

KEY INFORMATION

Ward The Ferry

Proposal

Proposal new build detached dwellinghouse set within the ground of Craig Gowan House

Address

Craig Gowan
42 Camphill Road
Broughty Ferry

Applicant

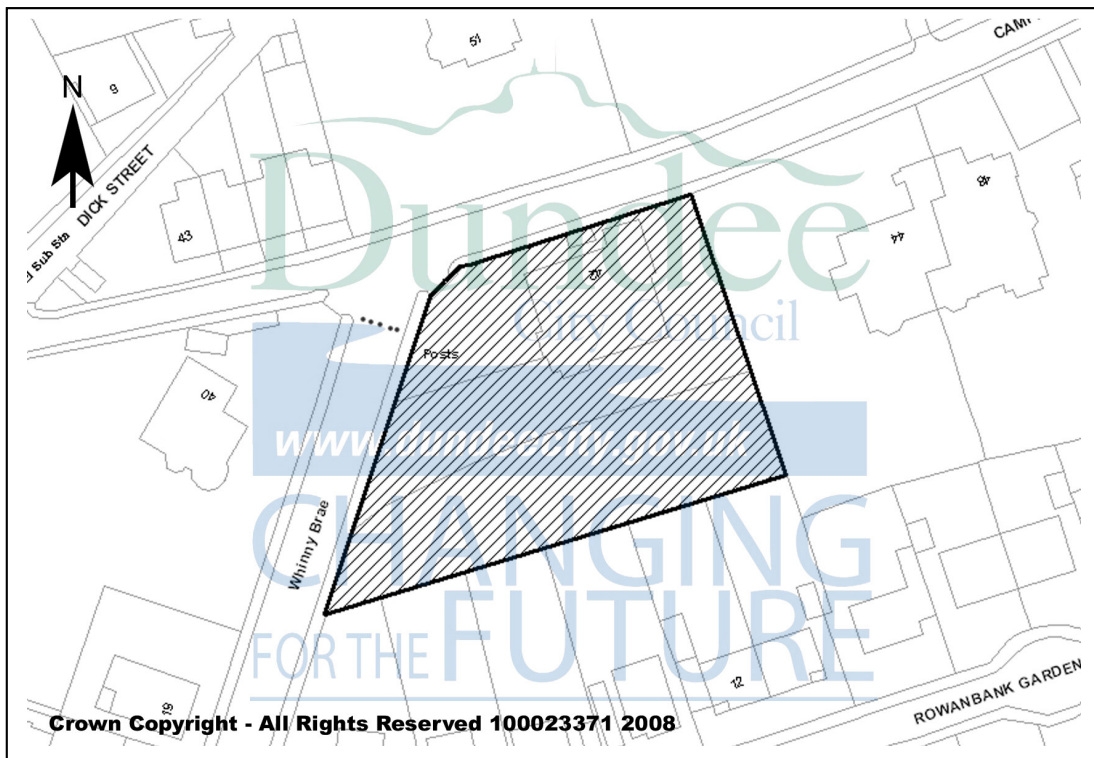
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Registered 16 April 2008

Case Officer C Walker



New House Proposed Within Grounds of Listed Building

The proposed new build detached dwelling house set within the ground of Craig Gowan House is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is of attractive modern design, will provide a good standard of residential amenity and will not adversely impact on the setting of "Craig Gowan" or the Conservation Area. The siting of the house in front of the original house is justified in the particular circumstances of this case. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought to erect a new house on 2 levels in garden ground to the south west of "Craig Gowan", a Category B listed building. The design of the proposed house is contemporary with extensive glazing on the south elevation, walls of white render and flat roofs covered in grass.
- Policies 4, 15, 55 and 61 of the adopted Local Plan are relevant to the determination of this application.
- A letter of objection was received from the Community Council who are concerned about the design, size and siting of the house, its impact on the listed building and the felling of trees.
- The Councils Forestry Officer is generally in agreement with the tree protection and landscaping proposals subject to the retention of 5 additional trees.
- The proposed development is of attractive modern design, will provide a good standard of residential amenity and will not adversely impact on the setting of "Craig Gowan" or the Reres Hill Conservation Area. The siting of the house in front of the original house is justified in the particular circumstances of this case.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a new house in the garden ground to the south west of "Craig Gowan", a Category B listed building. "Craig Gowan" is currently vacant but has planning permission for a conversion to form 3 apartments. The proposed house is on 2 levels, taking advantage of the sloping site. It is set back just over a metre behind the boundary wall on Whinny Brae which the applicants propose to rebuild. It sits hard against the retaining wall enclosing the parking area to the north.

