

**KEY INFORMATION**

**Ward** Coldsid

**Proposal**

Erection of two storey dwellinghouse within garden ground

**Address**

20 Barnes Avenue  
Dundee  
DD4 9AF

**Applicant**

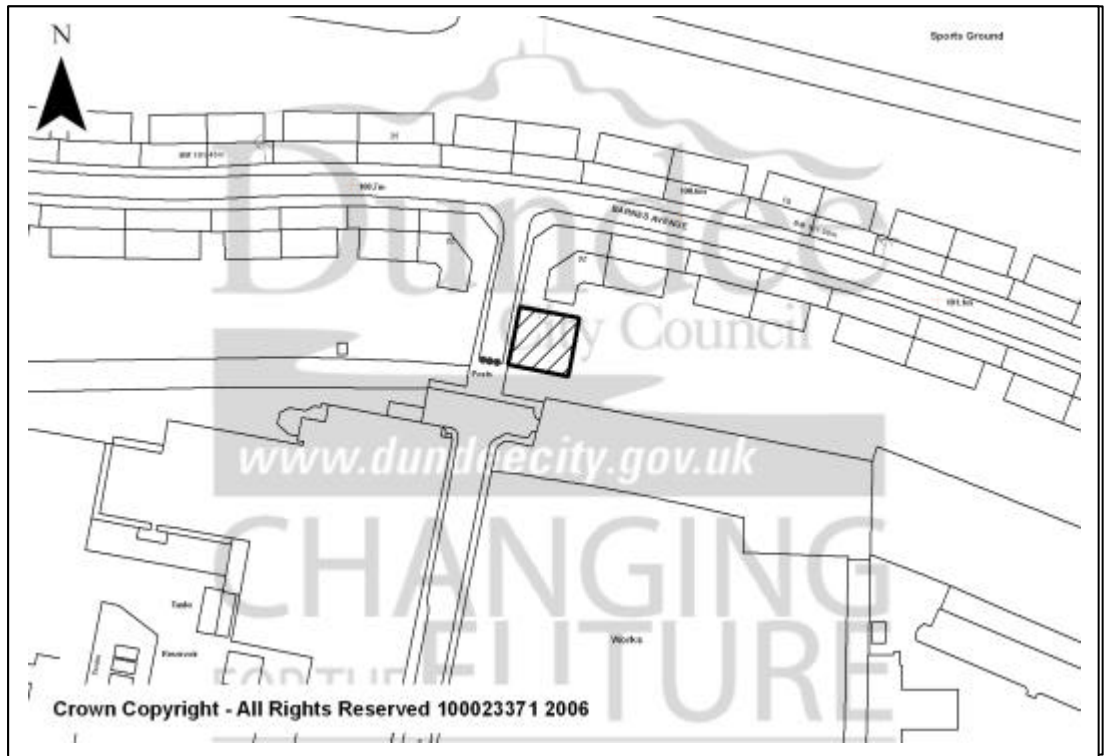
Ms E Robertson  
c/o 18 South Tay Street  
Dundee

**Agent**

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Rogers and Hynd  
18 South Tay Street  
Dundee  
DD1 1PD

**Registered** 6 Feb 2008

**Case Officer** Paul Macari



## Proposed New House in Garden Ground at Barnes Avenue

The erection of two storey dwellinghouse within garden ground is **RECOMMENDED FOR REFUSAL**.  
Report by Director of Planning and Transportation

**RECOMMENDATION**

It is considered that the proposal does not comply with Policies 4, 15 and 55 of the Dundee Local Plan Review 2005. The objections are supported and there are no material considerations to justify approval of the proposal. Therefore the application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Full planning permission is sought for the erection of a 2 storey detached dwelling in the garden grounds of 20 Barnes Avenue.
- 3 Letters of objection have been received from neighbouring residents.
- This application has been advertised as contravening Policy 15 (Development in Garden Ground) of the Dundee Local Plan Review 2005.
- Policy 4 (Design of New Houses), Policy 15 (Development in Garden Ground) and Policy 55 (Urban Design) of the Dundee Local Plan Review 2005 are relevant to the outcome of this application.

**DESCRIPTION OF PROPOSAL**

Planning permission is sought for the erection of a 2 storey detached house within the garden ground of 20 Barnes Avenue. The total site area is 0.03 hectares. The house will be finished in brown roughcast and timber clad walls, Eternit slate roof and dark grey framed windows and doors. Two car parking spaces are provided within the curtilage of the site. A private garden area of approximately 150m<sup>2</sup> is provided.

