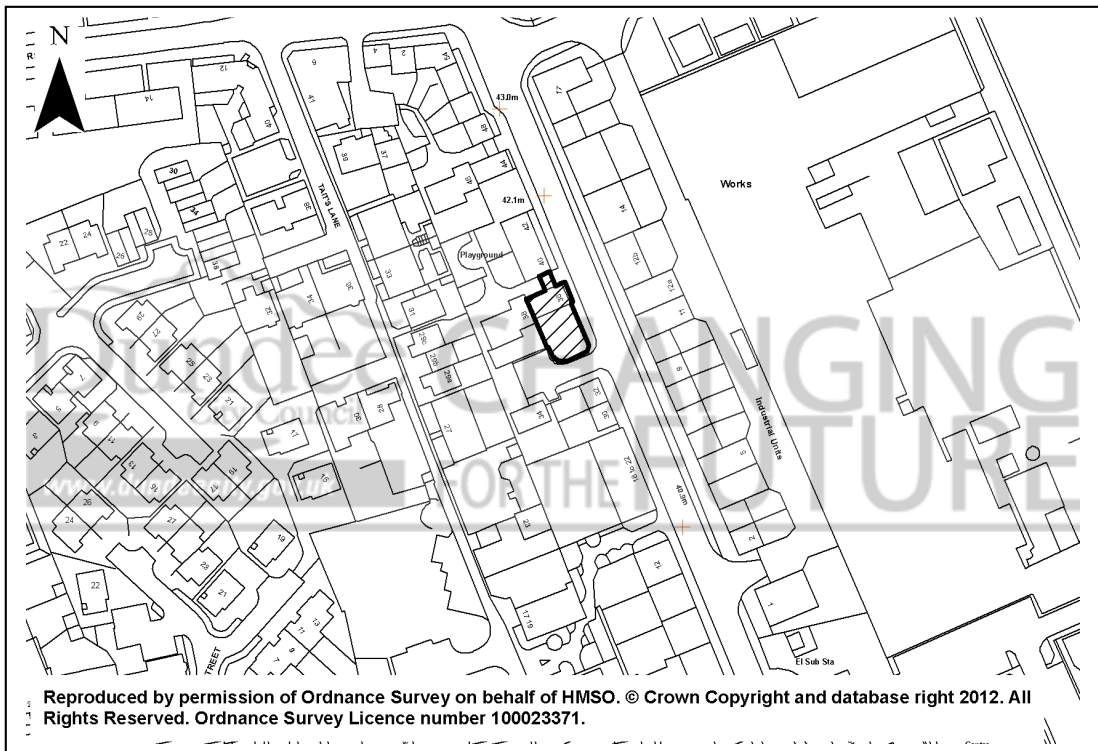
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**Agent**

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Registered 17 May 2012

Case Officer B Knox



## New Office Building at Peddie Street

The proposed new building local area housing office within grounds of existing dwelling is **RECOMMENDED FOR REFUSAL**. Report by Director of City Development.

**RECOMMENDATION**

It is concluded that the proposed development will detract visually from the surrounding area and that the use proposed is not acceptable due to the loss of amenity to the occupants of the existing dwelling and that of neighbouring residential occupiers. The proposed development is therefore contrary to parts of Policy 1 and Policy 15 of the Dundee Local Plan Review 2005. It is considered that there are no material considerations of weight such as to warrant approval of the application and the application is therefore recommended for REFUSAL.

**SUMMARY OF REPORT**

- The application proposes the erection of a 2 storey detached building to be utilised as an office by a housing management company.
- Policy 1 and Policy 15 of the Dundee Local Plan Review 2005 are relevant to the determination of the application. It is considered that the application fails to comply with the requirements of these Policies.
- The application was advertised as a Departure to the Development Plan and the neighbour notification procedure was carried out. In total, 3 letters of objection were received in relation to the proposals raising concerns in relation to overlooking, loss of existing on street parking and the removal of a family home in the area. The terms of the objections are generally supported.
- The application is being referred to the Development Management Committee as a small portion of the site relates to land under the ownership of the Council.
- The application is recommended for refusal.

