

KEY INFORMATION**Ward** The Ferry**Proposal**

Outline planning permission to erect 2 dwellinghouses within the garden ground

Address

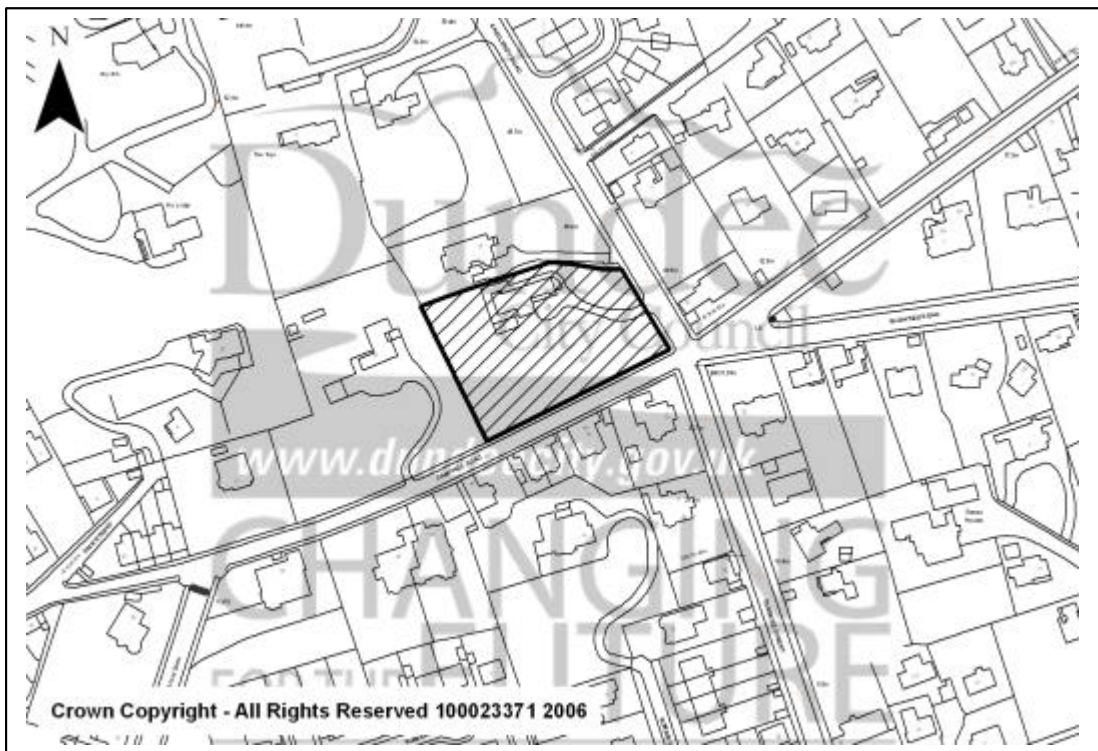
Darkfalls
1 Castleroy Road
Broughty Ferry

Applicant

Mr M Reid
1 Castleroy Road
Broughty Ferry
Dundee
DD5 2LQ

Agent

Mr E Lewis
137 Balgillo Road
Broughty Ferry
Dundee
DD5 3ED

Registered 12 June 2007**Case Officer** C Walker

Consent sought for houses in garden ground

The outline planning permission to erect 2 dwellinghouses within the garden ground is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development contravenes Policies 4 and 15 of the adopted Local Plan in terms of overdevelopment of the plot, altering the established low density character of the area and building in front of the existing house. The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Outline planning permission is sought to erect 2 houses in the garden area to the south of "Darkfalls". The immediate area is characterised by its very low density, mature landscaping and the stone boundary walls at Castleroy Road and Camphill Road lie within the Reres Hill Conservation Area. No details of the house designs have been provided.
- Policies 4, 15 and 61 of the adopted Dundee Local Plan Review 2005 are relevant to the determination of this application.
- 5 letters of objection were received stating concerns about overdevelopment of the garden ground and the loss of the low density character of the area, the adverse impact of the development on the conservation area, the likely impact on trees and the environment from the houses and new access driveways, the increase in traffic close to a busy junction and likely drainage problems.
- The proposed development contravenes Policies 4 and 15 of the adopted Local Plan in terms of overdevelopment of the plot, altering the established low density character of the area and building in front of the existing house.

DESCRIPTION OF PROPOSAL

Outline planning permission is sought to erect 2 houses in the garden area to the south of "Darkfalls". The layout plan submitted indicates 2 similar two storey houses, each with footprints of 110 sq. meters, one to the south west of and one to the south east of "Darkfalls". The proposed house plots measure 1,080 and 1,190 sq. metres respectively. Access is proposed from a new driveway branching off from the existing private driveway to "Darkfalls" some 7 metres west of the entrance gates on Castleroy Road. No details of the house designs have been provided. Although a tree survey has not been provided, the application form states that no trees will be felled or lopped to accommodate the development

SITE DESCRIPTION

The site comprises "Darkfalls" and its garden ground, extending to some 4,500m² in extent. "Darkfalls" is a modern 2 storey split level house set in an attractive landscaped garden. It is one of a number of similar houses built within the former garden ground of "Castleroy" which was demolished some time ago. The 1960's housing development in the grounds of the former "Castleroy" is characterised by its very low density, mature landscaping and the stone boundary walls at Castleroy Road and Camphill Road. There has been little new development within the gardens of these houses, although a house has recently been constructed in what were formerly the grounds of "Darkfalls" immediately to the north of the existing house.

