

KEY INFORMATION

Ward West Ferry

Proposal
Erection of new dwelling house

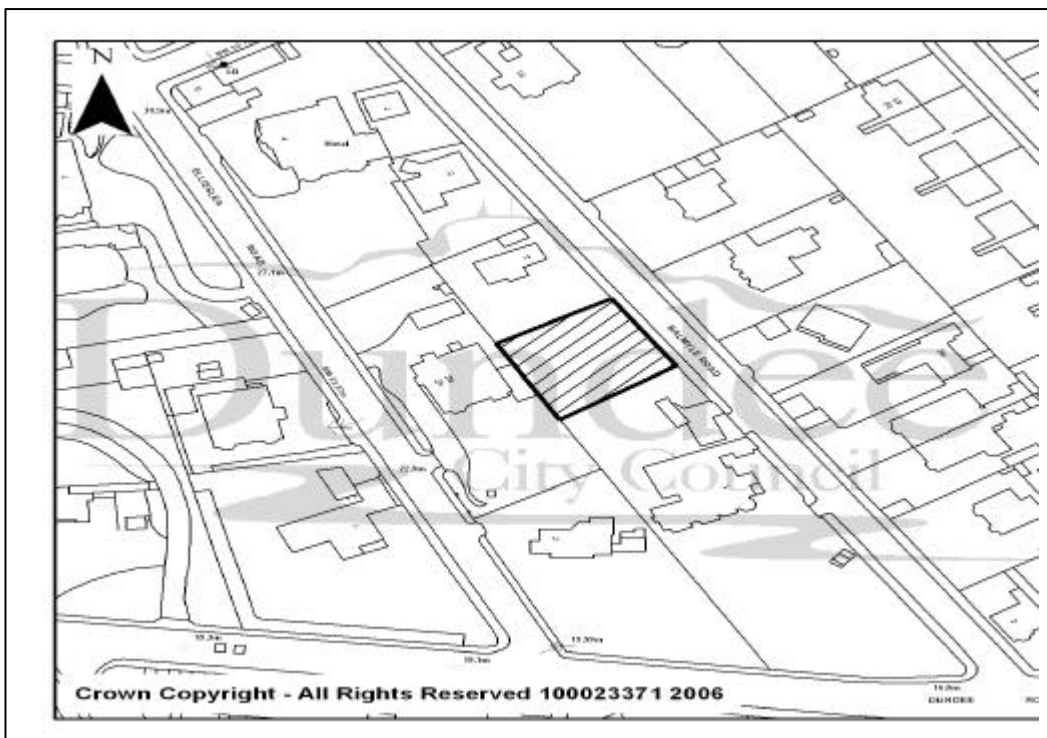
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Registered 20 Sept 2006

Case Officer S Johnson



New House Proposed in Balmyle Road

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

RECOMMENDATION

The proposed development is considered to be contrary to Policies 4, 15, and 61 of the Dundee Local Plan Review 2005, it fails to preserve or enhance the conservation area and the objections are supported.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a one and a half storey detached dwelling house within the garden ground of 3 Balmyle Road, Broughty Ferry, Dundee.
- Four letters of objection were received from neighbouring residents on the grounds of loss of parking within the curtilage, density, removal of trees and the design of the proposal.
- Policies 4, 15 and 61 of the Dundee Local Plan Review 2005 are relevant to the determination of the application as these policies seek to protect the existing amenity of neighbouring properties and the architectural appearance and landscape features of low density parts of the City.
- It is considered that the proposal does not comply with Policy 4 or Policy 15 of the Dundee Local Plan Review 2005. It fails to preserve or enhance the West Ferry Conservation Area. The views of the objectors are supported and there are no material considerations that would justify the approval of this application contrary to the provisions of the development plan.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a detached dwelling house within the garden ground of 3 Balmyle Road, Broughty Ferry. The proposed house is a one and a half storey two possibly three bedroom unit with a double garage. The proposed finishing materials are render, stones from doughtings to gable wall and zinc coated insulated cladding panels on the roof. The proposed house would be accessed through the existing entrance gates to 3 Balmyle Road along the boundary wall at Balmyle Road. The principal elevation would face south east. The north east elevation will be a gable wall to Balmyle Road which will be built up to match the existing stone boundary wall.

The proposed development would remove over half the garden ground and the principal vehicular access and parking area from the house at 3 Balmyle Road. Four trees would need to be felled to accommodate the development.

