

KEY INFORMATION

Ward The Ferry

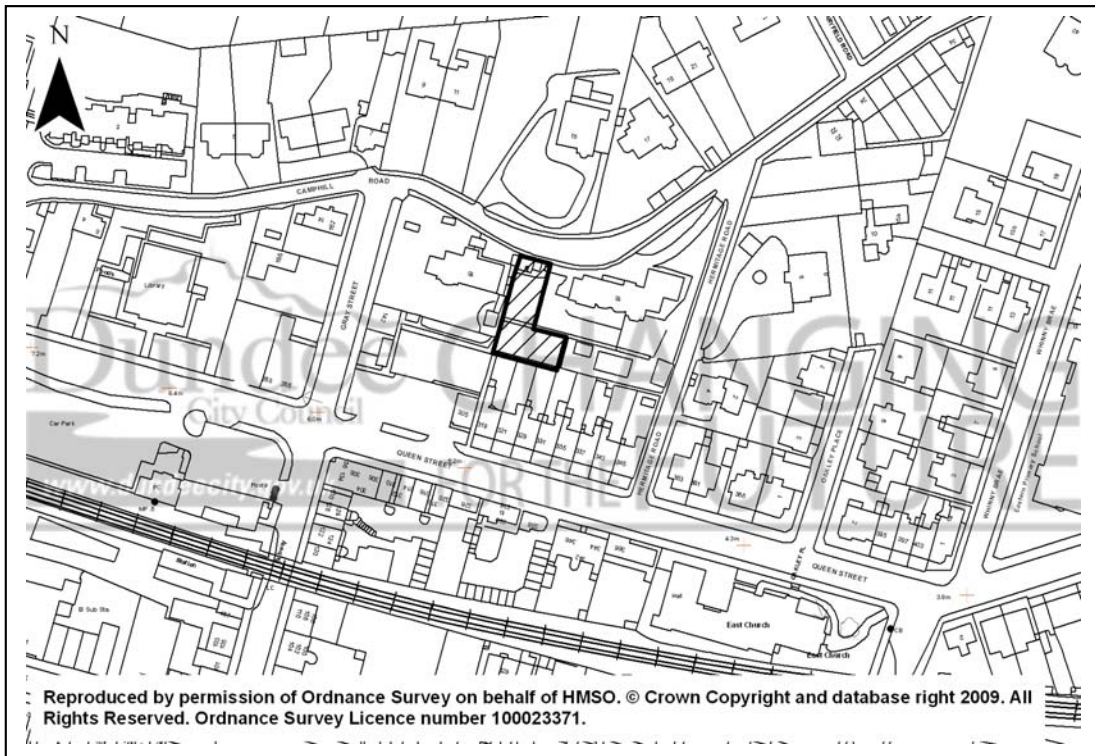
Proposal

3-Bed Detached Energy Conservation House

AddressLand to West of
18 Camphill Road
Broughty Ferry
Dundee**Applicant**RMJ Properties
117 Brighton Place
Aberdeen
AB10 6RT**Agent**G McNab
8 Riverside Place
Dundee
DD2 2QE

Registered 18 June 2009

Case Officer J Young



Proposed House in Garden Ground at Camphill Road

The erection of a 3-Bed Detached House is **RECOMMENDED FOR REFUSAL**. Report by Director of City Development.

RECOMMENDATION

The proposed development is considered to be contrary to Policies 4, 15 and 61 of the Dundee Local Plan Review 2005. Some of the objections are supported in these circumstances.

Accordingly the application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for a three bedroom detached "energy conservation" house in garden ground to the west of 18 Camphill Road.
- Six letters of objection were received including one from Broughty Ferry Community Council. The main grounds of objection are regarding the design of the house, amenity issues, parking and access problems, adverse impact on conservation area, loss of trees and breach of a stone boundary wall.
- Policies 4, 15 and 61 of the Dundee Local Plan Review 2005 are of relevance to the determination of the application. It is considered that the proposal is contrary to all three policies due to the density of the development, adverse impact on the conservation area and adverse impact on residential amenity due to potential overlooking and loss of privacy.

DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a three bedroom detached "energy conservation" house in garden ground to the west of 18 Camphill Road. The total site area is 550m² and the house will be built at different levels into the natural slope of the ground.

