

**KEY INFORMATION**

**Ward** North East

**Proposal**  
Erection of a Dwellinghouse

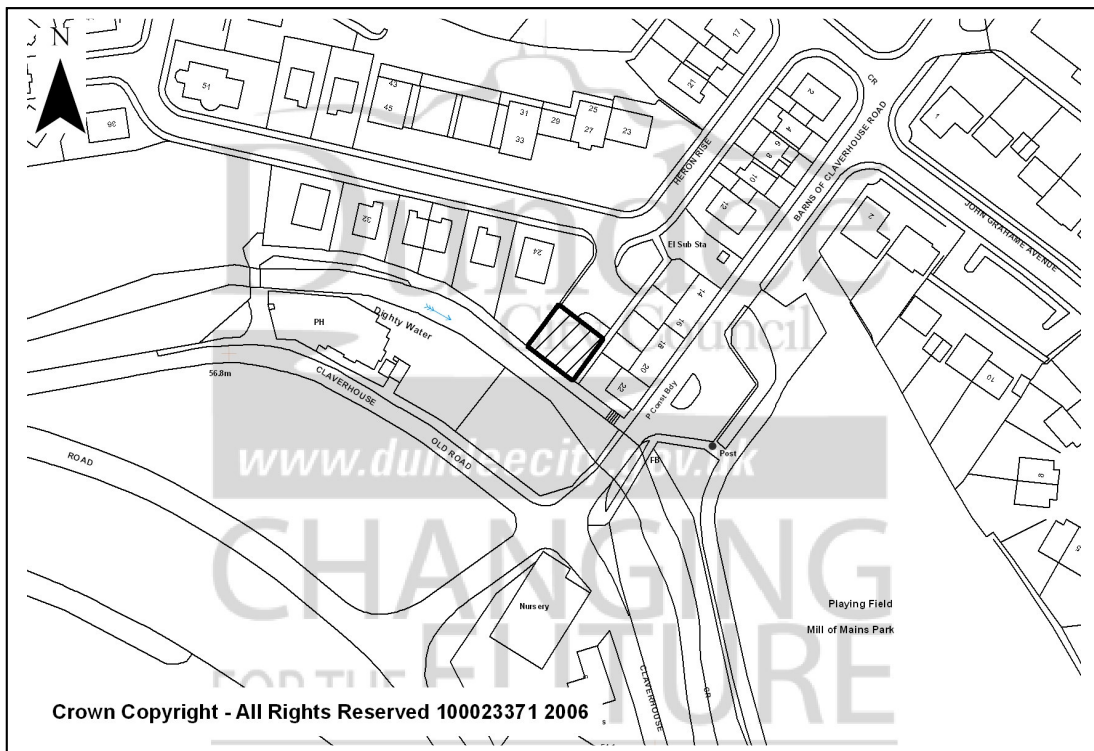
**Address**  
Land East of 24 and West of  
22 Heron Rise  
Dundee

**Applicant**  
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**Registered** 30 Nov 2007

**Case Officer** Stepen Page



## Proposal for New House in Heron Rise

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

**RECOMMENDATION**

Proposed house is contrary to Policies 1, 4, 55, 61, 76 and 88 of the Dundee Local Plan Review 2005. There are no material considerations that would justify laying aside the development plan to grant planning permission. Therefore the application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- The application seeks planning permission for the erection of a 2 storey detached house on ground at the south-eastern end of Heron Rise.
- 4 letters of objection were received concerned with issues principally relating to design, overshadowing, traffic and parking, impact on listed buildings, nature conservation and drainage matters.
- The proposed house has been found to be contrary to Policies 1, 4, 55, 61, 76 and 88 of the Dundee Local Plan Review 2005 and the grounds of the objections are supported.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a detached house on land lying to the east of 24 Heron Rise/West of 22 Heron Rise in the Trottick area of Dundee. The house is to be of a 2-storey design with integral double garage facing directly to the road, grey slated roof with white roughcast walls. To the rear the house is equipped with a garden of 107m<sup>2</sup> and a 15m<sup>2</sup> balcony at first floor. Access is to be from Heron Rise through what is at present a turning head for the existing car parking.

## SITE DESCRIPTION

The application site is located at the southern extent of Heron Rise at a turning head adjacent to the car parking area for the residents of 14-22 (evens) Heron Rise. To the east are residential properties formed in a conversion of a Category A stone built listed mill building, whilst to the north-west is a single storey detached house. Immediately to the south of the plot boundary is the Dighty Burn.