The boundary walls to the south and east of the site lie within the Reres Hill Conservation Area. The trees within the western portion of the former grounds of Castleroy are protected by a Tree Preservation Order (this TPO does not include the application site).

The ground slopes steeply downwards to Camphill Road to the south, with a drop of over 5 metres between the existing house and the lowest part of the garden. The access to "Darkfalls" is onto Castleroy Road, some 20 metres north of its junction with Camphill 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 boundary walls to the south and east of the site are within the Reres



Hill 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

The Memorandum of Guidance on Listed Buildings and Conservation Areas sets out Government advice on, amongst other matters, how to assess new development in conservation areas.

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

A substantial house has recently been erected in what was formerly garden ground on the north side of "Darkfalls". Outline permission was granted for that house in January 2002 and approval of reserved matters in March 2003 (applications 01/30251/OUT and 02/00814/REM refer).

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposed development was advertised as contravening Policy 15 of the adopted Local Plan and as affecting the setting of the Reres Hill Conservation Area.

5 letters of objection were received from neighbouring properties stating concerns about overdevelopment of the garden ground and the loss of the low density character of the area, the adverse impact of the development on the conservation area, the likely impact on trees and the environment from the houses and new access driveways, the increase in traffic close to a busy junction and likely drainage problems.

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

No adverse comments were received from Statutory Consultees.

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.

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 Reres Hill 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.

In terms of Policy 1, the proposed use of the site for residential purposes raises issues in terms of contravention of other policies of the Plan (see assessment against Policies 4 and 15 of the Local Plan below).

Under Policy 4, which sets out standards for new housing development, the site is classified as falling within a suburban area. It is considered that the proposal can fully comply with the standard requirements for new suburban houses. In practice the layout of the eastmost house does not provide it with very useable garden areas but this could easily be adapted to comply. 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 "Castleroy" is characterised by a very low density of housing with generous space standards between the buildings. A total of 15 houses have been built within an area of some 7 hectares, giving a density of just over 2 houses per hectare. The original plot of "Darkfalls" was 0.67 ha (less than the prevailing density) but with the subsequent erection of a house to the rear of "Darkfalls" and the current proposals for 2 houses to the south of the house, this would result in 4 houses on the original plot and a density of some 6 houses per hectare, approaching 3 times the prevailing density in the wider area. 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. Policy 15 states that planning applications must contain sufficient detail to enable consideration under each of a number of points. This application gives no details of the design of the houses and therefore does not contain the level of detail required to make a full assessment under Policy 15. It is not therefore possible to clarify under sub-section (a) whether the proposal will be of high quality design and use appropriate materials.

In terms of Policy 15(b) the total footprint of new buildings will exceed one and half times the footprint of the original house. Darkfalls has a footprint of some 235m² whereas the new house which was built to the north of Darkfalls has a footprint of some 250m². When the proposed development is added to this area, the total footprint of new build would be approximately twice that of the original dwelling.

In terms of sub-section (d) prevailing densities in the area would not be respected (see assessment of the development against Policy 4 above). Following the demolition of "Castleroy" a very low density development dating from the 1960s was provided within its former garden ground. There has been very little development within this area, a notable exception being the house at 1a Castleroy Road to the north of this plot. It is considered that proposing two new houses in front of "Darkfalls" would not maintain current densities.

In terms of sub-section (e), no new buildings should be proposed in front of the main elevation of the original house. In this case, although there is a difference in level, it is proposed to erect two substantial two-storey houses in front of the main elevation of "Darkfalls".

Sub-sections (h) and (i) relate to tree protection and new planting. The proposals that have been submitted do not clearly identify the species of trees nor give an accurate representation of their canopies. In certain instances the proposed new access road and the footprint of the houses come very close to the trees. In addition site preparation works and the provision of infrastructure such as drainage can have a significant impact on trees. Finally, there are no clear proposals for new planting contrary to Policy 15(i).

Policy 61 requires all development proposals to complement and enhance the character of conservation areas. In this case it is difficult to make an assessment of the impact of the development on the Reres Hill Conservation Area. No details of the development have been submitted other than to indicate the footprint of the proposed houses and that they will be 2 storeys high. Although the houses will be situated outwith the Reres Hill Conservation Area, the stone boundary walls of the site are within the conservation area. The position on trees and shrubs is unclear until accurate proposals are provided but even if trees and shrubs are retained, the 2 storey houses will have a significant visual impact when viewed from Camphill Road and Castleroy Road. The advice in the Memorandum of Guidance on Listed Buildings and Conservation Areas cautions against granting outline planning permission and suggests that in many cases full details should be sought. Even if the design of the proposed houses was exceptional, the increase in density at the site could, in itself, adversely impact on the character and appearance of the Reres Hill Conservation Area.