## DESCRIPTION OF PROPOSAL

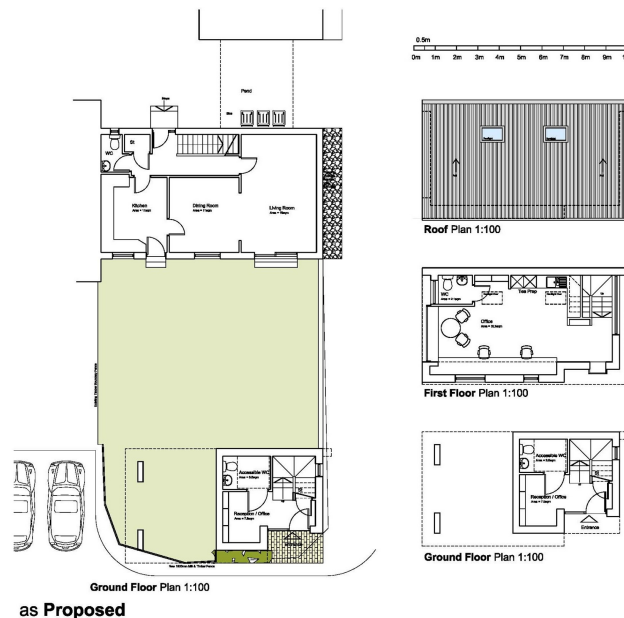
The application proposes the erection of a 2 storey detached building to be utilised as an office by a housing management company. The proposed building would be accessed from the south elevation and would provide a reception and WC to the ground floor and an open plan office to the first floor with a small toilet and tea preparation area. There would be an area of vertical glazing to the front door and two further separate windows to the first floor on the south elevation. There are to be large areas of glazing to each of the gables at first floor level. In addition, it is proposed that there shall be two roof lights to the rear facing roof slope. The applicant has submitted a Design Statement to accompany the application.

## SITE DESCRIPTION

The application site is located in the west of the city on the west side of Peddie Street. Peddie Street runs from north to south and slopes downwards in this direction. It is comprised of tenement properties to the north end with some more modern residential properties to the central section of the street and further tenement style properties to the south of the street. There are buildings of an industrial nature to the east side of the central part of the street. There is significant demand for on street parking in the area due to the variety of uses and house types and the carriageway width is therefore often reduced. In addition, there are double yellow lines to the east and south of the property to prevent on street parking and restrictions to the front of the access pend to ensure car access to the dwellings within is maintained. Therefore, there is a limitation on the amount of on street parking available in the vicinity of the site.

The application property is located in the central portion of modern properties on the street. It is a two storey dwelling which includes an overpath area over an access pend to

other dwellings. The private garden is enclosed by a timber fence of approximately 2 metres in height and is to the south of the dwelling. There is an adjoining dwelling to the west of the site which is single storey. There is a parking courtyard to the south of the site providing approximately four parking spaces. This is not within the bounds of the application site.



Policy 15: Development In Garden Ground.

## Scottish Planning Policies, Planning Advice Notes and Circulars

The Scottish Planning Policy document is the statement of the Scottish Government's policy on nationally important land use planning matters. It is not considered to be of direct relevance to the current proposals.

## Non Statutory Statements of Council Policy

There are no statements of relevance.

## SUSTAINABILITY ISSUES

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

## SITE HISTORY

A previous planning application 11/00604/FULL for the erection of a housing office in the garden ground of the property was withdrawn by the applicant before a decision could be reached.

## POLICY BACKGROUND

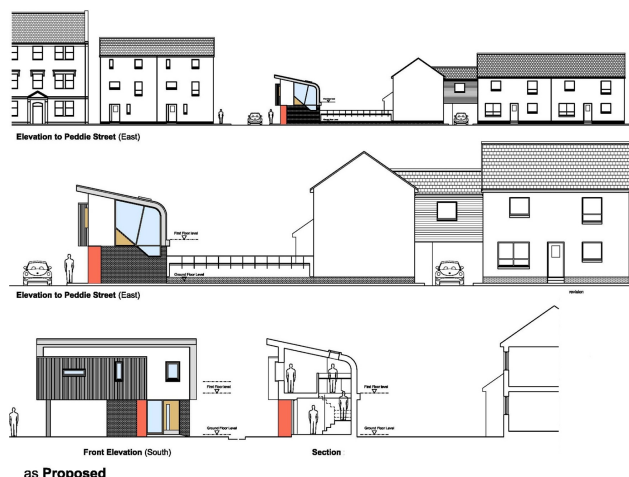
### TAYplan Strategic Development Plan 2012

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

## PUBLIC PARTICIPATION

The application was advertised as a Departure to the Development Plan and the Statutory neighbour notification procedure was carried out. In total, three letters of objection were received in relation to the proposals. The valid concerns of the objectors are:

- There is on street parking that would be lost if the car port were to be positioned in the location shown.
- At present, the house at number 36 is the only house overlooking the objectors property. They consider that the house is a reasonable distance away and it is the windows of the bedrooms that have a view over. The proposed development is very close and it is the kitchen and living area windows that look over. This is an unacceptable invasion of privacy.



