

**KEY INFORMATION**

Ward North East

**Proposal**

Erection of 6 houses on land at Ballumbie Drive

**Address**

Ballumbie Estate (Phase 6)  
Berwick Drive  
Dundee

**Applicant**

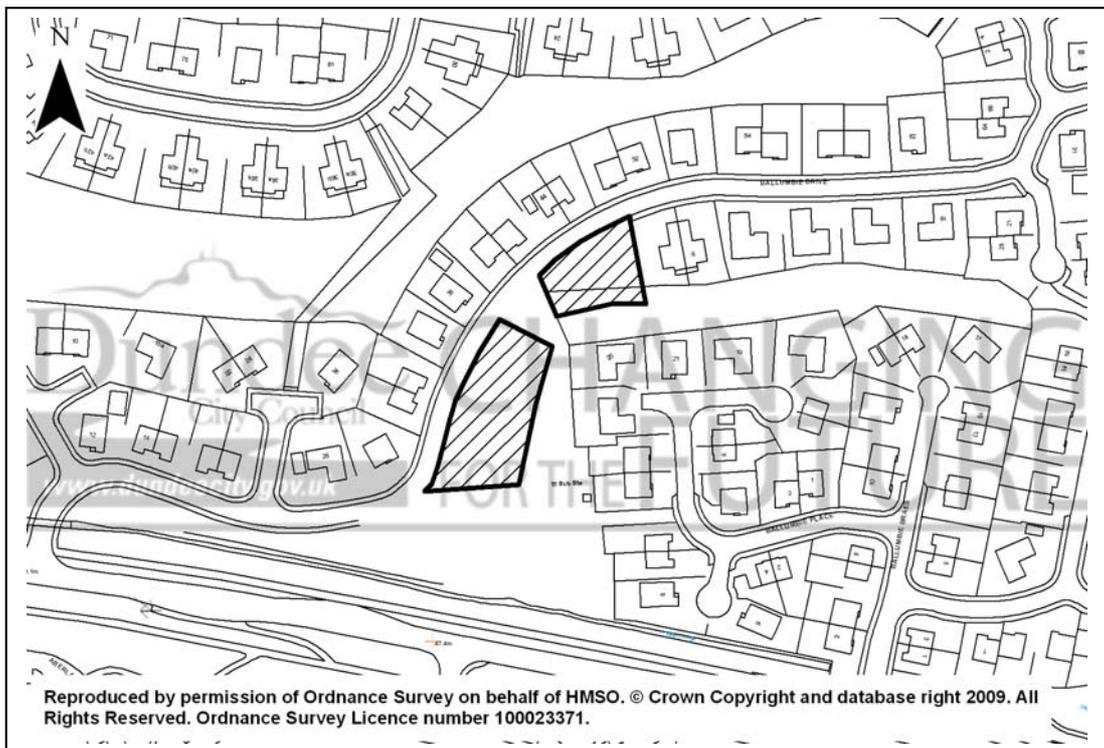
D J Laing Homes Ltd  
Laing House  
Panmure Industrial Estates  
Carnoustie  
DD7 7NP

**Agent**

The Voigt Partnership LLP  
Design Studio  
66 High Street  
Arbroath  
DD11 1AW

Registered 7 Aug 2009

Case Officer Paul Macari



## Split Level Houses Proposed for Sloping Site

The erection of 6 houses on land at Ballumbie Drive is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of City Development.

**RECOMMENDATION**

The proposals comply with the requirements of Policy 4 (Design of New Housing) and Policy 55 (Urban Design) of the Dundee Local Plan Review 2005. The views of Objectors are not supported. There are no other material considerations that would justify laying aside the provisions of the Development Plan to withhold planning permission so the application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- This application seeks full planning permission for the erection of 6 semi-detached houses on land to the east of Ballumbie Drive, Dundee.
- Policy 4 (Design of New Housing) and Policy 55 (Urban Design) of the Dundee Local Plan Review 2005 are relevant to the determination of this planning application.
- 6 letters of objection have been received from neighbouring residents. The concerns raised include road safety, insufficient parking, insufficient garden ground, loss of privacy, noise, loss of light, dust pollution and loss of trees as well as loss of view.
- The concerns of the Objectors are not supported.
- The proposals comply with the requirements of the Development Plan.