The site is within the Trottick Conservation area.

At present the site is covered by rough gravel and bounded on West and South sides by a high wooden fence. The north-eastern aspect is open to the road, whilst to the east the site is open to a footpath serving the front doors of the housing at 20/22 Heron Rise.

## 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 1: Vibrant And Sustainable Communities - the City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. 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.

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 be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or



PROPOSED NORTH-EAST ELEVATION

- b the proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

New housing development should also have regard to the principles of the City Council's Urban Design Guide.

In addition, new housing development should meet "Secured by Design" standards. New residential streets should be designed to promote low vehicle speeds of 20 mph or less. New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management.

Where conversion of a listed building or other building worthy of retention is proposed, there may be limited flexibility in applying parking and garden ground requirements where compliance is impractical. The

development of flats through conversions of buildings of merit may also be acceptable where conversion to flats is the only appropriate action.

Policy 55: Urban Design - for all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

Policy 61: Development In Conservation Areas - within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic pattern of streets and spaces, as identified in the Conservation Area management plans to be advanced in the near future.

Policy 70: Semi-Natural Greenspaces Of Local Nature Conservation Importance - development proposals must not adversely affect the nature conservation qualities of Sites of Importance for Nature Conservation or Local Nature Reserves. Any development proposals affecting these sites must be accompanied by an ecological or similar assessment that details the likely impacts of the proposal on the conservation interests of the designation, along with proposed mitigation measures.

Policy 76: Flood Risk - there will be a general presumption against development in high risk areas as identified with a 0.5% or greater annual probability of flooding (equivalent to a 1 in 200 year flood or

greater). This includes essential civil infrastructure.

Policy 79: Contaminated Land - when considering development proposals involving sites where the presence of contamination is suspected, the City Council will require applicants to:

- a submit the results of site investigations which assess the nature and extent of any contamination which may be present; and
- b where contamination is found to be present, notify the authority of the remediation measures proposed to render the site fit for its intended use including all receptors.

Appropriate conditions and/or legal agreements may be applied to ensure that such measures are implemented to the satisfaction of the Council.

Policy 88: Residential Parking - new residential developments will be required to provide parking in accordance with the revised Roads and Parking Standards Document to be updated, which will form supplementary guidance and Appendix 1 of this Local Plan.

## 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

The site comprises land which was identified as communal open space when the redevelopment of this area to residential housing took place in 1993. The plans indicated that this area would be planted in grass with the addition of some tree cover. The soft landscaping was never installed and it

has been covered with stone chippings ever since. With no enclosure to its street boundary, local residents have used this area as an overspill car park for visitors.

## PUBLIC PARTICIPATION

The applicant has carried out the statutory neighbour notification procedure. In addition the application was advertised as contrary to policy 4 of the adopted local plan and as affecting the setting of a conservation area and listed building.

Four letters of objection have been received from local residents concerned about:

- a overdevelopment of the site, cramming of development onto a small site;
- b the poor design of the building, including the use of materials which contrast with the surrounding buildings;
- c general appearance of the Street
- d overlooking and overshadowing;
- e impact on the appearance and setting of Listed Buildings;
- f lack of capacity with drainage infrastructure;
- g loss of car parking, Insufficient parking provision and traffic movement issues;
- h pedestrian and road safety with traffic congestion;
- i negative effects on the setting of the Dighty Burn and its conservation interests; and
- j land designation as communal ground.

In addition objections also included the following non-material grounds for objection:

- a land ownership issues;
- b devaluation of nearby properties; and
- c loss of view.

## CONSULTATIONS

Contamination: The Head of Environmental Health & Trading Standards has stated that due to the sites historical use as a factory that ground contamination may be present and would require evaluation and

assessment. If found then remediation works would be required prior to any development.

## 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: Vibrant And Sustainable Communities - the proposal does not comply with this policy due to the effect on environmental quality enjoyed by local residents.

The house would have a significant effect on sunlight and daylight penetration to the garden area of adjacent housing and in particular to the housing that lies to the east of the site. This is due to the gable end being placed immediately onto the south eastern boundary of the site, resulting in a distance of only two meters from the garden entrances to the neighbouring properties. The inadequate car parking provision and the siting of the house on an existing turning head demonstrates a poor design that will have a detrimental effect on traffic movement.

