

**KEY INFORMATION**

**Ward** West Ferry

**Proposal**  
Erection of dwelling house

**Address**  
54 Albany Road  
Broughty Ferry  
DUNDEE

**Applicant**  
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**Registered** 8 September  
2005

**Case Officer** S Cooper



## Proposed New House in Garden Ground at Albany Road

Erection of dwelling house is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.**  
Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development accords with Policies 1, 4, 15 and 61 of the Dundee Local Plan Review 2005. There are no material considerations that would justify the refusal of this planning application. It is therefore recommended that planning permission is **GRANTED**.

**SUMMARY OF REPORT**

- Outline planning permission is sought for the erection of a house in the garden ground of 54 Albany Road, Broughty Ferry, Dundee.
- The proposal raises issues for consideration in terms of Policies 1, 4, 15 and 61 of the Dundee Local Plan Review 2005.
- One letter of objection has been received. The grounds of objection are harmful overlooking and that the proposal would not respect the prevailing density of the area.
- It is considered that the proposal accords with the relevant provisions of the development plan. The views of the objector are not supported.

## DESCRIPTION OF PROPOSAL

Outline planning permission is sought for the erection of a house in the garden ground of 54 Albany Road, Broughty Ferry. Indicative plans have been submitted showing a one and a half storey house with an integral garage, and with garden ground mainly to the south. The indicative plans show that the proposed house would have 4 bedrooms, 3 of which would be accommodated within the roofspace. The indicative vehicular access would be from the existing access to the existing house at 54 Albany Road, with a driveway formed alongside the east boundary. A new vehicular access would have to be formed to the existing house.

## SITE DESCRIPTION

The application site is the garden ground to the rear (south) of the detached 2 storey house at 54 Albany Road, Broughty Ferry. The application site measures some 865 square metres.

The site is located within a predominantly residential area that is within the West Ferry Conservation Area. There are a number of mature trees within the application site. The application site is bounded by residential properties on all sides.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 4 The design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or

- b the proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

New housing development should also have regard to the principles of the City Council's Urban Design Guide.

Appendix 1 of the Dundee Local Plan Review 2005 defines the application site as being 'Suburban' and therefore the following criteria apply:

- 75% of houses should have 3 or more bedrooms or a minimum of 100 sq. m internal floor space
- At least 1 parking space should be provided within the curtilage of each house. Private houses with 3 or more bedrooms should



have at least 2 spaces. In addition 50% of all houses should have a garage or space for one.

- There should be a minimum distance of 18 metres between facing windows.

Policy 15 states that developments in garden ground will be required to satisfy the following criteria. Planning applications must contain sufficient detail to enable their consideration under each point:

- a the proposal is of high quality design and uses materials appropriate to its surroundings; and
- 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; and

- 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; and
- d prevailing densities in the area are respected; and
- 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; and
- f prominent frontages and elevations of architectural character on the original house will remain largely intact; and
- g the proposal conforms to the Council's non-statutory guidance on Breaches in Boundary Walls; and
- 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; and

- 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.

Policy 61: Development in Conservation Areas states that within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area.

### Scottish Planning Policies, Planning Advice Notes and Circulars

NPPG18: Planning and the Historic Environment is of relevance.

Section 64 of the Town & Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

## Non Statutory Statements of Council Policy

The Council's Policy and Guidance for Dundee's Listed Buildings and Conservation Areas on Breaches in Boundary Walls is of relevance.

## LOCAL AGENDA 21

Key Theme 15 of Local Agenda 21 is of relevance to the determination of the application. It seeks to ensure that diversity and local distinctiveness are valued and protected.

## SITE HISTORY

Planning permission was granted under reference 94/19746/D for extensions to the house and for tree work on the 28th August 1994.

Planning permission has been granted since the 1980s for development in garden ground at several properties at Albany Road, including the neighbouring property to the east at 56 Albany Road.

## PUBLIC PARTICIPATION

The application was the subject of the statutory Neighbour Notification Requirements. One letter of objection was received.

The grounds of objection are that:

a house in the garden ground of 54 Albany Road would lead to overlooking and loss of privacy to the objectors house due to its close proximity; and

the proposed house would create a pod of high density housing in the Conservation Area.

It is intended to comment on these issues in the 'Observations' section of this report. A copy of this letter is available for inspection in the Members Lounge.

## CONSULTATIONS

No adverse comments have been received from consultees.

## OBSERVATIONS

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

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b 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.

In terms of Policy 1 the site is located within a predominantly residential area and as such the proposal is acceptable in principle.

The illustrative drawings indicate that the house would have 4 bedrooms and that there would be more than 18 metres between any facing windows. The illustrative drawings also indicate that a double garage and space for car parking would be provided. It is therefore considered that the proposal complies with Policy 4 and the associated Design Standards.

