

**KEY INFORMATION**

**Ward** Broughty Ferry

**Proposal**  
Erection of dwellinghouse

**Address**  
5 East Home Street/Garden  
Ground of 8 Douglas Terrace  
Broughty Ferry  
Dundee  
DD5 1EA

**Applicant**  
Mr & Mrs R H Barnett  
8 Douglas Terrace  
Broughty Ferry  
Dundee

**Agent**  
B S Design  
4 Grove Road  
Broughty Ferry  
Dundee  
DD5 1JL

**Registered** 22 April 2002

**Case Officer** C Walker



## Proposed New House in East Home Street

The erection of a dwellinghouse is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation.

**RECOMMENDATION**

The proposed development will detract from the visual amenity and character of the Broughty Ferry Conservation Area, contravening Policies BE11 and BE4 of the Local Plan and the statutory duty to protect the Conservation Area. In addition, the development will adversely impact on the residential amenity enjoyed by the occupants of the existing house at 8 Douglas Terrace and will provide unsatisfactory arrangements for off street parking.

**SUMMARY OF REPORT**

- Planning permission is sought to erect a 2 storey 3 bedroom house on the site with an integral double garage. The site comprises garden ground of a substantial villa at 8 Douglas Terrace.
- The design of the proposed house is modern and of a fairly typical suburban style and finishing materials.
- The site lies within the Broughty Ferry Conservation Area and Policies BE11 (conservation areas), BE4 (garden ground) and H4 (infill development) are relevant to the determination of the application.
- 3 letters of objection were received on behalf of the owners and occupiers of 4 flats in a building immediately to the north of the application site. They are concerned about traffic and parking problems, overlooking and overshadowing of their flats, the loss of trees and the impact of the development on the conservation area.
- Broughty Ferry Community Council have objected to the development on the basis of the lack of parking provision for the original house, the inadequate garden ground for both houses, the demolition of the stone boundary wall, the precedent that the development would set for similar development in adjoining gardens and the impact of the proposed house and any similar development on the conservation area.
- The proposed development will detract from the visual amenity and character of the Broughty Ferry Conservation Area, contravening Policies BE11 and BE4 of the adopted Local Plan and the statutory duty to have regard to the preservation or enhancement of the character or appearance of the conservation area. In addition the development will adversely impact on the residential amenity enjoyed by the occupants of the existing house at 8 Douglas Terrace and will provide unsatisfactory arrangements for off street parking.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a 2 storey house on the site comprising a small basement study, a kitchen, dining room, lounge and integral double garage at ground floor and 3 bedrooms at first floor. Much of the upper storey accommodation is contained within the roofspace with dormers facing north, south and east.

The design of the proposed house is modern and of a fairly typical suburban style with finishes of roughcast walls with limited stone facing on the south elevation, interlocking grey tiles, white upvc windows and hardwood doors. It is set back some 1.5 metres from the roadside boundary wall at East Home Street where it is proposed to form a new vehicular access to the double garage as well as a separate pedestrian access to the house. It is proposed to demolish an existing double garage on East Home Street and infill the boundary wall with natural stone.

The proposed house will sit 1 metre off the western boundary and 1.5 metres off the eastern boundary with the principal garden area of some 195 sq. metres being provided to the south of the house and separated from the garden of the original house by a proposed 1.8 metres high fence. It is not proposed to fell any trees to accommodate the proposed house.

## SITE DESCRIPTION

The site comprises the northern part of the garden ground of 8 Douglas Terrace, a substantial stone and slate villa. This part of the garden comprises some 0.047 ha of ground, enclosed to the north, east and west by stone boundary walls. The site includes a brick double garage on East Home Street (the original villa has no vehicular access at Douglas Terrace). The site is flat and contains no mature trees.

8 Douglas Terrace is an imposing semi detached stone and slate villa and is one of a number of similar properties at this location. It has substantial extensions to the rear, including a modern glazed sun lounge. Most of these houses, including the neighbouring houses to the east and west, have substantial rear gardens

extending to East Home Street to the north. Garages for these houses are at East Home Street which is characterised on its southern site by a high stone wall punctured by garages for the houses on Douglas Terrace. The exception to this is the ground behind 5 and 6 Douglas Terrace where there is a coach house which has been converted to houses. On the northern side of East Home Street is a church hall and a modern block of flats in a 3 storey building. Some of these flats have south facing balconies overlooking the application site.