The entrance level sits mainly on the area of level ground on the south side of the high retaining wall where greenhouses were formerly situated. It extends to some 215m² and includes 2 large bedrooms, a study and the upper level of a lounge/dining area. The lower level extends to some 195m² and contains the main living area including a large lounge/dining area, a kitchen and 2 further bedrooms.

Level areas of garden ground are proposed in the form of a roof garden of some 35m² to the east of the house and a garden area of some 130m² to the south of the house. The remainder of the garden comprises steeply sloping ground.

It is proposed to provide pedestrian access to the house through an existing gap in the stone boundary wall at Whinny Brae. Vehicular access is proposed using the existing gateway on Camphill Road and 3 parking spaces are allocated for the proposed house (6 further spaces are allocated for the 3 proposed apartments to be achieved through the conversion of "Craig Gowan").

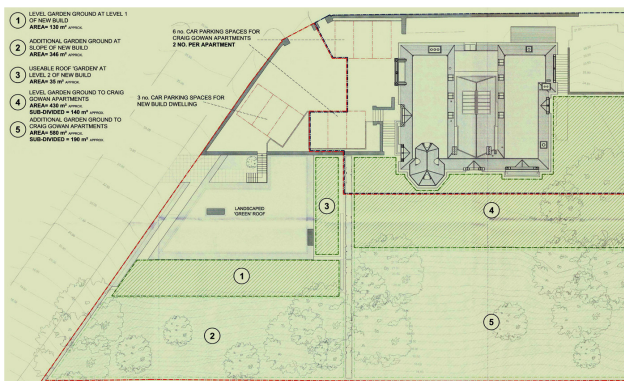
The design of the proposed house is contemporary with extensive glazing on the south elevation, walls of white render and flat roofs covered in grass.

Extensive works are proposed to the garden area to excavate ground to form the lower level of the house and the level area of garden to the south of the house. This will impact on the existing trees on the site which have been protected by a provisional Tree Preservation Order.

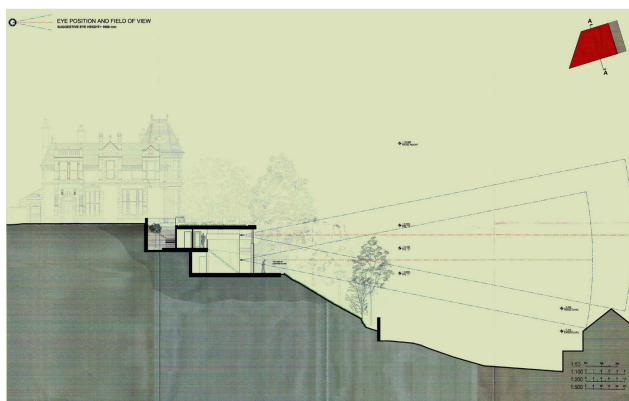
The applicants have submitted a Tree Report and survey. This notes that of the 34 trees on the site there are 5 significant trees which should be



retained and protected. It states that the other trees in the woodland area do not make a significant individual contribution, and suggests that they be



felled, partly because some are dead (the site has been badly affected by Dutch Elm disease) or have a limited life span and partly to make room for replanting. The replanting proposals



submitted make provision for 16 new trees on the site (heavy standards and semi mature) as well as extensive shrub and hedge planting, the latter intended principally to screen the development from houses at Rowanbank Gardens.

The applicants have submitted a Planning Statement in support of their proposals. In it they describe the proposed development and refer to extensive consultations with the Planning and Transportation Department, pointing out modifications to their previous proposals in order to comply with the Development Plan. The state that the proposed house is of the highest quality in terms of its design and finishing materials and will be sited in a very discreet location, submerged into the ground so that its roofline will be lower than the existing stone retaining wall. They conclude that there will be no adverse impact on the setting of the listed building.

They suggest that the development complies with Local Plan policy and that issues of landscaping have been appropriately addressed with extensive new planting of semi mature trees proposed.

SITE DESCRIPTION

The site comprises an area of garden ground some 2,875m² in extent, and forms most of the existing garden ground of "Craig Gowan", a substantial two storey and basement stone built villa on the south side of Camphill Road just east of its junction with Whinny Brae. "Craig Gowan" is a Category B listed building dating from 1878.

