

# New House at Tower Court

## KEY INFORMATION

**Ward** The Ferry

**Address**

Site of 2 Tower Court  
Ralston Road

**Applicant**

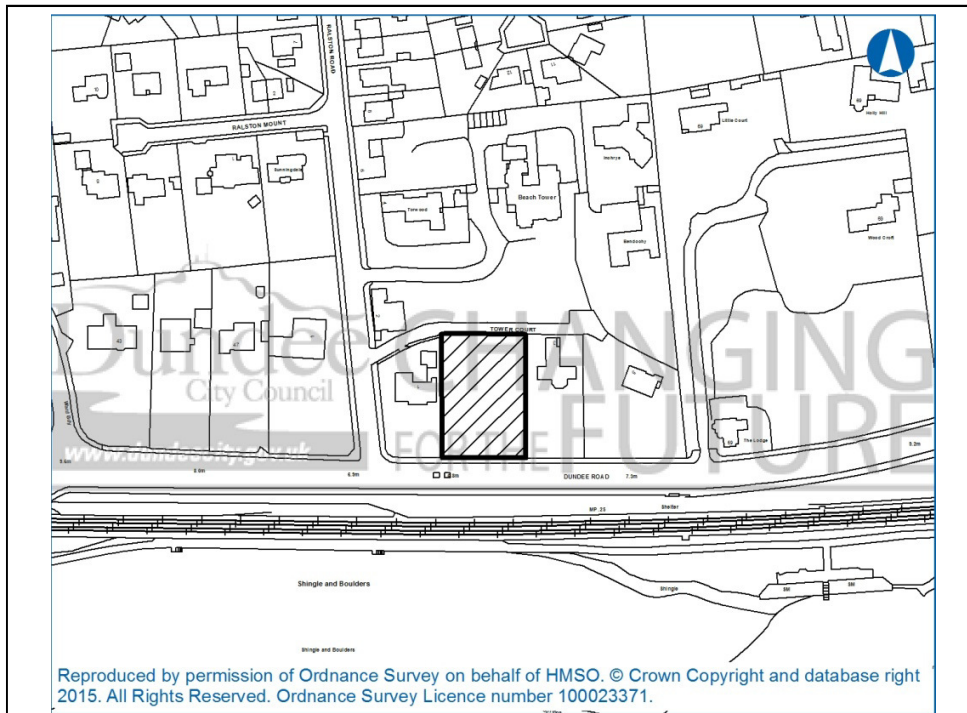
Mr Alan Jardine Bendochy  
Ralston Road  
Dundee DD5 1NQ

