

KEY INFORMATION

Ward West Ferry

Proposal

Change of use from vacant office to form two flats and erection of a dwelling house

Address

95A Dundee Road
Broughty Ferry
Dundee

Applicant

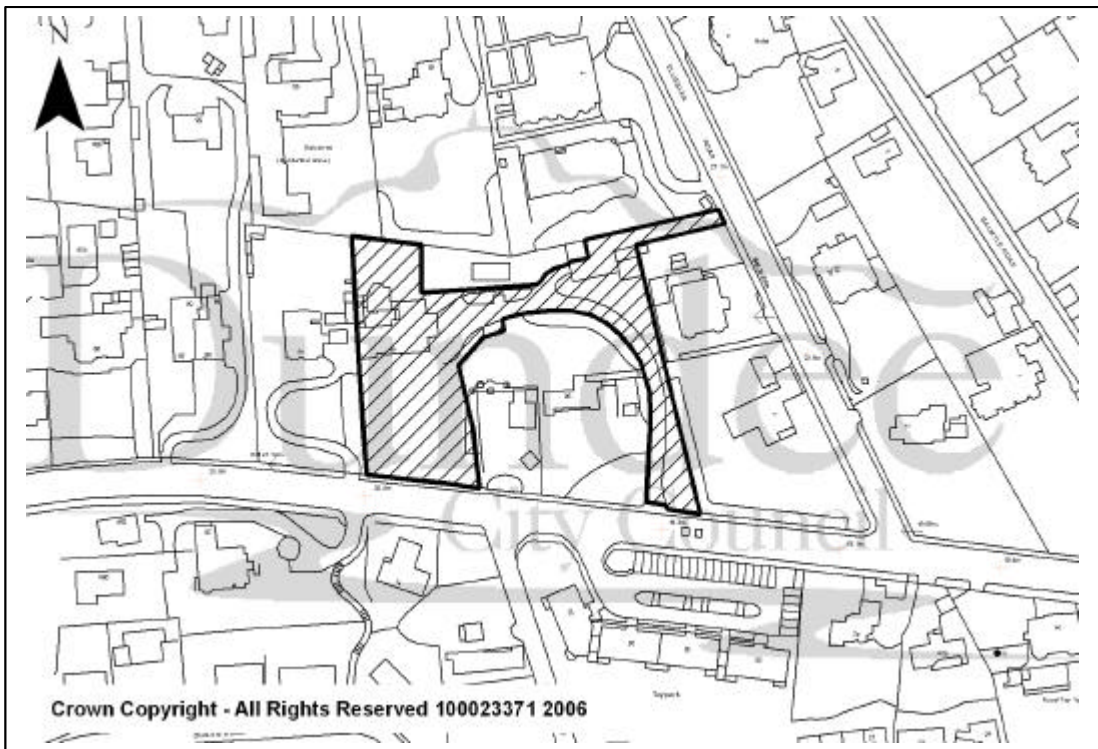
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Registered 23 Nov 2006

Case Officer C Walker



New Dwelling in Garden Ground Proposed in Conservation Area

The change of use from vacant office to form two flats and erection of a dwelling house is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with Local Plan policy and subject to the imposition of appropriate conditions will not detract from the amenities of neighbours. The application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Planning permission is sought to convert and extend an existing stone villa in the West Ferry Conservation Area to form 2 flats and to build a new house in the garden to the rear.
- Policies 1, 12, 14, 15, 55 and 61 of the Dundee Local Plan Review 2005 are relevant to the determination of the application.
- Letters of objection were received from 2 neighbours and the Community Council concerned about the treatment of the existing villa and the design, scale and impact of the proposed new house.
- The design of the development is satisfactory. The proposal complies with Local Plan policy and although normally the insertion of a large new dwelling to the rear of an existing villa on a site of this size would not respect reflect prevailing densities, in this case the proposed house will occupy a site already occupied by buildings. Subject to the imposition of appropriate conditions the development will not detract from the amenities of neighbours.

DESCRIPTION OF PROPOSAL

Planning permission is sought to convert and extend the existing stone villa to form 2 flats and to build a new house in the garden to the rear of the house on a site currently occupied by modern extensions to the original building.

It is proposed to demolish extensions to the north and west of the villa. Most of these extensions are modern timber clad flat roof single storey extensions but there are also single and 2 storey stone and slate extensions to the rear (north) of the building also proposed for demolition.

It is proposed to construct a new single storey extension to the west of the original villa (on the site of an existing flat roofed modern extension) and to construct a stair extension to the rear to provide access to the upper floor flat.

