

KEY INFORMATION

Ward West Ferry

Proposal
Erection of dwelling house in garden ground

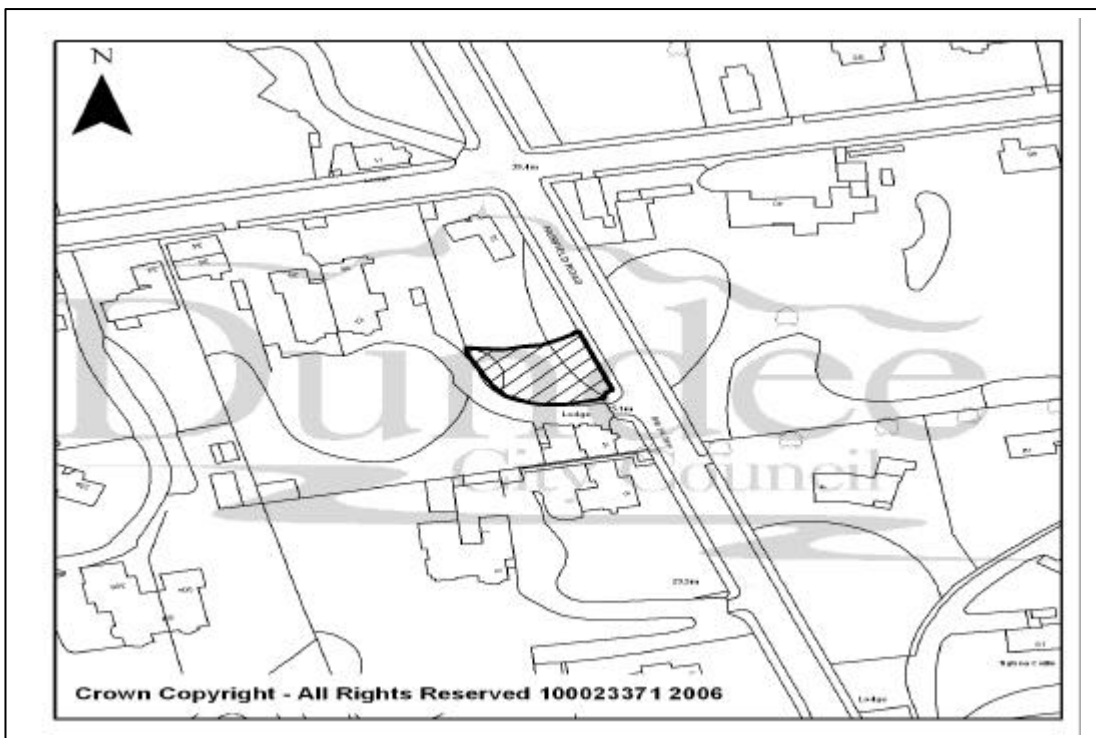
Address
Land to South of 15 Fairfield Road
Broughty Ferry

Applicant
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Registered 9 Oct 2006

Case Officer C Walker



Proposed New House in Fairfield Road

The erection of dwelling house in garden ground is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development contravenes Policies 15, 55 and 61 of the adopted Local Plan and fails to meet the statutory duty to preserve the setting of the adjoining listed buildings and character or appearance of the West Ferry Conservation Area. The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought to erect a house on the southern part of the garden ground of 15 Fairfield Road.
- The site lies within the West Ferry Conservation Area. 15 Fairfield Road has been built in what was formerly garden ground attached to "Craigmore" a substantial Category C listed building to the west of the site.
- Policies 15, 55 and 61 of the Local Plan are relevant.
- An objection from the Community Council and 2 letters of concern from neighbours were received. The main issues raised relate to the felling and lopping of trees and the impact of the proposal on the listed building and the conservation area.
- The proposed development contravenes Policies 15, 55 and 61 of the adopted Local Plan and fails to meet the statutory duty to preserve the setting of the adjoining listed buildings and character or appearance of the West Ferry Conservation Area.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a house on the site using the change in level at the site to provide an integral garage at a lower level and all the remainder of the accommodation at a higher level. This accommodation comprises a kitchen/family room, lounge, dining room and 2 bedrooms. The footprint of the proposed house is some 140 sq metres.

The design of the house is of a simple structure with a hipped slated roof and wall finishes to be determined but the applicants state that they will match adjoining dwellings.

It is proposed to use the access to the existing house to the north to serve the new house and to form a parking area in tarmac in front of the house.

No information on the existing trees and shrubs on the site, the impact of the proposed development on them or on proposals for new planting has been provided. The application form indicates that no trees will be felled or lopped but it is clearly impossible to construct a house at the location shown without some tree felling and extensive lopping of other trees.