The house is to be built over three levels which reflects the sloped nature of the site. The entrance to the house is from Camphill Road and there is a stairwell which descends to the main ground floor level. The ground level contains a south-facing lounge, dining and kitchen-utility space and bathroom. The kitchen will be located within an existing washhouse which will be converted and linked into the new house development. The existing external features of the washhouse will be retained. Three bedrooms are situated on the lower ground floor level.

The proposed materials for the house are a textured white cement render for the walls, aluminium framed windows and doors and toughened glass Solex roof slates. The house will have its own automatic rainwater harvesting system which will include a storage tank and pump system.

Access is proposed from Camphill Road and a revolving monoblock turntable, which can hold two cars will be provided to facilitate off-street parking.

The house will have two main external staircases to the west and east and both concealed by screen walls and existing stone boundary walls. These staircases will provide access to the external amenity areas from the kitchen and dining room and provide direct access to the existing lower garden spaces at the south end of the site.

The applicant has submitted a series of layout plans, section plans, elevations, axonometric illustration plan, details of the proposed turntable, brochure details of the proposed Solex roof slates and rainwater harvesting system.

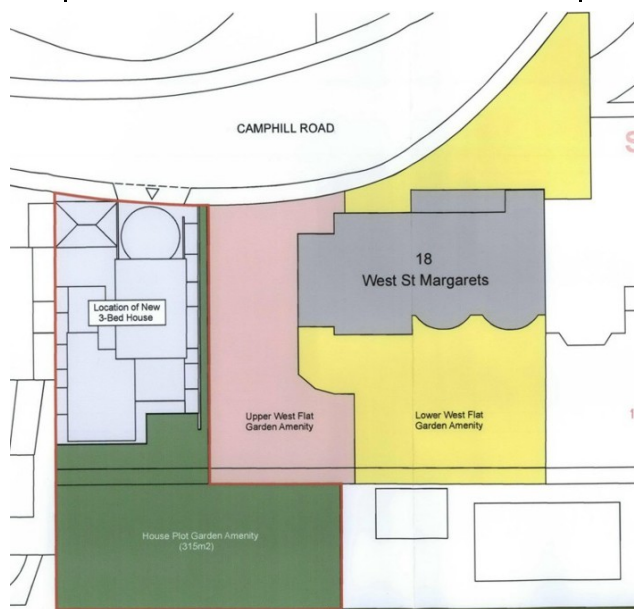
SITE DESCRIPTION

The site is located on the south side of Camphill Road and is to the west of the junction with Hermitage Road. It is immediately to the west of a large

stone-built Victorian villa which has been subdivided into apartments. Vehicular access to the flats is taken from the corner of Hermitage Road and Camphill Road. The development site is currently garden ground, part of which is steeply sloping. There is a traditional outhouse with white harled walls and slate roof in the north west corner of the site.

There is a 3m high stone wall along the north boundary of the site and fronting onto Camphill Road. There is a high stone wall of varying heights, which follows the slope of the ground, along the west boundary.

To the south are two storey Victorian terraced houses and to the west of the site is a two storey detached villa, which has been subdivided. The eastmost section of number 16 is single storey.



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 not allocated for a specific purpose within the Dundee Local Plan Review 2005. However, the site does fall within the Forthill Conservation Area.

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: 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:

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

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

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

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:

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

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

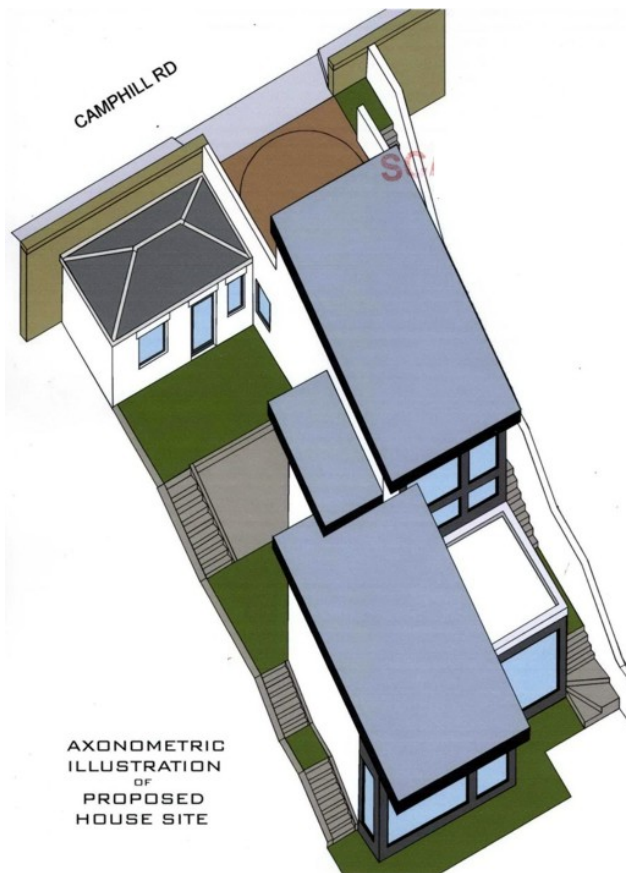
management plans to be advanced in the near future.

