

KEY INFORMATION**Ward** West End**Proposal**

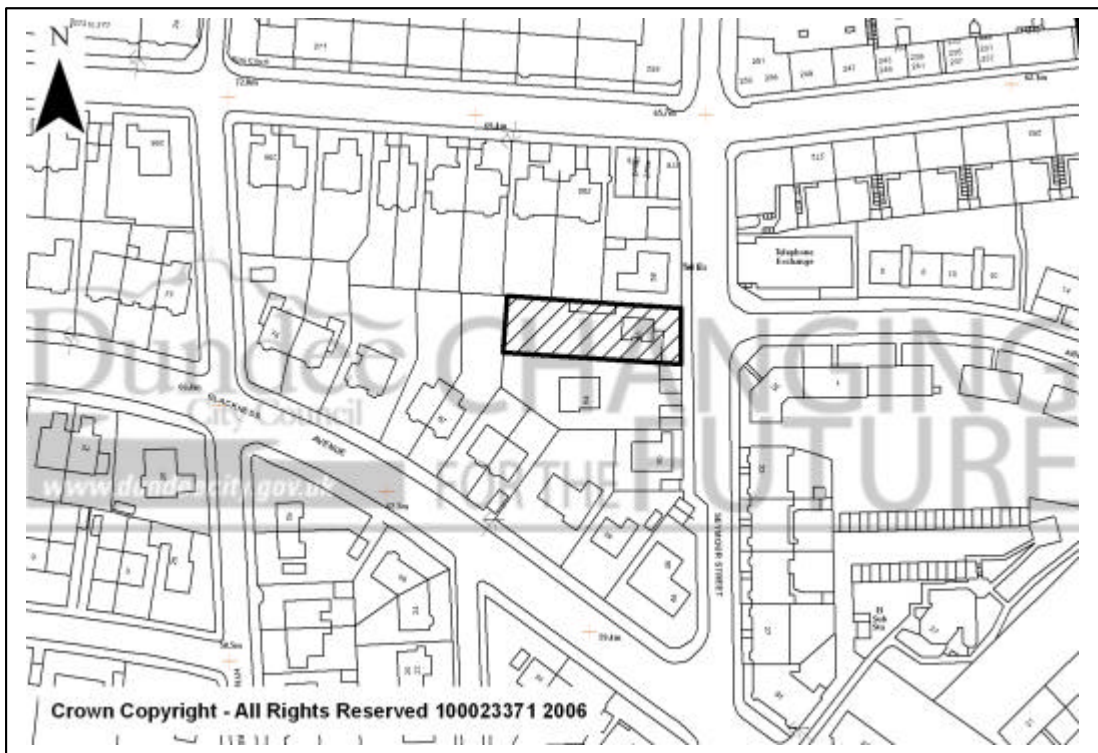
Construction of a new 3 bedroom 1.5 storey detached dwellinghouse with 2 new parking spaces in the garden ground

Address

56 Seymour Street
Dundee
DD2 1HB

Applicant

Russell Murray
56 Seymour Street
Dundee
DD2 1HB

Agent**Registered** 12 Mar 2009**Case Officer** B Knox

Proposed New House in Garden Ground in Seymour Street

The construction of a new detached house is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

It is concluded from the foregoing that whilst the application complies with Policies 4 and 15 of the Dundee Local Plan Review 2005, there are material considerations that would justify the **REFUSAL** of planning permission.

SUMMARY OF REPORT

- The application proposes the erection of a one and a half storey dwelling house with two parking spaces in the garden ground of an existing dwelling.
- An application for outline planning permission for the erection of a dwelling on the site was refused at the Development Quality meeting on 26 February 2007 (07/00019/OUT).
- The applicant undertook the statutory neighbour notification procedure and in total 20 letters of objection were received.
- Whilst the application complies with Policies 4 and 15 of the Dundee Local Plan Review 2005, there are material considerations that would justify the refusal of planning permission.

