

KEY INFORMATION

Ward West Ferry

Proposal

Change of use from garage to ancillary family accommodation

Address

3 Fairfield Road
Broughty Ferry
Dundee

Applicant

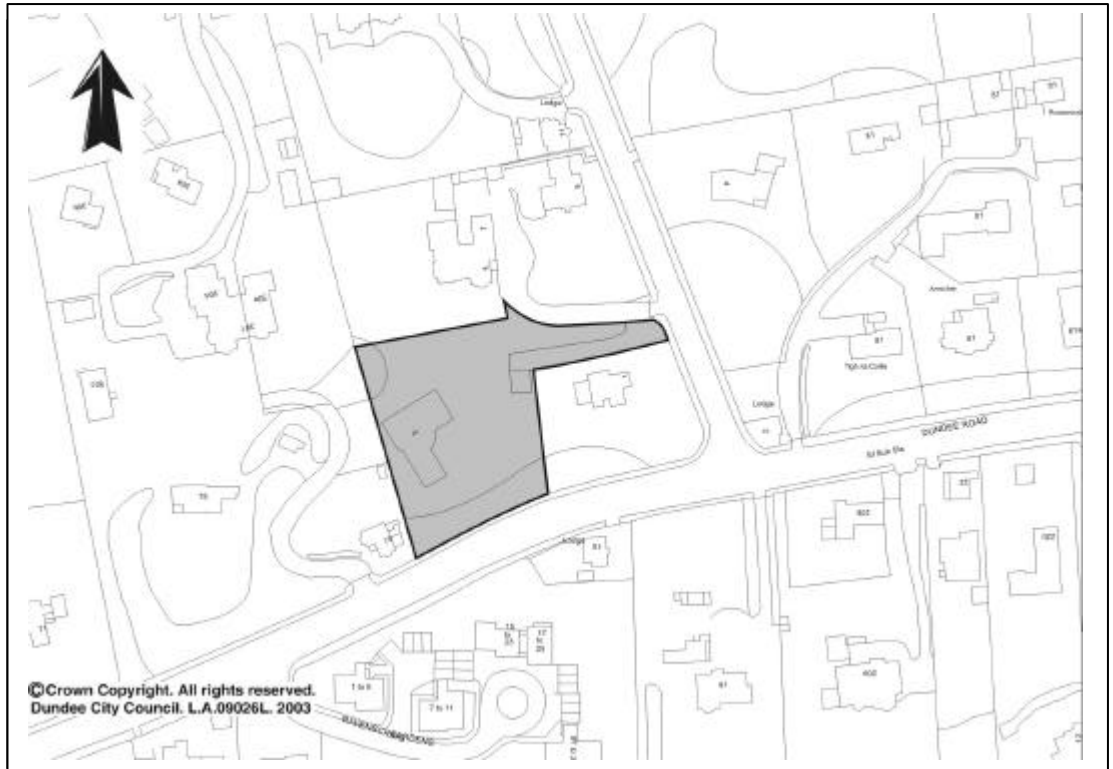
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Registered 20 Jan 2006

Case Officer C Walker



Consent Sought for Change of Use of Garage in Fairfield Road

A retrospective application for a change of use from garage to ancillary family accommodation is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal complies with the Dundee Local Plan Review 2005. The objections do not carry sufficient weight to merit refusal of the application. The application is therefore recommended for **APPROVAL**.

SUMMARY OF REPORT

- Planning permission is sought to change the use of a detached double garage with a garden store to ancillary family accommodation.
- The site comprises a large modern dwelling house and a detached garage at 3 Fairfield Road. The site was once part of the garden ground of a substantial Category B listed villa at 5-9 Fairfield Road and is fairly secluded from public view. The site lies within the West Ferry Conservation Area.
- There has been a history of planning applications for more extensive development on this site and eventually proposals for a single house and garage were approved.
- 4 letters were received from surrounding neighbours. 1 objects on traffic grounds and the other 3 letters raise concerns about the manner in which the development was carried out without consent and the overdevelopment of the site.
- It is considered that there will be no adverse impact on the amenities of neighbours as a result of the proposed change of use and that the minor changes to this secluded building to provide glazing instead of doors will not have any detrimental impact on the conservation area.
- Should Members be minded to approve the application then planning conditions covering the occupancy of the building need to be imposed and strictly monitored.

DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of a detached double garage with a garden store to ancillary family accommodation. The conversion has already been carried out. Elevational alterations to insert glazing where 3 doors were previously proposed (2 on the north and 1 on the west elevation) have already been carried out as have the internal works to convert the building. The resulting unit has a living room, kitchen, toilet and a bedroom with en suite bathroom.

The applicant has confirmed that the building would be occupied by a member of the family occupying the main house at 3 Fairfield Road and that there are no proposals to construct any more buildings within the garden area.

SITE DESCRIPTION

The site comprises a large modern dwelling house at 3 Fairfield Road and its garden ground, extending to a total of some 0.3 hectares. The house was built in 2000 along with a substantial detached garage. This garage was subsequently extended in 2004, ostensibly to form a garden store. The garage as extended does not appear to have been used for garaging cars.

Both the house and garage are of similar design, with walls of natural stone and harling and slated roofs.

The former garage building which is the subject of the current application sits in the eastern part of the site close to the boundary with the house at 1 Fairfield Road.

The site was once part of the garden ground of a substantial Category B listed villa at 5-9 Fairfield Road and sits well below and to the south of that house. To the south of the site is Dundee Road enclosed by a high stone boundary wall. To the west is a Category B listed gate lodge at 75 Dundee Road and to the east is a substantial villa at 1 Fairfield Road. The site is accessed by a long entrance driveway off Fairfield Road and this entrance driveway runs parallel to the entrance driveway for the 5 dwellings in subdivided villa and detached house at 5-9 Fairfield Road. The site is fairly secluded from public view.

There are a number of mature trees on the site which are protected by a Tree Preservation Order and the site lies within the West Ferry Conservation Area.

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

As the proposed development involves the use of an existing building to be occupied by a member of the same family as that occupying the main house without any subdivision of the curtilage, it is considered that policies relating to the provision of new housing or garden ground development are not directly relevant to the consideration of this application.



Policy 14: Alterations and Extensions is of some relevance as the change in character of the building from a garage to a residential unit may result in privacy issues. Policy 14 states, amongst other matters, that proposals will only be permitted where there is no significant loss of privacy to the occupants of neighbouring properties.

Policy 61 Development in Conservation Areas requires new development to preserve or enhance the character of the surrounding area.

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

This proposed development does not raise any issues in terms of the Councils Agenda 21 policies.

SITE HISTORY

There has been a history of planning applications for more extensive development on this site including a block of flats and 2 houses which were refused by the Council. Eventually proposals were lodged for a single house and planning permission was granted to erect a house and garage on this site in October 1996 - application D21969 refers. At the same time listed building consent was granted to form

the new entrance (alterations to a listed wall and gateway were involved) - application DLB01106 refers. Although the new entrance was formed, the entrance has yet to be finished in accordance with the approved plans.

The house was subsequently built but not in accordance with these plans and an application for planning permission for the amended design was approved in October 2000 - application D24820 refers.

In May 2004 planning permission was granted to extend the garage by forming what was described as a tool shed - application 04/00267/FUL refers. This extension was subsequently built.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 4 letters were received from surrounding neighbours. 1 of the letters objects to the development and considers that a second dwelling on the site will lead to traffic problems at the Fairfield Road entrance. The other 3 letters do not object but raise concerns about the manner in which the development was carried out without consent, the planning history where previous more extensive developments were refused, the potential impact on the conservation area and the possible

overdevelopment of the site and concerns that an approval may lead to further development on the site.

Copies of these letters are available for inspection in the Members' Lounges and the issues are discussed in the "Observations" section below.

CONSULTATIONS

No adverse comments were received from statutory consultees or other bodies.

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.

It is important to note that the proposed development seeks retrospective approval for minor elevational alterations to the building and for the occupation of the building as a dwelling unit linked to the occupation of the main house. The use of the building for habitation in itself does not require consent but the use as a self contained unit does.

