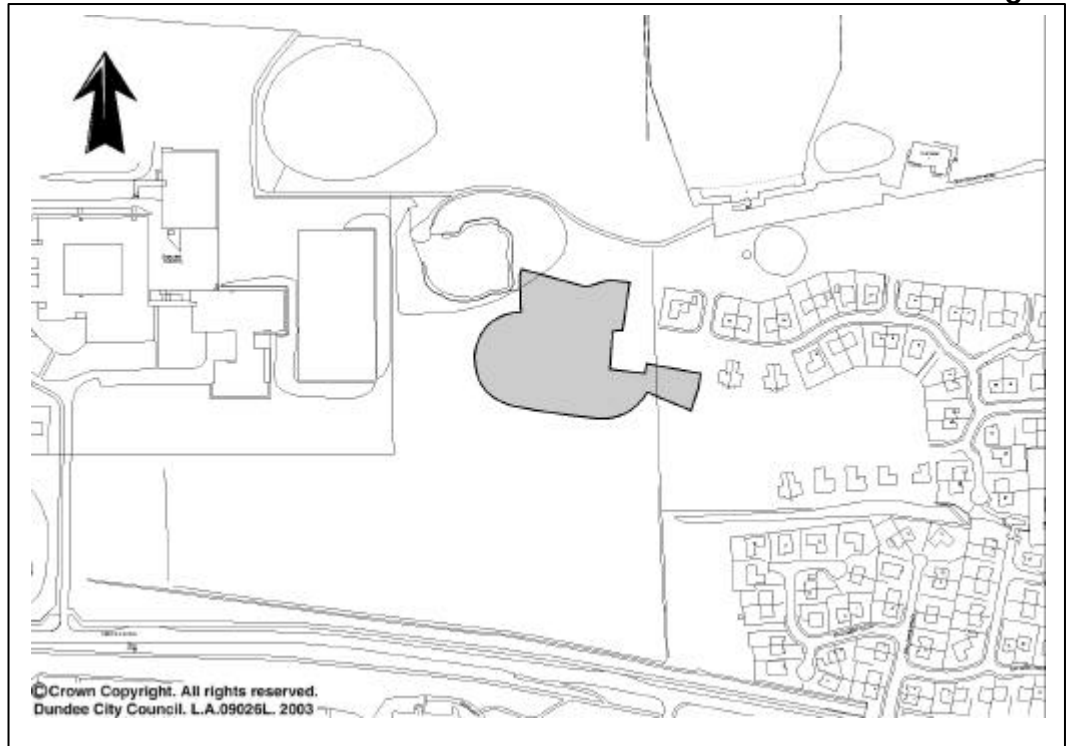


KEY INFORMATION**Ward** Whitfield**Proposal**
Erection of 17 Dwellings**Address**
Ballumbie Estate (Phase 7)
Berwick Drive
Dundee
DD4 0NL**Applicant**
D J Laing Ltd
Laing House
Panmure Industrial Estate
Carnoustie
Angus
DD7 7NP**Agent**
Voigt Partnership
Architects Studio
66 High Street
Arbroath
DD11 1AW**Registered** 23 December
2004**Case Officer** C Walker

Further Phase of New Housing Proposed at Ballumbie Estate

The Erection of 17 dwellings is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.**
Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with Local Plan policy and will not result in any unacceptable impact on the residential amenities enjoyed by adjoining occupiers. The application is therefore recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought to erect 17 houses on the site as a continuation of the DJ Laing housing development at Ballumbie. The ground at this location is quite elevated, with extensive views to the south
- The site is allocated for housing under Proposal HS52 of the adopted Local Plan. Policy H10 of the Plan sets out standards for new housing developments. The site is allocated as part of an existing housing area in the Finalised Dundee Local Plan Review and Policy 4 sets out design standards for new housing.
- A letter of objection was received from the occupiers of a recently completed house to the east of the site who are concerned that their garden area will be overlooked from the upper level of some of the proposed houses.
- The proposal complies with the provisions of the development plan and it is not considered that the proposed development will lead to any unacceptable overlooking of the rear garden of the objectors house.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect 17 houses on the site as a continuation of the DJ Laing housing development at Ballumbie. The proposed houses types are those used elsewhere in this development and include 10 semi detached houses and 7 detached houses. 4 of the proposed houses have 4 bedrooms, 11 have 3 bedrooms and 2 have 2 bedrooms. Proposed finishing materials are roughcast walls with reconstituted stone features and concrete roof tiles. The layout of the houses is in a circular pattern as part of the previously approved roads layout for this development.

SITE DESCRIPTION

The site comprises some 0.75 ha of ground at the western extremity of the DJ Laing housing development at Ballumbie. The ground at this location is quite elevated, with extensive views to the south. To the north is the Ballumbie golf course and driving range, to the east are recently completed houses, to the west is Braeview Academy and to the south is undeveloped land which will form future phases of this housing development.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 1998

The site is allocated for housing under Proposal HS52 of the adopted Dundee Local Plan 1998. Policy H10 of the Plan sets out standards for new housing developments.