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

"Breaches in Boundary Walls: Policy and Guidance for Dundee's Listed Buildings and Conservation Areas" by



Dundee City Council, December 2000 is relevant to the determination of the application.

SUSTAINABILITY ISSUES

The nature of construction of the proposed house will use energy conservation methods including Solex roof tiles, which in conjunction with the circulated water and pump system provide the all year round hot water and space heating requirements and also serving the under-floor heated water pipe loop system. The house will also have its own automatic harvesting system and will include a storage tank and pump system. These

methods of construction are considered to be sustainable and are welcomed.

SITE HISTORY

Planning application (outline) 03/00578/OUT: Erection of single storey house in garden ground to west of 18 Camphill Road - Withdrawn on 29 September 2003.

Planning application (outline) 04/00124/OUT: Erection of two storey detached house in garden ground to the west of 18 Camphill Road - Withdrawn 30 March 2004.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the application was advertised on 25 June 2009 as affecting the setting of a conservation area.

Six letters of objection were received from Broughty Ferry Community Council and neighbouring residents with the following concerns:

- 1 The design is considered inappropriate for a conservation area;
- 2 The proposed house extends beyond the main elevation of the original house and will mask a Victorian slate-roofed outbuilding;
- 3 A section of stone boundary wall will be destroyed;
- 4 Inadequate parking provided;
- 5 Contrary to Local Plan;
- 6 Residential amenity issues due to noise, overshadowing, overlooking and loss of privacy;
- 7 Adverse effect on trees;
- 8 Drainage issues;
- 9 Access problems.

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

CONSULTATIONS

Broughty Ferry Community Council objected to the proposal for the following reasons:

- 1 The design is considered inappropriate for a conservation area;
- 2 The proposed house extends beyond the main elevation of the original house and will mask a Victorian slate-roofed outbuilding;
- 3 A section of stone boundary wall will be destroyed;
- 4 Inadequate parking provided;
- 5 Loss of mature trees.

The objections are discussed in more detail under the "Observations" section.

No adverse comments were received from statutory consultees.

OBSERVATIONS

Statutory Requirements

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 should be assessed against the Appendix 1 standards.

Appendix 1 requires that new dwellings within suburban areas should have three or more bedrooms or a minimum gross internal floor area of 100m². The proposal satisfies this requirement as three bedrooms will be provided.

In terms of parking provision the development provides two car parking spaces on a turntable. No garage is

provided but it is unclear from Appendix 1 standards whether a garage is required for a one house development. Therefore it is considered that the proposal complies with this criteria.



In relation to garden ground, it is indicated on the submitted plans that 315m² of amenity space will be provided. It is considered that some of this space will not be useable due to the steepness of the ground but there will be sufficient useable garden ground to comply with Policy 4. However, its privacy from other



properties is questionable due to the location of the garden area which is at a much lower level than the original villa to the north. It is also considered that there will be a certain degree of overlooking from upper level windows of houses to the south.

Part b of Policy 4 states that where the proposal is within an established low density residential area, the density of the new development should reflect this and more generous space standards will be required. It is considered that in these circumstances the proposal does not reflect the prevailing densities in the area as the

proposed house is set within a much smaller plot than surrounding houses. Therefore the proposal does not comply with part b of Policy 4.

It is concluded that the proposal does not comply with Policy 4.

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.

The house has been designed to take into consideration the natural slope of the ground and it is considered that the materials complement the surrounding area. Although the proposed house is modern in style and

form, it is considered complementary to the surrounding buildings in the conservation area. The house has been designed to follow the natural slope of the ground and so its visual impact will be minimal.

- b The total footprint of new buildings does not exceed one and a half times the footprint of the original main house.
- 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 meets this standard.
- d It is considered that the prevailing densities in the area are not respected as the proposed house is set within a much smaller plot than the surrounding houses. The site is also considered to be much narrower than existing sites.
- 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.