## POLICY BACKGROUND

The site lies within the Broughty Ferry Conservation Area and Policy BE11 requires development proposals to complement and enhance the character of the surrounding area.

It is also within an area where garden



ground policies apply and the criteria that apply are set out in Policy BE4.

Policy H10 sets out guidelines for new housing development and this policy was reviewed by the Council in August 2001. Policy H4 sets out criteria for infill development.

The Council adopted non statutory policies entitled "Breaches in Boundary Walls" in December 2000. These policies state that where a wall contributes to the character of a conservation area then proposals which detract from this character will not normally be approved.

## LOCAL AGENDA 21

The Council's Local Agenda 21 policies seek to promote diversity and local distinctiveness.

## SITE HISTORY

There is no relevant history of planning applications on this site.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the development was advertised as affecting the conservation area. 3 letters of objection were received on behalf of the owners and occupiers of 4 flats in a building immediately to the north of the application site. The objectors are concerned about traffic and parking problems at East Home Street referring in particular to the narrowness of the road, the presence of a sharp bend and the parking difficulties which occur when there are events at nearby churches. The objectors are also concerned about overlooking and overshadowing of their flats, the loss of trees and the impact of the development on the conservation area. Copies of these letters are available for inspection in the Members Lounges and the points raised are considered in the Observations section of this Report.

## CONSULTATIONS

Broughty Ferry Community Council have objected to the development on the basis of the lack of parking provision for the original house, the inadequate

garden ground for both houses, the demolition of the stone boundary wall, the precedent that the development would set for similar development in adjoining gardens and the impact of the proposed house and any similar development on the conservation area.

The Council's Forestry Officer has noted that tree felling has recently taken place on the site and also seeks proposals for new planting.

## OBSERVATIONS

The determining issues for the Committee in this instance are:

- 1 Will the proposed development complement and enhance the character of the Broughty Ferry Conservation Area as required by Policy BE11 of the Local Plan and the statutory duty to have

regard to the setting of the conservation area set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997?

- 2 Does the development comply with Policy BE4 of the Local Plan which sets out standards for garden ground development?
- 3 Will the development result in an unacceptable adverse impact on the residential amenities enjoyed by neighbours with particular reference to Policy H4 of the Local Plan and possible parking and traffic problems?

The design of the proposed house is modern and of a fairly typical suburban style. It will be quite visible from East Home Street due to its proximity to the road and the formation of the new opening in the boundary wall. The southern side of East Home Street is characterised by its high stone walls and the stone and slate former coach house. It is considered that the insertion of the proposed house would detract from the visual amenity of the area contrary to Policy BE11 of the Plan and the statutory duty to have regard to the setting of the conservation area. The proposed breach to the boundary wall would also have an adverse visual impact but this would be largely compensated for by the infilling of the existing double garage opening with stone. If the proposed development were to proceed then a likely consequence would be that the existing house on Douglas Terrace would require a new vehicular access and possibly a garage, all of which would have a detrimental impact on the visual amenity of the conservation area.

The character of the surrounding area is typified by large villas in substantial garden ground. The proposed development would disrupt this character and tend to produce a more suburban style layout with standard garden sizes. It is considered that to alter the pattern of development in the manner proposed would adversely affect the character of the conservation area. A further concern is that the houses to the east and west have similar gardens and a consequence of approving the current application would be that development proposals

in these garden areas would be difficult to resist.

In terms of Policy BE4 on garden ground development, it is considered that the development fails to meet the following criteria:

(A) "The proposal must be of a high quality design and use materials appropriate to its surroundings". In this case the design of the house and the finishing materials proposed are fairly standard and typical of many suburban houses.

(D) "A window to window distance of 25 metres shall be maintained". In this case the lounge window in the proposed house is within 25 metres of the sun lounge of the existing house and at a higher level so that the screening impact of the proposed fence is lessened. The window to window distance with the flats to the north of the site do not achieve the 25 metres distance required.