Dundee Urban Nature Conservation Subject Local Plan 1995

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

Finalised Dundee Local Plan Review

The site is allocated as part of an existing housing area and Policy 1 seeks to protect residential amenity.

Policy 4 sets out design standards for new housing.

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.

LOCAL AGENDA 21

The development of this site adjacent to the existing built up area is considered to be sustainable.



SITE HISTORY

Outline planning permission for the western end of the DJ Laing housing development was granted in March 2002 - application ref no 01/30427/OUT refers. Planning permission for the phase to the immediate east of the current application site was granted in July 2002 - application 02/00271/FUL refers.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and a letter of objection was received from the occupiers of a recently completed house to the east of the site (copies available for inspection in the Members Lounges). The objectors are concerned that their garden area will be overlooked from the upper level of the proposed houses on Plots 115 and 116, particularly since these houses will be higher than

their house, and they suggest that single storey units should be constructed on these plots.

These views are fully considered in the Observations section of this Report.

CONSULTATIONS

The Councils Forestry Officer has requested details of the landscaping of the site.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- whether the proposals are consistent with the provisions of the development plan; and if not
- whether an exception to the provisions of the development plan is justified by other material considerations.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above. Policy H10 sets out standards for new housing development including house type and size, garden ground provision, privacy, parking, layout and design. The proposed development meets all the physically measurable standards set out in Policy H10 and it is further considered that the design and layout of the proposed development are satisfactory.

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:

The Finalised Dundee Local Plan Review

Policy 1, which relates to existing housing areas, seeks to protect residential amenity but is principally focussed on the introduction of new non residential uses into housing areas.

Policy 4, relating to the design of new housing, is quite similar to Policy H10 of the adopted Local Plan. It is considered that the proposed development complies with these standards.

The views of the Objector

The objector states that their garden area will be overlooked from the upper level of the proposed houses on Plots 115 and 116, particularly since these houses will be higher than their house, and they suggest that single storey units should be constructed on these plots.

Policy H10 of the adopted Local Plan and Policy 4 of the Finalised Local Plan seek to protect residential amenity when setting out standards for new residential development. Both policies require a minimum distance of 18 metres between facing windows of habitable rooms. In this case the windows on the affected houses are at right angles to each other and in any event the distance between the windows is over 22 metres. There is therefore no issue about loss of privacy between houses.

However the concerns of the objectors relate to potential overlooking of their garden area. There are no specific local plan standards relating to the protection of privacy of gardens although the requirement for the provision of a private garden area for each house would suggest that these gardens should not be severely overlooked by adjoining properties. Some degree of overlooking will inevitably occur in suburban areas where the upper levels of houses are often within 9 metres of the mutual site boundaries.

In this case, like their own house, the proposed houses on Plots 115 and 116 have upper level balconies. These balconies will be some 16.5 metres from the objectors' garden area at the nearest point, which is not an unreasonable relationship in a suburban location, and very close to the more onerous standard of 18 metres that applies to facing windows in habitable rooms. The objectors' fears of overlooking are increased by the fact that the houses on plots 115 and 116 will be higher than their house. In fact the finished floor levels will be just 1 metre higher which is not significant taking into account the distance between the balcony and their garden area. Finally there will be an area of woodland between the 2 properties which will provide some screening although it will take some time to mature.

Taking all these matters into account it is not considered that the proposed

development will lead to any unacceptable overlooking of the rear garden of the objectors house.

Other Matters

The Councils Forestry Officer seeks details of the landscaping of the site and this matter can be made the subject of a planning condition.

The proposed development is very close to Braeview Academy. The outline application for this development indicated a direct footpath link between the site and the school. It is considered that the construction of a footpath link would provide a much shorter and safer route to school for residents of this housing development and a planning condition is proposed to ensure that it is provided now.

It is concluded from the foregoing that insufficient weight can be accorded to the views of the objector such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

Design

The design and layout of the development is satisfactory and follows previously established principles set out on this site. Due to the steeply sloping nature of the site, the development does have a somewhat raw appearance which needs to be softened by landscaping. Previous phases have been carried out with the planting following much later but now planting is now progressing on the major woodland areas so that the development should now be much better integrated into the landscape.

CONCLUSION

The proposed development complies with Local Plan policy and will not result in any unacceptable impact on the residential amenities enjoyed by adjoining occupiers.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:-

- 1 The development hereby permitted shall be commenced within five years from the date of this permission

- 2 details of the landscaping of the application site including the planting of street trees, the timescales for carrying out the planting and the future maintenance of the planting shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition
- 3 The planting of the proposed woodland areas to the south, north and east of the proposed houses on Plots 115 and 116 shall be planted in accordance with the previously approved proposals prior to the commencement of construction of these 2 houses.
- 4 details of the provision of a footpath link between the application site and Braeview Academy shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details and in particular the footpath link shall be completed to the boundary with the school premises prior to the occupation of any of the houses in the application site.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 3 to ensure that these houses in an exposed location are screened at an early date in the interests of visual and residential amenity.
- 4 to ensure the provision of a safe pedestrian access to the school at an early date.