**SITE DESCRIPTION**

The site is located to the south of 20 Barnes Avenue, which is a 2 storey flatted building. There are 1m high black metal railings along the west boundary with some bushes/hedges behind. There are two cherry trees in the garden. Balgray Place is located along the west of the site and ends at a turning head with the remainder of the street accessed from Clepington Road to the south. There are industrial units to the south of the site.

**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 following policies are of relevance:

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:

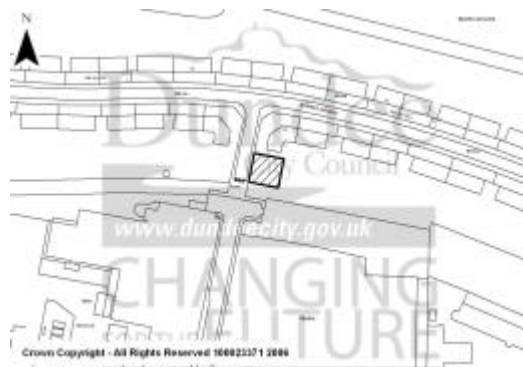
- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or
- b the proposal is within an established low density residential 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 20mph 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 15: Development In Garden Ground - developments in garden ground will be required to satisfy the following criteria. Planning applications must contain sufficient detail to enable their consideration under each point:

- a the proposal is of high quality design and uses materials appropriate to its surroundings; and
- 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; and
- 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; and

- d d prevailing densities in the area are respected; and
- e 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; and
- f prominent frontages and elevations of architectural character on the original house will remain largely intact; and
- g the proposal conforms to the Council's non-statutory guidance on Breaches in Boundary Walls; and
- 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; and
- 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.
- j Policy 55: Urban Design - a quality environment is dependent on the inter-relationship between building form and use, architectural style, streetscape spaces, places and movement patterns. New development should create successful, meaningful and memorable buildings and spaces that successfully contribute to the image of the surrounding environment and Dundee.

## 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

Dundee Urban Design Guide states that new buildings, extensions and infill developments should be well designed, flexible and expressive to their purpose. An agenda of imaginative and innovative contemporary architecture is sought to discourage 'off-the-peg' design and debased versions of historical styles. Therefore new buildings must present a design solution appropriate to the site and context and be constructed in materials consistent with the design approach adopted. In particular attention should be paid to the relationship between the building and the existing streetscape.

## SUSTAINABILITY ISSUES

The application raises no concerns in relation to the Council's Sustainability policies.

## SITE HISTORY

Planning application 07/00314/FUL sought full planning permission for the erection of a 1.5 storey detached dwelling in the garden grounds of 20 Barnes Avenue. This application was withdrawn before it could progress to the April 2007 meeting of the Development Quality Committee. This application would have been recommended for refusal on the grounds that there was insufficient garden ground to serve a dwelling house and that the design of the dwelling would not blend with the surrounding properties or respect the prevailing densities of the area.

Planning Application 07/00877/FUL sought full planning permission for the erection of a 1.5 storey detached dwelling in the garden grounds of 20 Barnes Avenue. This application was withdrawn before it could progress to the November 2007 meeting of the Development Quality Committee. The application would have been recommended for refusal on grounds that there was insufficient garden

ground to serve a dwelling and that the design of the dwelling would not blend with the surrounding properties.

## PUBLIC PARTICIPATION

As well as statutory neighbour notification procedures being carried out, this application was also advertised as a development contrary to the Development Plan. Consequently 3 letters of objection were received. The main points of objection are:

- 1 Traffic and parking problems;
- 2 Environmental Damage;
- 3 Out of character;
- 4 Loss of view;
- 5 Loss of property value;
- 6 Overshadowing.

## CONSULTATIONS

The relevant Council Departments and outside bodies have been consulted with regard to the proposals.

Environmental Health and Trading Standards have raised concern that the application site may be contaminated given its historic uses. However, as this matter has not been raised in the 2 previous applications it is considered that it can be addressed by way of condition should the Committee be mindful to grant planning permission.

Scottish Water has indicated that they have no objections to the application.

## 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 proposal involves the erection of a 2 storey detached house within the rear garden of a flatted property at 20 Barnes Avenue. The site is within a residential area, where the majority of properties are flatted with shared amenity areas. The flats are traditional in style with slate roofs and are two storeys in height.

The proposed house will incorporate a living room, dining area, kitchen, utility room and WC facilities at ground floor level; and 3 bedrooms, bathroom and access stairway at first floor level.