**Agent**

Charles Mackie  
Charles Mackie Architects  
364 Perth Road  
Dundee DD2 1EN

**Registered** 18 March 2015

**Case Officer** Paul Macari



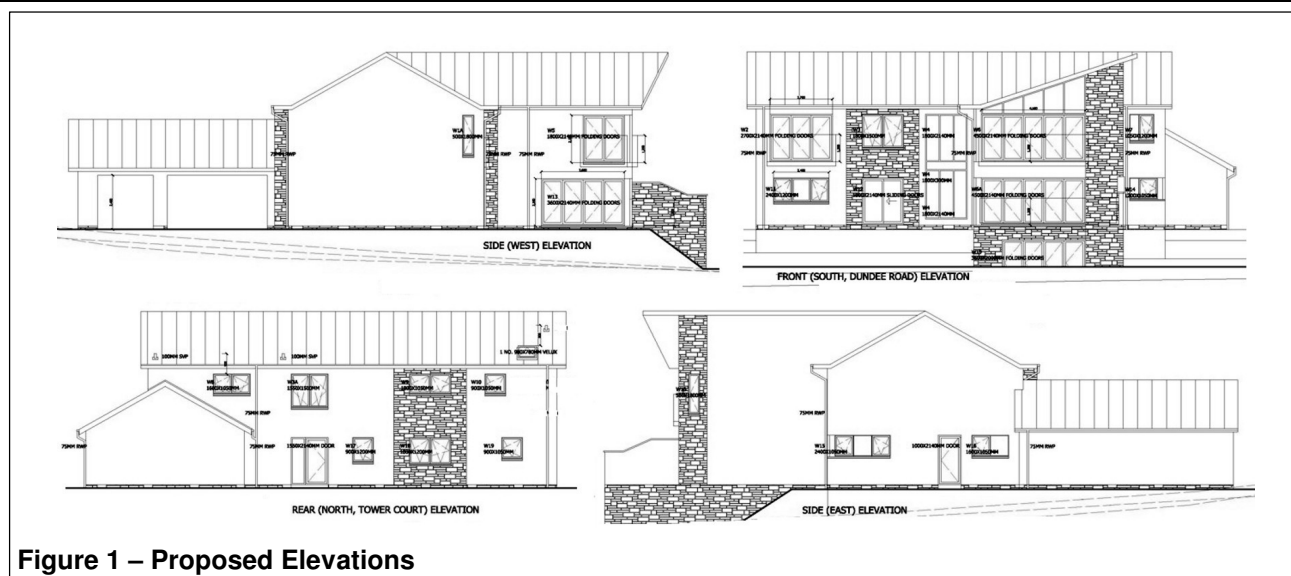
## SUMMARY OF REPORT

- This application seeks planning permission for the erection of dwelling house and garage on the site of 2 Tower Court, Ralston Road, Broughty Ferry, Dundee
- Policies 7 (High Quality Design), 9 (Design of New Housing), 29 (Low and Zero Carbon Technology in New Development), 42 (Sustainable Urban Drainage) and 45 (Land Contamination) of the Dundee Local Development Plan are relevant to the proposed development.
- 6 letters of objection have been received from neighbouring residents.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=NLEXRSGCG2000>.

## RECOMMENDATION

The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. It is therefore recommended that the application is **APPROVED** subject to conditions.

# 1 DESCRIPTION OF PROPOSAL



**Figure 1 – Proposed Elevations**

- 1.1 This application seeks planning permission for the erection of a dwelling house and garage on the site of 2 Tower Court, Ralston Road, Broughty Ferry, Dundee.
- 1.2 The proposed house will be positioned centrally on the site with the garage adjoining the northern elevation of the house positioned in the north eastern corner of the site.
- 1.3 The proposed house will be split level to take account of the north to south slope of the site and will therefore have the appearance of a two storey dwelling when viewed from the north and when viewed from the south the house will have the appearance of a three storey dwellinghouse.
- 1.4 The proposed house will have white smooth rendered walls with a stone base course. The proposed house will combine a mono pitched roof with a traditional pitched roof that will be finished in a single ply material. The proposed windows and doors will be grey aluminium framed double glazed units.
- 1.5 The proposed house will comprise of 3 levels of accommodation. The lower ground floor will contain a swimming pool, plant room, sauna, changing rooms and two unspecified rooms. The ground floor will contain the main entrance to the house, a kitchen, dining room, study, guest bedroom with ensuite, family room, WC and storage cupboards. The upper floor will comprise of a lounge, two bedrooms, a master suite with ensuite and walk-in wardrobe and family bathroom. South facing floor to ceiling glazed doors with Juliette balconies will serve the first floor lounge and master suite. On the ground floor the family room will be served by a south facing patio extending over the roof of the swimming pool on the lower ground floor.
- 1.6 The existing vehicle access to the site will be maintained with a hard surfaced drive way surfacing the area of the site between the proposed house and Tower Court carriageway. An elevated patio will extend from the driveway around the western elevation and southern elevations of the proposed house.
- 1.7 In accordance with the Council's Scheme of Delegation this application is being reported to the Development Management Committee as six letters of objection have been received.