In terms of Policy 15 the submitted drawings are indicative only and design issues including finishing materials could be dealt with through reserved matters. Notwithstanding that, the application site is not visible to public views and it is considered that the indicative design would be of an acceptable standard.

The proposed house would be located to the rear of the original house and in its position would not interfere with important elevations and frontages of the original house. In this respect the proposal complies with parts e and f of Policy 15.

As stated above in the Site History section, the Council has approved a number of houses in garden grounds in the area over the last 20 years. In particular a development was approved in the garden ground of the house to the east at 56 Albany Road. Criteria d of Policy 15 states that "prevailing

densities in the area must be respected". The proposal would result in two houses set within fairly large grounds. In this regard it is considered that the proposal satisfies this particular criterion and respects the prevailing density of the area.

In terms of criteria b and c, the indicative house would not exceed 1.5 times the footprint of the original main house footprint. Furthermore, the final proportion of ground covered by buildings, hard-standings, garages etc. as shown by the indicative drawings would not amount to more than 40% of the original house and garden with at least 60% cultivatable garden ground. It is therefore considered that the proposal complies with criteria b and c.

Access to the site would be taken from the existing vehicular access to the original house. Therefore a new access would have to be created to access the original house. As a means of achieving this it is proposed to enlarge the existing pedestrian access to the house. A large number of openings have already been formed in the boundary walls on both the north and south sides of Albany Road. Considering the amount of openings that have already been formed it is considered that the proposed widening of the existing pedestrian access would not be detrimental to the character and appearance of the Conservation Area.

The applicant has not submitted a full tree survey with the application but has submitted a plan indicating trees to be retained and removed. The majority of the trees to be removed are relatively young and most of the mature trees are to be retained. The Council's Forestry Officer advises that he has no concerns regarding the loss of those trees. He recommends that protective measures are taken to prevent damage to the retained trees and a replacement planting scheme and 10 year management plan are agreed. These matters can be controlled through the imposition of conditions on the grant of planning permission.

The proposed new house would be located to the rear of the existing house. As such the proposed house would not be prominently visible to public views. The indicative drawings submitted show that the proposed house would be smaller in size and scale than the existing house however, details such as design and materials

can be dealt with as reserved matters. It is considered that the loss of the young trees and the widening of the existing opening of the boundary wall would not be detrimental to the character and appearance of the conservation area. It is therefore considered that the proposal accords with Policy 61.

It is concluded from the foregoing that the proposal complies/does not comply with the provisions of the development plan.

## Other Material Considerations

The other material considerations to be taken into account are the government guidance and advice contained in NPPG18, Section 64 of the Town & Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Council's non Statutory guidance on breaches in boundary walls, and the views of the objector.

NPPG18 and Section 64 of the Town & Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

As stated above it is considered that the proposal would respect the character and appearance of the area. In its position to the rear of the existing house the proposed house would not be prominently visible to public views. Therefore it is considered that the proposal complies with the requirements of Section 64 of the Town & Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and also with the provisions of NPPG18.

The Council's Policy and Guidance for Dundee's Listed Buildings and Conservation Areas on Breaches in Boundary Walls

The existing pedestrian access to the property would be widened in order to provide vehicular access to the existing house. It is considered that the proposed widening of the existing access would not significantly impact on the contribution that the boundary wall makes to the character and appearance of the Conservation Area. It is therefore considered that the proposal accords with the Council's Policy and Guidance for Dundee's Listed Buildings and Conservation Areas on Breaches in Boundary Walls.

## The views of the Objector

The objectors grounds of objection are overlooking of neighbouring properties and that the introduction of a house in the garden ground of 54 Albany Rd would not respect the prevailing density of development in the area.

The indicative drawings show that the house would meet the minimum standard of 18 metres between facing windows. Furthermore there are a number of mature trees on the boundaries of the site that are to be retained. These would provide screening and would serve to prevent harmful overlooking of neighbouring properties. It is therefore considered that the proposed house would not lead to harmful overlooking of neighbouring properties.

The issue of density has been considered above and it is considered that the proposal would respect the prevailing density of the area.

Therefore the objectors views cannot be 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 with conditions.

## Design

The application drawings are indicative in nature and therefore the design of the house would be considered under the reserved matters.

## CONCLUSION

It is concluded that the proposal complies with the relevant provisions of the development plan. The views of the objector are not supported. There are no material considerations that would justify the refusal of this application. Therefore the recommendation is for approval.

## RECOMMENDATION

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

- 1 the approval of the City Council shall be obtained to the following reserved matters before any development is commenced viz: the siting of the building(s) the

design of the building(s) the external appearance of the building(s) the means of access to the building(s) the landscaping of the site

- 2 application for approval of the matters referred to in condition (1) above must be made within 3 years of the date of this permission

## Reasons

- 1 to reserve these matters for future consideration by the Council
- 2 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997