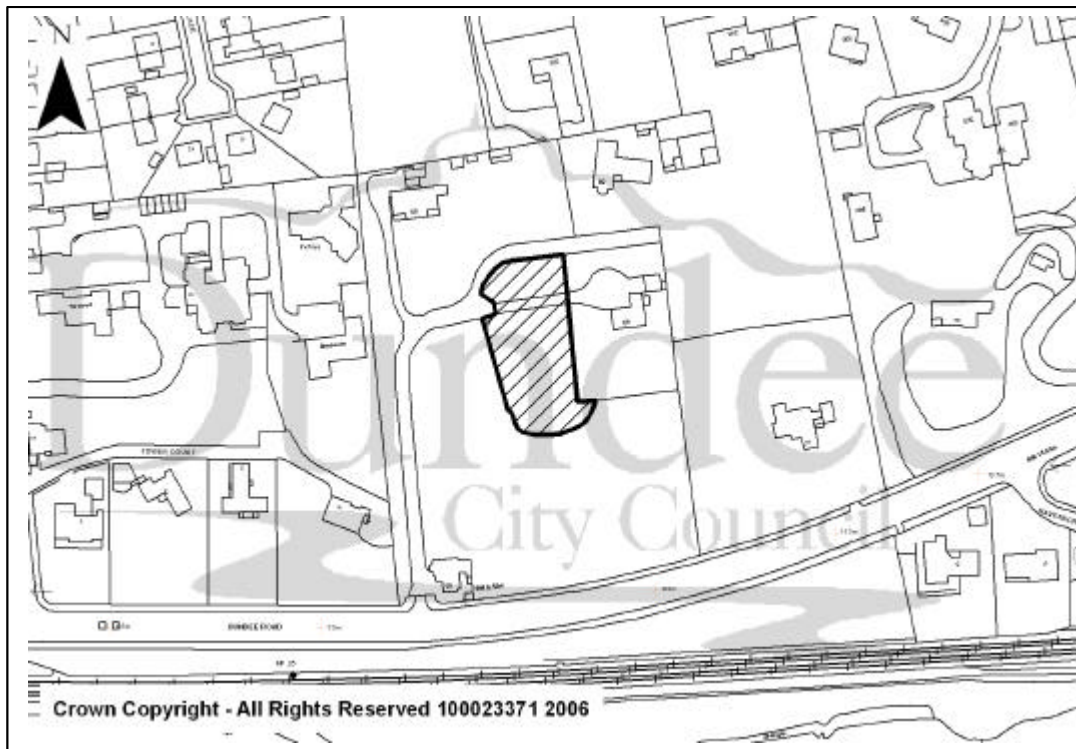


KEY INFORMATION**Ward** West Ferry**Proposal**

Erection of Detached Dwellinghouse

AddressLand to West of Woodcroft
69 Dundee Road
Broughty Ferry**Applicant**Mr & Mrs J Pickett
Woodcroft
69 Dundee Road
West Ferry
Dundee
DD5 1NA**Agent**ARKTX Chartered Architects
187 Strathmartine Road
Dundee
DD3 8BL**Registered** 26 Jan 2007**Case Officer** C Walker

House Proposed for Prominent Site in Conservation Area

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

RECOMMENDATION

The proposed development contravenes Policies 4, 15 and 61 of the adopted Local Plan and fails to meet the statutory duty to preserve the character or appearance of the West Ferry Conservation Area. The application is therefore recommended for REFUSAL.

SUMMARY OF REPORT

- Planning permission is sought to erect a large 2 storey house in garden ground attached to "Woodcroft" at 69 Dundee Road.
- The site lies within the West Ferry Conservation Area and its surroundings are characterised by substantial villas set in extensive gardens. The elevated nature of the site increases its prominence from Dundee Road.
- 4 letters of objection were received, 3 from neighbours and 1 from the Community Council stating concerns about the design and scale of the house, adverse impact on the conservation area, the loss of the low density character of 69 Dundee Road, tree felling, the narrowness of the access driveway and the unsafe junction at 69 Dundee Road.
- It is considered that the impact of inserting such a large house in a prominent location will detract from the open character of the area and would therefore have a detrimental impact on the character and appearance of this part of the conservation area and contrary to Policies 4, 15 and 61 of the Local Plan.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a large 2 storey house on the site with a footprint of some 210 sq metres. The accommodation includes a kitchen, breakfast room, dining room, drawing room, TV room and integral double garage at ground floor and 4 bedrooms, a lounge and a study on the upper floor. The proposed house is of modern design with smooth render walls and a tiled roof, and some of its detailing is inspired by the art deco movement.

It is proposed to use the access to the existing house to the east to serve the new house and to form a parking area to the north of the house. Unusually, no provision has been made for access arrangements for the existing house in this planning application. There are indications on the plan that a new access may be formed outwith the application site.

A Tree Survey was submitted with the application which states that of the 25 trees on the site, 5 make a significant contribution both to the site and the wider area and that 8 should be felled in the interests of sound arboricultural management.