The new development would comprise a ground floor flat of 4 bedrooms and an upper floor flat with 5 bedrooms, the upper floor flat having 2 bedrooms in the roofspace lit by new velux windows.

To the rear of the villa it is proposed to build a new 5 bedroom house on 2 levels above a garage. The Garage sits at the same level as the villa but the house sits on higher ground to the rear above the garage. The proposed house has a footprint of some 150 sq. metres and sits on a plot of some 420 sq metres. Its design is modern with smooth white rendered walls and a stainless steel standing seam roof. The main orientation of the windows on the house is to the west and south, with the south facing windows set in that part of the house set further back from the existing villa.

A garden area of some 115 sq metres is provided to the south west of the new house and an area of some 45 sq metres is proposed to the south east of the house.

The new house will be quite close to the existing villa (6 metres at the nearest point) but the windows have been arranged to avoid overlooking.

It is proposed to lay out the former grounds of the original villa to provide 2 parking spaces for each flat and to provide each flat with garden ground

on the terraces to the south of the building.

The applicants have submitted a Design Statement in support of their proposals. They suggest that their proposals are of a better design quality and provide greater compliance with Local Plan policy than the previously approved scheme. They state that their proposals provide a considered and appropriate response to the opportunities and limitations of the existing site and building.



The Statement goes on to analyse the development against Policies 4, 12, 14 and 15 of the Local Plan. It suggests that the conversion of the building into 2 flats better retains and enhances the original generous spatial quality of the building compared with a vertical subdivision. It states that the removal of existing areas of the building and extensions creates a better layout in terms of parking and access.

SITE DESCRIPTION

The site comprises a substantial detached stone villa set in mature landscaped grounds. The building has been extended to the north and west with flat roofed timber clad extensions. The principal access to the site is from Dundee Road but there is a second access from Ellieslea Road. These private access driveways are approximately 5 metres wide and are shared with 2 modern houses built within the former grounds of the original house. A third house within the grounds has direct access to Dundee Road only.

The building sits close to the western site boundary and is separated from the dwelling to the west by a high stone wall. It overlooks a substantial landscaped garden to the south. To the

north and north west are buildings a considerable distance away which are accessed from Albany Road. To the north east is a modern house which shares the same access driveway as the application premises and to the south east are 2 modern houses, one of which shares the driveway and the other takes direct access from Dundee Road.

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 12 relates to the subdivision of houses and Policy 14 to alterations and extensions to houses.

Policy 15 on garden ground development is applicable.

Policy 55 of the Plan emphasizes the importance of design quality in new developments.

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

Planning permission was granted in November 2002 to convert and extend the original villa to form 4 townhouses - application 02/00435/COU refers.

There were 2 subsequent applications to convert the building into a children's nursery and offices, both of which were refused, the second one on appeal - applications 03/00793/COU and 04/00753/COU refer.

PUBLIC PARTICIPATION

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

Two letters were received from the occupiers of nearby dwellings concerned principally about the proposed new house and stating that there will be overlooking from the proposed new house, its height is excessive, it is too large for the plot, the design of the roof is inappropriate for a conservation area, there could be damage to trees and mutual boundary walls and there will be an increase in vehicular traffic, particularly outwith normal office hours.

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 that the design of the original building will be ruined by the proposed new rooflights, the new house will have an inappropriately small garden, its design is unsympathetic to the style of the original house and finally that demolition should not include the historical parts of the house.

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.

Policy 1 states that new development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

It is considered that issues of design and layout are relevant in this case. These issues are considered in more detail in the assessment of the development against Policies 4 and 15 of the Plan.

Policy 4 sets out standards for new housing development. The suburban standards apply in this case. There is a presumption against the provision of flats although there is an exception stated where conversion of a building worthy of retention is proposed where conversion to flats is the only appropriate action. In this case the original villa is worthy of retention and its conversion to 2 flats split horizontally is a better solution than 2 townhouses split vertically in terms of preserving the character of the building. Each flat is provided with a very generous standard of accommodation, amenity ground and parking and it is considered that the provision of the flats is a justifiable exception to Policy 4.

The proposed new house is large for the size of the plot but it does meet the Policy 4 standards in that it provides 160 sq. metres of private garden ground. This garden ground is screened from adjoining properties to the north, east and west by high walls and hedges. It is close to the rear of the existing villa but the windows on that building are 2 small first floor

windows serving a bedroom and kitchen and 2 velux windows serving bedrooms. It is not considered that the potential overlooking is such as to have a detrimental impact on the privacy of the garden areas.