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## 2 SITE DESCRIPTION

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- 2.1 The application site is located on the northern side of Dundee Road and the eastern side of Ralston Road within the Tower Court cul-de-sac. The application site was formerly occupied by a single storey dwelling house that has since been demolished to make way for the erection of a replacement house. Work has commenced on site with the foundations of the proposed house completed but has now stopped until this application is determined.
- 2.2 The application site is largely level with a slight north to south slope. The site is bound by a combination of mature trees (with Tree Protection Orders) and a 1.8m high stone retaining wall to the south. To the east the site is bound by a horizontal timber fence. To the west the site is bound by a red brick wall and hedge. To the north the site is open with a small area of hard standing remaining where access from Tower Court to the application site would have been taken previously. At present the northern boundary of the site is delineated with heras fencing for safety during construction works.
- 2.3 On the northern side of the Tower Court access road there is a large embankment which levels to form the southern lawn serving the properties within the A listed building at Beach Tower.
- 2.4 The properties to the east and west of the application site have been modified to take advantage of their southern aspect but mainly take the form of single storey low profiled detached dwellinghouses positioned to form a crescent shape. The properties have generous south facing garden grounds with access to the properties taken from the Tower Court cul-de-sac to the north. The neighbouring properties have traditional roof designs and are finished in traditional materials and colours.

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## 3 POLICY BACKGROUND

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- 3.1 The following plans and policies are considered to be of direct relevance:

**DUNDEE LOCAL DEVELOPMENT PLAN**

Policy 7: High Quality Design

Policy 9: Design of New Housing

Policy 29: Low and Zero Carbon Technology in New Development

Policy 42: Sustainable Urban Drainage Systems

Policy 45: Land Contamination

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

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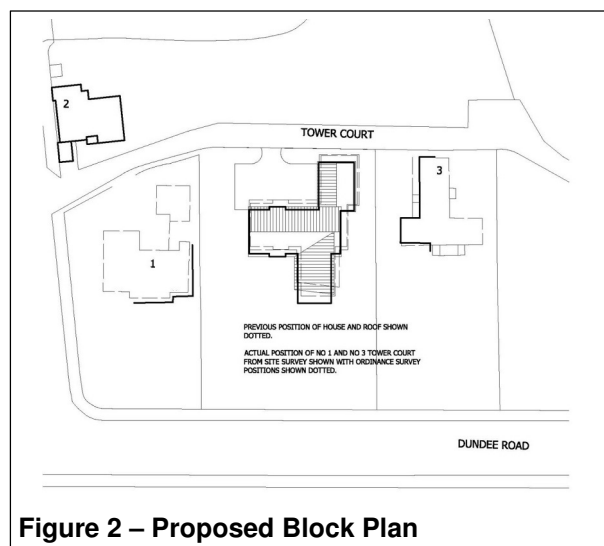
## 4 SITE HISTORY

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- 4.1 12/00492/FULL - this application sought planning permission for the erection of a house and garage on the site of 2 Tower Court. This application was withdrawn as the Council was minded to refuse planning permission on grounds that the proposed house was of a scale, massing and design that adversely impacted on the setting of the adjacent A Listed Building (Beach Tower) and the level of amenity afforded to neighbouring properties.
- 4.2 14/00061/FULL - this application sought planning permission for the erection of a house and garage on the site of 2 Tower Court. This application attracted four letters of objection. The concerns of the objectors related to the scale, design and massing of the house, finish of the

roof, the ridge height of the house, impact on the adjacent listed building and a departure to the original layout of Tower court. This application was approved under delegated powers subject to conditions relating to ground and ridge height levels, finishing materials and tree protection matters.

- 4.3 In the submission of planning application ref: 14/00061/FULL the block plan was created using Ordinance Survey data to establish the position of the house on site with the garage located 1 metre from the road and the main part of the house 5 metres from the boundary with No 3 Tower Court.