SITE DESCRIPTION

The site is located on the west side of Balmyle Road within the garden ground of 3 Balmyle Road to the south of the existing house. The existing house is a two storey modern property within West Ferry Conservation Area. The property immediately to the south is a grade B listed building. It is the original house (number 1). Immediately to the west is a grade C listed building. The principal elevation of the existing house (number 3) faces south. There is a small garden to the north and a large terraced garden to the south. Vehicular access is available along the boundary wall to the east. However, this does not appear to have been used for a number of years. There is a garage to the north of the existing house which opens directly onto Balmyle Road. There is mature vegetation along the south and west boundaries. This is a residential area where the majority of properties are large two storey stone built dwellings set within large mature gardens with separate

garages and parking within the curtilage of each property.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the



determination of this application.

Dundee Local Plan 2005

The following policies are of relevance:

Policy 4 Design of New Housing. 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 require to conform to the Design Standards contained within Appendix 1 of the Local Plan. For the purposes of the Design Standards this site is located within a suburban area.



Policy 15 Development in Garden Ground seeks to protect the architectural appearance and landscape features of low density parts of the city. A range of nine criteria including

density of development, design, layout and impact on the existing site have been established that development proposals in garden ground should satisfy.

Policy 61 Development in Conservation Areas. All development in conservation areas will be expected 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.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application

SITE HISTORY

An outline application (Planning Application Reference 06/00200/OUT) was submitted for this site but it was withdrawn before a decision had been made. A previous application for a dwelling within garden ground was refused in June 2006. (Application Reference 06/00374/FUL).

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as contravening the Development Plan and as affecting the conservation area.

Three letters of objection were received from neighbouring residents. The grounds of objection are:

The application is contrary to Policy 15 (a) of the Dundee Local Plan Review.

The proposed roof material is completely alien to the existing conservation area.

The proposed design intention to interfere with the existing stone boundary wall to Balmyle Road is

completely alien to the existing street and would introduce an architectural feature which is inappropriate.

The proposals are detrimental to the setting and amenity of adjacent listed buildings and the existing conservation area by reason of design, scale, proportion, appearance, removal of trees and inappropriate site density.

The unavailability of a tree survey. Request that the Council's own Arboriculturist appraises the content of this report from an independent perspective. Wish to object to the removal of any trees as it would be detrimental to the overall character and amenity of the existing conservation area.

The proposals contravene Policy 15 criteria (b).

The proposals contravene Policy 15 criteria (c).

The proposals contravene Policy 15 criteria (d).

Copies of the objections are available for inspection in the Members' Lounge and the issues are discussed in the "Observations" section below.

CONSULTATIONS

The Forestry Officer advises that the submitted plans do not comply with BS:5837:2005, in respect of the identification of the trees on site and the relationship of the new house to them. He notes that the loss of trees 63 and 67 whilst allowing easier development will affect the visual amenity of the area and most immediately to the adjacent house on the west boundary. There are no proposals for tree protection or proposed replanting details.

Broughty Ferry Community Council has objected to this application. On the following grounds: The design of the house; the removal of existing trees. An independent report by the Council is required; Removal of garage of existing house to create minimal parking requirements is unsatisfactory; the garden grounds for the existing and new house are inadequate for the immediate part of the conservation area. The conservation area will be adversely affected and there will be a precedent for carving up the remaining gardens.

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.

Policy 4 and Appendix 1 sets out the standards for the design of new housing at this suburban location. Part B of Policy 4 states that within established low density residential areas, the density of new development should reflect this and generous space standards will be required. The proposal is within an established low density residential area and this matter is considered in more detail under Policy 15 of the Plan.

In terms of car parking provision, Policy 4 Appendix 1 states that for private houses with 3 or more bedrooms at least 2 parking spaces should be provided. This proposal will remove the off street parking available within the curtilage of the existing house (No.3). However, it is proposed to keep the garage facade but remove the garage to provide parking for two cars within the curtilage of No.3. Consequently, the parking provision for the existing house will comply with Policy 4. An integral double garage will form part of the proposal. It is considered that the parking provision for the proposed new house complies with Policy 4.

The proposed west elevation is blank which would not create any unacceptable loss of privacy of the dwelling located to the west of the site. The majority of the windows are on the south east elevation. This may have an impact in terms of privacy, especially as it is proposed to remove two of the trees along this edge of the garden.

Policy 15 requires that developments in garden ground satisfy a range of criteria. Firstly, the proposal must be

of high quality design and use appropriate materials. In this case the proposed house would be approximately 6.2 metres in height and would have a footprint of 158sq.m. The roof would be finished in zinc coated insulated cladding panels and the external walls would have a 'powerwall' white smooth cement rendered finish with the new gable wall being finished in stone from doughtings. The design of the house makes it an obvious addition to the area. It does not reflect the local context or pattern of development. With the new gable forming part of the eastern boundary wall, the house would be evident above the existing boundary wall when passing the site. In addition, as a result of this proposal there is no evidence that there will be any doughtings.

