

KEY INFORMATION

Ward East End

Proposal

Erection of New Dwelling House in Garden Grounds to South of Existing House

Address

Land to South of Whiteburn
Craigie Drive
Dundee

Applicant

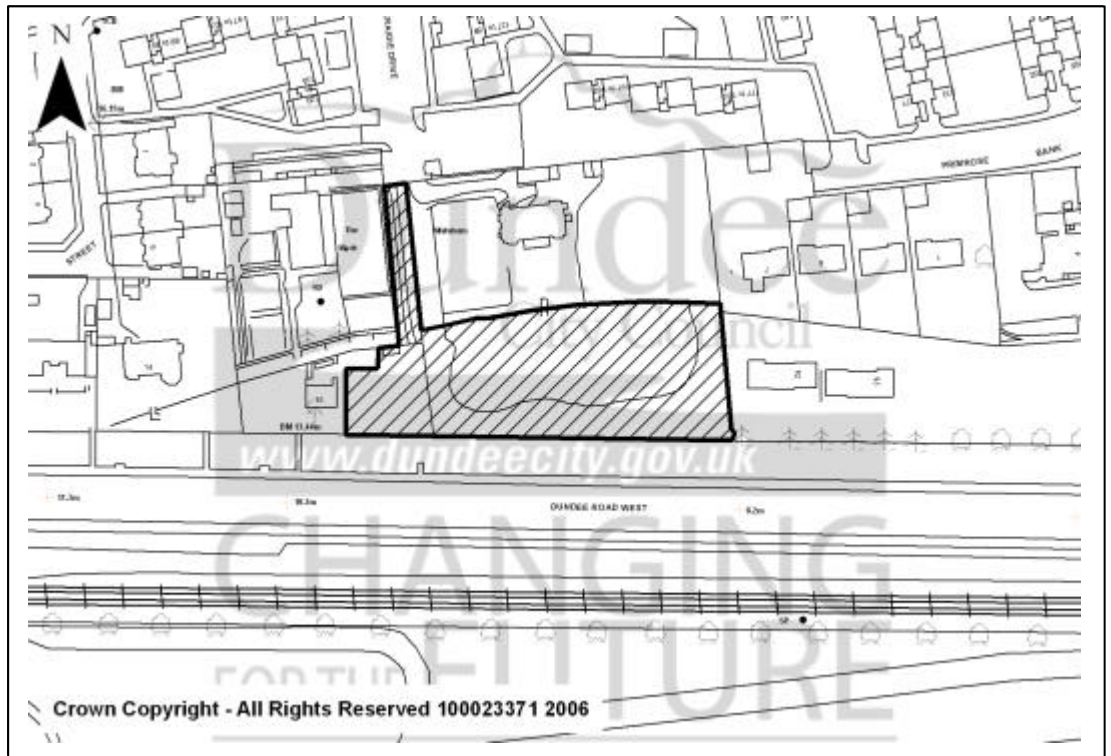
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Agent

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Registered 30 Jan 2008

Case Officer C Walker



New House Proposed in Garden Ground at Craigie Drive

The erection of a new dwellinghouse to the south of the existing house is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is of satisfactory design and there are material considerations that justify the development despite the fact that it contravenes some elements of Policy 15 of the adopted Local Plan. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought to erect a large single storey house in garden ground to the south of "Whiteburn".
- The proposal conflicts with 2 sections of Policy 15 of the Local Plan.
- No public comment was received and no adverse comment was received from Consultees.
- It is considered that there are material considerations that justify the approval of the application contrary to Policy 15 of the adopted Local Plan.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a large single storey house in garden ground to the south of "Whiteburn". The house has a footprint of some 420m² and includes a kitchen, tv room, large central lounge/hall, 4 bedrooms and an integral double garage.

Access is proposed to the new house using an existing private driveway to the west of the site which also serves a house at 15 Dundee Road West.