## DESCRIPTION OF PROPOSAL

This application seeks planning permission for the erection of 6 semi-detached houses at Ballumbie Estate, Berwick Drive Dundee.

The proposed development will be arranged to mirror the existing streetscape. The proposed houses will take the form of one and a half storey semi-detached dwellings of traditional pitched roof design. The proposed houses take advantage of the west to east slope of the application site and have the appearance of being only single storey when viewed from Ballumbie Drive.

Each of the 6 houses will be served by 2 in curtilage car parking spaces. The houses shall be served by both front and rear garden grounds. The private rear gardens of the proposed houses will range in size from 145m<sup>2</sup> to 213m<sup>2</sup>.

The proposed houses will benefit from kitchen, lounge, dining rooms and a family bathroom as well as 2 bedrooms on the ground floor. A master bedroom with en-suite facilities will be located on the first floor.

The proposed houses shall be finished in grey concrete roof tiles and roughcast walls with cotterstone panels and timber framed windows and doors.

## SITE DESCRIPTION

The application site is located on the eastern side of Ballumbie Drive and was the site of the former development compound. The site slopes in a south eastern direction with the southern and eastern slopes planted with dense shrubbery.

The site is bound to the north by 2 storey detached houses and to the east by the rear gardens of single and 2 storey detached and semi-detached houses. The houses on the western side of Ballumbie Drive opposite the application site are single storey detached and semi-detached in style. Vehicle access to these houses is taken directly from Ballumbie Drive. The application site is bound to the south by an area of open space.

The boundary treatments of the houses to the north and east of the application

site take the form of 1.8m high timber fencing. Some of the front gardens of the houses on the western side of Ballumbie Drive are enclosed by walls and fencing, others are open plan.

In its current form the application site is not wholly visible from Berwick Drive due to the mature trees and shrubbery that delineate the boundary between the open space and Berwick Drive.



## 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 and Appendix 1 set out quantitative and qualitative standards for new housing development. In a suburban area such as this there are minimum requirements for house size, garden ground and parking provision.

Policy 55 promotes quality environments through the inter-relationship between building form and use, architectural style, streetscape spaces, places and movement patterns. The methods of achieving the aims of

Policy 55 are further explored in the Dundee Urban Design Guide.

## Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

SPP 3- Planning for Housing sets out The Scottish Government's policy on the identification of housing requirements, the provision of land for housing and the delivery of homes through the planning system. The requirements of SPP3 are incorporated into the criteria of the Dundee Local Plan Review 2005 and the Dundee and Angus Structure Plan 2001 - 2016.

## Non Statutory Statements of Council Policy

Dundee Urban Design Guide.

## SUSTAINABILITY ISSUES

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

## SITE HISTORY

Planning application ref: 09/00170/FUL sought planning permission for the erection of 6 houses. This application was to be reported to the Council's Development Quality Committee with a negative recommendation due to the overbearing impact of the proposals on properties at Ballumbie Place as well as the level of unusable garden ground afforded to the proposed houses. The applicants withdrew this application prior to the June 2009 meeting of the Development Quality Committee.

## PUBLIC PARTICIPATION

The Council has followed the statutory neighbour notification procedure. This application was advertised in the Dundee Evening Telegraph as Development Contravening Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005.

6 letters of objection have been received. The concerns raised include:

- road safety;
- insufficient parking;
- insufficient garden ground;
- loss of privacy;
- loss of light;
- loss of view; and
- noise and dust pollution.

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

## CONSULTATIONS

No adverse comments have been received from consultees.