SITE DESCRIPTION

The site comprises a plot of ground some 1,920 sq metres in extent which forms the western part of the garden ground of "Woodcroft", 69 Dundee Road. "Woodcroft" is a substantial villa with art deco features which sits on an elevated site overlooking the Tay. A large single storey extension was recently added to the west of the house. The entire garden area of "Woodcroft" is some 3,250 sq. metres in extent.

69 Dundee Road once contained a house called "Fernhall" and following demolition of the house its grounds were subdivided into large plots and 4 houses were erected called "Woodcroft", "Little Court", "Holly Hill" and "Fairways". "Fairways" is now accessed separately and has an address at 71 Dundee Road. The lodge house at Dundee Road was retained and is a Category B listed building. The coach house was also retained and

falls within the curtilage of "Holly Hill". Finally there is a large field to the south of the application site which has remained undeveloped.



SOUTH ELEVATION

The site lies within the West Ferry Conservation Area and its surroundings are characterised by substantial villas set in extensive gardens. The elevated nature of the site increases its prominence from Dundee Road. There are a number of trees and shrubs within the application site and adjoining gardens although a number of trees within the application site were felled without consent and new planting was carried out under the terms of a Tree Replacement Order.



The original access drive to "Fernhall" serves 4 houses at 69 Dundee Road. This driveway is some 5 metres wide and visibility is poor at its junction with 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.

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. Finally the site is within an area where Policy 15 on garden ground development is applicable.

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

The proposed development is sustainable insofar as it is close to services and facilities.

SITE HISTORY

There have been a number of recent planning applications within the grounds of the former "Fernhall" of relevance to the determination of this application. These are:

- 1 Planning permission was granted for a house within the grounds of "Little Court" in January 1999 - application 98/23601/D refers. This consent was not implemented and has now expired.
- 2 Planning permission was granted for the change of use of the coach house within the grounds of "Holly Hill" to a house in December 2001 - application 01/30138/COU refers. This permission was recently renewed in March 2007 - application

06/01108/COU refers. On 2 occasions applications for planning permission for a new house to the south of "Holly Hill" were withdrawn having been recommended for refusal - applications 01/30150/FUL and 02/00009/FUL refer.

- 3 Separate applications for 3 and 4 houses on the undeveloped ground to the south of the application site were withdrawn by the applicants having been recommended for refusal - applications 01/30402/FUL and 02/00509/FUL refer.
- 4 Planning permission was granted for a large single storey extension to the west of "Woodcroft" in August 2000 - application 00/24740 refers. This extension has been built.
- 5 In November 2003 17 trees were removed from the application site in contravention of S172 of the Planning Act. The Council instigated enforcement action to ensure the planting of 8 new trees at this location and the replanting has been carried out.
- 6 In January 2006 an application to build a house on the current application site was withdrawn by the applicants prior to its determination by Committee - application 05/00826/FUL refers. The application had been recommended for refusal.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposed development was advertised as affecting the West Ferry Conservation Area and as contravening the Local Plan.

3 letters of objection were received from neighbouring properties stating concerns about the adverse impact of the development on the conservation area, the loss of the low density character of 69 Dundee Road, the previous felling of trees and future tree loss, the narrowness of the access driveway and the unsafe junction at 69 Dundee Road, the proximity of the new house to "Woodcroft" and its excessive scale, the design of the proposed house and concerns about damage to the listed gate piers during construction.

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 traffic safety, adverse impact on the prevailing density, previous unauthorised removal of trees and future tree loss and the inappropriate design of the proposed 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.

Furthermore in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) Act 1997 special attention should be paid to the desirability of preserving or enhancing the character or appearance of the West Ferry Conservation Area.

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 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 and the proposal fully complies with the standard requirements for a new suburban house. However Policy 4(b) states that for proposals within an established low density residential area the density of new development should

reflect this and more generous external space standards will be required.

The former garden ground of "Fernhall" is characterised by a very low density of housing with generous space standards between the buildings. This pattern would not be reflected by the development currently proposed both because of its close proximity to the existing extended house to the east (compared with the spacing between other houses) and the size of the proposed house compared with the size of the plot. It is considered that this failure to reflect the prevailing low density contravenes Policy 4(b) of the Plan.

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, in itself, satisfactory. The proposed roofing material is not considered appropriate but this is a matter of detail that could be controlled by a planning condition if Members were minded to support the proposed development. However the issue in this case is not the design of the house, but rather its size, its proximity to "Woodcroft" and its impact on the prevailing density and open landscaped character of the prominent garden grounds of the former "Fernhall".

Thus the footprint of the new house is over two times the size of the original house. This clearly contravenes Policy 15 (b) where the maximum size is one and a half times the footprint. It is further considered that the proposed development does not respect the prevailing densities in the area and Policy 15(d) is contravened. Finally, there are no clear proposals for new planting contrary to Policy 15(i). This is of particular concern given the previous unauthorised felling of trees on this site.