The design of the house is modern with walls of natural stone and white render and monopitched red tiled roofs. The applicants have indicated that the house will be constructed utilising sustainable materials and low energy systems.

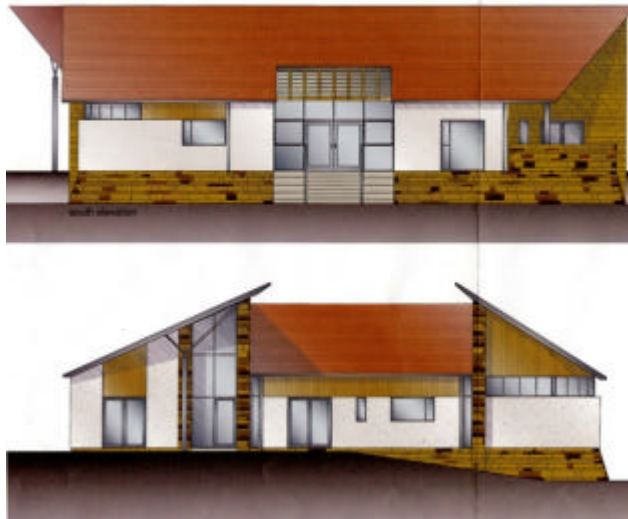
A tree survey was submitted which indicates that a number of trees on the site suffer from significant structural defects and that if they are removed, space can be created for suitable replacements. It also recommends felling most of the trees in the southern shelter belt close to Dundee Road West but accepts that if the Council sought to retain these trees then they should continue to be managed in the manner of pollards until the newly planted trees eventually replaced them.

SITE DESCRIPTION

The site comprises garden ground to the south of "Whiteburn", including a private driveway to the west extending to some 3,650m² (the entire curtilage of "Whiteburn" measures some 6,200m²). It consists of an extensive lawn surrounded by trees and sits below "Whiteburn" and its immediate garden ground. A stone retaining wall separates the site from the remainder of the garden area.

"Whiteburn" is a substantial post war one and a half storey house with white render walls and a red tiled roof. As originally constructed the house measured some 200m² but it was subsequently extended so that it now measures some 300m². It also has detached outbuildings and an outdoor swimming pool.

The site is very secluded, being surrounded by mature trees which are protected by a Tree Preservation Order. To the east is a recent development of 6 modern villas. To the north are modern flats at Craigie Drive. To the north west is "The Wyck", an attractive B listed arts and



crafts villa. To the south west is a 2 storey villa which shares the private access drive with the proposed new house.

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 4 sets out standards for new housing development.

Policy 15 on garden ground development is applicable.

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

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 contravening Policy 15 of the Local Plan. No public comment was received.

CONSULTATIONS

The Councils Forestry Officer has no objections to the proposed 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 4 sets out standards for new housing development. The application site is defined as falling within a suburban area and the proposed development meets all the Appendix 1 standards.

Policy 15 on Garden Ground Development sets out criteria, and those relevant to the current application are 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 proposed house is well designed. The design of the house is modern with walls of natural stone and white render and monopitched red tiled roofs.
- 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 although the footprint of the proposed building is approximately one and a half times that of "Whiteburn", it is over twice the size of "Whiteburn" as originally constructed and before it was extended. It is the measurement of the house as originally constructed that is set out in Policy 15. The proposal therefore contravenes this strand of the policy.
- 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. In this case site coverage easily meets this standard.
- d prevailing densities in the area are respected. In this case it is considered that taking into account the fact that there is only a single house on this large site

that the proposal for an additional house will respect prevailing densities, particularly when account is taken of the much higher density of development surrounding the site.