SITE DESCRIPTION

The site comprises a plot of ground some 540 sq metres in extent which forms the southern part of the garden ground of the existing house at 15 Fairfield Road. The existing house is a substantial "L" shaped 2 storey villa which appears to date from the 1960's. The existing house is sited at the northern extremity of its plot overlooking the landscaped gardens to the south.

The plot slopes down to the south with a significant break in level at the southernmost section where there is a vehicular access and a hardstanding providing car parking (there is also a small single garage right on the heel line of the footway at the north western corner of the plot adjacent to the existing house).

The application site covers the hardstanding to the south of the existing house and some of the garden area at a higher level to the north. There are a number of trees and shrubs

within the grounds of 15 Fairfield Road and specifically within the application site.



The site lies within the West Ferry Conservation Area and its surroundings are characterised by substantial villas set in extensive gardens. 15 Fairfield Road has been built in what was formerly garden ground attached to "Craigmore" a substantial Category C listed building to the west of the site, which has been subdivided into flats. To the south of the site is the entrance to "Craigmore" and a lodge house which is also



Category C listed. To the east is Fairfield Road and the site is enclosed on this boundary by a high stone wall which has been breached to form an access to 15 Fairfield Road. To the east, on the opposite side of Fairfield Road, is a substantial dwelling at 40 Albany Road whose garden is also enclosed within high stone walls.

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 site is in an existing housing area and Policy 1 seeks to protect residential amenity. Policy 4 sets out standards for new housing development.

Policy 15 on garden ground development is applicable.

Policy 55 of the Plan states that all development should respect the setting of listed buildings.

The site is also within the West Ferry Conservation Area and Policy 61 requires all development proposals 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

There is no relevant planning history.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposed development was advertised as affecting the setting of listed buildings and the conservation area and as contravening the Local Plan.

2 letters were received from the occupiers of 2 dwellings in "Craigmore" to the west of the site. They do not object to the proposal but state concerns about the felling and lopping of trees and hedges and a loss of privacy as a result and concerns about the impact of the proposal on the listed building and the conservation area.

Copies of these letters are available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

Broughty Ferry Community Council objected to the proposed development stating concerns about the house being inappropriately small with an inappropriately small garden which would have an adverse impact on the conservation area typified by its spacious nature. It considers that the proposed new house would have an adverse impact on the listed house and gate lodge.

A copy of this letter is available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

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 proposed use of the site for residential purposes is in accordance with the terms of this policy. Under Policy 4, which sets out standards for new housing development, the site is classified as falling within a suburban area. In this case the proposal fully complies with these standards. However the proposed would occupy the access and parking area for the existing house leaving it with inadequate parking facilities in terms of Policy 4.

Policy 15 relates to garden ground development. The preamble to this policy states that its aim is to protect the architectural appearance and landscape features of low density parts of the city.

In terms of Policy 15(a), it is considered that the design of the proposed house is a standard solution which is neither "lodge like" in scale nor in keeping with its surroundings. The extensive amount of under building is unattractive and adds to its visual prominence. The lack of clarity on finishing materials suggests that the design of the proposed house has not been fully thought through.

Policy 15 (b) and (c) are not contravened as "Craigmore" is a very large villa and there has not been extensive development in its grounds.

However it is considered that the proposed development does not respect the prevailing densities in the area and Policy 15(d) is contravened. The insertion of this new house in front of the existing house at 15 Fairfield Road and close to the entrance to "Craigmore" upsets the low density feel to the surroundings.

Policy 15(g) seeks to minimise breaches in boundary walls. In this case no new breaches are proposed but the development would leave the existing house at 15 Fairfield Road with inadequate parking facilities and it seems inevitable that if the proposed development were to proceed then there would be a future application to demolish part of the boundary wall to provide parking for the existing house.

Finally, a tree survey has not been provided and there are no clear proposals for new planting contrary to Policy 15(h) and (i). This is of particular concern given that there is mature planting on the site which will clearly be affected by the proposed development in terms of both tree felling and radical pruning.

Policy 55 of the Plan states that all development should respect the setting of listed buildings. The proposed development seeks to construct a new house close to the entrance to "Craigmore" and its gate lodge (also listed) to the south of the site. It is considered that the removal and pruning of trees and shrubs at this location and the insertion of the proposed new house, whose design is not in keeping with its surroundings, will adversely impact on the entrance driveway to "Craigmore" and the listed gate lodge.