**Figure 2 – Proposed Block Plan**

- 4.4 In the preparation of the site for ground works and during the laying of foundations it became apparent that the house was being built further south than had been approved by planning application ref: 14/00061/FULL. This is due to the Ordinance Survey data incorrectly showing the position of the house at 1 Tower Court and omitting a service strip from the southern side of the Tower Court access road to the north of the application site.
- 4.5 The discovery of services in the strip adjoining the road meant that the house was being built 1.4 metres south of the Tower Court access road. The applicant approached the Case Officer to request guidance on how to resolve this issue as work had already commenced on the implementation of application ref: 14/00061/FULL. Given the level of objection to planning application ref: 14/00061/FULL and that the proposed house was now in line with the southern building line of the house at 1 Tower Court and projected beyond the southern building line of the house at 3 Tower Court the applicant was advised to submit a revised planning application for the proposed house showing all of the changes to the development approved by planning application ref: 14/00061/FULL. In addition to the change in position detailed above, the house proposed by the current application has been moved 0.5m to the west and reduced in width by 1m. This means that in addition to being positioned 1.4m south of the Tower Court access road the house is now also 6.7m from the boundary with 3 Tower Court to the east of the application site. The detailed design of the house has meant that the ridge height of the approved house has increased. However, ground conditions have dictated that the foundations of the house including the swimming pool have had to be formed further below ground level than originally approved. This has meant that the increase in height of the proposed house has been off set by the reduction in foundation levels meaning that the house currently proposed will have the same ridge height as the house approved by planning application ref: 14/00061/FULL.

## 5 PUBLIC PARTICIPATION

- 5.1 The Council has followed the statutory neighbour notification procedure. This application has also been advertised in the Dundee Evening Telegraph. Six letters of objection have been received from neighbouring residents. The concerns raised relate to:
- scale, design and massing of the proposed house;
  - finish of the roof;

- the ridge height of the proposed house is too high;
- adverse impact on adjacent listed building;
- departure from the deliberate layout of Tower Court; and
- contrary to the development plan.

5.2 Members will have had access to the letters and the issues raised are considered in the Observations section below.

## 6 CONSULTATIONS

- 6.1 **Environment Department (Environmental Protection)** – The Head of Environmental Protection has raised concern that the plant serving the swimming pool and sauna may generate instances of noise disturbance. It is recommended that if planning permission is granted a condition restricting noise from mechanical and electrical plant/ services is incorporated into the planning decision.
- 6.2 The Head of Environmental Protection has also requested that an informative relating to the presence of contamination on site is added to the Decision Notice should planning permission be granted.

## 7 DETERMINING ISSUES

- 7.1 **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 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.

### DUNDEE LOCAL DEVELOPMENT PLAN



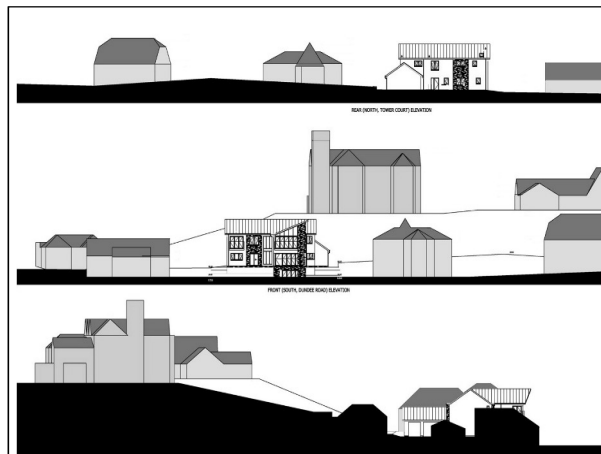
**Figure 3 – Photograph Looking North From South Side of Broughty Ferry Road**

- 7.2 **Policy 7: High Quality Design** - this policy advises that the design and siting of development should respect the character and amenity of the place. The Policy goes on to advise that all proposals should meet a range of design criteria. Included in this range of criteria is the fact that the design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

- 7.3 The proposed development is of a design and layout that respects the surrounding low density high quality environment. The contemporary design of the house and garage in addition to the high quality finishing materials will ensure that the proposal shall respect the diversity and character of the area surrounding the application site. The scale, massing and positioning of the proposed house on the site prevents the development from obscuring the southern elevation of the neighbouring A listed building at Beach Tower to a greater degree than the original house that occupied this site. Therefore the proposal will have a neutral impact on the prominence and setting of the listed building as well as the low density high quality environment afforded to the neighbouring properties on Tower Court.