(I) and (J) require the submission of a full tree survey and landscaping proposals. In this case no details of existing and proposed planting have been submitted. Although the application states that no trees will be felled to accommodate the development it appears that some felling took place before the submission of this application. In addition details of the impact on the development on existing trees and proposed planting need to be provided. This matter has not been pursued with the applicants in view of the recommendation of refusal of their development.

It is considered that there is no justification for the failure to comply with Policy BE4. Although adjustments to the development and the provision of additional information could rectify the position with regard to some sub sections of the policy, there is a fundamental concern with regard to the design of the house and the proposed finishing materials.

With regard to residential amenity, it is considered that the proposed development will adversely affect the villa at 8 Douglas Terrace. In terms of Policy H4 it will lose its garage and off street parking facilities as well as a substantial amount of its garden ground. In addition the style and form of development is alien to the character of existing buildings in the area. The

impact on the houses to the east and west will not be so substantial. There will be a visual impact with the erection of a house so close to the side boundaries of the site. This matter has already been considered in the context of the assessment of the impact of the development on the conservation area.

The residents of the flats to the north of the site have objected citing grounds of overlooking and overshadowing. The window to window distance between the properties is in excess of the 18 metre distance suggested in Policy H10 of the Plan (with the exception of a small secondary window on an upper floor bedroom). However it does not comply with the 25 metres standard in Policy BE4. However given that the windows and the balconies on the flats face a public road, it is not considered that these flats will suffer a loss of privacy sufficient in itself to justify refusal of the proposed development. Furthermore it is not considered that there will be excessive overshadowing of the flats taking into account the distance between the 2 buildings, the fact that there is an existing 2.3 metres high stone wall at the site and that the flats are higher than the proposed house with garages and an entrance lobby at the ground floor directly opposite the application site.

Concerns have been raised about traffic and parking problems at East Home Street. It is a narrow street with poor visibility and on street parking should not be encouraged. Since the proposed garage is not set back 6 metres from the road, it is possible that the proposed development will give rise to on street parking. However the proposed house cannot be set back further within the site without radically altering the design of the house or seriously reducing the amount of garden ground available. As this is a new development there is no reason why adequate provision cannot be made for off street parking within the application site. Ideally from a roads point of view visibility at the proposed access should also be increased but in this case the protection of the character and appearance of the conservation area requires any breaches to the roadside boundary wall to be minimised.

Finally in terms of Policy H10 of the Plan the proposal meets the basic housing standards in suburban areas.

## Design

The design of the proposed house is modern and of a fairly typical suburban style with finishes of roughcast walls with limited stone facing on the south elevation, interlocking grey tiles, white upvc windows and hardwood doors. It is not considered that the proposed house is appropriate for this sensitive site within the Broughty Ferry Conservation Area

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## CONCLUSION

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The proposed development will detract from the visual amenity and character of the Broughty Ferry Conservation Area, contravening Policies BE11 and BE4 of the adopted Local Plan and the statutory duty to have regard to the preservation or enhancement of the character or appearance of the conservation area. In addition the development will adversely impact on the residential amenity enjoyed by the occupants of the existing house at 8 Douglas Terrace and will provide unsatisfactory arrangements for off street parking.

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## RECOMMENDATION

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It is recommended that planning permission be REFUSED for the following reason(s):

### Reason

- 1 The proposed development would adversely affect the character and appearance of the Broughty Ferry Conservation Area and thereby contravene Policy BE11 of the Local Plan and the statutory duty to have regard to the conservation area because it would involve the insertion of an inappropriate housetype of modern suburban design and finishing materials in a setting of substantial stone villas with high enclosing walls to East Home Street.
- 2 The proposed development would contravene Policy BE4 of the adopted Local Plan by reason of the standard house type and finishing materials, proximity of windows to adjoining houses and lack of information on tree and shrub protection and proposed planting and it is considered that

there are no reasons for approving the development contrary to the Plan.

- 3 The proposed development would adversely impact on the residential amenities of the existing house at 8 Douglas Terrace contrary to Policy H4 of the adopted Local Plan by reason of the loss of garden ground and parking spaces and the design and form of the proposed house and it is considered that there are no reasons for approving the proposed development contrary to the Plan.
- 4 The proposed development makes inadequate provision for off street parking and would lead to parking difficulties and traffic congestion in the vicinity of the site.