

KEY INFORMATION

Ward Camperdown

Proposal
Erection of dwelling in garden ground

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Dykes of Gray Road
Dundee

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Registered 23 Feb 2006

Case Officer E Jones



Proposed Development of a Single House near House of Gray

The Erection of dwelling in garden ground is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed house does not comply with Policy 74 but meets the criteria for Policy 15 and Policy 4. The material considerations of the housing allocation in Policy 3A are considered to be sufficiently strong to support the granting of planning permission contrary to Policy 74. Accordingly the application is Recommended for APPROVAL subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the erection of an architect designed, detached, three bedroom house in the garden ground of an existing large detached property. The house will be in a large plot and will have a new shared access which will be an improvement to the current access. The existing house will also retain a large garden. The site lies on the west side of Dykes of Gray Road between Liff and the Swallow Hotel, screened from the road by trees and a wall.
- As the site currently lies within Open Countryside where Policy 74 applies and the proposal does not meet the criteria in the policy for acceptable development. The proposal does comply with Policy 15 - Development in Garden Ground and Policy 4 - Design of New Housing.
- The site lies adjacent to the land identified by Policy 3A in the Dundee Local Plan Review 2005 for the development of one of the three villages in the Western Gateway. The site will be enclosed to the west and south by new housing and will no longer be in open countryside.
- It is considered that the material considerations of the housing allocation to the west and south and the low density and good quality of the design are sufficiently strong material considerations to support the granting of planning permission in this particular case.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a detached dwelling house in the garden ground of an existing property. The house will be partly two storey and will have 3 bedrooms. The materials will be render, cedar boarding and red roof tiles. It is in a large plot of more than 2,000 square metres. The existing house will also retain a plot of similar size. A new access will be formed to serve both properties.

SITE DESCRIPTION

Large detached house within large garden grounds on west side of Dykes of Gray Road between Liff village and the Swallow Hotel. Gray Walk, the access to the House of Gray lies to the north and the surrounding land is in agricultural use. The site is screened from the east and south by trees with a stone wall to the road. Part of the site contains redundant garden outbuildings screened by a high hedge. The existing road access has extremely restricted visibility for vehicles leaving the site. The site is generally level. The house is white render with a red tiled roof and its principle elevation faces westwards.

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 74 - New Development in the Open Countryside

Policy 3A - Housing Proposals

Policy 15 - Development in Garden Ground

Policy 4 - Design of 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



SOUTH ELEVATION

LOCAL AGENDA 21

The proposal complies with Key Theme 13, Places, spaces and objects combine meaning and beauty with utility

SITE HISTORY

There is no relevant site history.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification. It was also advertised as an application contrary to the Dundee Local Plan Review 2005. No objections were received.

CONSULTATIONS

The Forestry Officer advises that the submitted plans do not comply with BS:3998:2005 in respect of the identification of works proposed to trees on 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 74: New Development In The Open Countryside

Within the areas designated as Open Countryside on the Proposals Map there will be a presumption against all new development unless:

- the proposed development is located within an existing building group (see definition 1); or
- the proposed development involves the restoration of an existing building worthy of retention (see definition 2); or
- the proposed development is supported by an agricultural justification.

The proposed house does not fall within any of the 3 categories identified in the policy.

Policy 15: Development In Garden Ground

Developments in garden ground are required to satisfy a range of 9 criteria including density of development, design, layout and impact on the existing site. Planning applications must contain sufficient detail to enable their consideration under each point.

The proposal complies with all of the criteria other than the submission of a full tree survey. The proposed development is intended to retain the significant trees other than some screening conifers which form part of a high hedge and are therefore not defined as trees.

It is concluded that the proposal complies with Policy 15.

Policy 4: Design Of New Housing

New development will be required to conform to the Design Standards contained in Appendix 1 of this Local Plan. unless:

- 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.

The proposal complies with Policy 4 and reflects the low density character of the existing house in the large plot sizes of both properties. It is also an individually designed house of good design and materials which reflects the circumstances of the site and complies with the Design Guide.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan in respect of Policy 74.

Other Material Considerations

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

Dundee Local Plan Review 2005 - Policy 3a Housing Proposals

Sites identified in Appendix 2 and 3 are reserved for housing and should not be developed for other uses. New housing is proposed to the south and the west of this house plot as part of South Gray Village in the Western Gateway. A landscape buffer is shown between the garden ground and the new housing. To date a planning application has not been submitted and the site is not included within the proposed Village but the indicative housing layout in the Plan is relevant to this application and supports the proposal as this house would not, in future, be in Open Countryside.

The new house is well designed, in a large plot and has materials which are complementary to the existing house. Both houses will be screened from the road by the retained trees and will share a new access. The existing access has severely restricted visibility in both directions and the new access will be an improvement in road safety terms.

It is concluded from the foregoing that the allocation of land for residential development on the west and south

side of this large house plot will remove this site from the Open Countryside designation of Policy 74. The construction of one new house in this large garden is acceptable and the proposed design, materials and access are all acceptable in accordance with the relevant policies. It is considered that the weight accorded to the material considerations is such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

As noted, the design of the house is of high standard and will complement the existing property.

CONCLUSION

It is concluded that the proposed house complies with the policies of the development plan in respect of the design of the house and its location within the garden grounds of the original house. The site currently lies within open countryside but the land to the south and west is identified in the development plan for the construction of a new village. In these specific circumstances, the granting of planning permission for the erection of a single house in the garden ground is considered to be acceptable. Accordingly the application is Recommended for APPROVAL subject to conditions.

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 samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples
- 3 The new road access must be constructed in accordance with details which have previously been submitted to and approved by Dundee City Council as Roads Authority in accordance with

DCC specifications following which the existing road access will be closed off to vehicles.

- 4 The boundary wall on the east side of the site shall be lowered to a maximum of 0.85 metres within the visibility splays marked on the submitted plans and there shall be no new fences, walls or planting within those defined areas.
- 5 Prior to the commencement of development, tree protection fencing in accordance with BS5837:2005 shall be erected on site in accordance with details which have previously been submitted to the City Council for approval and if approved, the fencing shall be retained in place throughout the construction period. Relocation of any fencing to allow construction works to proceed shall be agreed with the Forestry and Enforcement officers prior to any movement of the fencing. No excavations, site works or services shall be carried out within the protected tree area and no soil, waste or materials shall be deposited within the tree area in such a position as to be likely to cause damage to the trees by affecting their root structure.

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 the provision of a satisfactory access to serve the development in the interest of road safety
- 4 in the interests of highway safety
- 5 to protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development