**Figure 4 – Photograph Looking South From Ground Floor of Beach Tower**



**Figure 5 – Proposed Site Elevations**

- 7.4 The position of the proposed house on the application site departs from the original crescent shape created by the existing house positions on Tower Court. However, the scale, massing and design of the proposed house relative to the size of the application site and in combination with the retention of protected trees in and around the application site ensure that the proposal has a minimal impact on the character and appearance of Tower Court and neighbouring properties. This is especially the case given the uninterrupted southern aspect enjoyed by the properties on Tower Court.
- 7.5 To ensure the quality of the proposed development is not diminished and the impact on neighbouring properties is minimal the finishing materials of the proposed house and garage driveway, patios, Juliette balconies and balustrades, the form of the boundary treatments and the finished ridge height shall be controlled by conditions.
- 7.6 Within the site and surrounding it there are a variety of protected mature trees which contribute significantly to the high quality wooded environment in which the application site is located. Although the protected trees are outwith the area of the site that is to be developed a condition requiring the erection of tree protection measures in accordance with current British Standards will be incorporated into the grant of planning permission.
- 7.7 **The proposal satisfies Policy 7.**
- 7.8 **Policy 9: Design of New Housing** - requires the design and layout of new housing developments in Dundee to be of a high quality and contribute to creating places that build on and enhance the distinct character and identity of the different parts of the city. The assessment of the proposal against Policy 7 has concluded that these requirements are met.
- 7.9 All new housing developments require to conform to the guidance on the Design of New Housing set out in Appendix 3 of the Dundee Local Development Plan.

- 7.10 Appendix 3 requires new houses in suburban areas of the City to have a gross internal floor area of 100m<sup>2</sup> or 3 bedrooms or more. Three bedroom houses should have no less than 2 in-curtilage parking space while houses with 4 or more bedrooms should have no less than 3 in-curtilage parking spaces. In addition new houses on brownfield sites should be afforded 140m<sup>2</sup> of private useable garden ground and a minimum of 18m between facing windows serving habitable rooms of neighbouring houses.
- 7.11 The proposed development exceeds the minimum requirements of Appendix 3 in terms of internal floor area, in-curtilage car parking facilities, garden ground provision and distance between facing windows serving habitable rooms. The eastern elevation of the proposed house will project south along the eastern edge of the patio area serving the ground floor family room. This feature will screen the patio from the conservatory windows at 3 Tower Court to retain the privacy of both the existing and proposed properties.
- 7.12 The proposals therefore satisfy the requirements of Appendix 3.
- 7.13 **The proposal satisfies Policy 9.**
- 7.14 **Policy 29: Low and Zero Carbon Technology in New Development** - requires that, for specified developments, carbon emissions will be reduced by defined percentages through the installation and operation of zero-carbon generating technologies. The requirements of Policy 29 can be addressed by condition.
- 7.15 **The proposal satisfies Policy 29.**
- 7.16 **Policy 42: Sustainable Urban Drainage** - stipulates that surface water from new development must be treated by a Sustainable Urban Drainage System (SUDS). SUDS should be designed so that in a 1 in 200 year rainstorm event, flooding will not be higher than 300mm below floor level.
- 7.17 The City Engineer is satisfied that the ground conditions of the application site are sufficiently porous to allow any surface water to drain naturally. However, it is recommended that the surfacing of the proposed driveway is controlled by condition to ensure that it does not generate instances of flooding on the Tower Court carriageway.
- 7.18 **The proposal satisfies Policy 42.**
- 7.19 **Policy 45: Land Contamination** - supports the redevelopment of contaminated land where the nature and extent of contamination can be identified along with measures to remediate the contamination.
- 7.20 The Head of Environmental Protection is satisfied that an informative should be attached to the grant of planning permission to advise the applicant to contact the Council should any evidence of ground contamination be identified during construction of the proposed development.
- 7.21 **The proposal satisfies Policy 45.**
- 7.22 **It is concluded from the foregoing that the proposal complies with the provisions of the development plan.**

#### **STATUTORY DUTY**

- 7.23 **Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997** - Section 59 of the Act requires the Council to have special regard to the desirability of

preserving or enhancing the character or setting of listed buildings. It has been established in the assessment of the proposal against Policy 7 of the Dundee Local Development Plan that the new house will have a minimal impact on the character and setting of the A listed building to the north of the application site. Therefore, in approving this application the statutory duty outlined above will be discharged.