The site includes the western part of the existing parking area to the west of the house, a level area of lawn extending some 11 metres to the south of the house and then a steeply sloping wooded bank adjoining the rear gardens of modern houses at Rowanbank Gardens. There are a large number of trees on the site, principally in the sloping ground to the south. Lean to greenhouses extending to some 135m² once sat immediately to the south of the retaining wall where it is now proposed to erect a house.

The boundary to Whinny Brae to the west is formed by a stone wall in a poor state of repair and there is an existing gap in this wall. Whinny Brae is very steep and is closed to vehicular traffic by bollards. On the opposite

side of Whinny Brae is a substantial listed villa known as "Woodknowe".

The site is surrounded on all sides by housing and the application site along with more traditional housing to the east lies within the Reres Hill Conservation Area. Immediately to the west of the site is the Forthill Conservation Area.

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

Policy 55 Urban Design promotes good design and seeks to ensure that development respects the setting of listed buildings.

Policy 60 Alterations to Listed Buildings requires such alterations to have regard to the preservation or enhancement of the listed building.

Policy 61 Development in Conservation Areas requires new development to preserve or enhance the character of the surrounding area.

Scottish Planning Policies, Planning Advice Notes and Circulars

NPPG 18 Planning and the Historic Environment sets out the framework for dealing with planning applications affecting listed buildings and conservation areas.

Non Statutory Statements of Council Policy

The Council approved non statutory policies entitled "Breaches in Boundary Walls" in December 2000.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

Planning permission to build a new house on this site was refused on 2 occasions and appeals were dismissed in 1993 and 1997. The reasons for refusal included concerns over inadequate parking provision and using Whinny Brae as an access to the site. In the course of the appeals Historic Scotland suggested that it might be possible to accommodate a dwelling on the site with a size and scale similar to the lean to glass house formerly on the site.

Applications for planning permission and listed building consent to convert "Craig Gowan" into 3 flats were approved in December 2007 - applications ref nos 07/00640/COU and 07/00666/LBC refers.

More recently applications for planning permission and listed building consent to erect a much larger house on this site with 3 levels and direct vehicular access from Whinny Brae were withdrawn by the applicants in March 2008 - applications ref nos 07/01063/FUL and 07/01072/LBC refers.

There is an accompanying application for listed building consent for this development, the Report on which appears elsewhere on this Agenda - application ref no 08/00297/LBC refers.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposed development was advertised as contravening Policy 15 of the Local Plan. The partner listed building application (08/00297/LBC) was advertised as a listed building application and as affecting the conservation area.

No public response was received within the statutory time periods.

CONSULTATIONS

Broughty Ferry Community Council objected to the proposed development stating that it is too large and sits in front of "Craig Gowan" and will

therefore detract from its setting, that its design is unattractive and does not complement the listed building or the conservation area, that a house of this size should be provided with a garage, that its footprint exceeds one and a half times that of "Craig Gowan", that prevailing densities will not be respected, that the existing opening in the wall at Whinny Brae should be infilled in stone and that too many protected trees will be affected.

The Councils Forestry Officer has considered the Tree Report and whilst in agreement with much of its findings suggests that 5 additional trees, all considered in the draft TPO as worthy of retention, should be retained. None of these trees need to be felled to accommodate the development and this matter can be covered by a planning condition should Members be minded to approve the application.

Historic Scotland was consulted informally on this development prior to the submission of the application and has commented positively on the reduction in the size of the house (compared with the previous proposals).

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 developments, encourages good design and states that in established low density residential areas new development should reflect this and more generous external space standards should be provided. In terms of the specific standards set out in Appendix 1 to Policy 4, the proposed development meets all these requirements.

It is considered that the issue about low density surroundings is best addressed under Policy 15 which contains a similar provision.

Policy 15 relates to garden ground development and Policies 55 and 61 seek to protect the setting of listed buildings and conservation areas. The application was advertised as contravening Policy 15. In this case the development can be analysed against the provisions of Policy 15 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 design of the proposed dwelling is of a high standard. Although it is a large building, using the slope of the site ensures that its visual impact is reduced. The Council encourages good modern design and it is considered that the design and choice of finishing materials are appropriate for this location.

- 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 the footprint of the proposed dwelling amounts to some 250m² which is approximately three quarters that of "Craig Gowan" (some 345m²). However the one and a half times figure has already been exceeded by the substantial suburban housing development at Rowanbank Gardens which occupies former garden ground of "Craig Gowan".