## 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

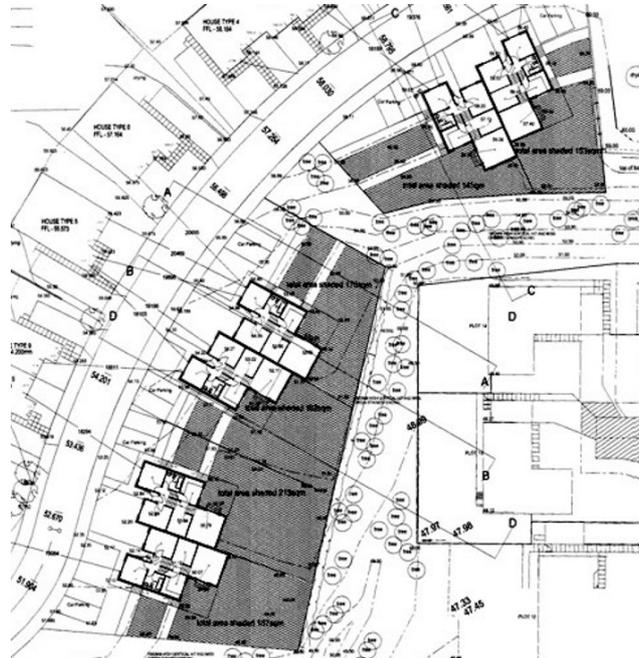
The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above.

This development will comprise the erection of 6 semi-detached houses at Ballumbie Estate, Berwick Drive Dundee.

In terms of Policy 4, the overall aim is to promote high quality new housing. The quantitative means of achieving high quality housing are set out in Appendix 1 of the Dundee Local plan Review 2005. Therefore the main criteria to consider are floor area, the provision of car parking, garden space and privacy. The design of the houses and the residential amenity of both new and the existing houses around the

site are considered relative to the guidance contained within the Dundee Urban Design Guide.

Appendix 1 of Policy 4 stipulates that 75% of new housing in suburban areas should have 3 or more bedrooms or a gross internal floor area of 100m<sup>2</sup>. The



proposed houses exceed both these thresholds.

In accordance with Appendix 1 new houses with 3 or more bedrooms are required to have 2 or more car parking spaces with 50% benefiting from a garage or space for one. While each of



the proposed houses will have 2 off street car parking spaces, none of the houses will benefit from a garage. However, there is sufficient space within the curtilage of each of the houses to accommodate a garage if required.

Appendix 1 requires new housing developments on brownfield sites to benefit from no less than 120m<sup>2</sup> of private usable garden ground. In

addition 40% of new houses on brownfield sites should have no less than 160m<sup>2</sup> of private usable garden ground. The proposed houses will benefit from between 145m<sup>2</sup> and 213m<sup>2</sup> of private usable garden ground.

The proposed site layout achieves the requirement of Appendix 1 for new houses and existing houses to have a distance of 18m between habitable room windows.

With regard to the Dundee Urban Design Guide and Policy 55 (Urban Design) of the Dundee Local Plan Review 2005, new buildings and infill developments should be well designed, flexible and outwardly expressive as 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.

The proposed houses are in keeping with the existing suburban house types located on Ballumbie Drive and Ballumbie Place. The design and finish of the front elevations will not detract from the residential appearance of the existing streetscene. The proposals have been designed to provide modern living accommodation that fits into the existing landscape. This is demonstrated by the split level design of the houses to match the changes in topography of the application site. From Ballumbie Drive the houses have the appearance of single storey dwellings while from the rear, the accommodation is clearly spread over 2 levels.

The proposed development complies with the requirements of Appendix 1 and Policy 4 (Design of New Housing) and Policy 55 (Urban Design) of the Dundee Local Plan Review 2005. In addition the proposals also comply with the aims of the Dundee Urban Design Guide. The erection of 6 semi-detached houses on the former JD Laing Homes Ltd site compound complies with the criteria of the Development Plan.

## Other Material Considerations

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

### Supporting Statement

The applicant has submitted a supporting statement demonstrating that through compliance with the Development Plan the proposals would have a minimal impact upon the level of amenity afforded to existing properties bounding the application site. This is supported by the findings of the Observations section of this report.

### Views of the Objectors

6 letters of objection have been received from neighbouring residents. The concerns raised include:

**Road Safety** - the proposed development by virtue of the provision of 6 vehicular access points and 2 in-curtilage parking spaces per house as well as the generation of additional residential traffic will not impact upon existing issues of road safety on Ballumbie Drive. This concern is not supported.

**Insufficient parking** - the proposed houses will be served by 2 in-curtilage car parking spaces similar to the facilities afforded to existing houses on Ballumbie Drive. The car parking provision proposed complies with the requirements of Appendix 1 of Policy 4 of the Dundee Local Plan Review 2005. These concerns are not supported.