## Dundee Local Plan 2005

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities.

- The proposed development removes the garden of number 36 and introduces a building that is not in keeping with the area. This area of Peddie Street is a group of 3 or 4 bedroom family homes with gardens.
- The proposed site is very small. On the side of the lane where the building is to go there is no pavement. The drawings show a pavement making this gap appear wider than it is. This is the only access road to get to number 36, for entrance to my garage and for parking. Any reduction in the width of this access would create problems for all users. The proposed building will reduce visibility when entering and leaving the car park. This reduced visibility is already a problem if cars are parked on the yellow lines, it can be extremely dangerous for pedestrians and other road users when trying to get the car out of this narrow road. As the new primary school is being built at the top of the road this street will be busier with children and parents and traffic and this in combination with reduced visibility creates a potential safety hazard.
- Parking in this area is at a premium and further congestion in such a narrow road is potentially hazardous.
- General concerns regarding lack of privacy from an adjoining resident.

It is intended to comment on the above concerns in the Observations section of this report.

## CONSULTATIONS

The Environment Department has advised that there is the potential for residents to be disturbed by noise and as such they have requested that a noise restriction condition be attached to any grant of permission.

## 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.



### 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 Dundee Local Plan Review 2005 supports a broad diversity of uses in existing residential areas. As part of this, Policy 1 states that "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."

The application proposes the introduction of a commercial use into what is a predominantly residential area. The applicants agent has confirmed that it is to be utilised by a housing management company for the purposes of their office and that there would be a maximum of three staff members at any one time with occasional visitors calling to the office for short meetings or for the purposes of collecting keys. It is therefore considered to be necessary to assess the application in relation to the requirements of Policy 1 as specified above.

In terms of design and layout it is proposed to include large areas of glazing to each of the gables and smaller windows to the south elevation at first floor level. It is considered that the design and layout of the building with windows to the south elevation will increase the degree of overlooking to the garden area of

the residential property at number 32 Peddie Street. This is due to the fact that the proposed building would be situated approximately 7.6 metres from the boundary of the garden at number 32 Peddie Street, compared to the fact that the existing dwelling with its associated bedroom windows is situated approximately 21.4 metres away from the garden boundary at number 32 Peddie Street. It is considered that the design of the building with windows located on the south elevation building as has been proposed together with the fact that the

layout of the proposal which is such that the building will be significantly closer to the nearby property, means that there will be a significant increase in the degree of overlooking of the garden of 32 Peddie Street as a result of the design and layout of the proposals.

One of the gable windows shall face onto the street and the other one shall face in a westerly direction. In a similar way to as has been set out above, the design of the property with large windows to the west side gable would present the opportunity to

overlook the private garden ground of the property at 38 Peddie Street. The window shall be positioned approximately 1.9 metres from the

boundary with the adjacent garden. This is considered to be to a significant impact in terms of the privacy currently enjoyed by the occupier of the dwelling at 38 Peddie Street and for this reason the design and layout of the proposed building is not considered to be acceptable or capable of complying with the requirements of Policy 1 of the Dundee Local Plan Review 2005 which seeks to minimise any affect on the environmental quality enjoyed by local residents.

In considering the layout of the proposal, it has the potential to impact upon the outlook from the rear of the existing house. It is noted that the proposals indicate that the undercroft area will be open to the street and allow views out with the site for the occupiers of the existing dwelling at 36 Peddie Street. This has the effect that the rear garden area would no longer provide private garden space for the existing dwelling since it would be possible to view into this area from the street. As part of this, it is considered that a lack of delineation by means of a boundary enclosure would result in the garden being unused due to its resulting open nature where there would be a distinct lack of privacy afforded to the residential occupiers. The resulting open feeling through the undercroft area and beyond would be detrimental to the environmental qualities currently enjoyed by the existing dwelling.