Policy 14: Alterations and Extensions to Houses seeks to protect the privacy of neighbouring residents. The occupation of this building as a dwelling unit as opposed to its use as a garage means that living accommodation is brought much closer to neighbouring properties. However the building is set in fairly extensive garden ground and although it is close to the garden of 1 Fairfield Road to the east, there are no openings on the eastern elevation of the building. It is considered that there will be no adverse impact on the amenities of neighbours as a result of the proposed change of use.

Policy 61 Development in Conservation Areas requires new development to preserve or enhance

the character of the surrounding area. The minor changes to this secluded building to provide glazing instead of doors at 3 locations are not considered to have any detrimental impact on the conservation area.

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:

(A) - Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications in conservation areas to have special regard to the desirability of preserving or enhancing the character or appearance of that area.

This matter has already been considered in the assessment of the proposed development under Policy 61 of the adopted Local Plan and it was considered that the proposal would preserve the character and appearance of the conservation area.

(B) - the Concerns of the Objectors - the concern about traffic safety relate to the fact that the driveway to the applicants site and to the 5 dwellings at 5-9 Fairfield Road run parallel as they meet Fairfield Road and the objector is concerned about the additional traffic from an extra dwelling at that common entrance.

The access arrangements to the site are not ideal but on the basis that the converted garage will be occupied as a small 1 bedroom unit by a member of the same family as that occupying the main house, then it is considered that the additional traffic generated would not be significant. This position would not apply if the building was occupied entirely separately to the house at 3 Fairfield Road.

The other letters raise concerns about the manner in which the development was carried out without consent, the planning history where previous more extensive developments were refused, the potential impact on the conservation area and the possible overdevelopment of the site and concerns that an approval may lead to further development on the site.

These concerns are understandable considering the history of unauthorised development as well as previous

attempts to obtain consent for more residential development on the site. However it is considered that provided the building is genuinely used as ancillary residential accommodation and not occupied or sold off as a separate unit and furthermore that there is no more development on the application site to provide garages, garden stores or similar accommodation, that the development currently proposed is satisfactory and will not detract from the residential amenities enjoyed by adjoining occupiers or from the character or appearance of the conservation area. However should Members be minded to approve the application then planning conditions covering the occupancy of the building need to be imposed and strictly monitored.

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 contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The alterations to the building are minor in nature and are of satisfactory design.

CONCLUSION

The proposal complies with the Dundee Local Plan Review 2005. The objections and any other material considerations do not carry sufficient weight to merit refusal of the application.

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 The occupation of his building shall be as ancillary residential accommodation to the main dwelling unit at 3 Fairfield Road only and occupancy shall be limited to members of the family occupying the existing house at 3 Fairfield Road.

- 3 The use hereby permitted shall enure for the benefit of the applicant only.
- 4 The former garage and store proposed for ancillary residential accommodation shall not be provided with a separate curtilage, garden ground or parking facilities but rather shall share the garden ground and parking facilities of the main dwelling at 3 Fairfield Road.
- 5 Should a need develop in the future for a garage or garden store within the grounds of 3 Fairfield Road then this shall be implemented through the reconversion of this unit back to a garage and garden store.

of the West Ferry Conservation Area.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 It is considered that the occupation of this building as a separate dwelling unit from the main house at 3 Fairfield Road would be unacceptable in terms of the overdevelopment of the plot in relation to prevailing densities in this area, the inadequate provision of garden ground and the traffic implications at the shared entrance at Fairfield Road.
- 3 It is considered that the proposed development is only acceptable under the exceptional circumstances stated by the applicant and that in the event of a change in ownership of the premises the Council would wish to review the situation.
- 4 It is considered that the formation of a separate curtilage for this building would result in the overdevelopment of the plot in relation to prevailing densities in this area and would detract from the visual appearance of the West Ferry Conservation Area.
- 5 It is considered that any further development within the grounds of 3 Fairfield Road would contravene Policy 15 of the Dundee Local Plan Review 2005 and would detract from the setting of the Category B listed building at 5-9 Fairfield Road and the character and appearance