However, it is considered that further development as is currently proposed would not detrimentally affect the appearance and character as now exists. This is principally because the development at Rowanbank Gardens took place many years ago and because of the radical difference in ground level does not impact on the setting of "Craig Gowan" or its

garden ground. Furthermore although the proposed new house has a footprint of 250m², this will not dominate the site due to the excavation into existing ground levels and the formation of grass roofs on the house. The site of the proposed house was formerly occupied by glass house buildings with a floor area of approximately 130m².

- 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 does not exceed 40%.

- d prevailing densities in the area are respected. In this case the total area occupied by the proposed house amounts to some 250m² which is almost 30% of the proposed new curtilage of some 850m² (excluding the parking spaces). This is broadly comparable with the modern suburban housing development to the south at Rowanbank Gardens. Although this is a high ratio compared with "Craig Gowan" itself and surrounding low density areas comprising large villas on Camphill Road, taking into account the fact that parts of the house will be camouflaged by being cut into the slope and by the provision of grass roofs, the impact on prevailing densities will not be unacceptable. It is concluded that the proposed development will respect prevailing densities.

- 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.

- f prominent frontages and elevations of architectural character on the original house will remain largely intact.

Taking these 2 subsections together, it is noted that the proposed new house is in front of and to the side of the original house. It therefore fails to

comply with Policy 15(e). However every attempt has been made to make the house as discreet as possible. There have been structures previously on this site and although they were much smaller than the current proposal, they were not as discreet. The setting back of the house just over 1 metre from the rebuilt boundary wall at Whinny Brae will also reduce its prominence although it is accepted that the new house will be visible from Whinny Brae, both through the 3.25 metre gap in the wall and because at its highest point part of the west elevation will sit some 2 metres above the wall. It is considered that in these circumstances there will not be a significant impact on views of the principal elevation of the house from Whinny Brae, and that any negative impact will be more than compensated for by the rebuilding of the stone boundary wall (whose appearance is spoiled by the existing makeshift opening, its generally dilapidated appearance and areas of brick repairs).

- g the proposal conforms to the Council's non-statutory guidance on Breaches in Boundary Walls. In this case it is proposed to form an access through an existing breach in the wall and to rebuild in stone the remaining section of wall which is in a dilapidated state. It is considered that these proposals are satisfactory in terms of the treatment of the wall itself and will significantly enhance its appearance.

- 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 full tree survey has been provided and it recommends felling most of the trees on the site. Although many of these trees are diseased and are of poor amenity value, 13 trees on the site are protected by a recent draft TPO. It is proposed to retain 5 and fell 8 of these trees. However the Councils Forestry

Officer has pointed out that 5 further protected trees could be retained. It is considered that if those further trees were retained and the proposals for new planting implemented, that this would enhance the arboreal amenity of the area, particularly since the new planting includes 16 semi mature trees.

- 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 proposed new planting is satisfactory and will enhance the arboreal amenity of the area.

It is concluded that the proposed development fails to comply with subsection (e) of Policy 15.

Policy 55 seeks to protect the setting of listed buildings and Policy 60 requires alterations to have regard to the preservation or enhancement of the listed building.

For the reasons set out in the assessment of the proposed development against Policy 15 of the Local Plan, it is considered that the proposed development will not have an adverse impact on the setting of the listed building. Every attempt has been made to make the house as discreet as possible (see analysis under Policy 15(e)) and the rebuilding of the stone boundary wall will substantially improve the setting of the listed building.

Policy 61 seeks to protect the character and appearance of the Reres Hill Conservation Area. It is considered that the development will preserve the character and appearance of the conservation area for the same reasons as set out in the analysis of the development against Policy 55 of the development plan.

It is concluded that the proposed development does not comply with 15(e) (building in front of main elevation) of the adopted Dundee Local Plan Review.

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 building or its setting or any features of special architectural or historic interest which it possesses.

This matter has already been considered in the assessment of the proposed development under Policies 15, 55 and 61 of the adopted Local Plan and it was considered that the proposal would preserve the setting of the listed 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 or enhancing the character or appearance of that area.

This matter has already been considered in the assessment of the proposed development under Policy 61 of the adopted Local Plan and it was considered that the proposal would preserve the character and appearance of the conservation area.