DESCRIPTION OF PROPOSAL

The application proposes the erection of a one and a half storey dwelling house with two parking spaces in the garden ground of an existing dwelling. The proposed dwelling would be situated to the west of the existing dwelling and provide vehicular access at the immediate north of the existing dwelling. There would be room for parking and turning for two vehicles within the curtilage of the proposed dwelling. A new 1.8 metre high fence would be erected to the boundary with the existing dwelling and the proposed new dwelling. The garden area to the new dwelling would be located to the south east of the dwelling and several new trees would be planted within the site.

The dwelling would be one and a half storeys and would be approximately 7 metres in total height to the top of the ridge. It would be finished in a smooth render painted white with weatherboarding cladding, stained in light oak to the walls. There would be reclaimed slate on the roof and the windows would be timber finished grey. The proposed hard standing area would be finished in tarmac.

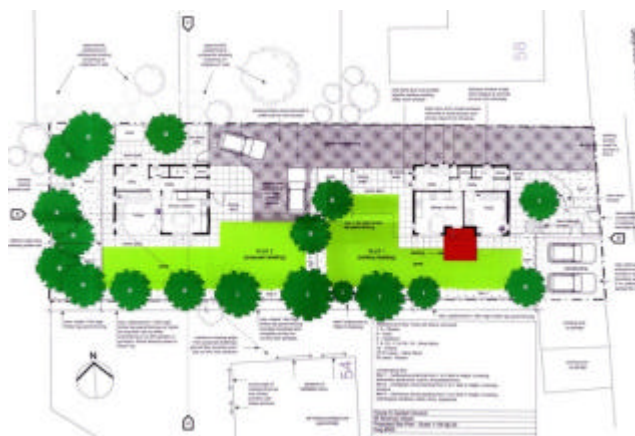
There would be considerable glazing to the south elevation on the ground floor of the property which would serve the living and kitchen areas. There would be three bedrooms upstairs which would each be served by roof lights at upper level and a bathroom to the north elevation which would also be served by a roof light.

Some alterations to the existing dwelling have also been proposed to facilitate the new dwelling including the removal of existing windows to the north elevation and the creation of two parking spaces at the front of the dwelling.

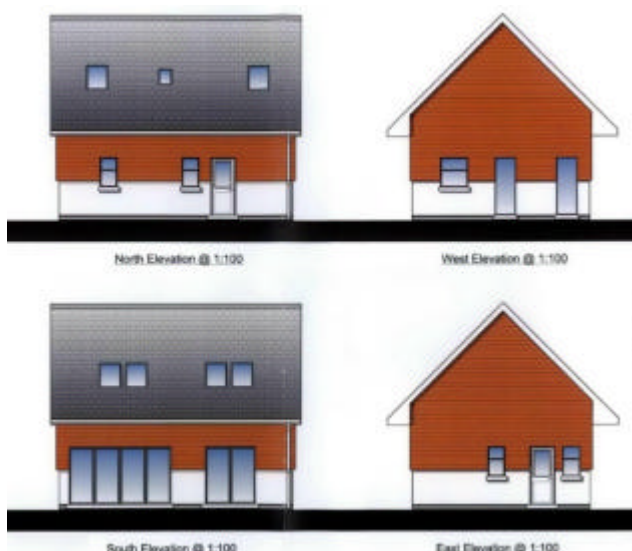
SITE DESCRIPTION

The site is located on the west side of Seymour Street within the rear garden ground of 56 Seymour Street. Seymour Street is a steeply sloping street which decreases in gradient from Blackness Road, down to the intersection with Blackness Avenue. The existing house is a detached two

storey property which has a painted render finish to the walls and roof tiles.



The properties which share a boundary to the north are located on Blackness Road and as such are at a higher level with rear windows which look into the application site. The adjacent property to the south is very close to the mutual boundary and at a slightly lower level than the proposed house.



There is also mature vegetation within the site some of which would require to be removed.