Policy 61 requires all development proposals in conservation areas to complement and enhance the character of the surrounding area. It is considered that the houses within the former grounds of "Fernhall" are typified by very spacious garden areas. These spacious garden areas result in an extensive physical separation between dwellings and the extensive garden areas are typified by mature

planting of trees and shrubs. This relationship has been disturbed by the site owner's felling of a number of trees within the Conservation Area although an appeal decision on this matter has required him to carry out replanting.

The proposed development seeks to squeeze a very large new house into an existing low density area. The proposed new house tends to dwarf the original house at "Woodcroft" and also sits very close to it. An analysis of the proposed development against the relevant policy considerations would appear to bear this out.

It is considered that the impact of inserting such a large house in a prominent location (this problem having been increased by the unauthorised removal of trees) will detract from the open character of the area and would therefore have a detrimental 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 4, 15 and 61 of the adopted Local 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 detract from the character and appearance of the West Ferry Conservation Area.

(B) The Applicants Previous Supporting Statement

For reasons set out above, it is considered that the proposal contravenes Policies 4, 15 and 61 of the Local Plan. The applicant submitted a Supporting Statement with a previous application on this site (05/00826) and because of the similarities between the 2 applications it is considered that these points could also be taken into

consideration is assessing the current proposals. However that statement provides no analysis of the development against Policy 15. It suggests that the density of development is appropriate, making reference to Tower Court to the west and the subdivision of "Holly Hill". However Tower Court lies outwith the West Ferry Conservation Area and in any event it is considered that the density of development at that location is not an appropriate model for the ground at 69 Dundee Road. The provision of an additional unit within the grounds of "Holly Hill" has no impact on the prevailing density of the area as this is proposed through the conversion of an existing coach house. The issue of traffic safety is considered below.

(C) The Concerns of Objectors and the Community Council

The objectors and the Community Council have stated concerns about the adverse impact of the development on the conservation area, the loss of the low density character of 69 Dundee Road, the previous felling of trees and future tree loss, the narrowness of the access driveway and the unsafe junction at 69 Dundee Road, the proximity of the new house to "Woodcroft" and its excessive scale, the design of the proposed house and concerns about damage to the listed gate piers during construction.

The issues about the density of development, impact on trees, impact on the conservation area, scale of the house and proximity to "Woodcroft" have already been considered in the assessment of the proposed development against Policies 15 and 61 of the adopted Local Plan. The views of the objectors on these issues are supported and it has been concluded that the development contravenes the Local Plan in these respects.

On the issue of the design of the proposed house, it has been concluded that setting aside the scale of the house, its proximity to "Woodcroft" and its impact on the prevailing density of the area, the design per se is acceptable.

On the issue of potential damage to the listed gate piers during construction, there is no particular reason why this should be a problem, particularly since a significant amount of building work

has taken place in recent years without causing damage.

The other significant issue with regards to development at 69 Dundee Road is the narrowness of the access driveway and the very poor sightlines at the exit to Dundee Road. This is a major concern for the objectors, who point out that car ownership levels of the occupants of the houses at 69 Dundee Road have increased significantly in recent years. The applicants supporting statement considers that the expiry of a planning permission granted in early 1999 provides the justification for an extra house at this location.

It is accepted that the driveway is not particularly wide and that sight lines at Dundee Road are well below standard. Although permission was granted for a house at "Holly Hill" in December 2001 (and renewed in March 2007), this was for the conversion of an existing coach house and the scale of development was not comparable to the current proposal. However in view of the previously stated concerns about the impact to the proposed house on the conservation area and the contravention of Policies 4, 15 and 61 of the adopted Local Plan, it is considered that the proposed development cannot be supported and therefore the matter of the access arrangements need not be resolved at this time.

It is concluded from the foregoing that the material considerations weigh against the proposed development and that there is nothing in the applicants supporting statement that would justify setting aside the terms of the Development Plan. It is therefore recommended that planning permission be refused.

Design

The proposed house is of modern design with smooth render walls and a tiled roof. Some of its detailing is inspired by the art deco movement. It is considered that the design of the proposed house is, in itself, satisfactory. The proposed roofing material is not considered appropriate but this is a matter of detail that could be controlled by a planning condition if Members were minded to support the proposed development. However the issue in this case is not the design of the house, but rather its size, its proximity to "Woodcroft" and its

impact on the prevailing density and open landscaped character of the prominent garden grounds of the former "Fernhall".

CONCLUSION

The proposed development contravenes Policies 4,15 and 61 of the adopted Local Plan and fails to meet the statutory duty to preserve or enhance the 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 4(b) of the adopted Dundee Local Plan Review 2005 because the development does not respect the prevailing low density in the area.
- 2 The proposed development contravenes Policy 15 (b) of the adopted Dundee Local Plan Review 2005 because the footprint of the proposed house substantially exceeds the maximum limit of one and a half times the footprint of the original house, Policy 15(d) because the development does not respect the prevailing densities in the area and Policy 15 (i) because 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.
- 3 The impact of inserting a large house close to the existing house ("Woodcroft") in such a prominent location would detract from the open character of the area and would therefore have a detrimental impact on the character and appearance of this part of the West Ferry 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.