It is recognised that the layout has most likely been proposed in this manner in order to avoid the existing property being left with a penned-in feeling to the existing garden area. It is considered that if the ground floor were to be completely enclosed rather than leaving the undercroft area open, this would also be detrimental to the environmental qualities enjoyed by the occupiers of the existing dwelling at number 36 Peddie Street as although it would retain privacy to the garden area, it would result in a boxed in and oppressed feeling for the occupiers of the existing dwelling.

In addition, the building is to be located at the foot of the existing garden. It is recognised that the existing dwelling and another existing block of the same build style is located with their gables to the street frontage. However, this has been designed as part of a larger development where the central section faces out onto the street. They appear as part of a

cohesive development. Contrary to this, the proposed building with its gable fronting onto the street is located in an incongruous and isolated location and does not relate to the existing townscape.

Furthermore, it is considered that the layout of the building in this location at the foot of the garden has the potential to have a detrimental impact upon the existing residential occupiers in relation to loss of sunlight/daylight. In this regard, the applicant has provided an analysis of the potential for loss of sunlight/daylight as a result of the proposals. It concludes that the diagrams show a minimum loss of useable garden due to the impact of the proposed new build development and that the loss of sunlight would be at its greatest during the winter months.

It is considered that the potential loss of sunlight during the winter months would be detrimental to the quality of environment currently afforded to the existing dwelling. The impact during the summer months is shown to be minimal and this is considered to be acceptable. The potential for an impact throughout the autumn month of September has also been shown by the submitted Design Statement. It is considered that the projected level of 40% loss between the hours of 11am and 1pm would diminish the quality of the amenities currently afforded to the residential occupiers of the dwelling. Taking the above factors into consideration, it is concluded that the impact of the proposed building in terms of sunlight/daylight loss would not be of an acceptable level and therefore the application cannot be supported in this regard.

Taking the above factors into consideration, it is concluded that the design and layout of the proposal would be detrimental to the environmental qualities currently enjoyed by local residents, contrary to the provisions of Policy 1 of the Dundee Local Plan Review 2005.

Policy 1 also states that new development should seek to minimise the impact upon local residents in terms of parking and traffic movement issues.

In terms of the requirement for parking it is preferable that commercial uses within residential areas provide for an appropriate level of parking within the curtilage of the site. The applicant's

agent has confirmed that there will be no parking provided with the use.

It is considered from visiting the site and surrounding area, that parking is in high demand in this location due to the concentration of tenement style properties for a large part of the west side of Peddie Street. This is also true for the area in the immediate vicinity of the site including the cul de sac within which the proposal is proposed to be located and accessed from. Furthermore, there are waiting restrictions in the form of double yellow lines to the east and south of the site and further restrictions to the front of the access pend to allow car ingress and egress. There is therefore a limitation on the degree of on street car parking available in the area.

Taking this into consideration, the siting of such a use in this location is likely to create demand for further spaces and it is considered that there is a realistic potential that this will have a detrimental impact upon the parking available to residential occupiers in the immediate area. This is particularly significant when considering that the applicant's agent has advised there could be up to a maximum of three staff with occasional visitors to the site. This could mean that there is demand for a number of car parking spaces at any one time since there is no guarantee that staff or visitors will arrive by public transport. It is considered that the potential demand for parking in an already somewhat congested area would be detrimental to the parking for existing residents.

In relation to Policy 1 it also states that applications should seek to minimise any effects in terms of noise or smell. It is not considered that there are any issues in this regard.

It is concluded from the foregoing that the proposals fail to comply with the requirements of Policy 1 of the Dundee Local Plan Review 2005.

Policy 15 of the Dundee Local Plan Review 2005 is applicable to proposals that seek permission for new developments within existing garden ground. There are a range of criteria which require to be satisfied in this regard.

- a The proposal is of high quality design and uses materials appropriate to its surroundings.

It is considered to be relevant to assess the layout of the proposal as being an important component of the design for the proposals. As discussed above in relation to Policy 1, the building is to be located at the foot of the existing garden. It is considered that the proposed building with its gable fronting onto the street is located in an incongruous and isolated location and does not relate to the existing townscape. For this reason alone, the design of the building is not considered to be acceptable in this instance.

The proposed building appearance is to be of a modern style. The proposed materials would be smooth white render with a glazed brick course to the wall finish. There would be timber stained gable windows with a profiled aluminium cladding and hardwood entrance door. It is considered that the style and appearance of the building is innovative and attractive, using high quality materials which would not be out of keeping with the surrounding area. However, for the reasons set out above, despite these factors, it is considered that the fail to comply with this part of Policy 15.