The surrounding area is characterised by large, mainly detached dwellings. Most of these dwellings have fairly large plot sizes similar to that of the existing dwelling. There are flatted developments on the east side of Seymour Street which represent a higher density of living accommodation quite separate from the character of the larger detached dwellings to the west of the street.

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 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 20 m.p.h. 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 prevailing densities in the area are respected; and
- 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.



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

An application for outline planning permission for the erection of a dwelling on the site was refused at the Development Quality meeting on 26 February 2007 (07/00019/OUT).

The applicant appealed this decision and this appeal was dismissed by the Department of Planning and Environmental Appeals on 24 September 2007.

PUBLIC PARTICIPATION

The applicant undertook the statutory neighbour notification procedure and in total 20 letters of objection were received.

The following issues have been raised:

- 1 The design is out of keeping with the character of the properties in the area and any dwelling should be stone built.
- 2 The proposal fails to comply with Policy 15 of the Dundee Local Plan Review 2005.
- 3 The application is over development of the site contrary to Policy 1 of the Dundee Local Plan Review 2005.
- 4 There is no green corridor to the site of the existing property to allow for pedestrian, wheelchair and cycle access.
- 5 There will be increased traffic as a result of the development and there will increased parking pressures on street.
- 6 The width of the proposed access does not appear wide enough for Emergency services access.
- 7 The building is not in character with the established building line.
- 8 There does not appear to be a location for bins for the existing dwelling.

- 9 This will result in the loss of mature garden and the loss of trees for nesting birds.
- 10 The proposed garden layout and shielding from neighbours proposed is unlikely to be maintained due to the damage to tree roots.
- 11 The upstairs windows will look down into the neighbouring house.
- 12 The proposal contradicts the original feu for the area.
- 13 The proposal does not comply with part (c) of Policy 15 of the Dundee Local Plan Review since there will be a shortfall in the cultivatable area required by this part of Policy.
- 14 Changes to the ground level may affect existing trees and there is not enough detail in this regard.
- 15 There is no detail regarding the retaining wall to the north of the site and how this will be maintained.

Members will already have had access to copies of the objection letter and the issues are discussed in the "Observations" section below.

CONSULTATIONS

There are no adverse comments from any of the consultees in relation to this application.

OBSERVATIONS

Statutory Requirements

In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 the Committee is required to consider:

- 1 whether the proposals are consistent with the provisions of the development plan; and if not
- 2 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.

The site is not allocated for a specific purpose within the Dundee Local Plan Review 2005.

However, due to the nature of the proposal there are a number of policies which are applicable. It is one of the objectives of the Local Plan to ensure that new housing makes a positive contribution to the environment. Careful attention to design and detail is important, as is the relationship of the development with the surrounding area.

Policy 4 of the Dundee Local Plan Review relates to new housing and Appendix 1 provides design standards and requirements that are sought with any new development in this regard. In terms of Policy 4 and Appendix 1, the site should be assessed against the inner city guidelines.

Appendix 1 requires that new dwellings within inner city areas should have a minimum of two bedrooms or a minimum gross internal floor area of 100m². This proposal satisfies this requirement as three bedrooms are proposed to be provided within the new dwelling.

In terms of useable garden ground a minimum private garden ground of 50m² should be provided. It is stated that the proposed new plot will have an area measuring 130m² with the existing house having 160m². Although this satisfies the quantitative guidelines sought in Appendix 1, it is not clear how much of this space shall form what can be considered 'useable' due to the small sizes and presence of a number of trees which will of course cast shadow.

Taking into account the above, the proposal is considered to comply with Policy 4 of the Dundee Local Plan Review 2005.

Due to the nature of the proposal Policy 15 is also applicable. Throughout the City there are a number of areas characterised by villas set in large garden grounds. Pressure to develop new houses in the garden grounds of these areas threatens their whole character. Consequently, the aim of Policy 15 is to protect the architectural appearance and landscape features of low density parts of the City.