It is concluded from the foregoing that the proposal does not comply with Policies 4 and 15 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, due to the lack of details, it is not possible to assess the impact of the proposed development on the Reres Hill Conservation Area.

(B) The Applicants Letter in Support of the Development

The applicants have been contacted in connection with concerns about the proposed development and the fact that it contravenes the Local Plan. They

have responded by stating that the design of the house will be attractive, with pitched slated roofs and the use of natural materials. They state that the footprint of the new house to the north should not be taken into account in assessing the development against Policy 15(b) and if the new house was excluded the development would comply, and even if it was included the development would not affect the character and appearance of "Darkfalls". They state that the proposal easily complies with 15(c) and that the density is appropriate in terms of 15(d). In terms of 15(e) they state that since the proposed houses are not directly in front of "Darkfalls" this section of the policy is not contravened. Finally in terms of 15(h) and (i) they state that information on trees and landscaping can be submitted.

Although the statutory requirements for an outline planning application are satisfied by the submission of a site plan, in many instances this is insufficient to properly assess a development. Policy 15 specifically states that planning applications must contain sufficient detail to enable consideration under each of a number of points set out in that policy. However even if satisfactory designs were submitted, for the reasons set out in the assessment of the proposed development against Policies 4 and 15 of the adopted Local Plan, it is considered that the density of development is excessive for the area and that the footprint limit in 15(b) is exceeded. The purpose of Policy 15 is to protect the architectural appearance and landscape features of low density parts of the city. Policy 15 clearly indicates that in assessing footprints under subsection (b) you need to take into account all new development since 1947. Thus the footprint of the house to the north of "Darkfalls" must be taken into consideration. To do otherwise would mean that the scope for new development under this section of the policy would be limitless. The interpretation of Policy 15(e) is that the proposed houses are in front of the existing house. It is accepted that there is a difference in level and that the new houses would not be directly in front of the existing house, but they are clearly in front of it and more importantly sit directly in the private garden area overlooked by "Darkfalls". Thus the westmost proposed house would sit just 9 metres

from an open deck linked to "Darkfalls". Furthermore both houses would occupy the private garden immediately to the front of "Darkfalls" leaving it with its only useable garden area further to the west.

(C) The Concerns of Objectors

The objectors have stated concerns about overdevelopment of the garden ground and the loss of the low density character of the area, the adverse impact of the development on the conservation area, the likely impact on trees and the environment from the houses and new access driveways, the increase in traffic close to a busy junction and likely drainage problems.

The issues about the overdevelopment of the garden ground and the loss of the low density character of the area and the adverse impact of the development on the conservation area and on trees have already been considered in the assessment of the proposed development against Policies 4, 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 increase in traffic close to a busy junction, the proposal is to use an existing access point which is some 20 metres north of the junction. The junction itself is not particularly busy and although it is accepted that Castleroy Road climbs steeply northwards from the junction, the increase in use of the existing access for 2 additional houses will not result in any unacceptable impact on traffic safety or congestion.

The concern about drainage problems is from an occupant of a house on the south side of Camphill Road who states that in periods of heavy rainfall the sewer cannot cope with run off. However Scottish Water has not objected to the proposed development, and in any event, if planning permission were to be granted, it would be a requirement that a sustainable system of drainage be used on the site.

(D) The Impact on "Darkfalls"

The erection of two new 2 storey houses on the private garden ground to the south of "Darkfalls" has a significant adverse impact on the amenity of the occupiers of the house. This matter is touched upon in terms of

Policies 4 and 15 of the Local Plan, but those policies focus more on the wider impacts of the proposed development. In practical terms, "Darkfalls" is set in an elevated position overlooking an extensive and attractive landscaped garden area. The proposed development not only sits in front of "Darkfalls" but removes its most useable garden area. Although in qualitative terms there will still be a large garden area to the west of the house, it is more remote and the principal outlook from the house will be over the proposed new houses. Depending on the design of the houses there may be privacy issues to be addressed as an upper level deck area at "Darkfalls" is just over 9 metres from the westmost of the 2 proposed houses.

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

Design

No details of the design of the proposed houses have been provided other than a statement from the applicants that the design of the houses will be attractive, with pitched slated roofs and the use of natural materials. This is a case where the design of the proposed houses is of particular significance both in the context of the relationship to the existing house, the requirements of Policy 15 of the Local Plan and the impact of the development on the Reres Hill Conservation Area.

CONCLUSION

The proposed development contravenes Policies 4 and 15 of the adopted Local Plan in terms of overdevelopment of the plot, altering the established low density character of the area and building in front of the existing house.

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. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the terms of the policy.
- 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 (e) because the proposed houses are in front of the existing house. In addition insufficient detail has been provided to assess the proposed development against Policy 15 (a) (design), (h) (tree survey) and (i) (new planting) as well as its impact on the Reres Hill Conservation Area. 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 and which detracts from the amenities enjoyed by the occupiers of "Darkfalls". There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the terms of the policy.