Policy 61 requires all development proposals in conservation areas to complement and enhance the character

of the surrounding area. It is considered that this part of the conservation area is typified by substantial stone villas in large gardens with mature landscaping enclosed by high stone boundary walls. The proposed development would involve the removal and pruning of trees and shrubs at this location which are clearly visible from Fairfield Road and the insertion of the proposed new house, whose design is not in keeping with its surroundings.

It is considered that the impact of inserting a new house at this prominent location and the pruning and felling of trees will have a significant adverse impact on the character and appearance of this part of the conservation area contrary to Policy 61 of the Local Plan.

It is concluded from the foregoing that the proposal does not comply with Policies 15, 55 and 61 of the adopted Local Plan.

Other Material Considerations

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

- a Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect the setting of listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This matter has already been considered in the assessment of the proposed development under Policy 55 of the adopted Local Plan and it was considered that there would be an adverse impact on the setting for "Craigmore", its lodge house and the entrance driveway.

- b The Statutory duty set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

This requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. As explained above in the context of the assessment of the proposal under Policy 61 of the adopted Local Plan, it is considered that the proposed

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

c The Concerns of Neighbours and the Community Council

The objectors and the Community Council have stated concerns about the adverse impact of the development on the listed buildings and the conservation area, the potential loss of trees and shrubs, adverse impact on privacy, and the small size of the house and its garden area.

The issues about the adverse impact on the listed buildings and the conservation area, including the impact on trees and shrubs has been considered in the assessment of the development against Policies 15, 55 and 61 of the Local Plan. The views of the objectors on these issues are supported and it has been concluded that the development contravenes the Local Plan and the statutory requirements in these respects.

The concern of neighbours about the adverse impact on privacy due to the felling or pruning of trees and shrubs is not supported as no dwellings will be overlooked and any garden areas affected are already overlooked by other users of the access driveway to "Craigmere".

The concerns of the Community Council about the size of the proposed house are not supported. Excluding the garage, almost 140 sq. metres of floorspace is provided which is well in excess of the 100 sq. metres set out in Policy 4 of the Local Plan. However the concern about inserting a house of this size on the proposed plot is supported and the assessment of the development against Policy 15(d) of the Plan concludes that the prevailing density of the area is not respected.

d Impact on 15 Fairfield Road

The existing house at 15 Fairfield Road is a substantial villa with attractively landscaped gardens and an appropriate level of parking facilities. If the proposed development were approved the existing house would be left with a substantially reduced garden area and parking facilities for a single car in the form of a garage. Whilst the resulting plot would be well in excess of that associated with a typical suburban dwelling, the proposed development would lead to a "suburbanisation" of the plot and a density of development that would be

out of keeping with the character of the area. It seems inevitable that if the proposed development were to proceed then there would be a future application to demolish part of the boundary wall to provide parking for the existing house.

It is concluded from the foregoing that the material considerations weigh against the proposed development and that there are no material considerations that would justify setting aside the terms of the Development Plan. It is therefore recommended that planning permission be refused.

Design

The design of the proposed house is a standard solution which is neither "lodge like" in scale nor in keeping with its surroundings. The extensive amount of under building is unattractive and adds to its visual prominence. The lack of clarity on finishing materials suggests that the design of the proposed house has not been fully thought through.

CONCLUSION

The proposed development contravenes Policies 15, 55 and 61 of the adopted Local Plan and fails to meet the statutory duty to preserve the setting of the adjoining listed buildings and character or appearance of the West Ferry Conservation Area.

RECOMMENDATION

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

Reasons

- 1 The proposed development contravenes Policy 15 (a) of the adopted Dundee Local Plan Review 2005 because the design of the proposed house is inappropriate for its surroundings, Policy 15(d) because the development does not respect the prevailing densities in the area and Policy 15(h) and (i) because a tree survey has not been provided and there are no clear proposals for new planting. The failure to comply with these policies results in a development that runs counter to the aims of Policy 15 to protect the architectural appearance and landscape

features of low density parts of the city.

- 2 The proposed development seeks to construct a new house close to the entrance to "Craigmere" and its gate lodge (also listed) to the south of the site. The removal and pruning of trees and shrubs at this location and the insertion of the proposed new house, whose design is not in keeping with its surroundings, will adversely impact on the entrance driveway to "Craigmere" and the listed lodge house contrary to Policy 55 of the adopted Dundee Local Plan Review 2005 and the Statutory duty set out in Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 3 The impact of inserting a new house at this prominent location and the pruning and felling of trees will have a significant adverse impact on the character and appearance of this part of the conservation area contrary to Policy 61 of the adopted 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.