There are nine criteria which the proposal must fulfil. In terms of criteria (a), the Policy states that

proposals must be of high quality design and should use materials appropriate to the surroundings. It is proposed to utilise reclaimed slate to the roof which is in keeping with the surrounding area. The walls are proposed to be finished in a smooth white render to the lower half and weather boarding cladding to the upper part of the property. It is considered that the use of natural stone to the property would improve its appearance and be more appropriate to the surroundings. However, the materials proposed are satisfactory and could be conditioned in the event of approval in order to ensure suitability for the area.

Criteria (b) relates to the total footprint of the new build and states that the total footprint of new buildings should 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. The applicant has stated that the footprint of the new dwelling will be approximately 53m² which is less than one and a half times the footprint of the original main house (50m²).

Criteria (c) of Policy 15 goes on to say that "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".

Criteria (d) relates to prevailing densities and states that prevailing densities in the area must be respected. As stated above, the immediate area is characterised by large, mainly detached dwellings. Most of these dwellings have fairly large plot sizes similar to that of the existing dwelling. There are some flatted developments on the east side of Seymour Street. Since the flats are designed to be higher density living, they do not relate to the application site in terms of the prevailing densities. It is considered that the application site is akin to the detached dwellings situated to the north, west and south of the site which are set within large gardens. In this respect it is considered that although the proposal will result in a loss of character with respect to the prevailing densities, it will not result in a

significant impact upon the prevailing densities in the area.

Criterion (e) and (f) relate to new buildings in front of the existing building. There will be no new buildings in front of the existing building and the main elevation of the property will remain in tact. The application is therefore considered to be in compliance with these parts of Policy 15.

Criteria (g) in relation to breaches in boundary walls is not relevant to this application since it affects neither a conservation area or listed building.

A tree survey has been provided consequently, the application complies with criteria (h) which states that a tree survey must be submitted along with this type of planning application.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

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

Views of the objectors:

- 1 The design is out of keeping with the character of the properties in the area and any dwelling should be stone built.

This matter has been discussed in relation to the design of the proposal above and it was concluded that it is satisfactory.

- 2 The proposal fails to comply with Policy 15 of the Dundee Local Plan Review 2005.

This matter has been discussed in Observations section of the report above.

- 3 The application is over development of the site contrary to Policy 1 of the Dundee Local Plan Review 2005.

Policies 4 and 15 of the Dundee Local Plan Review 2005 are considered to be the most applicable to the determination of the proposal.

- 4 There is no green corridor to the side of the existing property to allow for pedestrian, wheelchair and cycle access.

The proposed vehicular access would appear to be narrow with

no allowance for separate pedestrian access. This is often a symptom of over-development and in this instance it is considered that this is the case.

- 5 There will be increased traffic as a result of the development and there will increased parking pressures on street.

The required level of off street parking has been provided for both the existing and the proposed dwelling and so it is not considered that this proposal would lead to significant parking and traffic pressures if permitted.

- 6 The width of the proposed access does not appear wide enough for Emergency services access.

This is not a planning issue.

- 7 The building is not in character with the established building line.

The building line in this part of Seymour Street running on the west most side is irregular and there does not appear to be an established consistent line. However, the proposal does represent typical 'backland' development where the dwelling does not present a frontage to the street.

- 8 There does not appear to be a location for bins for the existing dwelling.

No specific location has been shown in this regard. However, it is considered that there is ample space for bin storage within the site and this can be conditioned should the application be approved.

- 9 This will result in the loss of mature garden and the loss of trees for nesting birds.

The loss of the area as garden area will certainly change the character of the immediate surrounding area. Replacement trees have been proposed to compensate for the loss of any trees.

- 10 The proposed garden layout and shielding from neighbours proposed is unlikely to be maintained due to the damage to tree roots.

Should the application be approved contrary to the

recommendation, a condition will be required to ensure adequate tree protection during construction.

- 11 The upstairs windows will look down into the neighbouring house.

In total there will be four roof lights to the south slope of the roof. They are proposed to be located approximately 1.6 metres above first floor level to minimise the potential for overlooking to the south. It is considered that their positioning will minimise but not avoid overlooking to the south.