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.

The proposed building would have a footprint of approximately 21.5m<sup>2</sup> which does not include any areas of building above the car port area. This would not exceed one and a half times the footprint of the original main house and so the proposal is acceptable in this regard.

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.

The proposed building would have a footprint of approximately 21.5m<sup>2</sup> which does not include any areas of building above the proposed car port area. However, the total area of hardstandings resulting from the proposal would amount to approximately 127m<sup>2</sup>. This amounts to approximately 56% of the total site area and is therefore contrary to this requirement of Policy 15. In the same way, this means that the remaining green area which could be described as cultivatable will account for less than 60% of the site. The area beneath the undercroft is not considered to amount to cultivatable garden ground as it would be lacking in the provision of sunlight/daylight and could not be considered to be useable under the definition of useable garden ground in the Dundee Local Plan Review 2005. For this reason, the application fails to comply with this requirement of Policy 15.

d Prevailing densities in the area are respected.

The building density in the surrounding area is comprised of a mixture of building types and tenures, including tenemental style flats to the south and industrial units to the east on the opposite side of the street. The density of the proposal is therefore not considered to be an issue in this instance.

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.

In this particular case, the front door to the property is located to the north elevation in the access pend area beyond the upper floor level attached to the existing dwelling. The north elevation is therefore largely hidden and it is not therefore considered to be the main elevation of the dwelling. Instead, it is considered that the south elevation can be visually considered to be the main

elevation of the dwelling due to the site characteristics and fact that it is visually prominent.

Therefore, it is considered that the application fails to comply with this criteria of Policy 15 as the building would be located to the front of the main elevation of the existing dwelling.

f Prominent frontages and elevations of architectural character on the original house will remain largely intact.

The application is considered to be acceptable in this regard as there are no elevations of architectural character on the original house.

g The proposal conforms to the Council's non-statutory guidance on Breaches in Boundary Walls.

There would be no breaches in boundary walls associated with the proposal. Therefore there are no concerns in this regard.

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.

There are no significant trees on site and therefore this criteria is not relevant to the proposal.

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.

It is considered that the submitted design statement provides sufficient information regarding the possible landscaping. This would be required to be the subject of a condition in the event of the approval of the application.

Taking the above into consideration, it is concluded that the application fails to comply with all of the requirements of Policy 15 of the Dundee Local Plan Review 2005 and all of the requirements of Policy 1 as specified above. Therefore the application is contrary to the Development Plan.

## Material Considerations

### A - Applicant's supporting information

The applicant's agent submitted a Design Statement with the submission of the application. It provides a description and analysis of the site along with montage images of the proposal. It advises that the design proposal has been developed to minimise the impact on the adjoining property and to define an urban edge and goes on to provide the background as to the entire design process including the fenestration, roof design and materials.

The document goes on to state that the footprint of the proposed development and the existing dwelling will not exceed 40% of the overall site area ensuring 60% cultivatable ground in accordance with Planning Policy.

In addition, the document provides a detailed analysis of the potential to impact upon the existing dwelling in terms of daylight and overshadowing. It concludes that the diagrams show a minimum loss of useable garden due to the impact of the proposed new build development and that the loss of sunlight would be at its greatest during the winter months.

The merits of the design and layout have been discussed in relation to the Policies of the Development Plan above where it was concluded that the application proposals fail to comply with the design requirements of Policy 1 and 15 of the Dundee Local Plan Review 2005.

The criteria of Policy 15 which the submitted Design Statement makes reference to in relation to the site area covered by cultivatable ground has already been discussed in relation to the relevant Policy where it was concluded that the application site would be comprised of hardstandings amounting to approximately 57% of the site with insufficient area remaining for cultivatable garden ground. Therefore, the comments in the Design Statement in this regard are not supported.

As discussed above in relation to the analysis offered by the applicant's Design Statement regarding daylight/overshadowing, the Council considers that the potential loss of sunlight during the winter months

would be detrimental to the quality of environment currently afforded to the existing dwelling.

### B - Views of the objectors

The following valid planning concerns were raised:

- There is on street parking that would be lost if the car port were to be positioned in the location shown.