It is considered that this is an "off the peg" design which does not reflect the character of the area. The quality of finishes, with the exception of the use of stone on the east elevation, is more suburban in character and does not make a positive contribution to the West Ferry Conservation Area. It is considered that there has been little attempt to achieve an architectural treatment which would enhance the conservation area and fit the dwelling into the established site.

It is considered that the proposed house, by virtue of its positioning, design and finishing materials does not reflect the character and appearance of the existing house (number 3) or any of the immediate adjoining properties. Accordingly, it is considered that the proposal is contrary to criteria (a) of Policy 15.

The proposed house would not project beyond the front building line of the original house. The original main house is number 1 Balmyle Road. The existing house, (number 3) is already development within the garden ground of the original house. However, from the information provided it would appear that the footprint of the proposed house would not exceed one and a half times the footprint of the original main house. The final proportion of ground covered by buildings and hardstandings would not exceed 40% of the original house and garden and at least 60% would remain cultivable garden ground. Accordingly it is considered that the proposal is in accordance with criteria (b), (c), (e) and (f) of Policy 15.

This is a residential area where the majority of properties are large stone built dwellings set within large gardens with separate garages and parking within the curtilage of each property. It is considered that this proposal does not respect the prevailing densities within the immediate area. Therefore the proposal does not comply with criteria (d) of Policy 15.

As no new openings are proposed along the boundary wall the development would comply with the Council's non-statutory guidance on Breaches in Boundary Walls. The proposal therefore satisfies criteria (g) of Policy 15. However, the visual impact of the gable wall along the eastern boundary will have a detrimental impact on the conservation area and it is considered that it will not be possible to match the gable with the existing wall. Consequently, it will always appear as an additional feature to the conservation area.

In terms of criteria (h) the applicant did not submit a separate tree survey but instead made reference to the tree survey supplied with the previous planning application (Application Reference 06/00374/FUL). The applicant has now submitted copies of the tree survey on 9 November 2006. The tree survey is inadequate and does not clearly reflect the impact of the proposed house on the existing trees. The tree survey does not provide comprehensive detail regarding maintaining any of the trees or additional root protection. It also indicated that it is proposed to remove 4 trees to accommodate this proposal. The retention of the existing trees within the conservation area is important to protect the character of the immediate area. It is considered that the proposal does not comply with this criterion. In addition, no details have been provided detailing any new planting or associated landscaping. Consequently, the proposal is contrary to criteria (i) of Policy 15.

Policy 61 states that all development proposals will be expected to preserve or enhance the character of surrounding area. As discussed above, in terms of existing density and overall design and materials, this proposal is considered unacceptable for this site. It is felt that this proposal will detract from the character of the conservation area.

It is concluded from the foregoing that the proposal does not comply 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 to pay special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

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 detract from the character and appearance of the West Ferry Conservation Area.

- b Objections - four letters including Broughty Ferry Community Council, of objection were received in respect of this application. The concerns of the objectors are loss of parking within the curtilage, density, removal of trees and the design of the proposal. These issues have already been assessed in the context of Policy 4 and Policy 15 of the Dundee Local Plan Review 2005. It has been concluded that the proposal contravenes Policy 4 in terms of prevailing densities. In terms of Policy 15, the following criteria; (a), (d), (h) and (i) are also contravened. It is found that these grounds of objection are supported.

It is concluded from the foregoing that there are no material considerations 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 refused.

Design

The design of the proposed house does not preserve or enhance the character and appearance of the conservation area or the setting of the adjacent listed buildings. It is therefore considered that the proposed development, by virtue of its architectural form and finishing materials, would have a detrimental impact to the character and appearance of the conservation area.

CONCLUSION

It is considered that the proposal is contrary to Policy 4, Policy 15 of the adopted Dundee Local Plan Review 2005 and would fail to preserve or enhance the character or appearance of the West Ferry Conservation Area. The objections are supported in these circumstances and the application is recommended for REFUSAL.

RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:-

Reasons

- 1 The proposed development is contrary to Policies 4 and 15 of the Dundee Local Plan Review 2005 due to its design, its relationship to prevailing densities, the felling of mature trees and the lack of replacement planting. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.
- 2 The proposed development fails to preserve or enhance the character or appearance of the West Ferry Conservation Area due to the design of the house and the impact on mature trees, and is therefore contrary to Policy 61 of the Dundee Local Plan Review 2005 and the statutory duty set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that would justify a departure to the provisions of the development plan in this instance.