Policy 4: Design Of New Housing - the proposal does not comply with this policy as regards its reference to appendix 1 of the Local Plan which requires houses to have at least 2 car parking spaces within the curtilage of the house and recommends that garages should be provided in addition to the in-curtilage parking for at least 50% of houses. A minimum of 120m<sup>2</sup> of useable garden ground should be provided though 40% of housing should have more than 160m<sup>2</sup>.

The proposal offers no in-curtilage parking but does offer a garage. A minimum six-metre setback is required for in curtilage parking, less than two metres is proposed in this case, which exits directly to the turning head

utilised by the existing residents parking.

The proposal offers only 107m<sup>2</sup> of garden ground which is below the minimum of 120m<sup>2</sup> required, thus further reducing the quality of the development. No provision has been made for bin storage, which would further reduce the area of useable garden ground available to any potential future resident.

Policy 55: Urban Design and Policy 61: Development in Conservation Areas - the proposal does not comply with these policies. Whilst the site currently has no quality features necessitating retention, it does provide for the setting of the grade A listed buildings to the east which were converted to residential use in 1993.

The proposal seeks to place a modern design involving a mass of white roughcast adjacent to the red stone built listed buildings and despite the attempt to use materials similar to some of the other nearby housing, it offers no enhancement to, and fails to preserve the areas the appearance of the conservation area. The building façade facing to the north east is punctured by only three small windows which do little to reduce the visual impact of the large white wall and is dominated by the large double garage door which further reinforces the blank wall effect enclosing the end of this cul de sac so reducing the quality townscape and general appearance of the area which include the open vista towards the Dighty Burn and beyond. The inclusion of the balcony at first floor level with its 1.6m high / 2.5m wide solid timber screen offers an attempt to improve privacy but results in a very poor design feature which will be clearly visible and dominating from the west and south.

Policy 70: Semi-Natural Greenspaces of Local Nature Conservation Importance.

The Dighty is designated as a Site Of Importance For Nature Conservation (SINC) - any adverse development at the proposal site could have important consequences for the whole of the SINC downstream. It is considered vital that at the very minimum a condition be applied that no engineering works are allowed to take place which would compromise the integrity of the river either during or

after construction if the development were to be approved.

Policy 76: Flood Risk - the Dighty Burn between the Trottick Mill Ponds and Barns Of Claverhouse Road is identified in the 2007 Flood Prevention Report as having a Category 1 risk of flooding (ie defined as: serious damage to property, risk of personal injury, major disruption to services and transportation links). The site is also included within the flood risk map produced by SEPA indicating the location has an annual probability of flooding of 0.5% or greater.

Despite the existence of other residential property nearby, to approve further development at this location would conflict with Policy 76. In addition, a very short distance downstream (18 metres) is the category B listed bridge over the dighty which provides a potential constraint to the free flow of water thus presenting an additional risk to this site. At present the site offers a permeable surface which aids the dispersion of surface water prior to entering the Dighty burn and its loss to the hard surface presented by a building is unwelcome.

Policy 79: Contaminated Land - the extent of contamination, if any, is unknown, however it is to be expected that the previous use of the site as a factory may have resulted in some ground contamination which would require to be remedied prior to residential use. By virtue of the previously successful redevelopment of the remainder of the factory site, it is expected that a developer would be able to comply with this policy. If the development were to be approved this would require conditions to ensure proper investigation of the ground conditions.

Policy 88: Residential Parking - as stated above, the development does not meet the standards required by the local plan for in-curtilage parking. The development does not take into account the need for visitor parking nor resident parking in an area where parking is limited and considered a problem by local residents who have submitted objections in this regard. Accordingly the proposal fails to comply with this policy.

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 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect listed buildings, to have special regard to the desirability of preserving the settings of listed buildings and any features of special architectural or historic interest which it possesses. This matter has already been considered in the assessment of the proposal against Policies 55 and 61 of the adopted Local Plan and it was considered that the proposal presented a negative effect on the adjacent category A listed mill building.
- b Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications in Conservation areas to have special regard to the desirability of preserving the character or appearance of that area. This matter has already been considered in the assessment of the proposal against Policy 61 of the adopted Local Plan and it was considered that the building offered a poor intrusion into the end of an otherwise open and attractive cul de sac.
- c Four letters of objection were received and concerned with the following issues:
  - Overdevelopment of the site, cramming of development onto a small site;
 

This objection issue is supported for the reasons stated in respect of Policy 4 above.
  - The poor design of the building, including the use of materials which contrast with the surrounding buildings. General appearance of the Street;
 

This objection issue is supported for the reasons

stated in respect of policies 1 and 61 above

- Overlooking and Overshadowing - the proposal involves a building of the same height as the adjacent category A listed buildings.