There is no car port being proposed as part of the application. The potential impact in terms of traffic movement and parking has been assessed in relation to Policy 1 of the Dundee Local Plan Review 2005 where it was concluded that there is a realistic potential that this proposal would have a detrimental impact upon the parking available to residential occupiers in the immediate area.

- At present, the house at number 36 is the only house overlooking the objectors property. They consider that the existing house is a reasonable distance away and it is the windows of the bedrooms that have a view over. The proposed development is very close and it is the kitchen and living area windows that look over. This is an unacceptable invasion of privacy in the opinion of the objectors.

This issue has been discussed in relation to the layout of the proposals under the terms of Policy 1. It should be noted that the application seeks permission for an office and not a dwelling as implied by the objectors comments in this regard. Nevertheless, the potential for an increase in overlooking is considered to be significant and the views of the objectors in this instance are supported.

- The proposed development removes the garden of number 36 and introduces a building that is not in keeping with the area. This area of Peddie Street is a group of 3 or 4 bedroom family homes with gardens.

The Council considers that the introduction of such a use into what is a predominantly residential area would be alien

and incongruous to the surrounding nature of land uses. This is despite the fact that there is an industrial site directly to the east side of Peddie Street as this is a defined, separate area which does not straddle between residential dwellings. This is exemplified by the fact that there would be detrimental impacts upon existing residents in the vicinity as discussed in the report above.

- The proposed site is very small. On the side of the lane where the building is to go there is no pavement. The drawings show a pavement making this gap appear wider than it is. This is the only access road to get to number 36, for entrance to my garage and for parking. Any reduction in the width of this access would create problems for all users. The proposed building will reduce visibility when entering and leaving the car park. This reduced visibility is already a problem if cars are parked on the yellow lines, it can be extremely dangerous for pedestrians and other road users when trying to get the car out of this narrow road. As the new primary school is being built at the top of the road this street will be busier with children and parents and traffic and this in combination with reduced visibility creates a potential safety hazard.
- Parking in this area is at a premium and further congestion in such a narrow road is potentially hazardous.

There is no proposal to provide a parking space in the undercroft area. Issues regarding car parking demand and congestion have been discussed in relation to Policy 1 of the Dundee Local Plan Review 2005 where it was concluded that the application would fail to comply with the requirements.

- General concerns regarding lack of privacy from an adjoining resident.

Issues regarding lack of privacy to the adjoining residents and those occupiers to the south of the site have been discussed in relation to the proposed design

layout of the building where it was concluded that the application building would lead to unacceptable degree of overlooking.

## Design

It is acknowledged that the general form and materials put forward for the proposed building are innovative in appearance and style.

Notwithstanding this, and as discussed in relation to both Policy 1 and Policy 15 of the Dundee Local Plan Review 2005, the design and layout of the proposal is not supported due to the impact upon neighbouring property occupiers and the fact that the siting of a building of this nature in this location is considered to be incongruous and would be within an isolated location which does not relate to the existing townscape.

For the reasons set out above, the design of the building is not considered to be acceptable in this instance.

## CONCLUSION

It is concluded from the foregoing that the application will detract from the surrounding area and that the use proposed is not acceptable due to the loss of amenity to the occupants of the existing dwelling and that of neighbouring residential occupiers.

The proposed change of use is therefore contrary to parts of Policy 1 and Policy 15 of the Dundee Local Plan Review 2005. It is considered that there are no material considerations of weight such as to warrant approval of the application.

## RECOMMENDATION

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

### Reasons

1 The application is contrary to Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review by virtue of the proposed design and layout which would be likely to result in an unacceptable degree of overlooking, loss of sunlight/daylight, a detrimental effect upon the outlook enjoyed by the existing dwelling and by virtue of the isolated position in which the development is

proposed. There are no material considerations to justify a decision contrary to this.

- 2 The application is contrary to Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005 as the proposal would lead to an increase in the demand for on street parking in the vicinity of the site where there are parking restrictions and there is existing congestion. This would be to the detriment of the existing residential occupiers and be detrimental to the road safety of the area. There are no material considerations to justify a decision contrary to this.
- 3 The application fails to comply with Policy 15 (Development in Garden Ground) of the Dundee Local Plan Review in relation to criteria (a) Design, (c) Amount of buildings/hard standings on site and criteria (e) No new building in front of the main elevation. These breaches would be to the detriment of the existing dwelling and surrounding area. There are no material considerations to justify a decision contrary to this.