The proposed house does project slightly forward of the original Victorian villa. Two of the bedrooms on the lower ground level will project forward of the building line of the existing villa. Therefore the proposal does not comply with this element.

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

The frontages and elevations of the original house will not be affected by the proposed development, which is to the west.

- g A new access is proposed from Camphill Road. The Council's advice in Non-Statutory "Breaches in Boundary Walls" advises that applications will not be recommended for approval where the wall is considered to contribute to the character of the conservation area and where the proposed alteration would detract from this character. It is considered in these circumstances that the stone wall along Camphill Road contributes to the overall character of the conservation area and indeed, within the garden area of 18 Camphill Road itself, where the wall is over 3m high and provides a definite boundary along the north end of the site.

- 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.

The applicant has indicated that no trees will be removed as part of the proposal.

- 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.

As above.

Policy 61 seeks to ensure that all developments complement and enhance the character of the surrounding area. It has already been

discussed that the proposed breach in the boundary wall along Camphill Road to provide vehicular access for the proposed house will detract from the character of the conservation area. The density of the proposal is not in keeping with surrounding properties and their associated garden ground and so therefore it is considered that this will also have an adverse impact on the character of the conservation area. Therefore the proposal fails to comply with Policy 61.

It is concluded that the proposal fails to comply with Policy 4, criteria D, E and G of Policy 15 and Policy 61 of the Dundee Local Plan Review 2005.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 advises that



special attention shall be paid to the desirability of preserving or enhancing the character of conservation areas. For the reasons outlined above, it is considered that the proposed development does not pay due regard to preserving or enhancing the character or appearance of the conservation area.

Other Material Considerations

The material considerations to be taken into account in determining this application are as follows:

Objections

Five letters of objection were received from neighbouring residents who raise the following concerns:

- 1 Contrary to Local Plan;
- 2 Residential amenity due to noise, overshadowing, overlooking and loss of privacy;
- 3 Drainage/infrastructure;
- 4 Effect on existing trees;

- 5 Parking and access problems.

- 1 Contrary to Local Plan

It has been discussed above that the proposal is contrary to Policies 4, 15 and 61 of the Dundee Local Plan Review 2005.

- 2 Residential amenity due to noise, overshadowing, overlooking and loss of privacy

It is not considered that noise will be a problem with the proposal. It is considered that there will be overlooking into the garden area of the proposed house from the existing properties to the north and also from the upper level windows of those houses to the south. Due to the windows on the south elevation of the proposed house and steepness of the ground, it is considered that there will be overlooking into garden areas of houses to the south of the site.

- 3 Drainage/infrastructure

No adverse comments have been received from consultees regarding drainage or infrastructure problems. The applicant has indicated that surface water drainage will be to a public drain and foul drainage to a public sewer. If planning permission is granted, a condition can be attached, if considered necessary, to ensure that drainage details are submitted prior to development commencing on site.

- 4 Effect on existing trees

The applicant has indicated on the application form that no trees will be removed. If permission is granted, a condition can be attached to protect any trees on site, given that the site is located within a conservation area and trees make a valuable contribution to the character of the area.

- 5 Parking and access problems.

Two car parking spaces are provided with the development, which is acceptable in terms of complying with Local Plan standards. There are not considered to be any access problems onto Camphill Road as the site is located on the opposite side to where there is a bend in the road.

Objection from Broughty Ferry Community Council

- 1 The design is considered inappropriate for a conservation area.

It has been discussed above that the design of the house is considered acceptable. It uses materials which are complementary to the surrounding buildings and its visual impact is minimal as it is built into the slope of the ground.

- 2 The proposed house extends beyond the main elevation of the original house and will mask a Victorian slate-roofed outbuilding

As discussed under the assessment of the proposal against Policy 15 of the Dundee Local Plan Review 2005, the proposal does not comply with criteria E as part of the house projects beyond the building line of the original dwelling.

- 3 A section of stone boundary wall will be destroyed

The proposal does not comply with the Council's guidance on breaches in boundary walls in conservation areas. The stone wall contributes to the character of the conservation area at this location and the development of a new house in garden ground does not in itself justify an additional breach in the wall.

- 4 Inadequate parking provided

Two car parking spaces are provided, which is considered acceptable for a three bedroom house in a suburban area.

- 5 Loss of mature trees

The applicant has indicated that no trees will be removed.