Policy 4 requires a distance of 18 metres between facing windows of habitable rooms. In this case there is a first floor a kitchen window and bedroom window on the existing villa is within 12 metres of windows on the south elevation of the proposed new house. However these windows are off set by an angle of up to 45 degrees with the stair tower almost completely blocking views from the bedroom to windows on the proposed new house. As the kitchen window is one of 2 serving the room, it is suggested that it could be glazed with obscure glass should Members be minded to approve the application.

In these circumstances it is considered that the requirements of Policy 4 can be met in this instance.

Policy 12 relates to the subdivision of houses and all the standards are met in this case.

Policy 14 relates to alterations and extensions to houses and the changes to the original house comply with the terms of that policy.

Policy 15 on Garden Ground Development sets out criteria which must be met as follows:

- a the proposal is of high quality design and uses materials appropriate to its surroundings. In this case it is considered that the design of the proposed conversion of the existing villa is satisfactory. The design of the proposed new house is completely modern (as is that of the other new house within the former garden of the original villa). It is considered that the proposed design is satisfactory for the site. However in terms of the proposed finishing material for the monopitch roofs, it is considered that a darker colour would be more appropriate and it is suggested that this matter could be covered by a planning condition should Members be minded to approve the application.
- 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. In this case the footprint of the proposed buildings is actually less than that of the existing buildings because the amount of demolition exceeds that of the footprint of new building.

- 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. This standard is easily met on the site.
- d prevailing densities in the area are respected. Normally the insertion of a large new dwelling to the rear of an existing villa on a site of this size would not respect prevailing densities. However in this case account must be taken of the fact that the proposed house will occupy a site, a considerable proportion of which is currently occupied by buildings. The overall footprint of new buildings will be less than that currently on site and although the volume of new building may be larger than currently exists, the resulting development will not alter the prevailing density of development at this location.
- 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. This standard is met by the proposed development.
- f prominent frontages and elevations of architectural character on the original house will remain largely intact. This standard is met by the proposed development.
- g the proposal conforms to the Council's non-statutory guidance on Breaches in Boundary Walls. In this case the access proposals are unaltered.
- 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. In this case a tree survey has been provided. There is an extensive amount of trees on the site, mainly well to the south and east of the proposed development and unaffected by it. One tree will be affected by the proposed development, a sycamore in the north west corner of the site. the tree report indicates that this tree has a poor form and recommends its replacement. It is considered that the felling of this individual tree is acceptable subject to satisfactory replacement.

- 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. New planting proposals have not been provided but as only 1 tree will be affected by the development it is considered that this matter could be covered by a planning condition should Members be minded to approve the application.

It is concluded that the development complies with Policy 15.

In terms of Policy 55, for the reasons set out in the assessment of the development against Policy 15(a) of the Plan, it is considered that the design of the development is satisfactory.

Finally in terms of Policy 61, again for the reasons set out in the assessment of the development against Policy 15 of the Plan, it is considered that the design of the development is satisfactory, the appearance of the existing villa is respected and the landscaping on the site is retained. it is therefore considered that the development will preserve the character and appearance of the West Ferry 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) 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 preserve the character and appearance of the West Ferry Conservation Area.

(B) The Concerns of Neighbours and the Community Council

The objectors and the Community Council have stated concerns about the design, height and size of the proposed new house, the inadequacy of the garden ground, overlooking from windows and balconies, possible damage to trees and mutual boundary walls, an increase in vehicular traffic, the impact on the design of the original building and excessive demolition.

The issues relating to the design and size of the proposed new house and the size of the garden ground have been considered in the assessment of the development against Policies 1,4, 55 and 61 of the Local Plan and subject to a condition relating to the roof colour it is considered that the development is satisfactory.

Concerns have been expressed about the height of the building and potential overlooking from windows and balconies. The garden ground to the rear of the original villa rises quite steeply but it is proposed to excavate this area so that the impact of the new house is minimised (at the rear of the site the finished floor level of the house will be approximately 1.5 metres below existing ground levels). This means that the ground floor of the new house will be screened from adjoining properties to the west and north by the existing stone boundary walls. The upper floor and roof will be visible from these properties. However the windows on the west elevation serve a bedroom and landing and will be 11 metres from the site boundary. It is considered that this will not lead to unreasonable overlooking. However the proposed balcony area comes to within 8 metres of the boundary and use of this area would not be screened by the boundary wall. The concerns of the objector about overlooking from

the balcony are accepted and it is considered that this matter would be resolved by reducing the size of the balcony and providing a screen wall on its western side to reduce the opportunity for overlooking of the private garden of the house to the west. It is considered that this matter could be made the subject of a planning condition should Members be minded to approve the application. The house to the north sits over 40 metres from the application site and there is an extensive screen of trees on the boundary. There is 1 north facing window on the upper floor serving a bedroom and this room already has a south facing window. It is considered that the window on the north elevation could be deleted without detriment to the amenity of the room and it is proposed that this matter could be made the subject of a planning condition should Members be minded to approve the application. It is not considered that the height of the proposed new house is excessive.