## OTHER MATERIAL CONSIDERATIONS

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

### A - VIEWS OF OBJECTORS

7.25 Six letters of objection have been received from neighbouring properties. The concerns raised by the objectors relate to:

- scale, design and massing of the proposed house;
- finish of the roof;
- the ridge height of the proposed house is too high;
- adverse impact on adjacent listed building;
- departure from the deliberate layout of Tower Court; and
- contrary to the development plan.

7.26 Concerns relating to the scale, design, massing and finish of the proposed house, the impact on the existing Tower Court streetscape and neighbouring properties, the impact on the A listed building at Beach Tower and compliance with the Development Plan have been addressed in the assessment of the proposals against the requirements of the Dundee Local Development Plan and the Town and Country Planning (Listed Buildings and Conservation Areas) Scotland) Act 1997 above. It has been concluded that the proposal satisfies the requirements of the Development Plan with the finishing materials and ridge heights of the proposed house and garage being controlled by conditions for the reasons highlighted by the objectors.

7.27 Therefore while the concerns of the objectors are acknowledged the issues raised are not sufficient to warrant a recommendation of refusal of planning permission.

7.28 **It is concluded from the foregoing that the material considerations do not support the refusal of planning permission.**

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## 8 CONCLUSION

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8.1 The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. It is therefore recommended that planning permission be granted subject to conditions.



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## 9 RECOMMENDATION

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

- 1 Prior to the re-commencement of work on site, the developer shall establish a fixed datum point and shall submit to this Planning Authority for written approval a plan indicating the exact location and value of this datum point along with the finished ridge levels of the proposed house and garage relative to the fixed datum. Thereafter, the finished height of the proposed buildings shall not exceed the ridge levels approved by this condition.
- 2 Prior to the re-commencement of development, details of tree protection measures in accordance with BS5837:2012 shall be submitted to the Council for written approval. Thereafter, no further work shall start on site until the approved tree protection measures have been erected and approved by the Council's Forestry Officer.
- 3 Prior to the re-commencement of work on site, details of the proposed finishing materials of the house and garage, areas of hard standing and boundary enclosures shall be submitted to this Department for written approval. Thereafter, the development hereby approved shall only be finished in the materials approved by this condition. For the avoidance of doubt, the finishing materials to be submitted should include samples of the proposed render, facing brick and roof material, details of rainwater goods, Juliette balconies and balustrades, windows, doors and garage doors as well as fencing materials, walls and any hard surfacing.
- 4 The hard surface within the curtilage must be made of porous materials or provision must be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the application site.
- 5 The total noise from the mechanical and electrical plant/services for the swimming pool and sauna shall not exceed NR35 during night-time, as measured 1 metre external to the facade of any adjacent residential accommodation. For the avoidance of doubt night-time hours are 23.00 to 07.00.
- 6 A Sustainability Statement demonstrating the extent to which the development will meet the requirements of Policy 29 of the Dundee Local Development Plan 2014 shall be submitted for the approval of the Council and the works shall be completed in accordance with the approved Statement.

### REASONS

- 1 In the interests of preventing the development hereby approved from obscuring the principal elevation of the A listed building at Beach Tower and overshadowing and overpowering neighbouring properties
- 2 In the interests of safeguarding the high quality wooded environment of the application site.
- 3 In the interests of safeguarding visual amenity.
- 4 In the interest of preventing surface water from the application site discharging onto the Tower Court carriageway to the detriment of road safety.

- 5 In the interests of safeguarding the amenity of neighbouring properties.
- 6 In the interests of reducing carbon emissions associated with the proposed development.