Response to Objections from Applicant

The applicant has submitted a response to the objections raised by neighbours and by Broughty Ferry Community Council as follows:

- 1 Design in Conservation Area

The proposed house is a high quality design energy conservation house designed to sit easily within the existing sloping land to the west of the existing Victorian villa. It is characterised by its contemporary 21st century architecture and is subservient to the existing villa. Similar examples

of new build houses have already been approved within the conservation area in the past five years and these include sites at Camphill Road, Gray Street and a flatted development at Queen Street.

- 2 In Front of Main Elevation

The lower ground floor projects beyond the front elevation of the Victorian villa but its roof is below ground level and the south facing windows of the main house. The ground and entrance floor blocks are in line and behind the principal elevation of the villa. A previous single storey detached house to the east of the site has already been built directly in front of the Victorian villa.

- 3 Breach to Boundary Wall

The breach is necessary to allow parking off street, in compliance with the Local Plan standards. Similar boundary wall breaches have been successfully achieved along Camphill Road without the loss of amenity to the conservation area.

- 4 Parking Provision

The design adheres to the parking requirements.

- 5 Impact on Mature Trees

There are no mature trees within the site. There are semi-mature trees within the proposed garden area and these will be retained. There are mature trees to the east, outwith the site, and these will act as screening.

- 6 Drainage/Infrastructure

None have been identified. All surface water will be collected and harvested as stated in the Design Specification and a new drainage network installed if required and in accordance with Scottish Water Regulations.

- 7 Privacy and Overlooking

The houses along Camphill Road are prominent and elevated. Their principal south facing aspects overlook adjacent gardens and properties and have done so for many years, particularly the rear gardens of Queen Street. The current application adheres and exceeds the requirements of the policy and guidance of Appendix 1 of Policy 4 for the minimum distance of 18m between habitable rooms on its south elevation and the Queen Street rear gardens by 12m.

- 8 Access Issues

There are no access issues. A revolving turntable satisfies the two off street parking spaces.

It is considered that the above information provided by the applicant does not provide any material considerations that would justify approval of the application, which is clearly contrary to the development plan.

"Breaches in Boundary Walls" in Conservation Areas

The proposal includes a new breach in a stone boundary wall along Camphill Road of approximately 5.4m wide to 6.2m wide at the widest point to provide visibility. The wall forms part of the character of this part of the conservation area and the development of a new house in garden ground does not in itself justify a further breach in the wall. The guidance states that where a wall contributes to the character of the conservation area then proposals which detract from this character will not normally be approved. In this case it is considered that the wall does contribute to the character of the conservation area and that the breach to form a vehicular access will detract from the character and appearance of the conservation area.

It is concluded from the foregoing that the proposal is contrary to the provisions of the development plan. Some of the concerns raised by the objectors are supported, particularly with regard to the proposal being contrary to the Local Plan and the adverse impact on residential amenity due to overlooking and loss of privacy. It is considered that there are no material considerations that would justify approval of the proposal contrary to the provisions of the development plan.

Design

It is considered that the design of the proposed house is satisfactory and the use of sustainable and energy conservation methods are to be commended.

CONCLUSION

The proposal fails to comply with Policies 4, 15 and 61 of the Dundee Local Plan Review 2005 due to the density, residential amenity issues,

projection of the house in front of the original villa and the adverse impact on the character of the conservation area due to the proposed breach in the boundary wall. Some of the issues raised by objectors are fully supported. There are no material considerations to justify approval of the application contrary to the provisions of the development plan.

RECOMMENDATION

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

- 1 The proposal is contrary to Policy 4 of the Dundee Local Plan Review 2005 due to the density of the development, which does not reflect the prevailing densities and the lack of privacy within the garden ground area due to overlooking from surrounding properties. There are no material considerations in these circumstances that would justify a departure from the provisions of the development plan
- 2 The proposal is contrary to criteria D, E and G of Policy 15 of the Dundee Local Plan Review 2005 due to the prevailing densities in the area not being respected, the proposed development projecting beyond the building line of the original house at 18 Camphill Road and the breach in a stone boundary wall along Camphill Road. There are no material considerations in these circumstances that would justify a departure from the development plan.
- 3 The proposal is contrary to Policy 61 of the Dundee Local Plan Review 2005 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the density of the development and the breach in a stone wall detract from the character of the conservation area. There are no material considerations in these circumstances that justify a departure from the development plan.