This objection issue is supported as it will cast shadow on the gardens and reduce the quantity of sunlight to the frontages of the properties to the east due to the proximity and alignment of the proposed building.

- Impact on the appearance and setting of Listed Buildings.

This objection issue is supported for the reasons stated in respect of Policy 61 above.

- Lack of capacity with drainage infrastructure - no objection has been raised by Scottish Water on this issue, however the applicant has indicated that surface water will be disposed of to a public drain and given the site is within an identified flood risk location this objection is supported as stated in the terms of policy 76 above.
- Loss of car parking - insufficient parking provision and traffic movement issues.
- Pedestrian and road safety with traffic congestion - this objection issue is supported for the reasons stated in respect of policies 4 and 88 above.
- Negative effects on the setting of the Dighty Burn and its conservation interests.

The site lies adjacent to the Dighty Burn Site of nature conservation interest. It does not lie in the Dighty Burn wildlife corridor as the corridor has a gap at this location. However it is appropriate to consider this development in respect of

any effects on the corridor downstream of the site. Presently the site is covered in rough gravel and has no nature conservation value. It could be argued that converting a portion of the site to soft landscaping (ie garden ground) would have a positive benefit.

It is further considered that the development should not be permitted if it were to involve any engineering works that would affect the Dighty Burn or its banks. As the site adjoins the banks of the Dighty this is a valid concern but in itself is insufficient to preclude development as it could be protected by conditions.

Accordingly, this objection issue is not supported

- Land Designation as Communal Ground - it is of note that when the factory site was redeveloped in 1993, this site was identified as communal open space. It is therefore reasonable for local residents to have purchased their property with the expectation that the ground would remain as such and therefore contribute to the general amenity of the area. To redevelop the site for an additional house would have the result of lowering that level of amenity currently enjoyed by local residents.

In addition objections also included the following non-material grounds for objection:

- land ownership issues;
- devaluation of nearby properties; and
- loss of view.

It is concluded from the foregoing that the material considerations weigh against the approval of the development. It is therefore recommended that planning permission be refused in accordance with the provisions of the development plan.

## Design

As stated above, the proposed dwelling is considered to be of an excessive scale for the site, introduces an unwelcome addition to the streetscape and presents a poor façade to the public street. Whilst the materials chosen do reflect those used in the more modern housing nearby, it fails to complement the category A Listed building immediately adjacent.

## CONCLUSION

The proposal fails to meet the criteria of Policies 1, 4 55, 61, 76, 79 and 88 of the Dundee Local Plan Review 2005, there are no material considerations that would justify laying aside the Development Plan to grant planning permission. It is therefore recommended that planning permission be REFUSED.

## RECOMMENDATION

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

### Reasons

- 1 The proposed development is on an unsatisfactory design quality in terms of inadequate car parking and insufficient garden ground contrary to policies 4 and 88 of the adopted Dundee Local Plan Review 2005. There are no material considerations which would justify laying aside the Development Plan.
- 2 The proposed development is on an unsatisfactory quality in terms of overshadowing of neighbouring land, Loss of Open Space resulting in a reduction of Amenity, unacceptable parking and traffic issues and poor quality of building design contrary to policy 1 of the adopted Dundee Local Plan Review 2005. There are no material considerations which would justify laying aside the Development Plan.
- 3 The proposed development is on an unsatisfactory design quality in terms of its effect on the setting of a listed building and the Trottick Conservation Area contrary to policies 55 and 61 of the adopted Dundee Local Plan Review 2005 and the requirements of Sections 59 and 64 of the Planning (Listed

Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations which would justify laying aside the Development Plan.

- 4 The proposed development is unsatisfactory design quality in terms of its location in a flood risk zone contrary to policy 76 of the adopted Dundee Local Plan Review 2005. There are no material considerations which would justify laying aside the Development Plan.