(C) - Contravention of Policy 15(e) - the proposed new house is in front of and to the side of the original house and therefore fails to comply with Policy 15(e). However the situation is somewhat unusual in that it does not sit directly in front of the original house, is set at a lower ground level and there were previously structures on the site. Every attempt has been made to make the house as discreet as possible both by excavating into the slope of the ground and providing flat grass roofs. The setting back of the house just over 1 metres from the rebuilt boundary wall at Whinny Brae will also reduce its prominence although it is accepted that the new house will be visible from Whinny Brae, both through the 3.25 metre gap in the wall and because at its highest point part of the west elevation will sit some 2 metres above the wall. It is considered that in these circumstances the fact that the proposed new house will be in front of the original house is acceptable and that any negative impact will be more than compensated for by the rebuilding of the stone boundary wall (whose appearance is spoiled by the existing makeshift

opening, its generally dilapidated appearance and areas of brick repairs). It is considered that all these material considerations justify approving the application contrary to Policy 15(e).

(D) - the Concerns of Consultees - the objection from the Community Council sets out concerns about the size of the proposed house, that it sits in front of "Craig Gowan" and will therefore detract from its setting, that its design is unattractive and does not complement the listed building or the conservation area, that a house of this size should be provided with a garage, that its footprint exceeds one and a half times that of "Craig Gowan", that prevailing densities will not be respected, that the existing opening in the wall at Whinny Brae should be infilled in stone and that too many protected trees will be affected.

All these matters (other than the provision of a garage for the house) have been considered in the assessment of the development against the Local Plan and it has been concluded that the proposal is acceptable on all counts. There is no planning requirement to provide a garage for this house and since direct access from Whinny Brae would be unacceptable on safety grounds, the only possible location for a garage would be in the existing parking area. A structure at this location would detract from the setting of "Craig Gowan". In these circumstances the view that a garage should be provided is not supported.

The Councils Forestry Officer is concerned about the extent of tree felling and these concerns are considered to be valid. It is therefore suggested that this matter can be covered by a planning condition should Members be minded to approve the application.

Historic Scotland will have the opportunity to formally consider the proposed development when the accompanying application for listed building consent is referred to them.

(E) - The Applicants Planning Statement in Support of their Proposals - the points raised in the applicants Planning Statement have been taken into account in the assessment of the development against the Development Plan and are broadly supported.

It is concluded from the foregoing that there are sufficient material

considerations that would justify the grant of planning permission contrary to Policy 15(e) of the adopted Local Plan.

Design

The design of the proposed house is contemporary with extensive glazing on the south elevation, walls of white render and flat roofs covered in grass. The Council encourages good modern design and it is considered that the design and choice of finishing materials are entirely appropriate for this location.

CONCLUSION

The proposed development is of attractive modern design, will provide a good standard of residential amenity and will not adversely impact on the setting of "Craig Gowan" or the Reres Hill Conservation Area. The siting of the house in front of the original house is justified in the particular circumstances of this case.

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 rebuilding of the stone wall along Whinny Brae including drawings and a method statement, a sample panel of the wall and a timescale for the carrying out of the works 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.
- 4 The curtilage of the proposed new house shall be in accordance with Drawing No 2859/PA/300N and in particular shall not include areas 4 and 5 as defined on that drawing.

- 5 Exact details of the extent of felling of the existing trees 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 1/02/08 and trees nos T0233, T0238, T0243, T0244 and T0258 (referred to as T3,T4,T5,T6 and T13 in Provisional TPO No2 of 2008) shall be retained and protected. 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.

- 6 All trees identified for retention in terms of the Report by Arboretum Internationale dated 1/02/08 and the 5 additional trees to be retained in terms of Condition 5 above, shall be protected in accordance with BS 5837:2005. A plan indicating the revised protective fencing shall be submitted for the written approval of the Council and the fencing shall be erected in accordance with the approved plan prior to the commencement of works on the site. Once the fencing has been approved it shall be retained and thereafter maintained in place throughout the construction period.

All tree work operations, the erection of protective fencing and any excavations near trees shall be supervised by an appropriately qualified arboriculturalist who shall also provide written confirmation that the works have been carried out in accordance with the Recommendations of the Report (as amended by the requirement to protect the 5 additional trees).

- 7 The planting of new trees and shrubs on the site shall be carried out generally in accordance with

the details set out in Drawings 2859/PA/120N and 130N but modified to take account of the retention of 5 additional trees required by condition 5 above. The revised planting scheme shall be submitted to and approved in writing by the Council prior to the commencement of development 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.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In order to safeguard the setting of the statutorily listed building
- 3 In order to ensure that the character and appearance of the building as a building of architectural and/or historic interest is retained
- 4 In order to ensure that adequate garden ground is provided for the 3 apartments approved under application 07/00640/COU.
- 5 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.
- 6 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.
- 7 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.