The materials proposed are roughcast to match the surrounding dwellings, timber cladding, blue/black Eternit slate roof and grey painted timber windows. Glazed areas are located predominantly on the north and south elevation and there are French doors at first floor level on the northern elevation and at ground floor level on the eastern elevation. The main entrance is on the north elevation.

Vehicle access to the site shall be taken from Barnes Avenue with a 2 car parking area located in the south western corner of the site. The proposed dwelling shall be centrally positioned, 1m of the southern boundary. Given the south to north slope of the site, the proposed dwelling will be partially submerged 1m below ground level. The northern and southern boundaries shall therefore be reinforced by retaining walls. The eastern and southern boundaries shall be treated by 1.8m high timber fencing with the western boundary treated by steel railings to match the existing boundary treatments of dwellings fronting Barnes Avenue.

## 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 of the Dundee Local Plan Review 2005 seeks to ensure that the design of all new housing should be of a high quality. Appendix 1 of Policy 4 sets out the criteria for the design of new housing. For houses in suburban areas, Appendix 1 dictates that such developments will be served by no less than 150m<sup>2</sup> of usable garden ground. The private garden ground indicated on the proposed site layout plan is approximately 150m<sup>2</sup>. Appendix 1 also states that houses with three or more bedrooms should have provision for 2 off street car parking spaces. The plans submitted provide sufficient off street car parking facilities. There are 18m between facing habitable windows. In terms of house type, parking and garden ground the proposal meets the criteria of Policy 4. However, the proposed development

does raise issues of concern in terms of design, visual impact upon the streetscape, affect on amenity and character of the surrounding area.

The applicant has attempted to design a house that mirrors the ridge heights, eave lines and window patterns of the existing buildings on Barnes Avenue. However, it is considered that the design of the house does not blend with surrounding properties. The fenestration and finishing materials of the proposed house have the appearance of 2 separate units. The window styles and proportions vary on each elevation with the French doors giving the dwelling an awkward and unbalanced appearance in comparison to the existing buildings which are of uniform scale, massing and design. The existing buildings have uniform window openings and window proportions on each elevation with each building finished in grey/ brown roughcast. The proposed house is finished in a mixture of timber cladding and brown roughcast.

Further, the proposed boundary enclosures coupled with the positioning of the proposed dwelling will result in the garden ground of the proposed house and the communal garden ground of the neighbouring flats being overshadowed for significant periods of the day, a concern shared by neighbouring residents. Given the proximity of the southern elevation to the 1.8m high southern boundary fence, the ground floor south facing windows of the dwelling will be overshadowed limiting the amount of natural light penetrating the building.

The proposed house by virtue of its location will disrupt the uniform building line characteristic of Barnes Avenue. In combination with the design of the proposed house, the positioning of the building gives the development a visually obtrusive appearance that disrupts the flow of the existing streetscape. In terms of design, visual impact upon the streetscape, affect on amenity and character of the surrounding area, it is concluded that the proposal does not comply with Policy 4 of the Dundee Local Plan Review 2005.

Policy 15 of the Dundee Local Plan Review 2005 sets out specific criteria to be met for new development within garden ground. Although this Policy refers more specifically to

development within the garden ground of villas throughout the City, it is considered that the Policy is relevant to the determination of this application. The proposal complies with criteria B, C, F, G and H of Policy 15. However, the proposals raise issues for consideration in terms of Criteria A, D and I. These are considered in turn.

Criteria A requires proposals to be of a high quality design and use materials appropriate to the surroundings. It has been discussed under Policy 4 above that the design of the proposed house would be incongruous with the established character of Barnes Avenue and therefore does not blend with surrounding properties. The proposal does not comply with criteria A.

Criteria D requires prevailing densities in the area to be respected. Although there are examples of houses within the garden ground of flats in the immediate area, the remaining garden ground attributed to the existing flats and conversely the amount of garden ground attributed to new houses varies. The prevailing building density of Barnes Avenue has therefore become compromised by the unbalanced appearance of the streetscape that has occurred by virtue of the scale, massing and positioning of such developments. However, the application site is situated in an area of Barnes Avenue that is characterised by open front gardens and large communal rear gardens. It is considered that the proposed development although able to satisfy the criteria of Appendix I in terms of garden ground will significantly heighten the development density to the detriment of both residential and visual amenity in a suburban area.

Criteria H and I refer to the requirement for a full tree survey and landscaping details. The applicant has indicated that there are two existing cherry trees within the site, which will be retained and new trees will be planted where deemed necessary by the Council.