**Insufficient garden ground** - the applicant has demonstrated through the submission of vertical and horizontal sections that the amount and quality of the private garden ground to be afforded to each of the 6 houses proposed meets the criteria of Appendix 1 of Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005.

**Loss of privacy** - in compliance with the requirements of Appendix 1 of Policy 4 of the adopted local plan there are 18m between facing habitable windows of the proposed houses and neighbouring houses. There is a height difference of 5m between Plots E and F and 20 Ballumbie Place. The height difference between Plots A-D and neighbouring properties on Ballumbie Place is no less than 3m with

significant landscaping proposed for the area between the properties on Ballumbie Place and the application site. Therefore, the height difference in combination with the proposed landscaping as well as the boundary treatments of the rear gardens of the proposed houses in addition to the 18m between facing habitable windows of the existing and proposed houses will ensure that no significant infringements of privacy will arise from this development. These concerns are not supported.

**Noise and dust pollution** - the Council's Environmental Health and Trading Standards Department has no objections to the proposed development. Concerns relating to noise and dust disturbance are not supported.



**Loss of trees** - the applicant has certified that no trees are to be felled to make way for the proposed development. The site layout plans demonstrate that additional trees will be planted between the proposed houses and the existing houses at Ballumbie Place. These concerns are not supported.

**Loss of light** - the Objectors have raised concern that the erection of 6 houses on the application site will block light from the existing houses to the east of the site. These concerns are not supported as there is a distance of no less than 18m between the existing and proposed houses with the proposed houses having a height of 7m at their highest point, which equates to 14m on Plots E and F, and 10m on Plots A-D taking into account differences in topography. In applying the appropriate sunlight and daylight tests the shadows cast by the proposed houses will not block significant levels

of daylight from neighbouring properties.

The proposed houses will not have a significant impact upon the level of sunlight afforded to neighbouring properties. This is because Plots A-F are situated west and north west of the existing houses at Ballumbie Place and therefore would only block minimal amounts of sunlight during the evening hours. However, given the topography of the surrounding housing estate and the extent of the existing built form it is unlikely that any significant issues of loss of sunlight will occur.

**Loss of view** - loss of view is not a material consideration and as such will not be taken into account in the assessment of this planning application.

It is concluded from the foregoing that insufficient weight can be accorded to the material considerations such as to support the refusal of planning permission.

### Design

The proposed houses are of a scale, design and finish that is complimentary to the surrounding Ballumbie Drive streetscape.

### CONCLUSION

The proposals meet the requirements of Policy 4 (Design of New Housing) and Policy 55 (Urban Design) of the Dundee Local Plan Review 2005. The views of the Objectors are not supported. There are no other material planning considerations that would justify laying aside the provisions of the Development Plan to withhold planning permission.

### RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
- 2 Prior to the commencement of work on site, details including samples of the proposed finishing materials will be submitted to the Council for written approval.

- Thereafter the proposed houses will be finished in the materials approved by this condition. For the avoidance of doubt, the details of the finishing materials to be submitted should include render, facing block and roofing materials as well as rainwater goods and window frame/door finishes.
- 3 Prior to the commencement of work on site, details of the proposed boundary treatments enclosing the 6 houses hereby approved will be submitted to the Council for written approval. Thereafter only the boundary treatments approved by this condition will enclose the proposed houses.
  - 4 Prior to the commencement of work on site, full details including sections and finishes of any retaining structures to be erected in order to facilitate the erection of the 6 houses hereby approved will be submitted to the Council for written approval. Thereafter the retaining structures will be erected in accordance with the details approved by virtue of this condition.
  - 5 Details of the landscaping to be planted in the area outlined in blue on the approved Location Plan with drawing number 1511/LP/06 Rev A including timescales for implementation and the provisions for future maintenance shall be submitted to and approved by the Council prior to the commencement of development and carried out only in accordance with such approved details. 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.
- 3 In the interests of safeguarding residential amenity and the appearance of the proposed development relevant to the existing built form.
  - 4 In the interests of preserving outlook from neighbouring properties.
  - 5 To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
- 2 In the interests of safeguarding the appearance of the Ballumbie Drive streetscape.