- 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.
In this case the proposed new house is in front of the main house although set to one side of it.
- f prominent frontages and elevations of architectural character on the original house will remain largely intact. This section is not applicable.
- g the proposal conforms to the Council's non-statutory guidance on Breaches in Boundary Walls. In this case the access is existing.
- 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. Although this report recommends extensive felling it accepts that trees in the southern shelter belt could be maintained as pollards until the new planting took effect. It is considered that this course of action should be followed as this screening helps to integrate the new house into its surroundings and provides screening from Dundee Road West.
- 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. The planting proposals achieve this aim.

It is concluded that the development contravenes subsections (b) and (e) of 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 of an appropriate quality.

Other Material Considerations

It is considered that there are material considerations that justify the approval of the application contrary to Policy 15 of the adopted Local Plan. In essence the development complies with all the major principles and objectives set out in Policy 15. The application site is unique in that it is part of a substantial garden area attached to a villa of fairly recent origin, and there are no properties in the vicinity of similar size. The existing house will not be altered, no trees need to be felled to accommodate the development (although trees will be felled as part of an ongoing management programme), the access arrangements are existing and the density of development will be well below that of the surrounding area.

Although Policy 15(b) is contravened, the breach is technical in that the new house is only one and a half times the size of the existing house but exceeds that figure when account is taken of the fact the existing house was previously extended. The resulting development of 2 houses on this large plot results in a density of development that is much lower than that prevailing in the surrounding area and the additional amount of development would not detrimentally affect the appearance and character as now exists.

Policy 15(e) states that no new building should take place in front of the main elevation of the original house. In this case because "Whiteburn" is set back over 60 metres from Dundee Road West and is well screened by trees, any building in front of it does not affect views towards it from outwith the site. However in addition to this, the new house is not directly in front of "Whiteburn", but rather sits to the south east of it and the difference in ground levels means that views from "Whiteburn" will be over the roof of the new house.

It is concluded from the foregoing that there are sufficient material considerations to justify the grant of planning permission contrary to Policy 15 of the adopted Local Plan.

Design

The design of the house is modern with walls of natural stone and white render and monopitched red tiled roofs. These materials will match those on the original house and the siting of the proposed house respects its landscaped setting.

CONCLUSION

The proposed development is of satisfactory design and there are material considerations that justify the development despite the fact that it contravenes some elements of Policy 15 of the adopted Local Plan.

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
- 3 Exact details of the extent of felling of the existing trees and shrubs on the site shall be agreed in writing by the Council prior to the commencement of development. In particular the amount of felling shall not be as extensive as that indicated on the approved plans and the Report by Arboretum Internationale dated 30/01/08. The trees and shrubs which the Council state are to be retained, shall not be cut down, grubbed out topped, lopped, uprooted or root pruned without the written consent of the City Council. Any trees or shrubs removed without such consent or dying, or being severely damaged or diseased, shall be replaced with trees and shrubs of such size and species as may be directed by the City Council and to the standard as approved by the City Council.
- 4 The recommendations set out in Section 4 of the Visual Assessment of Trees by

Arboretum Internationale dated 30/01/08, but taking into account the reduced level of tree felling agreed with the Council in terms of Condition 3 above, shall be fully implemented to the satisfaction of the Council. In particular the arboriculturalist who supervises the tree felling, erection of protective fencing and any excavations near trees shall provide written confirmation that the works have been carried out in accordance with the Recommendations of the Report. The protection fencing referred to in Paragraph 4.6 shall be erected prior to the commencement of development, and development shall only commence once the written approval of the Council has been received agreeing to the protective fencing as erected. Details of any excavations close to trees and the make up of any paved areas shall be provided for the written approval of the Council. Once the fencing has been approved it shall be retained and thereafter maintained in place throughout the construction period.

- 5 The planting of new trees and shrubs on the site shall be carried out in accordance with the recommendations set out in the Report by Arboretum Internationale dated 30/01/08 (or any modifications agreed in writing by the Council) and the planting shall take place prior to the occupation of the proposed house. 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.
- 6 Details of any proposed new boundary enclosures 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 protect those landscape features which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
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