It is concluded from the foregoing that the proposal does not comply with Criteria A and D of Policy 15 of the Dundee Local Plan Review 2005.

Policy 55 advises that for all new developments the emphasis will be on design quality whereby a quality environment is dependent on the inter-relationship between the built form and

use, architectural style, streetscape spaces, places and movement patterns.

It is considered that the relationship between the proposed dwelling and those existing is interrupted by obtrusive boundary enclosures. Such forms of boundary enclosure coupled with the positioning of the proposed dwelling beyond the existing building line of 20 Barnes Avenue will give the streetscape a disjointed appearance. The proposed north, eastern and southern boundary treatments will provide the proposed development with private usable garden ground but will also leave the remaining communal garden ground overshadowed and unusable. Given the existing tree belt bounding the site to the south and the lack of natural surveillance from the existing and proposed built form, the area of garden ground to the south of the application site will be unsupervised and dark. In turn this will create an unsafe point of access to the rear of 20 Barnes Avenue.

Further, the proposal appears out of place given the existing built form and predominant street pattern. While there are examples of houses built in garden grounds of flats in the surrounding area, these examples demonstrate a natural division between private, public and semi-public spaces due to the positioning of buildings between the front and rear garden grounds. The proposals demonstrate this division through the use of fencing and walls that are both alien and discordant to the existing streetscape.

The proposals are therefore contrary to the provisions of the Policy 55 of the Dundee Local Plan Review 2005.

## Other Material Considerations

The other material considerations to be taken into account are as follows:

### 1 Objections

The objections raised by local residents mainly relate to traffic and parking problems, overshadowing, out of character, loss of view and loss of property value.

### 2 Traffic and parking problems

The proposal has been assessed under Policy 4 of the Dundee Local Plan Review 2005 and it is concluded that the parking requirements are met due to the amount of space provided for two cars to park within the curtilage of

the site. These concerns are not supported.

### 3 Overshadowing

Whilst the proposed dwelling will not overshadow neighbouring flats, it will overshadow neighbouring garden grounds limiting the usability of such communal areas to the detriment of amenity. These concerns are considered fully in the Observations section of this report.

### 4 Out of Character

It has been discussed under Policy 4, Policy 15 and Policy 55 in the Observations section above, that the proposal appears out of place given the existing built form and predominant street pattern. While there are examples of houses built in garden grounds of flats in the surrounding area, these examples demonstrate a natural division between private, public and semi-public spaces due to the positioning of buildings between the front and rear garden grounds. The proposals demonstrate this division through the use of fencing that is both alien and discordant to the existing streetscape. Therefore this objection is supported.

### 5 Environmental Damage

These concerns have been discussed in the Consultations section of this report. Environmental Health and Trading Standards have raised concern over possible contamination of the site given its historic use. However, as only a desk top survey was requested from Environmental Health and Trading Standards it is considered that this issue is not so significant to require the information before the application is determined. Therefore this matter can be addressed by way of condition should the Development Quality Committee be mindful to grant planning permission.

Concerns relating to loss of view and loss of property value are not considered material to the outcome of this planning application.

It is concluded from the foregoing that insufficient weight can be accorded to the material considerations such as to justify the exceptional grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

## Design

The proposed house is fairly contemporary in design, style and the materials proposed. However, the design and layout of the proposed house in relation to the surrounding streetscape and existing built form is questionable.

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## CONCLUSION

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It is considered that the proposal does not comply with Policies 4, 15 and 55 of the Dundee Local Plan Review 2005. The objections are supported and there are no material considerations to justify approval of the proposal. Therefore the application is recommended for REFUSAL.

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## RECOMMENDATION

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

### Reasons

- 1 The design and layout of the proposed house will introduce a building type, boundary treatments and building style, that are alien and incongruous to the existing streetscape. The proposal is therefore contrary to the provisions of Policy 4, Policy 15 and Policy 55 of the Dundee Local Plan Review 2005. There are no material considerations that would justify approval of the application contrary to the provisions of the Development Plan.
- 2 The proposed development by virtue of scale, massing and layout will significantly overshadow the proposed private garden ground as well as overshadow and obscure the neighbouring garden ground from view. This will significantly impact upon the usability of the remaining amount of communal garden ground afforded to the 4 flats at 20 Barnes Avenue as well as the level of amenity enjoyed by the proposed dwelling. The proposed development is therefore contrary to Policy 4 and Policy 55 of the Dundee Local Plan Review 2005. There are no material considerations that would justify laying aside the provisions of Policy 4 and Policy 55 to grant planning permission.