Concerns about possible damage to trees are not accepted. 1 tree will be felled to accommodate the development but otherwise trees are a significant distance from the proposed development or protected by existing walls. Concerns about damage to mutual boundary walls are a legal matter and not relevant to the consideration of this planning application.

Concerns about an increase in vehicular traffic are not accepted. The level of traffic generated by 3 houses will be minimal compared with the use of the premises as offices or even compared with the previous approval for 4 houses on the site.

Finally concerns about the impact on the design of the original building and excessive demolition are not accepted and have been addressed in the assessment of the proposals against Policies 15, 55 and 61 of the Local Plan. The original house will be retained and the extensions to be demolished are not of sufficient visual merit as to justify their retention.

(C) The Applicants Design Statement

The Design Statement which was been submitted by the applicants has been taken into account in the assessment of the application and in general the points made in support of the development are accepted.

It is concluded from the foregoing that insufficient weight can be accorded to the concerns of objectors as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted.

Design

The design of the proposed conversion of the existing villa is satisfactory and preserves its essential character and features. The design of the proposed new house is completely modern and is appropriate for the site. However in terms of the proposed finishing material for the monopitch roofs, it is considered that a darker colour would be more suitable.

CONCLUSION

The proposed development complies with Local Plan policy and subject to the imposition of appropriate conditions will not detract from the amenities of neighbours.

RECOMMENDATION

It is recommended that consent 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. In particular the standing seam roof for the proposed new house shall be finished in a dark grey colour and not stainless steel as indicated.
- 3 All the windows on the attic floor level of the existing building shall be roof lights only and for the avoidance of doubt no dormer windows shall be formed on the roof of the building. Details of all the rooflights in terms of their sizes shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 4 The first floor north facing kitchen window on the existing

building shall only be glazed or reglazed in obscure glass.

- 5 Details of an amended design for the stair tower on the existing building to take the glazing down to ground floor level and to reduce the horizontal emphasis of the store room windows shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 6 Exact details of the floor levels for the proposed new house, which shall ensure that the relationship to the boundary walls to the west and north as indicated in Drawing 0569-12-A are achieved, shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 7 The first floor south and west facing balcony on the proposed new house shall be reduced in size so that it projects no further south than 2.5 metres from the lounge and is provided with a screen on its western side. Details of the revised balcony shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 8 The first floor north facing master bedroom window on the proposed new house shall be deleted.
- 9 The only tree on the site which shall be felled is the sycamore indicated as Tree 1 on Drawing 0569-11 and no other tree shall be pruned or felled without the prior written consent of the Council. For the avoidance of doubt, the works to other trees on the site set out in Drawing 0569-11 are not approved. Details of the means of protection of trees and hedges to be retained in accordance with BS 5837:2005 shall be submitted to the Council for approval before any development commences, and approved measures shall be

strictly adhered to, with all details of protective fencing agreed on site with the Council (and a written record taken) before any development commences.

- 10 Full details of the landscaping of the site and the maintenance of existing planting, including a timescale for implementation, shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.
- 11 Full details of the formation of the private garden areas for the house and flats in terms of ground levels, screening of the gardens for the new house and protection of trees adjacent to the proposed gardens for the flats shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 3 To ensure a satisfactory standard of appearance of the development
- 4 To protect the privacy of the proposed new house to the north in the interests of residential amenity.
- 5 To ensure a satisfactory standard of appearance of the development
- 6 It is essential that the house is no higher in relation to the boundary walls than that portrayed in Drawing 0569-12-A in order to protect the privacy of the garden

areas of the dwellings to the west and north of the site.

- 7 To ensure that the private garden ground of the house to the west is not overlooked.
- 8 To ensure that the private garden ground of the house to the north is not overlooked.
- 9 To protect those trees and hedging which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development
- 10 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 11 In order to provide useable garden ground and to ensure that the formation of garden areas for the flats does not damage nearby trees.