- 12 The proposal contradicts the original feu for the area.

This is not a planning issue.

- 13 The proposal does not comply with part (c) of Policy 15 of the Dundee Local Plan Review since there will be a shortfall in the cultivatable area required by this part of Policy.

This matter has been discussed in the Observations section in relation to Policy 15 above where the proposal was considered to be in compliance with the Policy.

- 14 Changes to the ground level may affect existing trees and there is not enough detail in this regard.

There is to be limited amounts of ground work to facilitate the new dwelling. Where these are to affect existing trees, replacement trees have been proposed and the application is therefore considered to be acceptable in this regard.

- 15 There is no detail regarding the retaining wall to the north of the site and how this will be maintained.

These details would be required be condition in the event that the application is approved.

Applicant's Supporting Statement

The supporting statement from the applicant assesses the application against the relevant policies of the Dundee Local Plan Review 2005.

The statement refers to the requirements of Policy 4 as discussed

above in the Observations section of the report. The applicant has considered the requirements of this Policy and concluded that the proposal is in compliance. As stated above, the Council considers that the application complies with this particular policy.

The statement goes on to refer to Policy 20: Development in Garden ground. It is assumed that it is intended to refer to Policy 15: Development in garden ground for the purposes of this report. As discussed above, the proposal is considered to be in compliance with the requirements of this policy as suggested by the applicants supporting statement in this regard.

Impact Upon Amenity and Vehicular Access

Whilst this proposal appears to comply with the technical standards in Policy 4 and 15, the principal concerns relate to the impact of the proposed house on the amenity of the immediate neighbours and the adequacy of the proposed vehicular access.

In terms of residential amenity, the proposed site is approximately 15 metres wide which means that the new house would stand close to the mutual boundaries with the rear gardens of adjacent houses in Blackness Avenue and Blackness Road and also close to the boundary with the neighbouring house at 54 Seymour Street which is set further back in its plot and oriented southwards. The house will stand approximately 3.8 metres from the mutual boundary to the north, 1.2 metres from the mutual boundary to the west and approximately 6 metres from the mutual boundary to the south.

In order to mitigate the potential for overlooking, it is proposed to erect a 1.8 metre high fence to the east and south boundaries. It is considered that this will have an adverse effect on the amenity of the occupiers of the proposed house due the close proximity of the mutual boundaries. Whilst it is acknowledged that this will mitigate the potential for significant overlooking, their necessity is symptomatic of over development and will result in a 'penned' in feeling to the proposed dwelling.

In addition, the proposed vehicular access would appear to be narrow with no allowance for a pedestrian access. Again, this is symptomatic of over

development where compromises have been made to gain access to the site and it is considered that this does not represent in an overall high quality of scheme.

The dwelling at present has a long driveway running up the side of the house providing space for a number of vehicles to park. The garden size is ample and the property is an attractive family home. The existing openings to the north elevation of the property shall be removed to avoid conflict with the driveway use as the primary access to the proposed property. The parking for the existing dwelling shall be relocated to two spaces accessed directly from Seymour Street. It is considered that whilst these measures will mitigate possible problems with the creation of a new dwelling, they will have a negative impact upon the quality and amenity of the existing dwelling.

It is concluded from the foregoing that the material considerations are sufficient to warrant refusal despite the proposal being in compliance with the Development Plan.

Design

As discussed above, the design is of a satisfactory standard and the details of the materials proposed would be conditioned in the event of an approval.

CONCLUSION

It is concluded from the foregoing that whilst the application complies with Policies 4 and 15 of the Dundee Local Plan Review 2005, there are material considerations that would justify a decision contrary to this. It is debatable whether this development will provide a satisfactory level of residential amenity for both the original house and the proposed unit as discussed above.

RECOMMENDATION

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

Reason

- 1 The development will result in a poor standard of amenity for both the proposed dwelling and the existing dwelling by virtue of the mitigation measures necessary to avoid overlooking and access

problems associated with a new dwelling in this location.